



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 operations and 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.
- 1.4** This procedure does not cover 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.
- 1.5** Complaints that an employee may have about a colleague or a Senior Officer must be conducted in accordance with the Council's Grievance Procedure.
- 1.6** 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

- 1.7 The complaints system will be regularly analysed to identify patterns of complaints and lessons for service improvements.

2.0 What you can expect from the Council

2.1 Alcester Town Council will:

- Record the written complaint and ensure that it is investigated promptly;
- Resolve the problem straight away, where possible;
- Acknowledge receipt of the complaint within 5 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) and include as a minimum the relevant events, dates, members, staff members or contractors of the council plus the complainant's contact details. Complaints 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 informed that they need to put the complaint in writing.
- 3.3 Acknowledgement of receipt of the written complaint will be provided within 5 working days. Following acknowledgement, the Council aims to respond to the complaint within 20 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 Confirmation will be made that the complaint will be treated as confidential unless the complainant confirms that they waive their right to confidentiality.

Even if the complainant wishes to make the waiver, the council must comply with its obligations under the Data Protection Act 2018 to safeguard against the unlawful disclosure of personal data. The meeting of a Panel to consider the complaint or inviting the complainant to make representations will exclude the public. This would not preclude the Panel from inviting the complainant to speak at a meeting or requesting the attendance of the Town Clerk, or other nominated officer, to represent the position of the council.

Complainants will be advised that under Appendix 1 of this Procedure, if the formal process is initiated, the final decision will be announced in public at a Full Council meeting.

3.5 The next steps in the Complaints Procedure will be confirmed to the complainant.

3.6 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, marked as strictly confidential at:

Alcester Town Council
Globe House
Priory Road
Alcester
B49 5DZ

Email: mayor@alcester-tc.gov.uk

3.7 All complaints will be properly investigated- the facts investigated and the relevant evidence collated.

4.0 Resolving the Complaint

4.1 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).

4.2 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 (See 5 below). The Council aims to take no longer than 12 working weeks from receipt to resolution of the complaint.

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 Complaints Panel to be formed comprising of a member of the Finance & General Purposes Committee 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 representative with them either to represent them or to give moral support.
- 5.4** A minimum of 10 working days 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 5 clear working 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 will report on the outcome of the Panel meeting at the following Full Council 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 5 working days.
- 7.2** The council will confirm whether or not it has upheld the complaint, giving reasons for its decision together with any details of any action to be taken where appropriate.
- 7.3** The Council may defer dealing with a complaint if it is considered that further advice is necessary. The advice will be obtained, considered and the complaint will then be dealt with at a meeting to be scheduled at the earliest available opportunity.

Appendix 1 – Complaints Procedure (Logistics)

Before the Meeting

- 1.** The complainant will be informed that they will need 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 (See 3.4).
- 3.** The Town Clerk or other nominated officer shall acknowledge receipt of the complaint within 5 working days, provide a reference number and advise the complainant when the matter will be considered by the council or by the Panel 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 will be advised that the complaint will be treated as confidential.
- 4.** The complainant shall be invited to attend a meeting and to bring with them a representative, either to represent them or to offer moral support. The nature of the representative's role should be clarified at the outset of the meeting.
- 5.** Five 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.** A chair should be elected prior to the commencement of the meeting, introduce everyone and explain the procedure.
- 7.** The Town Clerk or other nominated officer will be present at the meeting.
- 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.
- 14.** Any decision on a complaint will be announced at a council meeting in public.

After the Meeting

- 15.** The decision should be confirmed in writing within 5 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.

Approved by F & GP Meeting – January 2023

Approved by Full Council 7th February 2023

Review due February 2025