

Agenda item 6

For decision – Review of Complaints Procedure

Author: Peter Wheelhouse, Town Clerk & Cllr Fiona Barrows, Leader

Summary (incl. recommendations)

The purpose of this report is to review the Council's Complaints Procedure taking account of advice from NALC, the Local Government & Social Care Ombudsman and best practice in the parish sector.

Recommendations

1. To adopt a revised Complaints Procedure as shown in [Appendix 6.1](#) that involves:
 - a. the creation of a new Complaints Committee delegated by Council to hear complaints as a second and final stage of the formal complaints process
 - b. the introduction of a Complaints Register and production of an annual summary report to Council to support organisational learning
 - c. adoption of guidance around how unreasonable complaint behaviour will be managed
 - d. setting out how we will meet the requirement under the Equality Act 2010 to make reasonable adjustments where necessary in the way we investigate complaints
2. To agree the Terms of Reference of the Complaints Committee as set out in this report and amend Standing Orders accordingly
3. To approve the following as initial members of the Complaints Committee: Fiona Barrows (Chair), Steve Tanner, Mark Dorrington, Richard Pinnock, Anita Collier, Polly Lamb

NALC guidance

There is no model template for complaints procedures for local councils to follow. Rather, NALC has produced an advice note setting out some suggested principles to follow but largely leaving the application of this guidance to the discretion of individual councils.

Our Complaints Procedure is broadly aligned with these principles in that:

- the complaints procedure for FTC is documented in writing
- the procedure is well publicised and is accessible via FTC's publication scheme (on the Council's website)
- it requires *formal* complaints to be submitted in writing and where these should be sent to
- we set aside a reasonable period of time to investigate the complaint and to gather evidence (resolution of a complaint is required within 5 working days but if this is not possible, acknowledgement is made within five working days and an estimate is

provided of how long the investigation is likely to last) and this is made clear in the procedure

- the procedure consists of at least two stages, which permit the complainant to appeal the outcome of the complaint
- we treat complaints in confidence in accordance with the Data Protection Act 2018
- the appeal procedure is clear

The practices of other local councils

Consideration has been given to the practices of other local councils to explore how our Complaints Procedure could be improved. I have studied the procedures of a number of large councils including Bridgwater, Taunton, Yeovil, Salisbury, Trowbridge and Stroud and there are certain practices that they have commonly adopted that I believe would be an improvement to our process. These are set out below.

Recording and analysis of complaints to support organisation learning

Some councils have a Complaints Register that helps to keep track of complaints received and how they are addressed. Furthermore, drawing on their Complaints Register, Salisbury City Council produce an annual summary report highlighting themes, trends, and areas for improvement. We have ambitions to be a more effective learning organisation and the adoption of this approach would support organisational learning, continuous improvement, and public transparency.

It is recommended that we introduce a Complaints Register and produce an annual summary report to Council to support organisational learning.

The formal complaints process

FTC's current Complaints Procedure involves a three stage process should a formal complaint be taken to its ultimate stage. Those stages are:

1. The Town Clerk responds to the complaint
2. If the complainant is not satisfied, the Leader investigates and resolves the complaint
3. Ultimately, the matter is dealt with at a confidential session of Council should the complainant remain dissatisfied.

This three stage process draws on significant resources at each stage.

Whilst other councils involve the Town Clerk (or Mayor) if a matter cannot be resolved informally by a member of staff as we do, if no resolution can be found and the complainant wishes to continue, the complaint is brought to a Complaints Committee or Panel for formal discussion and resolution.

None of the other councils I have studied with the exception of Yeovil Town Council involve Full Council in this process. The NALC guidance suggests that some complainants will feel more comfortable in addressing a smaller investigating body rather than Full Council and in my opinion, that is worthy of consideration.

It is recommended that a two stage formal complaint process is introduced as follows:

Stage 1

Any formal complaint is initially dealt with by the Town Clerk (as is currently the case)

Stage 2

If the complainant is not satisfied with the decision of the Town Clerk or if the complaint concerns the Town Clerk, they are referred directly to the Leader of the Council who will ask the Town Clerk (or their deputy if the complaint concerns the Town Clerk) to convene a meeting of a new Complaints Committee to hear it.

