

Frome Town Council Constitution

Chapter 10 Complaints Procedure

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A copy of this document is also available in different formats such as large print, audio or in a different language, please contact us if we can help you.

The importance of complaints

Frome Town Council aims to provide you with the best possible service and if you're not happy about it, we'd like to hear from you. It's usually better to approach a councillor or member of staff informally and try to resolve the situation. If that isn't possible or if that approach hasn't worked for you, you should follow this formal complaints procedure.

We take all complaints seriously and do our best to learn from them. We will investigate complaints in a fair and confidential way. Making a complaint about us does not mean you will be treated differently to any other resident in the future. You will be treated politely and with respect. All complaints will be considered on their merits.

What this procedure applies to

This complaints procedure applies to complaints about the services we provide, our administration and procedures, including complaints about our staff.

What this procedure does not apply to

This complaints procedure does not apply to complaints:

- by one council employee against another council employee or by a council employee against the council as their employer. These matters are dealt with under the council's disciplinary and grievance procedures, which can be found in [Chapter 4](#) of our constitution called Staff Handbook.
- against councillors. These types of complaint refer to a breach of the Councillors' Code of Conduct, which can be found in [Chapter 9](#) of our constitution. If this is the case, you should contact the Monitoring Officer who can be contacted at Somerset Council, County Hall, Taunton, TA1 4DY or somerset.gov.uk or call 0300 123 2224

If you would like to talk informally and confidentially about a possible breach of the Code of Conduct, you should contact the Town Clerk who will be able to advise you.

- related to financial matters where you think we have acted illegally or improperly. Such complaints should be referred to our External Auditor: PKF Littlejohn, 15 Westferry Circus, Canary Wharf, London, E14 4HD or www.pkf-l.com or call 020 7516 2200
- about information you have requested under the Freedom of Information Act 2000 or Data Protection Act 2018 or about how we manage your information. In such cases, please contact the Information Commissioner at ico.org.uk/make-a-complaint or call 0303 1231113

How to raise a complaint

The best time for influencing Council decision making is by raising your concerns before the Council debates and votes on a matter. You may do this by contacting the Council in advance

of the meeting at which the item is to be discussed or by simply coming to the meeting in person. There is always an opportunity to raise your concerns in Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council.

However, if your complaint is about our procedures or administration we have a **two stage process**. The process has been designed to ensure your complaint is dealt with as efficiently and satisfactorily as possible.

Please email us, call us or write to us at the details on the front page of this document and mark your complaint *confidential for the Town Clerk* or *confidential for the Leader of the Council* (if your complaint is about the Town Clerk). It will be helpful to let us know the nature of the complaint, whether it is about a member of staff and their name, details of the complaint and what would you like done about your complaint. You can remain anonymous, but we will be unable to contact you if you do. Otherwise please let us know how you'd like to be contacted.

Our two stage process

The process is outlined below:

Stage 1

- Your complaint will initially be dealt with by the Town Clerk who will acknowledge your complaint within two working days. You may do this in person, phone or by writing or emailing. The addresses and numbers are set out on the front page.
- The Town Clerk will investigate each complaint and may ask for further information as necessary from you and/or from councillors or staff.
- The Town Clerk will try to resolve your complaint within five working days.
- If this is not possible, the Town Clerk will acknowledge your complaint within five working days and provide an estimate of how long the investigation is likely to last.

Stage 2

- If you are not satisfied with the decision of the Town Clerk or if your complaint concerns the Town Clerk, you may make your complaint 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 the Council's Complaints Committee.
- Receipt of the complaint will be acknowledged by the Leader and you will be advised of the date when the Complaints Committee will hear the complaint.
- You will be invited to the meeting and to bring such representatives as you wish.
- Five working days prior to the meeting, you and the Leader will exchange any relevant documentation on which you and they wish to rely at the meeting.
- The Committee will review the complaint and the actions taken by the Council in Stage 1. With the exception of complaints that concern the Town Clerk, the purposes of the second stage would be to review whether:
 - your complaint has been fully understood and addressed
 - all the relevant evidence has been taken into account

- the Council's policies and procedures have been properly followed
- the complaints process has been carried out properly and fairly
- the conclusions reached are on the basis of evidence that is reasonable and fair
- A note taker will attend to minute the proceedings of the meeting and the outcome with the Town Clerk clerking the meeting unless the purpose of the hearing is to hear a complaint that concerns them in which case the Clerk's deputy will clerk the meeting.
- After the Committee has concluded, you will be provided with a full written reply within five working days.
- Frome Town Council will not correspond further regarding this complaint once the decision of the Committee has been made and communicated to you.

Equalities considerations

We will take account of any reasonable adjustments required or requested under the Equality Act 2010. This is particularly relevant to any meetings held with you as the complainant whether at the first or second stage of the process. We will 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.

Taking things further

If you've completed the Council's complaints process and you feel that the Council has not followed the correct administrative procedure and caused a personal injustice or you consider that the Council has taken too long to respond to your complaint (up to 16 weeks is considered a reasonable time by the Local Government & Social Care Ombudsman (LGO)) you can complain to the LGO. Please note that the LGO is not about overturning professional decisions. To proceed, you can file a case online or call their helpline at 0300 061 0614. Please see www.lgo.org.uk/how-to-complain for further advice.

Unreasonable complaint behaviour

Frome Town Council is committed to dealing with all complaints fairly and impartially. However, we recognise that sometimes complaints can become unreasonable. There is no exhaustive list of actions that may be considered to be unreasonable as each case will be judged based on its circumstances. However, the following are examples of actions which may be considered unreasonable (as set out in a guidance note produced by the Local Government & Social Care Ombudsman):

- Being abusive, threatening or acting in a manner intended to intimidate staff. This includes any use of racist, sexist, homophobic or other discriminatory language.
- Putting, or threatening to put information on social media or websites which includes personal information of an organisation's employees without their consent and/or making defamatory statements about employees online.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed correspondence every few days or more often, and expecting immediate responses.
- Submitting repeat contacts or complaints with minor additions/variations which the

complainant insists make these 'new' complaints.

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process. For example, failing to provide information requested that is important for the investigation.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Frequently changing the basis of the complaint as the investigation proceeds.
- Raising many detailed but unimportant questions and insisting they are all answered.
- Providing false information and/ or submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints or contact about the same issue with various organisations.

Staff will be empowered to give informal warnings to individuals in such cases. Should complainants continue to act in an unreasonable way then the matter will be escalated to the Town Clerk for further consideration and action that may include a formal warning and ultimately restriction on contact with the Council. In each case, the Town Clerk will consider the evidence and make a judgement on whether other actions may resolve the cause of any unreasonable actions. This may include:

- Exploring whether any reasonable adjustments are required under the Equality Act 2010.
- Offering to meet or speak with the complainant to understand any concerns that may be causing them to act in an unreasonable way.
- Offering mediation if the individual requires ongoing services from the Council.

If a complainant is unhappy with the way they have been responded to, then they may approach the Leader of the Council under Stage 2 of the Council's Complaints Procedure.

Recording of complaints and learning from them

Frome Town Council maintains a register of complaints showing dates, details of the complaint, complainant and the action taken to resolve the issue. Entries must be logged at each stage. Complaint records will be handled in accordance with the Council's Data Protection and Retention Policies. This register is available for all councillors to inspect. With the consent of complainants, serious complaints will be reported to councillors by the Town Clerk.

The Council will maintain oversight of complaints data and produce an annual summary report highlighting themes, trends, and areas for improvement for consideration at a Council meeting. This process supports organisational learning, continuous improvement, and public transparency.