

Carnforth Town Council – Complaints Procedure

1 Introduction

- 1.1 The complaints procedure is for all complaints to the Council, whether these are minor, serious, informal or formal and apply to all services provided by the Council.
- 1.2 Separate arrangements as prescribed by law are in place in respect of Councillors. These arrangements are referred to at paragraph 7 below)
- 1.3 The Council believes that complaints can provide useful information and feedback on the quality of our services, procedures and practices. The effective handling of complaints will help us to improve the services provided on behalf of residents, visitors and those working within the town.

2 Aim

- 2.1 The aim is to swiftly investigate all complaints in an impartial manner and to find a solution locally, whenever possible, to the satisfaction of both the complainant and the Council.

3 Definition of Complaints

- 3.1 People's perceptions differ widely. It is therefore very difficult to give a precise definition of a complaint. However, for our purposes, a complaint is an expression of dissatisfaction about a service undertaken by Morecambe Town Council or any of its employees'
- 3.2 More specifically, a complaint is where:-
 - The Council has not done something it has a duty to do or normally does;
 - The Council has done something it has no right to do or does not normally do as a matter of established practice;
 - The conduct or behaviour of an employee is unsatisfactory;
 - The established levels of service delivery are not reached;
 - A person does not understand or is not informed of why or how a situation arose or exists;

- An adopted and known procedure is not followed;
- Maladministration is alleged.

4 What to do if you have a Complaint

- 4.1 The first priority is to raise the issue with the Town Council. To do this, please contact the Town Clerk, who is the officer responsible for dealing with these matters, as quickly as possible.
- 4.2 Your complaint should be made by email or in writing, giving names and addresses and relevant dates with as much information as possible. The appropriate details for contacting the Town Clerk are by telephone on 078282 54149; by email clerk@carnforthtowncouncil.org; or by letter to: Carnforth Town Council, Carnforth Offices, 46 – 48 Market Street, Carnforth LA5 9LB
- 4.3 In many cases, it will be possible for an issue to be dealt with straight away and the source of the complaint resolved immediately.
- 4.4 For more complex issues, it is much better to put these in writing so that a thorough investigation can be undertaken. Investigations will be dealt with as quickly as possible and you should get a written response within 15 working days.
- 4.5 The Town Council maintains a register of complaints showing dates, details of the complaint, complainant and the action taken to resolve the issue. This is available for all members of the Council and public to inspect.
- 4.6 The Town Clerk will report complaints directly to the Town Mayor and/or Deputy Town Mayor if he/she believes the complaint cannot be satisfactorily dealt with by him/herself or the matter is of a very serious nature.
NOTE: For complaints referred to the Town Mayor / Deputy Town Mayor the procedure outlined in Appendix 1 will be followed by the Council.
- 4.7 If the complaint involves the Town Clerk personally, the complainant should address the complaint direct to the Town Mayor.

5 Putting Things Right

- 5.1 If following the investigation into the complaint the Council is found to be at fault, every effort will be made to resolve the complaint to the satisfaction of the complainant.
- 5.2 Where subsequent actions or simply the passage of time prevents restitution, other actions may be appropriate which may include a local settlement. A local settlement is defined as action taken to restore a complainant to a situation he or she would have been in if the fault had not occurred.
- 5.3 When considering a local settlement, the remedy will need to be appropriate to the injustice and may be reduced where a complainant has contributed to the injustice suffered.

6 What if you are not satisfied?

- 6.1 Unlike for District or County Councils, there is currently no external agency or government body which can investigate a complaint if you are not satisfied with the initial consideration of your complaint. However, if you are not satisfied with action taken by the Town Clerk, you should write to the Town Mayor at our address. S/he will review the complaint, and all of the paperwork relating thereto, and if he believes it appropriate will submit the complaint to the Council's Finance & Governance Committee for consideration.

7 What if I have a Complaint about the behaviour of a particular Councillor (or Councillors)

- 7.1 Councillors are required to observe a 'Code of Conduct'. If you feel a Councillor has broken any of the rules in the Code of Conduct, you can complain to the Standards Board for England. This is an independent body responsible for promoting high ethical standards and also investigating allegations that Councillors' behaviour may have fallen short of the required standards.

7.2 In the first instance complaints concerning Councillors should be addressed to the Monitoring Officer at:

The Monitoring Officer, Lancaster City Council, Town Hall, Lancaster LA1 1PJ

7.3 Further information regarding this procedure and the correct form to use is set out on the Lancaster City Council website using the link below:

<http://www.lancaster.gov.uk/comments-complaints/complaining-about-councillor/>

8 What type of behaviour is covered by the Code Of Conduct

8.1 Broadly, the Code requires Councillors:-

- Not to discriminate unlawfully;
- To treat others with respect;
- Not to do anything to compromise the impartiality of Council employees;
- Not to disclose confidential information;
- Not to stop anyone gaining access to information they are entitled to;
- Not to conduct themselves so as to bring their office or the Council into disrepute;
- Not to use their position to improperly secure an advantage, or disadvantage, for anyone;
- Not to use the Council's resources for unauthorised political purposes;
- To declare any personal or prejudicial interest in any matter that comes before the Council and, if appropriate, not to take part in the decision. Where the interest declared is deemed to be prejudicial, Councillors are not permitted to take part in the decision on that matter;
- To register certain financial and other interests (a copy of the register is available for public inspection).

8.2 A full copy of the Code of Conduct is available on the Council's website at:
www.carnforthtowncouncil.org

9 Assistance or Advice relating to procedures or a complaint

- 9.1 If you need any specific help or general guidance about the Council's procedures or about any specific complaint, contact the Town Clerk at Carnforth Council Officer, 46 – 48 Market Street, Carnforth or telephone 078282 54149 or email clerk@carnforthtowncouncil.org

Appendix 1: Procedure for Complaints referred to the Council's Finance & Governance Committee

Before the Meeting

1. The complainant will have already submitted a complaint about the council's procedures or administration in writing to the Town Clerk.
2. If the complainant does not wish to put the complaint to the Town Clerk, they may be advised to put it to the Town Mayor.
3. The Town Clerk shall acknowledge the receipt of the complaint and advise the complainant when the matter will be considered by the Finance & Governance Committee established for the purposes of hearing complaints.
4. The complainant shall be invited to attend the relevant meeting and bring with them such representative as they wish.
5. 7 clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation of other evidence, which they wish to refer to at the meeting. The Town Council shall similarly provide the complainant with copies of any documentation upon which they wish to rely on or refer to at the meeting.

At the Meeting

6. The Complaints Committee shall consider whether the circumstances of the meeting warrant the exclusion of the public and press. Any decision on a complaint shall be announced at the end of meeting in public.
7. The meeting will then follow the following process:
 - The chairman should introduce everyone and explain the procedure.
 - The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Town Clerk and then (ii), members.
 - The Town Clerk will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii), members.

- The Town Clerk and then the complainant should be offered the opportunity to summarise their respective positions.
- The Town Clerk and the complainant should be asked to leave the room while members 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 Town Clerk 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 when it is likely to be communicated to them

After the meeting

8. The decision of the Complaints Committee will be forwarded in writing to the complainant within within seven working days together with details of any action to be taken.