



TORPOINT TOWN COUNCIL

COMPLAINTS POLICY

DATE: - January 2024

NEXT RENEWAL DATE: - January 2024

Reviewing Body – Finance and Operations Committee

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Introduction

Torpoint Town Council wishes to provide excellent, quality services for the residents. However the Town Council acknowledges things can sometimes go wrong and if they do, need to know so we can put them right and learn from them. The Town Council sees all customer comments and feedback as a good way of evaluating its services. Complaints and comments are an important part of this process and help us to learn and develop. The Town Council aims to use this information to help drive improvements forward.

The Town Council is not subject to the jurisdiction of the Local Government Ombudsman and has adopted this policy to give clarity to the public to ensure complaints are properly and fully considered. All formal complaints should be addressed in writing to the Town Clerk and will be dealt with promptly to maintain public confidence. A fair and courteous response will be given in all cases, and a full and proper investigation may be undertaken to establish all the pertinent facts.

Whether a complaint procedure is appropriate.

It will not be appropriate to deal with all complaints from members of the public under a complaints procedure. A complaint can only relate to a service that the Council already provides. It cannot relate to requests for new services or services provided by other local authorities. However, information provided may highlight gaps in service provision that may be relevant to future consideration and should be recorded and actioned as a comment. The Council will need to refer or use procedures/bodies in respect of the following types of complaint:

TYPE OF CONDUCT	REFER TO
Financial irregularity	Local electors' statutory right to inspect and object Council's audit of accounts pursuant to Part 5 sections 14-17 Accounts and Audit Regulations 2015. On other matters, the Councils may need to consult their appointed external auditor.
Criminal activity	The Police.
Member conduct	A complaint relating to a member's failure to comply with the Torpoint Town Council Code of Conduct must be submitted to Monitoring Officer of Cornwall Council.
Employee conduct	Internal disciplinary matter.

The following are excluded from this Complaints Policy:

- A request for a new service
- A request for information or an explanation
- An insurance claim against the Council
- Criticism of Council policy or
- A matter which is, or may be, the subject of court or tribunal proceedings.

A member of the public may also consider a criticism about a service (e.g. an untidy flower bed) or a fee (e.g. the level of charge for use of the facilities) to be a complaint, but these do not fall within the formal complaints procedure unless the Council has acted improperly and should be treated as normal service requests.

Complaints Procedure

Informal Complaints:

In instances and where it is more appropriate, less formal measures or explanations will be provided to the complainant by the Town Clerk (or other nominated officer), and where possible issues raised by a member of the public will be resolved in this way. The Town Council will seek to resolve all complaints informally prior to a formal complaint being lodged. An informal complaint is made to the Town Clerk who will liaise with the complainant and relevant members/officers to seek resolution. If the complainant does not consider the complaint to have been resolved, then the formal complaints procedure may be followed. The Council's Resolution Policy can be used if necessary.

Formal Complaints

All complaints are to be made in writing addressed to the Town Clerk and your complaint will be acknowledged and investigated as appropriate. Should a complaint be made against the Town Clerk & RFO this would be investigated by the Town Mayor. The response, if required to be considered by the Full Council, will be responded to as soon as possible following the Council meeting that the decision at which the outcome has been agreed. Should the complainant be dissatisfied with the response, the response will be put to the Council or Committee for further consideration and a reply sent as soon as possible following the resolved matter. Should the complaint be of a nature that is sensitive or of a confidential nature, the Town Clerk and/or Council will acknowledge this and the matter if at Council will be taken with the public and press excluded from the meeting. (Public Bodies (Admission to Meetings) Act 1960 refers).

Vexatious/Repetitive Complaints

A vexatious complainant is one who persists unreasonably with their complaints, or makes complaints in order to inconvenience the Council rather than genuinely resolve an issue. This may include making serial complaints about different issues or continuing to raise the same or similar matters repeatedly. If such complaints affect the Council's ability to undertake its work and provide its services to others, it may alter the way it deals with complaints by taking professional advice or referring in its entirety to a legal advisor. Complaints will still be read in case they contain new information. The Council may also choose to give a decision on a complaint, without a formal investigation, where it considers the complaint to be deliberately vexatious or repetitive. Should a vexatious complainant make a new complaint about new issues, these will be treated on the merit of the complaint.