

Brackla Community Council



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CODE OF PRACTICE FOR HANDLING COMPLAINTS

The code set out below is recommended by One Voice Wales as a way of ensuring that complainants can feel satisfied that at the very least their grievance has been properly and fully considered.

Definition

“A complaint is an expression of dissatisfaction by one or more members of the public about the council’s action or lack of action or about the standard or a service, whether the action was taken or the service provided by the council itself or by a person or body acting on behalf of the council.”

The Council should do their utmost to settle complaints and satisfy complainants in the interests of the good reputation of the council. If the Council cannot settle a complaint it cannot refer the complaint to any other body for settlement, but a complainant may well try to enlist the services of Ombudsman.

CODE OF PRACTICE

1. If a complaint about procedures, services or administration is notified orally to a councillor or the clerk and it is not possible to satisfy the complainant full forthwith, the complainant shall be asked to put his/her complaint in writing to the clerk and be assured that it will be dealt with promptly after receipt.
2. The Council would normally, expect a complainant to bring their complaint to the attention of the Council within six months of becoming aware of the problem. Exceptional circumstances will be considered.
3. The Community Council will keep a record of any written complaint received.
4. If a complainant indicates that he/she would prefer not to put the complaint to the clerk he/she shall be advised to put it to the Chairperson.
5. On receipt of a written complaint, the Clerk or Chair, as the case may be, shall (except where the complaint is about his/her own actions) try to settle the complaint directly with the complainant, but shall not do so in respect of a complaint about the behaviour of the Clerk or a Councillor without notifying the person complained of and giving him an opportunity to comment on the manner in which it is intended to attempt to settle the complaint. Where the Clerk or Chair receives written complaint about his/her own actions, he/she shall forthwith refer the complaint to the council.

6. The Clerk or Chair shall report to the next meeting of the council any written complaint disposed of by direct action with the complainant.
7. The Clerk or Chair shall bring any written complaint, which cannot be settled to the next routine meeting of council or an appropriate complaints committee meeting. The Clerk shall notify the complainant of the date on which the complaint will be considered.
8. It is the policy of this Council that wherever possible complaints shall be dealt with within 21 days from receipt. If such a target cannot be met the complainant will be told why.
9. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public, but any decision on a complaint shall be announced at the council meeting in public.
10. Any investigations needed to resolve a complaint should be undertaken by a senior member of staff or by a councillor acting on the authority of the Council.
7. As soon as may be after the decision has been made, it and the nature of any action to be taken shall be communicated in writing to the complainant.
8. Those dissatisfied with the outcome or progress of the complaint should be directed to complaint to the Public Services Ombudsman for Wales.

Ombudsman

The Ombudsman may investigate a complaint if he/she is satisfied:

- a) that the matter has been brought to the attention of the council and
- b) the Council has been given a reasonable opportunity to investigate and respond to it.

Councils now have a duty to inform members of the public about their right to make a complaint to the Ombudsman and have a duty to do so in responding to any complaint made to the council.

The possible stages at which the Ombudsman is likely to become involved are set out in the table below:-

Stage reached in council's complaints procedure when complaint made to Ombudsman	Ombudsman's likely involvement
Complainant has not raised matter with council at all	Ombudsman will not accept complaint save in exceptional circumstances

Complainant has raised matter with council but it has not been recognised and dealt with as a complaint	Ombudsman may intervene, especially if matter appears serious
Council still dealing with complaint	Ombudsman unlikely to intervene unless council apparently dealing inappropriately with serious complaint or taking too long.
Complainant not satisfied with response	Ombudsman likely to refer most complaints back to Council for consideration under a formal stage of its procedure if complaint was initially dealt with properly and promptly
Council still dealing with complaint at initial stage of its procedure	Ombudsman unlikely to intervene unless apparently dealing inappropriately with complaint\taking too long.
Complainant not satisfied with outcome at any stage of the procedure	Ombudsman will not normally accept complaint for consideration

Additional Information

Where complaints might involve disciplinary matters care should be taken to separate the resolution of the complaint and any disciplinary procedures.

The Clerk (or in his/her absence Assistant Clerk) is responsible for ensuring the effective operation of the complaints procedure. He/she should regularly analyse data to spot lessons for service improvement and should report periodically to full council.

Agreed by Brackla Community Council at the routine meeting held on 21st June 2007

Signed by Chair:

Date: 21/06/07

Cllr. P Winstone

Minute Ref: 21/06/07 - Item 56.1