



WINSFORD TOWN COUNCIL

WINSFORD TOWN COUNCIL COMPLAINTS PROCEDURE

Introduction

1. Complaints procedures are an integral part of the machinery of nearly every commercial or public service organisation. This is because it is through dealing with and responding to accusations or instances of poor performance or delivery of service that the organisation sees its faults and has the opportunity to address them and improve.
2. Principal councils (county, unitary and district) are subject to the Local Government Ombudsman service which has the statutory remit to investigate complaints and the power to issue public reports where it is deemed appropriate. The Ombudsman may recommend the payment of compensation or another remedy if appropriate. Town Councils such as Winsford are not subject to the Ombudsman.
3. Despite this, councils like Winsford need a robust complaints system and members of the public in Winsford also should have a range of opportunities for redress if they consider that the Town Council has done something incorrectly.
4. Depending on the nature of the complaint, and to some extent, the person who is making it, there will always be occasions when a complaint cannot be resolved and where the complainant may therefore wish to take the matter further.
5. These occasions may include the following complaints:-
 - a. Where someone feels very strongly that a decision of the Town Council is unlawful they may apply to the courts for a judicial review of the Council's decision;

- b. Where an employee complains - with or without going through the grievance procedure or a whistle-blowing route - and goes to an employment tribunal or the courts (such as a personal injury claim)
- c. Where there is an accusation of financial misconduct and a complaint has been made to the council's external auditor. Aside from referring the matter to another body if required, the external auditor will have the power to carry out such actions as refusing to sign off the accounts or producing a public interest report.
- d. Where there have been breaches of the Members Code of Conduct. In these circumstances, complaints will be referred to the arrangements in place for Cheshire West and Chester Council (CWAC) and will be assessed by the CWAC Monitoring Officer in the first instance. Complaints against Councillors may cover financial wrongdoing, acting on prejudicial interests, not complying with equality legislation and so on.
- e. Any matter that raises a suspicion of criminal wrongdoing can be referred to the police.
- f. Where the Town Council carries out functions on behalf of another local authority, such as litter picking or crime and disorder measures under an agency agreement, the complaint can be referred to the other local authority in question. In such a situation, the Ombudsman may be involved if the matter is not resolved by the relevant principal authority.
- g. Complaints under Freedom of Information legislation where it is felt that the Council has not released information in the manner that person believes it should have done can be referred to the Information Commissioner's Office. The legislation requires councils to have a complaints procedure to be able to deal with these matters.

Complaints Procedure

1. The following procedure deals with complaints about the Town Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council or the relevant Committee, as appropriate, for consideration.
2. This procedure does not cover complaints about the conduct of Councillors. Any complaint against a Town Councillor who has seemingly breached the Council's Code of Conduct should be referred to the Cheshire West and Chester Council (CWAC) Monitoring Officer. Complaints can be submitted via the following link <https://www.cheshirewestandchester.gov.uk/residents/contact-us/complaints-and-feedback/complaints-about-councillors.aspx>. Complainants are asked to ensure that they state which provisions of the Code of Conduct have been breached and why.

3. If a complaint to the Town Council is about procedures, administration or the actions of any Council employee, this should be made to a Councillor or to the Town Clerk in either an oral or written format.
4. When the complaint is received, a written record of it will be made.
5. If the complainant wishes to put their complaint in writing, then they should do so either via letter or email to the Town Clerk, Winsford Town Council, Wyvern House, The Drumber, Winsford CW7 1AH mail@winsford.gov.uk.
6. Upon receipt, the complaint will be dealt with within 10 working days. Refusal to put the complaint in writing does not mean it will not be investigated.
7. If the complaint is against the Town Clerk, then the complaint can be made to the Town Mayor.
8. Upon receipt of a written complaint, the Town Clerk (except when the complaint is about his/her actions, in which case the Town Mayor will deal with the matter) will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him/her the opportunity to comment. All efforts will be made to resolve the complaint at this stage. If the complaint is about the Town Clerk, then the matter will be referred to the Town Mayor and the Town Clerk will be given the chance to comment.
9. In the case of a complaint which has been resolved, the matter will be reported to the next available meeting of the full Town Council.
10. If a complaint is not resolved at this stage, then the matter will be reported to the full Town Council who will be asked to adjudicate on the matter.
11. If the complaint concerns a policy decision, then an unresolved complaint will be heard first by the relevant Committee of the Council who took the original decision. If the complaint is rejected by the Committee in question, then the complainant has the right of appeal to the full Town Council.
12. In either case, the Town Clerk will report the matter to the full Town Council and will notify the complainant of the date on which the complaint will be heard and which Committee will hear it. The complainant will be offered the opportunity to explain the complaint to the full Council or Committee either orally or in writing.
13. Matters relating to grievance or disciplinary proceedings should be dealt with according to the Council's procedures.
14. The Council may take the decision that the nature of a complaint warrants the matter be discussed in the absence of the press and public. Any decision on the complaint, however, will be announced at the Council meeting in public.

15. The Council may consider in the circumstances of any particular complaint whether to make any payment or provide other reasonable benefit to any person who has suffered loss as a result of the Council's maladministration. Any payment may only be authorised by the Council after obtaining legal advice and advice from the Council's auditor on the propriety of such a payment.
16. As soon as possible after the decision has been taken (and not later than 10 working days after the decision has been taken) the complainant will be notified in writing of the decision and any action to be taken.
17. The Council may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with at the next meeting after the advice has been received.

Adopted at Winsford Town Council meeting 19th December 2016