

**Document 3.2**

**COMPLAINTS PROCEDURE**

**(Helping to improve services)**

**Adopted 27 March 2017**

**Review by March 2019**

**1. Introduction**

1.1 This Procedure draws on guidance from the Society of Local Council Clerks.

**2. Scope**

2.1 This Procedure is for dealing with complaints about the Council's administration or its procedures. Complaints about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.

2.2 This procedure does not cover complaints about the conduct of a member of the Town Council. Statutory provisions in respect of the conduct of Councillors were introduced by the Localism Act 2011, with effect from the 1<sup>st</sup> July 2012. Any complaint that a Councillor may have breached the Council's adopted code of conduct should be referred to the Monitoring Officer at East Herts Council.

**3 Recording a Complaint**

3.1 If a complaint about procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor, or to the Town Clerk, a written record of the complaint will be made. The record will note the name and contact details of the complainant and the nature of the complaint.

3.2 The complainant will be asked to put the complaint in writing (letter/e-mail/standard form) to the Town Clerk using

- ▶ Hertford Town Council, The Castle, Hertford, SG14 1HR *or*
- ▶ [town.clerk@hertford.gov.uk](mailto:town.clerk@hertford.gov.uk)

3.3 If the complainant prefers not to put the complaint to the Town Clerk, (because the matter relates to that person, for example) he or she should be advised to write to the Mayor.

**4. Dealing with the Complaint**

4.1 The complaint will normally be dealt with within 15 working days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint will not be investigated. .

4.2 If the complaint cannot be dealt with within 15 working days, the complainant will be advised and kept informed of progress.

4.3 On receipt of a written complaint, the Town Clerk (except where the complainant is about his or her own actions – see 4.4) or Mayor (if the complaint relates to the Town Clerk), 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 or her opportunity to comment. Every effort should be made to resolve the complaint at this stage.

4.4 Where the Town Clerk or a Councillor receives a written complaint about the Town Clerk's actions, he or she shall refer the complaint to the Mayor. The Town Clerk will be formally advised of the matter and given an opportunity to comment.

**5. When a Complaint is not Resolved**

- 5.1 The Town Clerk (or Mayor) will report any complaint that has not been resolved to the next meeting of the relevant Committee. The Town Clerk will notify the complainant of the date on which the complaint will be considered and the complainant will be offered an opportunity to explain the complaint to the Committee orally.
- 5.2 The Committee may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public, but any decision on the complaint will be announced at the Committee meeting in public.
- 5.3 The Committee may consider making a without liability payment<sup>1</sup> or provide other reasonable benefit to any person who has suffered loss because of the Council's maladministration. Any payment may only be authorised by the Council after obtaining appropriate advice.
- 5.4 As soon as possible after the decision has been made (and in any event not later than 10 working days after the meeting) the complainant will be notified in writing of the decision and any action to be taken.
- 5.5 The Committee 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.

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<sup>1</sup> Note: Local Government Act 2000 S92 (payments in cases of maladministration).