

**CODE OF PRACTICE
FOR HANDLING COMPLAINTS**



BODMIN TOWN COUNCIL

CODE OF PRACTICE FOR HANDLING COMPLAINTS

Contents

1. **Principles**
2. **Purpose**
 - 2.1 The Aims
 - 2.2 Key Objective
3. **Complaints Procedures**
 - 3.1 Who Can Complain to Bodmin Town Council
 - 3.2 What You Can Complain About
 - 3.3 Complaints Not appropriate for Bodmin Town Council
 - 3.4 How To Make a Complaint
 - 3.5 What We Will Do When You Complain
4. **What Happens Next - The Appeal Process**
 - 4.1 If You Are Not Happy
 - 4.2 Arranging a Complaints Appeal Panel
 - 4.3 The Procedure
 - 4.4 Representation
 - 4.5 Reporting on the Outcome
5. **If You Remain Unsatisfied - The Final Stage**
6. **Management and Monitoring of Complaints**

Summary - Flowchart

Annexes

1. Example of Complaints Form
2. Guidance for Order of Business for a Complaints Panel Meeting.

COMPLAINTS CODE OF PRACTICE

INTRODUCTION

1. PRINCIPLES

Bodmin Town Council aims to provide a courteous, prompt and efficient service to members of the public and organisations.

If you are not satisfied about any of the Council's services or how we have dealt with something we want you to tell us. Please let us know either by ringing us, calling in personally, emailing, writing to us or filling out a Complaints form.

Not all queries, or concerns raised with us are complaints, and we are keen to ensure that any problems or misunderstandings that sometimes occur are dealt with effectively so that they do not develop into complaints.

Where a complaint is identified, the Code of Practice will be applied to make sure that it is resolved as speedily as practicable and that the outcome is generally acceptable to the complainant.

This Code of Practice is based upon the National Association of Local Councils (NALC) model Code of Practice for Local Councils in Handling Complaints (July 2003).

2. PURPOSE

To allow people a choice of options in addressing the Council if they feel they have a complaint, or believe they have been unfairly treated in their dealings with Bodmin Town Council.

2.1 The Aims of the Complaints Procedure are to:

- Ensure complaints are investigated in an even handed and open manner;
- Resolve a complaint as swiftly as is practicable;
- Help secure improvements in the services provided by Bodmin Town Council for those who live, work or trade in the area and those who visit the area.

2.2 Key Objective

The key objective of the Code of Practice is to:

- Operate a procedure that is open and transparent.

3. COMPLAINTS PROCEDURES

3.1 Who Can Complain to Bodmin Town Council

The following users of the Council services:

- Members of the Public;
- Organisations (collective representation);
- Contractors or people providing a service to the Council.

3.2 What You Can Complain About

- The Council's procedures and/or administration; or
- If you feel you have been unfairly treated in your dealings with Bodmin Town Council staff, the Council or its Committees.

3.3 Complaints Not Appropriate for Bodmin Town Council

- Where there are statutory procedures for dealing with certain kinds of complaints, e.g. appeals against planning decisions. Complaints about those matters should be dealt with under the statutory procedures and not through the Council's complaints system;
- If the complaint involves a potential insurance claim, then the Council will refer the matter to the Council's insurers and the complainant will be informed that this has been done;
- Complaints concerning an elected Member will usually be considered, by the Monitoring Officer, North Cornwall District Council, Higher Trenant Road, Wadebridge, Cornwall, PL27 6TW (Tel: 01208 893259);
- Alternatively, the complainant may contact the Standards Board of England at: 1st Floor, Cotton Centre, Cotton Lane, London SE1 2QG. Tel: 0845 078 8181. E-mail: enquiries@standardsboard.co.uk - web site is www.standardsboard.co.uk

3.4 How To Make a Complaint

- You can **visit** the Bodmin Town Council Offices and talk to us, or **write**, in the first instance to: The Town Clerk, Bodmin Town Council, Shire House, Mount Folly Square, Bodmin, Cornwall, PL31 2DQ;
- Or **ring** us on: 01208 74159 or **Fax**: 01208 264764; Or **log on** to our website: www.bodmin.gov.uk for a Complaints Form - Annex 1;
- In order to be clear about the complaint and to ensure a thorough investigation we will ask you for full details of the complaint together with your contact details. This will allow for all the facts to be established and information collated;
- Should you need help filling out the Complaints Form, for example, if English is not your first language, one of the Council Staff will be pleased to assist you.

