



MALVERN TOWN COUNCIL

COMPLAINTS PROCEDURE

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1. Malvern Town Council's elected members and officers are here to serve those who live in, work in, or visit Malvern.
2. The following procedure will be adopted 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.
3. This procedure does not cover the complaints about the conduct of a member of the Town Council, and these should be directed to the Monitoring Officer at Malvern Hills District Council
4. 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, noting the name and contact details of the complainant and the nature of the complaint.
5. **STAGE 1** - The complainant will be asked to put the complaint in writing to the Town Clerk. The Town Clerk will acknowledge receipt within seven days and specify the date by which the complaint will be dealt with. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.

If the complainant prefers not to put the complaint to the Town Clerk (because the matter refers to the Town Clerk for example) they should be advised to write to the Mayor. The Town Clerk will be formally advised of the matter and given an opportunity to comment.
6. **STAGE 2** - On receipt of a written complaint, the Town Clerk (except where the complaint is about his or her actions) 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.

Efforts will be made at this stage to resolve the complaint informally and the Town Clerk or Mayor will invite the complainant to a face to face meeting where possible. The complainant will be entitled to have another person accompany them to the meeting and the Town Clerk or Mayor will ask another Town Councillor to be present and to assist with the response.
7. **STAGE 3** - If the Town Clerk or Mayor cannot satisfactorily resolve a complaint at Stage 2 above or should they feel that further opinion should be canvassed before making a decision, then a meeting of the Emergency Decision Making Group as elected at Annual

Council every May will be called to discuss the matter. Every effort should be made to achieve a suitable resolution at this stage.

8. **STAGE 4** If stages 2 and 3 do not successfully resolve a complaint, and an appeal is raised by the complainant, then it shall be forwarded to a meeting of an appropriate Committee. The Emergency Decision Making Group will in their discussions at Stage 3, nominate the appropriate committee should an appeal be made. The Town Clerk will notify the complainant of the date on which the appeal will be considered, and the complainant will be offered an opportunity to explain the complaint to the Committee in person.

9. The Town Clerk or Mayor will keep a record of any proceedings relating to complaints.

10. Timescales

| Stage | Process | Number of Days from Receipt of Complaint |
|-------|---|--|
| 1 | Initial Response to Acknowledge Complaint | 7 days |
| 2 | Informal Response to Complainant | 21 days |
| 3 | Formal Response to Complainant | 35 days |
| 4 | Time Allowed for Appeal | 28 days from response in 3 above |
| | Response to Appeal | 21 days from Appeal |

11. Any officer or councillor who feels that they have a prejudicial interest or may be unable to give an independent and objective opinion on the matters surrounding the complaint, must declare this and abstain themselves from any discussions.

12. Matters relating to grievance or disciplinary proceedings that are taking place or are likely to take place, will be dealt with in accordance with the Council's grievance and disciplinary procedures.

13. The appropriate Committee may consider whether the circumstances of any complaint warrant the matter being discussed in the absence of the press and public. The Council must bear in mind the necessity to maintain confidentiality if it has been requested and to comply with the requirements of Data Protection Legislation with regard to personal information.

14. As soon as possible after the decision has been made and in line with timescales detailed at 10. the complainant will be notified in writing of the decision and any action that will be taken.

15. The appropriate 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.
16. For anyone with impeding communications, a referral to appropriate support will be considered.
17. In the event of serial facetious, vexatious or malicious complaints from a member of the public, the Council shall consider taking legal advice before writing letters to the complainant. Please refer to the Town Council policy on Vexatious Behaviour and Complaints for further information.

Where to send your complaint

Personally, at the Town Council Offices: Community Hub, Victoria Park Road, Malvern. WR14 2JY

Office Hours: 9.00 am to 1.00 pm, and 2.00 pm to 5.00 pm, Monday to Thursday

8.30 am to 1.00pm, and 2.00 pm to 4.00 pm, Friday

By post to the above address

By telephone: 01684 566667

By email: townclerk@malvern-tc.org.uk

16. Review and action
 - 16.1. The Council recognises that it is important to review this policy regularly to ensure that it reflects up to date legislation and best practice.
 - 16.2. A review of the Complaints Procedure will be carried out at least once every council term as a minimum and any necessary actions taken.