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# **Complaints Policy and Procedure**

## **Document History**

Adopted by Council – 1 December 2020

To be reviewed –

**Tom Clay**

**Town Clerk**

## **1. Introduction**

- 1.1 This policy defines what a complaint is, who can make one, how to make one and how the Town Council will deal with it.

## **2. Aims**

- 2.1 All complaints will be dealt with in a fair, confidential and consistent manner. The objectives of this policy are:
- To resolve your complaint as soon as possible.
  - Provide a fair and consistent process that is open to all.
  - Tell you how long the procedure may take.
  - To ensure the complainant and members of staff are treated with courtesy and respect.

## **3. What is a complaint**

- 3.1 When you are not happy about a service the Town Council provides or failed to provide or has not put right in a reasonable amount of time.

## **4. What is not a complaint**

- 4.1 The following are not complaints:
- An enquiry about a service the Town Council provides, for example grass cutting or its opening hours.
  - Matters that another authority or organisation is supposed to provide.
  - A disagreement with a council decision
- 4.2 Matters relating to some specific issues will be dealt with as follows:
- A breach of the Allotment Tenancy Agreement or Terms & Conditions will be referred to the committees or officers responsible for allotments.
  - Misuse of Town Council facilities by a user group that breaches booking arrangements will be referred to the committees or officers responsible for the facility.
  - Complaints about land or facilities that the Town Council leases to another organisation will be referred to that organisation.
- 4.3 It will not be appropriate to deal with all complaints under this policy, for instance:
- Where it is felt that a council decision may be unlawful.
  - Accusations of financial wrongdoing should be referred to the Town Council's auditor.
  - Breaches of the Members' Code of Conduct should be referred to West Lindsey District Council.
  - Any suspicion of criminal wrongdoing should be referred to the police.
  - Any functions undertaken in agreement with another authority should be referred to that authority.

- A failure to release information under the Freedom of Information Act 2000 should be referred to the Information Commissioners Office.
  - A complaint from a staff member will be considered through the appropriate channels.
  - Where the complainant had begun legal proceedings against the Town Council.
  - The merits of any insurance claim or matters that should be considered by the Town Council's insurer.
- 4.4 A vexatious complaint is one which is unreasonably or has been made in order to inconvenience the Town Council rather than resolve an issue.
- 4.5 Any complaints that are judged vexatious will be considered on their merits. They will either be forwarded to the relevant committee or a written response given by an officer as to why they cannot be processed under this policy.

## **5 How to complain**

- 5.1 You may complain by phone, email, or post.
- 5.2 In normal circumstances, a complaint should be submitted within six months of the incident leading to a complaint. In exceptional circumstances the Town Clerk may waive this requirement.
- 5.3 Complaints will be acknowledged by email within three working days and ordinary mail within ten working days.
- 5.4 A written explanation as to why a complaint cannot be accepted will always be given.
- 5.5 Anonymous complaints will be considered on their merits and forwarded to a committee by the Town Clerk as appropriate.

## **6 The complaints procedure**

### **Stage 1**

- 6.1 Each complaint will be allocated to a specific officer who will look into the matter and respond to the complainant. They will also keep them updated throughout the process.
- 6.2 Every attempt will be made to resolve the complaint at the earliest opportunity prior to implementing the formal complaints procedure.
- 6.3 An open and honest attempt will be made to put things right without admitting liability.

### **Stage 2**

- 6.4 If a complaint cannot be resolved informally it will be allocated to the appropriate Committee Chairman or Chairman of the Council.
- 6.5 The appropriate Chairman will review the matter and determine a pertinent course of action.

- 6.6 The officer will keep the complainant updated in respect of the procedure, the timescales involved and when they might expect a response.

### **Stage 3**

- 6.7 If a complainant is not satisfied with the outcome of the complaint, they may request that it is reviewed by the Management and Finance Committee.
- 6.8 The Chairman of the Management and Finance Committee in consultation with the Chairman of the Council will decide whether the matter is referred to the Committee for consideration.
- 6.9 A full written reply will be sent at this stage or within thirty days if the matter is addressed by the Committee.
- 6.10 Once stage 3 is completed there will be no further opportunity for appeal or review.