

ALCESTER TOWN COUNCIL **COMPLAINTS PROCEDURE**

1.0 Policy Background

1.1 Alcester Town Council aims to provide a courteous, prompt and efficient service to members of the public and organisations. If you are not satisfied with any of the Council's services provided to you, you have the right to complain.

1.2 Not all queries or concerns raised are complaints and we are keen to ensure that any problems are dealt with effectively in order that they do not develop into complaints.

1.3 This procedure will be adopted for dealing with formal complaints about the Council's administration or its procedures, it does not specifically focus upon complaints about an employee of the Council that would be more appropriately dealt with as an employment matter and in accordance with the Council's Disciplinary Procedure

1.4 Complaints that an employee may have about a colleague or a Senior Officer must be conducted in accordance with the Council's Grievance Procedure

1.5 This procedure does not cover complaints about the conduct of Members of the Town Council, which is covered by the Stratford on Avon District Council Code of Conduct. Any such complaints should be referred directly to:
The Monitoring Officer
Stratford on Avon District Council
Elizabeth House
Church Street
Stratford upon Avon
CV37 6HX

2.0 What you can expect from the Council

2.1 Alcester Town Council will:

- Listen and record the complaint and ensure that it is investigated promptly;
- Resolve the problem straight away, where possible;
- Acknowledge receipt of the complaint within seven working days;

- Advise the complainant if there is likely to be a significant delay while the matter is investigated and provide some indicative timescales.

3.0 Receipt of the Complaint

3.1 All complaints must be in writing (letter or email). They should be addressed as follows:

The Town Clerk
Alcester Town Council
Globe House
Priory Road
Alcester
B49 5DZ

Email: clerk@alcester-tc.gov.uk

3.2 If a complaint about the procedures, administration or the actions of any of the Council's employees is notified orally to a Councillor or the Town Clerk, then the complainant will be asked to place the complaint in writing.

3.3 Acknowledgement of receipt of the complaint will be provided within 7 days. The Council aims to respond to the complaint within 28 working days, if this is not possible you will be advised of actions taken to date and an anticipated completion date (this may be necessary as staff and/or Councillors may be on leave or information may need to be obtained from other parties who provide services to the Council).

3.4 If the complainant prefers not to address the complaint to the Town Clerk (because the matter relates to the Town Clerk, for example), he or she will be advised to address it to the Mayor.

4.0 Resolving the Complaint

4.1 The Council's aim is to resolve any complaint that it receives at the earliest opportunity. It does however recognise that this is not always possible in the view of the complainant, therefore this procedure provides for the complainant to make a direct approach to the Council's elected Members through a formal process.

4.2 Where the complaint is successfully dealt with through direct action with the complainant, the Town Clerk will report this either to the next meeting of the Council or to the respective committee which is responsible for the

subject of the complaint (depending on the nature of the complaint, this may be done under exempt business).

5.0 Dealing with the Complaint (Formal Process)

5.1 Where it is not possible for the Town Clerk to resolve the complaint through direct action with the complainant then it will be necessary for Councillors to become involved.

5.2 In such circumstances the usual practice is for a panel comprising of a member of Presidium and two other Councillors not previously involved in the matter.

5.3 The request for a formal process will be acknowledged in writing and the complainant advised of when the Panel will meet and who will be sitting on it. The complainant will be invited to bring a “friend” with them either to represent them or to give moral support.

5.4 A minimum of two weeks prior notice of such a panel will be given. At the time the complainant is notified in writing of the panel date, they will also be requested to provide any written evidence that they wish to present to the meeting no later than 7 days prior to that date and the Council will confirm any material it intends to present to the complainant within the same time scale.

5.5 As general policy, the public and press are not permitted attendance at such complaints panel meetings (although the Chairman of the relevant Committee will report on the outcome of the panel meeting at the following Council or committee meeting).

5.6 The panel have the right to reject complaints which it considers too ambiguous, unsubstantiated or vexatious in nature.

