

Royal Leamington Spa Town Council
COMPLAINTS POLICY & PROCEDURE (Adopted 09 June22)



1.0 Policy Background

1.1 Royal Leamington Spa Town Council aims to provide a courteous, prompt and efficient service to members of the public and organisations. However, if things do go wrong we would like to learn from them. Therefore, 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 need to be dealt with formally and we are keen to ensure that any problems are dealt with quickly and effectively in order that they do not develop into formal complaints. Therefore you may be able to resolve your issue informally through discussion with relevant Council officers.

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 Procedures.

1.4 Complaints that an employee may have about a colleague or a Senior Officer must be conducted in accordance with the Council's relevant grievance procedures.

1.5 This procedure does not cover complaints about the conduct of Members of the Town Council (Councillors), which is covered by the Code of Conduct. Any such complaints should be referred directly to:

The Monitoring Officer
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

2.0 What you can expect from the Council

2.1 The Town Council will:

- Listen and record the complaint and ensure that it is investigated appropriately;
- Resolve the problem promptly, 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 will be requested in writing (letter or email). They should be addressed as follows:

The Town Clerk

Royal Leamington Spa Town Council

Town Hall

Parade

Royal Leamington Spa

CV32 4AT

Or sent via email: clerk@leamingtonspatowncouncil.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 30 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).

3.4 The Town Clerk is responsible for dealing with complaints in the first instance. However, 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 Considering and resolving the Complaint

4.1 The Council's aim is to resolve any complaint that it receives at the earliest opportunity. The Town Clerk will consider any information provided by the complainant and will investigate the matter, obtaining other information where appropriate to enable a robust assessment of the complaint and the situation it relates to. The Town Clerk may discuss matters with the complainant to clarify the relevant issues.

4.2 Once the matter has been considered / investigated, the Town Clerk will write to the complainant advising of the findings and proposing a resolution to the matter. The complainant will be asked to consider the response and indicate whether they are satisfied with it.

4.3 In the case of a formal complaint, where the complaint is successfully dealt with through direct action/correspondence with the complainant, the Town Clerk will report this either to the next meeting of the Council or a relevant committee. (Depending on the nature of the complaint this may be dealt with in confidential session). Consideration will be given to any changes of practices or procedure identified during the consideration of the complaint.

4.4 Where it is not appropriate for the Town Clerk to consider the complaint in the first instance, it will be dealt with by the Mayor who will arrange for the matter to be considered

by a meeting of the Urgent Matters Committee. The Urgent Matters Committee will consider information provided by the complainant, along with any other relevant information (such as that provided by Town Council officers) and will write to the complainant advising of his findings and proposing a resolution to the matter. The complainant will be asked to consider the response and indicate whether they are satisfied with it.

5.0 Escalation / appeal

5.1 Where it is not possible for the Town Clerk (or Urgent Matters Committee) to resolve the complaint through the process described in section 4, the complainant will be offered the opportunity for the complaint to be referred for further consideration to the relevant Committee (Policy & Resources Committee).

5.2 The detailed process for the further consideration of the complaint by Town Councillors / relevant committee is described in Appendix 1 – Royal Leamington Spa Town Council Complaints Procedures.

5.3 The committee has the right to reject complaints which it considers too ambiguous, unsubstantiated or vexatious in nature.

5.4 If a complaint is deemed vexatious by the panel, that decision will be recorded to inform the consideration of any future complaints which are the same or similar.

5.5 Following the consideration of the complaint by the relevant Committee, the complainant will be advised of the decision / response to their complaint, which is final with no further right of appeal. Wherever possible, this will be confirmed in writing within 7 days together with details of any action to be taken.

5.6 The Committee may defer dealing with a complaint if it is considered that further advice or information is necessary. The advice will be obtained and considered and the complaint will then be dealt with at the earliest practical opportunity.

