

28.1 WHAT IS A COMPLAINT?

- a Although the Local Government Ombudsman has no jurisdiction over parish and town councils in England, Burgess Hill Town Council uses the definition of the Local Government Ombudsman to identify a complaint:

“A complaint is an expression of dissatisfaction by one or more members of the public about the council’s action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.”

28.2 TYPES OF COMPLAINT AND PROCEDURE

- a Where a complaint meets the definition above it will be dealt with by this complaints procedure.
- b Where members of the public complain about the conduct of employees or Councillors, the CEO will consider engaging other procedures or bodies in respect of the following types of complaint.

Type of Conduct	Procedure
Financial irregularity	Local electors have a statutory right to question the Auditor about the Council’s audit of accounts pursuant to s16 of the Audit Commission Act 1998 (procedure available from the Responsible Financial Officer in the first instance). All other matters will be referred to the Finance Key Area Group who will consider the need to involve the Council’s auditor or the Audit Commission.
Criminal Activity	Council will be informed and the Police contacted.
Councillor Conduct	A complaint relating to a Councillor’s failure to comply with the Code of Conduct must be submitted to the monitoring officer and Standards Committee at Mid Sussex District Council.
Type of Conduct	Procedure
Employee Conduct	A complaint relating to the conduct of a member of staff will be dealt with through the internal disciplinary procedure and/or the model code of conduct for employees of local authorities in England when available and if appropriate.

28.3 GENERAL PRINCIPLES FOR COMPLAINTS HANDLING

- a Wherever possible the Town Council will try to resolve complaints informally, and by allowing the appropriate member of staff, manager or Councillor to satisfy the complainant.

- b Where it is not possible to resolve the complaint informally, the complainant, if they have not already done so, will be asked to put the complaint in writing to the CEO to be considered under the formal procedure. The complainant may put the complaint to the CEO if preferred.
- c Depending on its nature, the complaint will then be considered by either a member of the management team, the CEO, the Town Mayor, the Council's Complaints Panel (consisting of the Chairmen of the Key Area Groups) or full Council.
- d The rules of natural justice apply – all parties will be treated fairly and the process will be reasonable, accessible, expeditious and transparent.
- e The Town Council will take care to maintain confidentiality where circumstances demand e.g. where matters concern financial or sensitive information or where third parties are concerned.
- f Complaints will be considered and resolved within the timescales mentioned in this procedure.

28.4 STANDARDS/TIMESCALE TO RESOLVE COMPLAINTS

- a The complainant will receive a written acknowledgement within 5 working days of receiving the complaint whether being dealt with as an informal or formal complaint which will include, a summary of the complaint, contact details of the person who will investigate the complaint and the timescales involved.
- b The Town Council will aim to reply fully, in writing, within 10 working days of receiving the complaint. If the complaint is complex the Town Council will contact the complainant to explain the delay and the extended timescale.

28.5 BURGESS HILL TOWN COUNCIL'S FORMAL COMPLAINTS PROCEDURE

- a This complaints procedure will not be used to address serious complaints relating to the conduct of an individual and identified in section 8.2.
- b It will be used for those complaints which cannot be satisfied by less formal measures as identified in Section 28.3.
- c **Receiving the complaint**

The complainant will be asked to put the complaint about the Council's procedures or administration in writing to the CEO. The complainant may put the complaint to the Town Mayor if preferred. If required, assistance to make the complaint in writing will be made available on request.

The CEO or other nominated officer shall acknowledge receipt of the complaint and advise the complainant whether it will be considered by either a member of the management team, the CEO, the Town Mayor, the Council's Complaints Panel or full Council. The complainant shall also be advised whether the complaint will be treated as confidential.

The complainant shall be given at least 10 working days notice to attend a meeting and to bring a representative if so wished.

Seven clear working days prior to the meeting the complainant shall provide the Council with copies of any documentation or other evidence relied on. The Council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting.

d At the meeting

Unless the CEO is the subject of the complaint, they will represent the Council at the meeting. The Council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press.

The Chairman of the meeting shall introduce everyone and explain the procedure.

The complainant (or representative) shall outline the grounds for complaint and, thereafter, questions may be asked by (i) the CEO or other nominated officer and then (ii), Councillors.

The CEO or other nominated officer will have an opportunity to explain the Council's position and questions may be asked by (i) the complainant and (ii), Councillors.

The CEO or other nominated officer and then the complainant shall be offered the opportunity to summarise their position.

The CEO or other nominated officer and the complainant should be asked to leave the room while Councillors decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, both parties shall be invited back.

The CEO or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and communicated.

It should be noted that where the CEO at the meeting represents the position of the Council and puts forward justification for the action or procedure complained of, the CEO should not advise the Complaints

Panel or the Council as they need to determine the matter themselves.

Any decision on a complaint shall be announced at a Council meeting in public.

e After the meeting

The decision shall be confirmed in writing within 7 working days together with details of any action to be taken.

28.6 REMEDIES

a Where a complaint is upheld, the types of action to be considered could include:

- i) Providing the desired service;
- ii) Changing procedures to prevent a further occurrence of the problem;
- iii) Providing training so that similar errors can be avoided in future;
- iv) An apology by letter and/or a visit. (If the complainant has suffered, but not financially, a gesture of goodwill maybe appropriate, such as, a bunch of flowers);
- v) Replacement of damaged items; and,
- vi) Reimbursement of expenses if the complainant has suffered specific financial losses.

b At this time the Council has no specific policy for financial compensation in recognition of time, trouble expended by the complainant, exceptional worry, distress or inconvenience caused.

c Burgess Hill Town Council aims to give the best service possible and where a mistake has been made the Council aims to see what lessons can be learned for the future.

28.7: RECORDING AND REPORTING COMPLAINTS

- a. The Town Council shall maintain a monthly Complaints Register (substantially in the form set out in these Standing Orders) recording all complaints which relate to the Town Council's action or lack of action or about the standard of a service the town council provides (whether directly or via a contractor), whether formal or informal, and shall report the complaint statistics to Council at least twice per year.
- b. The report to Council shall set out the broad subject categories of the complaints received, the average time to resolve complaints, the proportion of complaints resolved informally or formally, or which remain unresolved at the time of the report, and a complaints trend analysis.