



BLYTH TOWN COUNCIL

COMPLAINTS & GRIEVANCE PROCEDURE

- a) Subject to the Council's policy regarding the handling of grievance matters, the Council's Town Clerk shall contact the Chair of the Governance Committee, or in his absence, the Vice-Chair in respect of an informal or formal grievance matter, and this matter shall be reported back and progressed by resolution of the Complaints and Grievance Sub-Committee.
- b) Subject to the Council's policy regarding the handling of grievance matters, if an informal or formal grievance matter raised by a member of staff relates to the Chair or Vice-Chair of the Governance Committee this shall be communicated to another member of the Governance Committee which shall be reported back and progressed by resolution of the Governance Committee.

Any persons responsible for all or part of the management of staff shall treat as confidential the written records of all meetings relating to their performance, capabilities, grievance or disciplinary matters.

1. It is the policy of Blyth Town Council that all complaints or grievances, from whatever source, will be dealt with by the Complaints and Grievance Sub Committee (the Committee), except where indicated.
2. Where any member of the Sub Committee is unable to attend a scheduled meeting, for a reasonable reason, then a representative of that political group to which that member belongs, may, by written notice to the Proper Officer, at any time before the meeting, substitute an alternative member for the duration of the meeting.
3. In this procedure "Complaint" will include grievance or representations and the Proper Officer shall be the Town Clerk
4. A complaint or grievance is an expression of dissatisfaction about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.
5. The overriding objective of this process is to deal with complaints in an expeditious manner whilst not diverting scarce resources from service delivery.
6. The issuing of a formal apology will not be limited to assess where the Town Clerk or an individual Officer is at fault, but will include situations where with hindsight matters could have been handled better or more effectively.
7. The Town Council has limited resources and will not undertake investigations of each and every complaint. In particular complaints will not be investigated where the Proper Officer, following consultation with the Chair of the Committee, is of a view that the complaint falls into one or more of the criteria below:
 - a. Is the complaint about the conduct of an individual Town Councillor? *If so, the complainant will be advised to contact the County Council's Monitoring Officer.*
 - b. Is the complainant alleging criminal activity? *If so, the complainant will be advised to contact the police.*
 - c. Is the complainant an elector alleging financial irregularity? *If so, advise of their right to object to the Councils audit and accounts.*
 - d. Has the complainant submitted enough information to satisfy the Town Clerk that the complaint should be referred for investigation or other action? *If not, the information provided is insufficient to make a decision. No further action will be*

taken on the complaint unless sufficient information is supplied within a specified time.

- e. Is the complaint about someone who is no longer a member of the Council, but is a member of another authority? If so, should the complaint be referred to the Monitoring Officer of that authority? If yes, *the complainant will be advised to contact the other authority.*
- f. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct or has the complaint been the subject of an investigation by other regulatory authorities? If yes, *there may be nothing more to be gained by further action being taken.*
- g. Is the complaint about something which happened so long ago that there would be little benefit in taking action now? If yes, *further action may not be warranted.*
- h. *Does the complaint seem too trivial to justify the use of resources? If yes, further action will not be warranted.*
- i. Does the complaint appear to be simply malicious, politically motivated or tit-for-tat? If yes, *further action will not normally be warranted.*
- j. Is the complaint anonymous? If yes, *no action will normally be taken unless there are compelling reasons to suggest otherwise e.g. if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter.*

Process Guidelines

- On receipt of a complaint, the complainant may be asked to complete the Blyth Town Council Complaint Form (appendix 1).. If the complaint is of a more minor nature where the Town Clerk initially feels that the complaint can be dealt without reference to Committee then a letter or email would suffice.
- No further investigation will take place until a form has been returned to the Town Clerk. The complaint can be treated in confidence at your request. The Council will safeguard your personal data in line with GDPR
- The complainant will be kept up to date with the progress of the investigation and if appropriate will be given the date of the Complaints and Grievance Sub Committee.

- The Town Clerk will initially review the Complaint and discuss the issues raised by the Complainant further to see if it is reasonable to arrive at a satisfactory conclusion.
- The Complainant will be given a copy of the responses provided by the Council in relation to all points raised by the Complainant.
- In consideration of the above the Town Clerk will be able to assess which route the complaint needs to be taken and if appropriate will advise the Chair of the Complaints and Grievance Sub Committee accordingly.

What will happen at the Committee

- The Chair will explain the procedure that will be followed by the committee appointed to hear complaints.
- The complainant will be requested to state their complaint to the committee.
- The complainant is entitled to have a friend present during the complaints process but that person is not allowed to present the case for the complainant nor speak during the process.
- The Complainant or the friend can ask for a time out for a few minutes at any time to seek advice or support from the friend.
- The committee may ask any questions relating to the incident that will be answered by the complainant.
- The complainant will be asked to wait in the member's room.
- Any officer(s) concerned in incident will be invited to explain their version of the incident and answer any questions. The officer may wish to have the support of a friend who will not be allowed to speak.
- The officer or friend can ask for a time out for a few minutes at any time to seek advice or support from the friend.
- The officer will be asked to wait in a separate room while the committee discuss the issues.
- The complainant may be called back to the committee to answer any further questions.
- The officer may be called back to answer any further questions.
- The complainant will be informed that the committee will discuss the complaint and inform the complainant of their decision and reasons in writing.

STAFF

Should further action be required with regard to a complaint involving an officer(s) of the Town Council, the Committee will give their outline views to the Town Clerk. The Town Clerk will after this make due consideration and take any action as appropriate.

If any action is warranted against the Town Clerk then this will have to be considered by the Staff Sub Committee whilst always ensure that there is the need to allow adequate appeal procedures.

CONFLICT OF INTEREST

If required the Committee may appoint an external investigator via a recognised body, for example ACAS, NALC (or NCC with whom the Council have an SLA for HR matters).

LEGAL ACTION

If the complainant has threatened legal action against the council or legal proceedings have begun, the council may seek professional legal advice about how to respond to the complaint, including that of remedial steps that it may wish to offer to the complainant, if the complaint is upheld.

UPHOLDING A COMPLAINT

If the complaint against the local council is upheld, the council may offer a remedy which, as far as possible, puts the complainant back in the position they would have been in but for the matters complained of.

PROCESS FLOWCHART

COMPLAINT RECEIVED

INITIAL ASSESSMENT BY PROPER OFFICER

If within Section 7 criteria,
action as set out in
response to complainant
with no further action

Write to complainant and
request completion of
complaint form

Form received –
acknowledge receipt

No response – no further
action

Investigation by Proper Officer

Issue Apology – No further
Action

Report to Complaints &
Grievance Committee

Advise Complainant of the
decision