



## Poynton Town Council's Internal Complaints Procedure

(English Law will take precedent over anything written below)

### DEFINITION OF A COMPLAINT

For the purposes of the Town Council a complaint is defined as: *any expression of dissatisfaction about the standard of service, behaviour, actions or lack of action by the Town Council, Councillors, co-opted Members, or Council staff.*

### What the complaints procedure will deal with:

The complaints procedure will deal with matters of maladministration and misconduct by staff and co-opted members

### What the complaints procedure will not deal with:

- Formal Complaints against councillors. These are dealt with in accordance with the Town Council's adopted Code of Conduct by Cheshire East Council's Monitoring Officer.
- Complaints of Financial Irregularities will be referred to the Town Council's External Auditor
- Complaints about criminality will be referred to the police
- Complaints about decisions lawfully made by the Town Council in the conduct of its business:
- Complaints for which there is a legal remedy, or where legal proceedings are already in progress;
- Complaints about staff employment matters – the Town Council operates alternative procedures to deal with grievances from, or disciplinary matters against, staff.

### INFORMAL COMPLAINT

1. Where possible, the Town Council would wish to solve any complaint informally prior to a formal complaint being lodged. When a complaint is received, the complainant usually wants a 'quick fix' and an apology if the council are at fault; examples are the late payment of an invoice or not responding to a letter. The council will put things right as quickly as possible and admit fault if that is the case. If it is unable to help or in disagreement with the complaint, it will state clearly in writing why it takes that view.
2. An informal complaint should be made to the Town Clerk who will liaise with the complainant and relevant members / officers to seek resolution.
3. Should it not be possible to resolve a complaint informally the complainant may escalate the complaint to a formal complaint

4. Should, in the opinion of the Town Clerk or Town Mayor, the complaint be of a serious nature, the complaint shall be escalated to a formal complaint.
5. Whilst there is no defined process for an informal complaint, full records must be kept of any communication and attempts at resolution

### **FORMAL COMPLAINTS ABOUT COUNCILLORS**

6. The Town Council does not consider formal complaints about its members. A formal complaint about a member should be addressed to the Monitoring Officer of Cheshire East Council who will arrange the investigation of the complaint. Cheshire East Council has its own policies for dealing with such complaints.
7. The contact details for the Monitoring Officer are: The Monitoring Officer  
Cheshire East Council Westfields Middlewich Road Sandbach CW11 1HZ  
[monitoringofficercec@cheshireeast.gov.uk](mailto:monitoringofficercec@cheshireeast.gov.uk)

### **OTHER FORMAL COMPLAINTS**

8. Formal complaints must be made in writing to the Town Clerk; setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.
9. If a complainant prefers not to put the complaint to the Clerk, he or she will be advised to put it to the Town Mayor.
10. The Clerk / Town Mayor will acknowledge receipt of the complaint by writing to the complainant within three working days, whenever possible.
11. The response will confirm the complaint will be treated as confidential and confirm the next steps in the complaints procedure.
12. The Clerk (or Mayor) will try to resolve the issue directly with the complainant. If the complaint is about a particular individual, the Clerk (or Mayor) will first notify the person complained of, and give him or her, an opportunity to comment on the complaint.
13. The Clerk or Mayor shall report to the next meeting of the Management and Establishment Committee brief details of any formal written complaints disposed of by direct action with the complainants. Such reports shall not normally name the complainant or any other parties.

### **Formal Complaints about the Council, Committees or Decisions**

14. Where the Clerk / Mayor receives a formal written complaint about a decision, the general operations of the Council or the Council as a body which cannot be settled, The Clerk or Mayor shall bring any written complaint to the next

meeting of the Management and Establishment Committee. (The committee may resolve to refer particularly serious complaints directly to full Council).

15. All complaints will be heard within 30 days of them being made and acknowledged. The Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which professional advice is needed. The complaint shall be dealt with at the next appropriate meeting after such advice has been received.
16. The Clerk will notify the complainant of the date on which the complaint will be considered, when the complainant will be offered an opportunity to explain the complaint orally or in writing.

### **Formal written complaints about Officers/Employees**

17. Formal Complaints about Officers / Employees will be referred to the appropriate Line Manager and be processed in accordance with the Town Council's disciplinary procedures.
18. Where the Clerk receives a written complaint about his or her own actions he or she shall refer the complaint promptly to the Chairman of the Management and Establishment Committee.
19. Any complaint against the Clerk will be dealt with in accordance with the Town Council's disciplinary procedures.

### **DECISIONS ON COMPLAINTS**

20. As soon as the decision has been made, it will be communicated in writing to the complainant, explaining the action to be taken, if any, with timescales.
21. Where the Town Council receives notification by the District or Unitary Council that a councillor or non-councillor with voting rights has breached the Council's code of conduct, the Town Council shall consider what, if any, action to take against him. Such action excludes disqualification or suspension from office.
22. Individual complaints will be formally recorded at M & E as a part B agenda item. These will be kept as a confidential record for a period of three years and may be used as evidence in any further complaints against the same individual within that period. Thereafter they will be retained in the Town Council archive against any future official, legitimate, requests from sources external to the Town Council.

### **VEXATIOUS COMPLAINTS**

23. A vexatious complainant is one who persists unreasonably with their complaints, or makes complaints in order to inconvenience the Council rather than genuinely resolve an issue. This may include making serial complaints

about different issues or continuing to raise the same or similar matters repeatedly.

24. If such complaints affect the Council's ability to undertake its work and provide its services to others, it may alter the way it deals with complaints by not acknowledging or responding to vexatious complaints. Complaints will still be read in case they contain new information.
25. If a complainant is to be classified as vexatious they shall be informed so and given a timescale of how long this will remain the case.
26. Should a vexatious complainant make a new complaint about new issues these will be treated on their merits