



Neath Town Council
Cyngor Tref Castell-nedd

Complaints Procedure

Version Control

<u>Version</u>	<u>Date</u>	<u>Comments</u>
Version 1	November 2017	Initial draft of policy
Version 2	February 2019	Updated draft of policy
		Agreed by Full Council March 2019

NEATH TOWN COUNCIL

COMPLAINTS PROCEDURE

1. This complaints procedure is intended to ensure that complaints by members of the public about the Council's actions, or lack of action, or standard of service are dealt with promptly and effectively. The object of the procedure is to put things right when they have gone wrong and ensure that mistakes do not recur in the future.
2. This procedure does not apply to:
 - complaints about the substance of policy decisions made by the Council (although members of the public may make comments or ask questions during the public participation session during every Council and committee meeting);
 - complaints about the conduct of an individual councillor, which should be made to the Ombudsman of Wales and the Monitoring Officer at Neath Port Talbot County Borough Council
 - complaints by an employee of the Council about the Council's actions as an employer, which should be dealt with under the Council's grievance procedure.
3. Complaints about the Council's administration and procedures should be made initially to the Clerk to the Council, and will be dealt with initially by the Clerk. If the complainant is unwilling to approach the Clerk a complaint may be made to the Chairman of the Council, who will refer the complaint either to the Clerk or to the relevant Committee. Complaints should be made in writing or may be made by email and marked private and confidential. Complaints may not be investigated if sent anonymously.
4. Complaints which cannot be dealt with immediately to the satisfaction of the complainant will be acknowledged in writing within 5 working days.
5. Complaints should be dealt with promptly. In general complaints will be dealt with within 20 working days of receipt, although this time limit may be extended with the agreement of the complainant, or where the Council feels it necessary to take legal or other advice.
6. Where it appears that the complaint includes an allegation that a criminal offence has been committed the Clerk in conjunction with the relevant committee may deal with the complaint by referring it to the police.
7. If a complainant is dissatisfied with the Council's decision on a complaint, or if the complaint is not dealt with to the satisfaction of the complainant within the

time limit set out in the previous paragraph, the complainant may ask for the matter to be referred to the relevant committee.

8. Where a complaint is referred to a committee the complainant will be informed of the date, time and place of the meeting. At least ten working days' notice will be given. The complainant will be invited to attend the meeting and also to submit any documents which he/she wishes to refer to. Any such documents must be received by the Clerk seven working days before the meeting to enable them to be circulated to members. The Clerk will provide the complainant with any documents that he/she wishes to refer to the same timescale.
9. At the Committee Meeting the Chairman should introduce everyone and explain the procedure. The complainant may outline the grounds of complaint.
10. The complainant and the Clerk will then leave the room to allow the Committee to reach a decision on the complaint. They will be called back when the Committee has reached a decision.
11. If the Committee considers that a complaint alleges misconduct by an employee the decision on the complaint may be deferred until the allegation has been dealt with under the Council's disciplinary procedure.
12. The complainant should be notified, wherever possible, of the decision in writing within seven working days, and notified also of what action will be taken.
13. Where a complaint is upheld the Clerk should report to a subsequent meeting of the Committee and of Full Council what action has been taken to ensure that any mistake does not recur.

Model Local Resolution Protocol for Community and Town Councils

Background

The Public Service Ombudsman has agreed to the principle of referring some complaints against Members back to Community and Town Councils for a local resolution. However to date there has not been a common process for Community and Town Councils to follow in dealing with such matters. To assist the sector, One Voice Wales has drawn up the following as a model protocol which any Community and Town Council can use in dealing with such complaints.

This model protocol is meant as a starting point for Community and Town councils. Individual councils may wish to add or amend this model to suit their particular needs. Councils wishing to use this process should first of all be clear about its purpose and intention, formally adopt it in its current or in a revised form and ensure that all Councillors are provided with a copy for their attention. The Council should then determine the framework through which it is operated which may require the establishment of a Committee or Panel or an extension of the terms of reference of an existing Panel or Committee such as a Complaints Panel or Committee. In the case of establishment of a new Panel it is important that terms of reference are prepared and approved by the Council. In either case it will be important for Councils to document in the terms of reference as to what will happen if there is a lack of co-operation shown by the member concerned or a breakdown occurring during the operation of the process. For example, in such cases the default position might be that the matter is referred to the Public Ombudsman for Wales.

The Local Resolution Process

Issues which should be considered under this process

Low level complaints about Members, including:

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing

Issues which should not be considered under this process

Complaints which must be directed to the Public Services Ombudsman for Wales, including:

- Complaints instigated by a member of the public
- Serious complaints – breaches of the Code of Conduct/failure to disclose interests/bullying/abuse of position or trust/repeated breaches
- Complaints made by the Clerk
- Vexatious, malicious or frivolous complaints
- Members' complaints about officers which should be dealt with using the Council's internal complaints process
- Repetitive low level complaints

The Process

The complaint

The complaint would need to be sent to the Clerk of the Council to undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman. If appropriate, therefore, the Clerk should firstly seek an early resolution of any such dispute by liaising informally with the individual members concerned prior to the resolution process described below. It is vitally important that the 'accused' member is given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.

Resolution Process

The involvement of the Chair/Vice Chair of the Council in the following process is not to adjudicate on the complaint, but to attempt to get the members/officers involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis.

The Clerk will act as a facilitator for the resolution process below.

If the complaint is between Members other than the Chair of the Council, the Clerk and the Chair will meet individually with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint is between Members, one of whom is the Chair of Council, but not the Vice Chair, the Clerk and the Vice Chair will meet with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk, against a Member other than the Chair of Council, the Clerk and the Chair of Council will meet with the officer and the Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk, against the Chair of Council, the Clerk/Proper Officer and the Vice Chair of Council will meet with the officer and the Chair to seek an agreed resolution.

If the complaint has been made by the Clerk, then it is likely to be best practice that this complaint is forwarded by way of a complaint to the Ombudsman.

Possible results of the process

If an agreement is reached by Members and/or officers during this Stage then no further action is required.

If agreement cannot be reached the aggrieved Member/officer would always have the opportunity of referring the matter to the Ombudsman.

Examples of agreements might include issue of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed.

Time for the process

It is the intention that all of the processes can be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the meetings.