



HARWICH TOWN COUNCIL **Complaints Procedure**

This procedure was adopted by Harwich Town Council at a meeting held on 6th September 2017.

Harwich Town Council is committed to providing a quality service for the benefit of the community and welcomes feedback and suggestions which enable the Council to monitor and improve its efficiency and effectiveness. If you believe you have not received the level of service you would expect from the Council, this complaints procedure sets out how to raise your concerns.

Purpose of the policy

The purpose of this document is to inform you:

- a) How to complain to Harwich Town Council
- b) How we handle your complaint
- c) How to appeal a decision
- d) What service you can expect

Scope of the policy

Not all complaints will be dealt with under a complaints procedure, and in many cases, the matter can be resolved quickly and informally through the normal channels of communication. This complaints procedure applies to complaints about the Council's actions, activities, decisions or procedures, and Council staff or volunteers.

This policy does Not apply to:

- **Complaints by one Council employee to another; by a Council employee to Harwich Town Council, as employer; or by Harwich Town Council, as employer, to a Council employee.** These complaints are dealt with under the Council's Disciplinary and Grievance procedures.
- **Complaints about a Member's or Members' conduct.** Alleged breaches of the Members' Code of Conduct are dealt with by the district council's Monitoring Officer. A copy of the Tendring District Council Complaints Procedure can be found [here](#). Any

complaints received by Harwich Town Council that relate to a Member's conduct in breach of the Code, will be referred, or you may contact [Tendring District Council](#) directly. If you are unsure whether your complaint constitutes a breach of the Code of Conduct then please contact the Clerk to the Council in the first instance who will assist you.

- **Allegations of financial irregularity.** Local electors may object to the Council's Annual Accounts under s16 of the Audit Commission Act 1998. Objections should be lodged with the Council's appointed auditor.
- **Allegations of criminal activity.** Please contact the Police.
- **Feedback, constructive criticism and suggestions.** Please submit your thoughts to the any member of the team at the address below.

A. How do I make a complaint?

If you have a concern in relation to any aspect of the Council's activities, decisions, or about its staff or volunteers, then in the first instance please contact the Clerk to the Council. In the majority of cases the matter can be resolved informally through the normal channels of communication. However, where this is not possible or any investigation is required, you will be asked to put your concerns in writing. Please include as much detail as possible, including times and dates, and how you would like the matter to be resolved. Please also ensure to include your preferred contact details and whether you wish for your complaint to be treated confidentially.

N.B Confidentiality will only be possible if it does not hinder the investigation of the complaint.

B. Handling your complaint

Acknowledging your Complaint

We will aim to acknowledge receipt of your complaint within 3 working days and we will confirm whether or not it is the intention to treat the complaint as confidential. Your identity will only be disclosed to those who need to consider the complaint and not without your prior consent.

Determining your complaint

Complaints vary widely in nature and complexity but in the first instance, your complaint will be determined by The Clerk to the Council.

If it is neither possible or appropriate for the Clerk to address your concerns, for any reason, the Clerk will inform you who will be dealing with your complaint.

Complaints regarding Council staff will be determined by the Clerk to the Council, referring to the Chair of the Finance & General Purposes Committee if necessary.

Complaints regarding the Clerk to the Council will be determined by the Chair and Vice-Chair of the Finance & General Purposes Committee.

On occasion, it may be necessary to seek guidance from professional bodies in order to fairly determine a complaint.

Where it is deemed of a benefit to the investigation of a complaint, the Council will allow the complainant to make verbal representation. In these circumstances, the complainant will be invited to attend a meeting.

Resolving the issue

Once your complaint has been given due consideration, within 3 working days the Clerk to the Council will contact you in writing, or in accordance with your preferred method of contact to inform you of the outcome. If investigation is required, you will be informed of the findings of that investigation. If the complaint relates to the conduct of a staff member, you may not always be entitled to receive a full explanation of the actions to be taken following the investigation. In these cases, you will simply be informed whether action is or isn't to be taken.

C. What happens if I'm still not satisfied

If you are not satisfied with the initial determination or outcome, you can ask for your complaint to be referred accordinglyⁱ.

Appeals regarding complaints about the actions, activities, decisions or procedures of the Council, will be dealt with by a panel of three councilors appointed by the council.

Appeals regarding complaints about Council staff or volunteers will be dealt with by a panel of three councilors appointed by the Finance & General Purposes Committee.

Those appointed to determine an appeal will differ from those who determined the original complaint.

D. Service Level Agreement

Timescales

In all instances, you can expect your complaint to be acknowledged, in writing, within 3 working days of receipt. We will aim to determine your complaint within 20 working days. Where this is not possible, because further investigation or consultation is needed, you will be contacted, to provide an explanation and offer a revised timeframe. If further investigation proves to be lengthy, you will be advised of the timescales involved (if known) and you will be kept informed of progress on a weekly basis. We aim to fully resolve a complaint within 12 weeks.

Confidentiality

Harwich Town Council is committed to complying with its obligations under the Data Protection Act 1998 in order to safeguard against the unlawful disclosure of personal data.

Harwich Town Council will not disclose the identity, contact details or other personal data about an individual complainant unless they consent or disclosure is otherwise fair and lawful under the 1998 Act e.g. for the purpose of discharging the Council's functions, or for the performance of contractual obligations.

Harwich Town Council will take care to maintain confidentiality where circumstances demand (e.g. where matters concern financial or sensitive information or where third parties are concerned).

Only the necessary information will be provided to professional bodies for the purposes of seeking professional or legal advice.

Impartiality

Your complaint will be dealt with fairly and those responsible for determining complaints will do so without prejudice.

Helpful Contacts

Harwich Town Council Clerk

Ms Lucy Ballard
The Guildhall
Church Street
Harwich
Essex CO12 3DS
Tel: 01255 507211
Email: info@harwichtowncouncil.co.uk
<http://www.harwichtowncouncil.co.uk>

Alleged breaches of the Members' Code of Conduct

Monitoring Office
Legal Department
Tendring District Council
Town Hall, Station Road
Clacton on Sea
Essex CO1 1SE
Tel: 01255 686868
www.tedringdistrictcouncil.co.uk

Financial Irregularity and Objections to the Annual Accounts

PKF Littlejohn LLP
Ref: SBA
2nd Floor
1 Westferry Circus
Canary Wharf
London E14 4HD
Email: sba@pkf-littlejohn.com

ⁱ Subject to the provisions of the Council's Vexatious Complaints Procedure