

DARLEY DALE TOWN COUNCIL COMPLAINTS PROCEDURE 23-24

As a Council, we put great store by doing the best we can for the residents of Darley Dale while treating people fairly and respectfully. The Town Council receives queries, problems and comments as part of its day-to-day business and most are dealt with quickly and efficiently. Sometimes however, things don't go quite as they should and this procedure sets out the steps we will take to try and resolve things if we receive a formal complaint.

What constitutes a complaint?

For the purposes of this procedure a complaint is any expression of dissatisfaction where an individual or individuals have formally asked for a complaint to be registered. A complaint can be lodged against a member of staff, a Councillor or Council representative (ie someone undertaking volunteer or paid work on behalf of the Council) or about a Council service or event.

Out of scope

- Complaints relating to council decisions, approved plans or strategy – these will be referred directly to the Council.
- Complaints between Councillors or concerning conduct at Council meetings – these will be referred directly to the Council or to the Monitoring Officer under the Council's approved Code of Conduct.
- Anything considered inappropriate for handling under this process after the initial assessment (see 2).

1. Registering a complaint

- a. The process is triggered as soon as we receive any indication, verbal or in writing, that an individual wishes to raise a complaint.
- b. Complaints should always be directed through the Clerk except where the complaint is against the Clerk when it should be directed to the Chair.
- c. On receiving the initial approach, the Clerk (or Chair) should ensure that they have or should request the following information in writing:
 - Name of complainant(s).
 - Contact details for the complainant(s).
 - The full circumstances of the complaint. When and where any incident(s) occurred and who or what the complaint specifically relates to.
 - Details of any other persons involved if appropriate.
 - The specific nature of the complaint – what rules, performance levels or standards of behaviour does the complainant consider were broken or not met.
 - The desired outcome – what would the complainant consider an acceptable resolution?
 - *Note: Any request to provide personal information is subject to GDPR and should include the following statement. "Any information you provide will only be used for the investigation and resolution of this complaint. We will not retain it longer than necessary and it will be used solely for the purpose for which it was provided".*

2. Initial assessment

- a. **Where a complaint includes any safeguarding concerns whatsoever** it should be reported immediately by calling Call Derbyshire.
- b. **Where a complaint looks likely to lead to a legal claim** against the Council it should be referred immediately to the Councillors broker and insurer for advice.
- c. **Where a complaint relates to a member of staff**, the Clerk (or Chair) should assess whether the level of severity means that a complaint should instead be considered under the Council performance management procedures, referred to the Personnel Working Group or referred directly to full Council.
- d. **Where a complaint relates to a councillor**, the Clerk should assess whether the level of severity may constitute a breach of the Council's Code of Conduct and should therefore be referred to the Chair, Vice-Chair or full Council as appropriate.
- e. **Where a complaint is against a council representative or volunteer** working at a Council event or on council sponsored activities (e.g., a volunteer Marshall or official helper) the Council will assume full responsibility for investigating and resolving the complaint.
- f. **Where a complaint is against a member or members of a third-party organisation undertaking Council sponsored or financed work** (e.g., Darley Dale In Bloom) the complaint should be referred to that organisation to investigate. The Clerk should ask to be informed of the outcome and should satisfy themselves that the complaint has been dealt with appropriately and any necessary action taken.
- g. **Where a complaint relates to a private company or individual being paid to undertake work on behalf of the Council**, the complaint should be referred to the company for them to handle and instruct the complainant to deal directly with the company in question.

3. Resolution

- a. Having determined that the complaint should be dealt with through this procedure the Clerk should write to the complainant setting out next steps and offering a target date for an outcome to be formally notified. This should consider the complexity of the complaint and the number of people who need to be approached and/or interviewed but, under most circumstances, should be no later than 31 days from acknowledgement. Every effort should be made to resolve the complaint as soon as is practically possible.
- b. Where the details are clear and the desired outcome is achievable, the Clerk should aim to resolve the complaint quickly and efficiently.
- c. Where a complaint is found to have no reasonable basis, the Clerk should respond to confirm the Council's position.
- d. Where there is uncertainty or the desired outcome is unachievable the Clerk should escalate the case either to the appropriate Committee or to the full Council.
- e. Where the complainant is not happy with the outcome, they should submit their case in writing and the Clerk will escalate the matter to the full Council.