3.5 What We Will Do When You Complain

- Bodmin Town Council will listen and record your complaint and make sure it is investigated promptly. We will also tell you who will handle your complaint;
- If we can sort out the problem right away, we will;
- If we need time to look into the matter we will let you know what we will do and when we will contact you again;
- We will give you the name and phone number of a dedicated Contact officer who you can contact about your complaint as this may not be the same person who is looking into it for you;
- We will acknowledge receipt of your complaint within three working days;
- If there is any delay we will explain why and tell you how long we expect the investigation to take - which, typically, will be within fourteen working days.
- Where complaints refer to the operation of the Council's Car Park or implementation of the parking order they will be dealt with by a separate Appeals Committee - details are available from the Council's office.
- Where the Town Clerk or Town Mayor receives a written complaint about their actions they will refer the complaint to the Council.

4. WHAT HAPPENS NEXT - THE APPEAL PROCESS

4.1 If You Are Not Happy

- Every effort will be made to resolve the complaint to the satisfaction of the complainant. However, if you are not happy with the response, and let us know in writing within fourteen days, we will arrange to involve an elected Councillor in the formal Complaints Procedure process.

4.2 Arranging a Complaints Appeal Panel

- Members of a Complaints Appeal Panel are usually the Chairman of Finance, Staffing & General Purposes Committee together with two other Councillors and the Town Clerk or Deputy Chief Executive who will meet the complainant in an attempt to resolve the matter to mutual satisfaction.

4.3 The Procedure

- Prior to any Complaints Appeal Panel meeting the complainant is required to put in writing to the Town Clerk details of their concerns about the Council's procedures and/or administration;
- Receipt of this will be formally acknowledged in writing and the complainant advised when the panel will meet and who will be sitting on it.

4.4 Representation

- A minimum two weeks prior notice of such a panel will be given; the complainant will be invited to bring a friend with them either to represent them or to give moral support;
- At the time the complainant is notified in writing of the panel date they will also be requested to present any material/documentation that they wish to give in evidence to the meeting no later than 7 days prior to the meeting. The Council will confirm that it will present any material it intends to present to the complainant within the same time scale.

4.5 Reporting on the Outcome

- After the meeting the complainant will be advised of the decision of the panel, and this will be confirmed in writing within 7 working days together with details of any action to be taken;
- The Chairman of Finance & General Purposes Committee will report on the outcome at the following Full Council meeting.

The order of business for the Complaints Appeal Panel meeting is in accordance with the NALC guidance in Legal Topic Note 06 (of 2005 Index - previously Note 56, July 2003) - see Annex 2.

5. IF YOU REMAIN UNSATISFIED - THE FINAL STAGE

- If you are still not satisfied with the Complaints Appeal Panel response, you can ask for the decision to be reconsidered by stating clearly in writing why you disagree with the decision within seven working days of receipt of the Panel's decision;
- Within fourteen days an Appeals Sub-Committee, consisting of the Mayor, the Deputy Mayor and the Vice-Chairman of the most relevant Committee, or an appropriately representative group, will meet to consider your Appeal and to formulate a response from the Council;
- This will either confirm the decision of the Complaints Appeal Panel or, after considering fully the case of the complainant, revise the decision;
- The complainant will again be advised in writing, within three working days of the outcome of this final stage;
- This exhausts the Council's Complaints Policy.
- Local Government Ombudsman - local (town and parish) councils are not subject to the jurisdiction of the Local Government Ombudsman unless the complaint concerns a matter on which the Town Council is taking action on behalf of a principal council (for example Cornwall County Council or North Cornwall District Council). If your complaint relates to the Town Council carrying out such agency work, the initial approach should be to the principal council concerned. If it remains unresolved, the matter could be referred to the Local Government Ombudsman, details below:

The Local Government Ombudsman,
Commission for Local Administration in England,
The Oaks, Westwood Way, Westwood Business Park,
Coventry, CV4 8JB
Tel: 024 7682 0000

6. MANAGEMENT AND MONITORING OF COMPLAINTS

- The Town Clerk (or Deputy Chief Executive) is responsible for dealing with the management of the complaints procedure for the Council;
- All formal complaints will be recorded and monitored. Once a year there will be a report to the Finance, Staffing and General Purposes Committee;
- The report will identify the number of complaints, the reason for the complaints, the length of time to resolve complaints, how complainant satisfaction was addressed and how the provision of services has changed as a result;
- The report will not identify individual complaints. It will draw attention to any trends, which suggest implications for the provision of services.

