

# Montgomery Town Council

## COMPLAINTS PROCEDURE

1. (a) The Ombudsman's Definition of a complaint:  
"A complaint is an expression of dissatisfaction by one or more members of the public 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 by a person or body acting on behalf of the Council."  
  
(b) The following are not to be regarded as complaints:
  - An initial request for a service
  - Complaints about third parties: e.g. about a community group for which the Council is not responsible
  - A request for an explanation of a decision
  - A representation about a major policy decision e.g. setting the precept.
2. This Policy sets out procedures for dealing with any complaints that anyone may have about the Council's administration and procedures. Complaints against policy decisions made by the Council shall be referred back to Council but note item 36 of the Council's Standing Orders, which says that issues shall not be re-opened for six months.
3. Complaints by a Councillor about the conduct of another Councillor should be reported to the Monitoring Officer of the Unitary Authority, complaints by members of the public should be referred to the Public Services Ombudsman for Wales.
4. If a complaint about procedures or administration as practised by the Council's employees is notified orally to a Councillor or the Clerk to the Council, they should seek to satisfy the complaint fully and inform the complainant of this policy. If it fails, the complainant should be asked to put the complaint in writing to the Clerk to the Council, and the Clerk should respond within 5 working days outlining how the complaint will be dealt with, and the expected time scale for response. All complaints received, whether orally or in writing, should be reported to the Clerk and where resolved, be reported briefly to the next meeting of the Council.
5. If the complainant prefers not to put the complaint to the Clerk to the Council he or she should be advised to put it to the Chairman of the Council (Town Mayor).
6. (a) On receipt of a written complaint the Mayor or the Clerk to the Council (except where the complaint is about his or her own action), shall try to settle the complaint directly with the complainant. Where the complaint is about an individual, this shall not be done without first notifying the person complained against and giving him, or her, an opportunity to comment. Efforts should be made to attempt to settle the complaint at this stage.  
  
(b) Where the Clerk to the Council or the Mayor receives a written complaint about the Clerk to the Council's own actions, he or she shall refer the complaint to the Mayor. The Clerk to the Council shall be notified and given an opportunity to comment.
7. The Clerk to the Council or the Mayor shall report to the next meeting of the Council any written complaint disposed of by direct action with the complainant.
8. The Clerk to the Council or the Mayor shall bring any written complaint that has not been settled to the next meeting of the Council. The Clerk to the Council shall notify the complainant of the date on which the complaint will be considered and the complainant shall be offered an opportunity to explain the complaint orally. (Unless such a matter may be related to Grievance, Disciplinary or Standard Board proceedings that are taking, or are likely to take place, when such a hearing may prejudice those

hearings). In these circumstances, the Council will decide whether hearing the complaint in full Council may prejudice those hearings, and if so, decide how to deal with the complaint e.g. where the complaint is about the conduct of a member of staff who is the subject of a disciplinary process, the complaint should form part of that disciplinary process.

9. The Council shall consider whether the circumstances attending any complaint warrant the matter being discussed in the absence of the press and public but any decision on a complaint shall be announced at the Council meeting in public.
10. As soon as may be after the decision has been made, it and the nature of any action to be taken shall be communicated in writing to the complainant, subject to complying with the requirements of any relevant legislation.
11. A Council shall defer dealing with any written complaint only if it is of the opinion that issues of law or practice arise on which advice is necessary. The complaint shall be dealt with at the next meeting after the advice has been received.
12. Members of the public will be informed about their right to complain to the Local Government Ombudsman in any responses sent to complaints. This will include the following contact details:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
CARDIFF  
CF35 5LJ

Telephone enquiries 0845 6010987 (charged at local rate)

Website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

E-mail: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

This Policy and Procedure was adopted by the Council on

Signed----- Chairman/Mayor

----- Clerk to the Council