5.7 If a complaint is deemed vexatious by the panel, that decision will be recorded to prevent future panels from being formed based on the same complaint or a similar complaint from the same individual or organisation.

6.0 Format of Panel Meeting

6.1 The order of business for the complaint’s panel meeting is normally in accordance with the National Association of Local Council’s guidance as

set out in Legal Topic Note 9E but may be amended by agreement (see Appendix 1).

7.0 Reporting the Outcome

7.1 Following the conclusion of the meeting, the complainant will be advised that the decision of the panel, which is final with no further right of appeal, will be confirmed in writing within 7 days together with details of any action to be taken.

7.2 The Council may defer dealing with a complaint if it is considered that further advice is necessary. The advice will be obtained and considered and the complaint will then be dealt with at the earliest available opportunity (i.e. the next meeting).

Appendix 1 – Complaints Procedure (Logistics)

Before the Meeting

- 1.** The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Town Clerk or other nominated officer.
- 2.** If the complainant does not wish to put the complaint to the Town Clerk or other nominated officer, he or she should be advised to address it to the Mayor.
- 3.** The Town Clerk or other nominated officer shall acknowledge receipt of the complaint, provide a reference number and advise the complainant when the matter will be considered by the council or by the committee established for the purposes of hearing complaints. If there is likely to be a delay, the Town Clerk will confirm this at each stage where a delay becomes likely or apparent. The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be given in the usual way (if, for example, the complaint is to be heard by a committee).
- 4.** The complainant shall be invited to attend a meeting and to bring with them a "friend" if they wish.
- 5.** Seven clear working days prior to the meeting, the complainant shall provide the council with copies of any documentation or other evidence relied on.

The council shall provide the complainant with copies of any documentation upon which they wish to rely at the meeting and shall do so promptly, allowing the claimant the opportunity to read the material in good time for the meeting.

At the Meeting

- 6.** The council shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press. Any decision on a complaint shall be announced at the council meeting in public.
- 7.** The chairman should introduce everyone and explain the procedure.
- 8.** The complainant (or representative) should outline the grounds for complaint and, thereafter, questions may be asked by (i) the Town Clerk or other nominated officer and then (ii), members.
- 9.** The Town Clerk or other nominated officer will have an opportunity to explain the council's position and questions may be asked by (i) the complainant and (ii) members.
- 10.** If the Town Clerk or other nominated officer is unable to answer a question, they have the right to request either an adjournment in order to obtain the information needed to answer any question, or if requiring more detailed work, may request to answer that question in writing at a later date (in which case any decision on the complaint would be postponed until such time as that information has been provided to both the complainant and the panel).
- 11.** The Town Clerk or other nominated officer and then the complainant should be offered the opportunity to summarise their position.
- 12.** The Town Clerk or other nominated officer and the complainant should be asked to leave the room while members decide whether or not the grounds for the complaint have been made. If a point of clarification is necessary, *both* parties shall be invited back.
- 13.** The Town Clerk or other nominated officer and the complainant should be given the opportunity to wait for the decision but if the decision is unlikely to be finalised on that day they should be advised when the decision is likely to be made and when it is likely to be communicated to them.

After the Meeting

- 14.** The decision should be confirmed in writing within seven working days after it has been reached, together with details of any action to be taken. The complainant does not have a right of appeal.

- 15.** If any action relates to a member of staff, that staff member has the right of appeal any decision reached by the complaints panel/committee. If an appeal is lodged, a separate and independent appeals panel shall be formed before a disciplinary process is started; in which the employee will be able to put forwards their case and may be accompanied. Depending on the nature of the appeal or circumstances, the original complainant may not be able to attend the independent appeal panel hearing.

- 16.** If an appeal fails or is not lodged in accordance with 15. above, then a separate disciplinary process will be started.

- 17.** If an appeal is upheld, this will be communicated with reasoning to the complainant within seven working days of the decision to uphold the appeal.

This Complaints Procedure was approved by Full Council on 6th March 2018 and will be reviewed annually.