7. ALTERNATIVE FORMATS

Disability Discrimination Act

- In compliance with the *Disability Discrimination Act 1995* copies of this document in large print (A3 Format) or larger font size, or recorded onto tape as a 'talking book' can be made available for those with sight impairment on request from the Council Office (see address below) or by telephoning 01208 74159 or e-mailing paul.ocallaghan@bodmin.gov.uk
- The Council can also arrange to provide versions in other languages.

Freedom of Information

- In accordance with the *Freedom of Information Act 2000*, this Document will be posted on the Council's Website www.bodmin.gov.uk

Bodmin Town Council, Shire House, Mount Folly Square, BODMIN, PL31 2DQ

Tel: 01208 74159

Fax: 01208 264764

SUMMARY

MAKING A COMPLAINT: FLOWCHART



You can either

Call @ the Council Offices, write, phone, fax or log on to our website.



Our Initial Response

We will listen and record your complaint - If we can sort out the problem right away, we will;

If we need to look into the matter we will let you know what we will do.



If We Need to Investigate Further

To ensure a thorough investigation we will ask you for full details of the complaint together with your contact details;

We will acknowledge in writing receipt of your complaint within three working days.



If You Are Not Happy with Our Response

In such circumstances we will arrange a Complaints Appeal Panel. Its members will be the Chairman of Finance, Staffing & General Purposes Committee together with two other Councillors and the Town Clerk or Deputy Chief Executive who will meet the complainant in an attempt to resolve the matter to mutual satisfaction.



If You Are Still Not Satisfied with the Council's Response

You can ask for the decision to be reconsidered by stating clearly in writing why you disagree with the decision;

Within fourteen days the Appeals Sub-Committee, consisting, usually, of the Mayor, the Deputy Mayor and the Vice-chairman of the most relevant Committee, will meet to formulate a response from the Council and advise you in writing.

BODMIN TOWN COUNCIL
Shire House, Bodmin, Cornwall, PL31 2DQ
COMPLAINTS FORM – Part 1

COMPLAINT DETAILS	
My complaint is about:	
Please give details/ use separate sheet if necessary:	
What do you want us to do to put things right?	
Have you complained about this subject before?	Yes / No
If yes, can you say when:	

CONTACT DETAILS	
Title (e.g. Mr, Mrs, Miss)	
First Name	
Second Name	
Address	
	Post Code
A telephone number will be helpful in case you need to be contacted	Tel. No.
E-mail Address	

BODMIN TOWN COUNCIL
Shire House, Bodmin, Cornwall, PL31 2DQ
COMPLAINTS FORM – Part 2

Complaint Received on:	(Date)
From:	
Address:	
Tel:	
By: for BODMIN TOWN COUNCIL	(Name) (Position)

Action Taken:	
Immediate:	
Further Action to be Taken:	
Complaint Resolved on:	(Date)
Signed: Date:	Paul O’Callaghan, Town Clerk, BODMIN TOWN COUNCIL

Guidance for Order of Business for a Complaints Appeal Panel Meeting

- Chairman to introduce everyone;
- Chairman to explain procedure;
- Complainant (or representative) to outline grounds for complaint;
- Members to ask any question of the complainant;
- If relevant, the Town Clerk or other proper officer in attendance to explain the Council's position;
- Members to ask any question of the Town Clerk or other proper officer;
- The Town Clerk or other proper officer and the complainant to be offered opportunity of last word (in this order);
- Clerk or other proper officer and complainant to be asked to leave room while Members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back);
- Clerk or other proper officer and complainant return to hear decision, or to be advised when decision will be made;
- Following conclusion of the meeting the complainant will be advised of the decision of the panel, and this will be confirmed in writing within 7 working days together with details of any action to be taken;
- As general policy the public and press are not permitted attendance at these meetings.

Source: National Association of Local Councils - Legal Topic Note 06 (of 2005 Index - previously Note 56, July 2003)