

## Saxmundham Town Council

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## Saxmundham Town Council

# Complaints Handling Procedure<sup>1</sup>

Adopted: 11 February 2019

Date of next review	Date of actual review
11 February 2020	

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<sup>1</sup> This procedure draws on guidance from nalc: LTN 9E: HANDLING COMPLAINTS (ENGLAND) 2018

## **1.0 Definitions**

1.1 The Local Government Ombudsman (LGO) is responsible for handling complaints against principal authorities i.e. District Councils and Unitary Authorities, but not Town and Parish Councils. Nevertheless, the LGO offers a useful definition;

‘A complaint is an expression of dissatisfaction ... about the Council’s action or lack of action or about the standard of a service, whether the action was taken or provided by the Council itself or a person of body acting on behalf of the Council.’

1.2 A complaint may also be triggered by an allegation of administrative fault such as not following procedures or standing orders or making a mistake.

1.3 A complaint must be treated as against the Council as a corporate body, whether or not the complainant mentions particular individuals.

1.4 There may be occasions when it is necessary to notify the Council’s insurers, the police, auditor, district council or other public authorities when a complaint is received.

1.5 It is generally in everyone’s interest to resolve problems informally before resorting to the formal procedure.

1.6 There may be situations when the Council will need to follow other procedures as well as the Complaints Procedure, including:

- Grievance
- Disciplinary
- Safeguarding
- Equalities

1.7 The Complaints Procedure must be:

- Well publicised, easily accessible and easy to use.
- Helpful and receptive.
- Not adversarial.
- Fair and objective.
- Based on clear procedures and defined responsibilities.
- Thorough, rigorous and consistent.
- Decisive and capable of putting things right where necessary.
- Sensitive to the special needs and circumstances of the complainant.
- Adequately resourced.
- Fully supported by Councillors and officers.
- Able to provide a timely and proportionate response.

- Regularly analysed for learning points and opportunities for service improvement.

## **2.0 Before processing a complaint.**

2.1 All formal complaints against Saxmundham Town Council (STC) must be in writing. The Council has designed a standard form for complainants to use, but a letter or email containing the same information will also be accepted.

2.2 Formal complaints must contain the following information:

- The complainant's name, address, post code, phone number and email address.
- Their preferred method of contact.
- Whether they wish their complaint to remain confidential.
- Details of your complaint including:
  - Relevant events and dates.
  - Names of staff or contractors involved.

2.3 Written complaints must be delivered or emailed to:

The Town Clerk

Saxmundham Town Council

The Old Police Station

Station Approach

Saxmundham

IP17 1BW

Email: [townclerk@saxmundham.org](mailto:townclerk@saxmundham.org)

1.2 If the complaint is about the Town Clerk or other nominated officer the complaint should be referred to the Chairperson of the Resources Committee at the same address.

1.3 The complainant will be asked to confirm if he or she wants the complaint to be treated confidentially. The complaint form includes this question. The complainant must also receive a copy of the Council's privacy statement. Complainants are unlikely to waive confidentiality, and in any case their personal data must be kept in accordance with the Data Protection Act 2018.

1.4 The Council's written complaints procedure must be well publicised and accessible via the Council's Publication Scheme, on its website and from its office.

1.5 In most cases the Town Clerk will deal with complaints and report these to the Resources Committee. The Town Clerk may liaise with the Chairperson of the Resources Committee for all serious complaints, who may in turn seek advice from other Resources Committee members. At this stage the Chairperson of

the Council may be informed of the complaint but not involved in any investigation or decision making as they may need to preside over an appeal.

## **2.0 When a complaint is received.**

### **Stage 1**

- 2.1 The receipt of the complaint will be acknowledged in writing within five working days. The acknowledgement will confirm whether the complaint will be treated as confidential and confirm the next steps in the Complaints Procedure. A copy of the Council's Privacy Notice will be enclosed.
- 2.2 Most complaints will be investigated and dealt with by the Town Clerk under the supervision of the Chairperson of the Resources Committee. In situations where the complaint is originally referred to the Chairperson of the Resources Committee, they will work with another officer of the Council in order to resolve the complaint, but not the Chairperson of the Council who must be free to deal with appeals.
- 2.3 Most complaints will be resolved within 30 working days of the date the complaint is received, but more serious and complex complaints may take longer. All complaints must be resolved within three months of the date the complaint is received.
- 2.4 Once the investigation is complete, the Town Clerk will confer with the Chairperson of the Resources Committee to agree a resolution to the complaint. More serious complaints may be referred to the Resources Committee for decision.
- 2.5 The Town Clerk (or chairperson of the Resources Committee) will write to the complainant informing them of the outcome of their complaint, and their right to appeal if they are unhappy with the decision.

### **Stage 2: Appeal**

- 2.4 If the complainant is unhappy with the Council's decision or their handling of the complaint they may appeal to the Chairperson of the Council. They must do so in writing within 5 working days of the date they receive the Council's decision.
- 2.5 The Chairperson will select two members of the Council who have not so far been involved in the appeal to hear the appeal and set a date and time for the hearing. The complainant may be invited to attend the appeal hearing and/or to submit any further evidence they wish the appeal panel to consider.

## **3.0 Investigating the complaint**

- 3.1 The Town Clerk and/or Chairperson of the Resources Committee will investigate the facts of the complaint and collate relevant evidence. It is at the discretion of the investigators to ask the complainant whether they would like to make verbal representations and to arrange a time and place to meet.

3.2 If they feel that a meeting with the complainant would be helpful, the investigating officers will send a letter of invitation to the complainant with a proposed date and time and outlining how the meeting will proceed:

- The complainant will outline their complaint.
- Investigating officers will ask any relevant questions.
- The Clerk or Chairperson of the Resources Committee may outline the Council's position, but not in an adversarial fashion.
- The complainant may ask any further questions and summarise their case.
- The complainant will be advised when a decision is likely to be made and how it will be communicated to them.
- The meeting will be minuted.

#### **4.0 Decision.**

4.1 The Council will write to the complainant within 30 working days of receiving a formal written complaint to confirm whether or not it has upheld the complaint. The Council should give reasons for its decision together with details of any action taken by the Council if this is appropriate. The Council will also inform the complainant of their right to appeal.