Terms of reference of the Complaints Committee

It is proposed that the Terms of Reference of the new Complaints Committee will be as follows:

1. The committee will be responsible for:
 - i. reviewing complaints submitted under the Council's Complaints Procedure and the actions taken by the Council in Stage 1 of that Procedure
2. With the exception of any complaints that may concern the Town Clerk, the purposes of the Complaints Committee are to review whether:
 - i. complaints have been fully understood and addressed by the Council in Stage 1
 - ii. all the relevant evidence has been taken into account
 - iii. the Council's policies and procedures have been properly followed
 - iv. the complaints process has been carried out properly and fairly
 - v. the conclusions reached in Stage 1 are on the basis of evidence that is reasonable and fair
3. Meetings of the Complaints Committee will be conducted in accordance with the Council's Complaints Procedure
4. The Committee will consist of at least six councillors and will be chaired by the Chair and Leader of the Council

To appoint a new Complaints Committee would require an amendment to Standing Orders. Those amendments including the Terms of Reference above are covered in a separate report as there are also proposals on this agenda to amend Standing Orders to allow the Planning Committee to consider licensing applications.

Unreasonable complaint behaviour

Some local councils have introduced an Unreasonable Complaints Policy to protect staff against unreasonable behaviour by complainants. Such policies build on advice from the [Local Government and Social Care Ombudsman \(LGO\)](#) in '[Managing unreasonable actions by complainants: A guide for organisations](#)'

Currently, our Complaints Procedure makes no reference to this kind of behaviour and how the Council would manage that although we do have a [policy to address unreasonable behaviour of a different kind i.e. physical or verbal abuse and this is set out in our Zero Tolerance Statement](#)

The amended Complaints Procedure at [Appendix 6.1, can be viewed on the website here](#), includes a section relating to unreasonable complaint behaviour and how that will be managed by the Council and it is recommended that councillors support the inclusion of this section.

Equalities considerations

Currently, our Complaints Procedure makes no reference to the requirement for the Council to consider equalities in the context of investigating complaints. We should take account of any reasonable adjustments required or requested under the Equality Act 2010. This is particularly relevant to any meetings held with complainants whether at the first or second stage of the process. We should also take account of whether a complaint has arisen due to an unmet communication or support need that requires the Council to make a change in the way that it delivers or communicates its services.

Other amendments to the Complaints Procedure

Many Complaints Procedures that I have reviewed are easier to follow including headings that guide the complainant through the process and highlight other useful information. I propose that we adopt this practice too.

A clean version of the proposed new procedure showing the above changes can be viewed at [Appendix 6.1 on our website here](#).

[The current procedure can be viewed here](#).

Other options considered	The procedures of a range of large councils have been researched ahead of the preparation of this report. Consideration has been given to whether we adhere to a three stage process but as indicated, it is considered that this currently ties up excessive resources.
Key considerations for the Council	Amendments to the procedure are designed to make the complaints process clearer and more efficient whilst enabling appeals to continue to be made where complainants are unsatisfied with the initial response
Consultation and feedback	None
Links to Council Plan and Medium-Term Financial Plan	Aim 5 – Bold & Effective Council that promotes improvements to our efficiency and effectiveness
Financial and Risk Implications	None

Legal / HR Implications	The proposed inclusion of a section relating to Unreasonable Complaint Behaviour is designed to protect the wellbeing of staff, councillors and volunteers
Equalities Implications	In our investigation of complaints, the Council needs to ensure that account is taken of any reasonable adjustments required or requested under the Equality Act 2010 and whether a complaint has arisen due to an unmet communication or support need – these considerations are built into the revised procedure
Community Safety Implications	None
Climate Change and Sustainability Implications	None
Health and Safety Implications	None
Constitutional Requirements	Our Complaints Procedure is part of the Council's Constitution
Background Papers	None
Report Sign-Off	Peter Wheelhouse, Town Clerk, 26/06/26

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