Appendix 1 – Royal Leamington Spa Complaints Procedure

1. Before making a formal complaint, please refer to the information in Royal Leamington Spa Town Council's Complaints Policy & Procedure, which describes the complaints process. Please also ensure that the matter you are concerned about is within the remit of the Town Council, rather than one of the other Councils that provide services in Leamington Spa. Please feel free to contact the Town Clerk to discuss / clarify the matter or process first.

2. Having considered the information in the Policy & Procedure, should you wish to make a formal complaint, please submit the complaint in writing to:

Email – clerk@leamingtonspatowncouncil.gov.uk

Or by post to:

The Town Clerk
Royal Leamington Spa Town Council
Town Hall
Parade
Royal Leamington Spa
CV32 4AT

If you do not wish to put the matter to the Town Clerk, you should write to:

The Mayor (Complaints)
Royal Leamington Spa Town Council
Town Hall
Parade
Royal Leamington Spa
CV32 4AT

3. To enable the complaint to be dealt with effectively, you are asked to use the Town Council's complaints form which is at the end of this document or can be sent on request. In any case please provide the following information:

- Name
- Address
- Telephone Number
- Email address
- Details of Complaint (background / issues / nature of complaint/s)
- Any previous discussion / correspondence with the town council about the matter.
- What you think would be a suitable way for the Town Council to respond to your complaint.

4. The Town Clerk (or other nominated officer) shall acknowledge receipt of the complaint, provide a reference number and advise the complainant how the complaint will be dealt with (in accordance with the Complaints Policy & Procedure). 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.

5. The complaint will be investigated by the Town Clerk or a designated officer. This will involve the collation of relevant information to inform consideration of the complaint. It may

also involve further correspondence / discussion with the complainant to clarify any issues or information.

5b. Should the matter be unsuitable for the Town Clerk to investigate (e.g. due to the Town Clerk's involvement in the matter subject to complaint), this stage of the process will be dealt with by a meeting of the Urgent Matters Committee. The Urgent Matters Committee will consider information provided by the complainant, along with any other relevant information (such as that provided by Town Council officers).

6. Following investigation of the complaint, the Town Clerk (or Urgent Matters Committee) will write to the complainant advising of the findings and proposing a resolution to the matter. The complainant will be asked to consider the response and indicate whether they are satisfied with it.

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7. If the complainant is not satisfied with the response and chooses to escalate / appeal the initial response to their complaint, this will be acknowledged in writing.

8. A meeting of the relevant committee / group of Councillors will consider the complaint, in accordance with the Town Council's Complaints Policy & Procedures.

9. A minimum of two weeks prior notice of such a meeting will be given to the complainant. 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 the meeting and the Council will confirm any material it intends to present to the complainant within the same time scale.

10 The complainant will be invited to attend the meeting if they wish and will also be invited to bring a "friend" with them either to represent them or to give moral support. The complainant will be asked to confirm if this is the case.

At the meeting:

11. Where appropriate and subject to the relevant procedures, the press and public may be excluded from the meeting for the part where the complaint is considered, although the result of the consideration of the complaint will be recorded in public minutes.

12. If present, the complainant (or their representative) will be asked to outline their complaint. Questions may be asked of the complainant by the Town Clerk or other nominated officer and then Town Councillors.

13. The Town Clerk (or other appropriate person) will have an opportunity to explain the Council's position and questions may be asked (i) by the complainant (or their representative) and (ii) by the Councillors.

14. The Town Clerk or other nominated officer has the right to request an adjournment in order to obtain the information required to answer a question (in which case the committee should consider postponing the decision to a future meeting).

15. The Town Clerk or other nominated officer and then the complainant (or representative) should be offered the opportunity to briefly summarise their position.

16. The Town Clerk or other nominated officer and the complainant (and representatives) should be asked to leave the room while the committee considers their response to the complaint. If a point of clarification is required, both parties should be invited back into the room.

17. If a decision is made at the meeting, the Town Clerk or other nominated officer and the complainant should be given the opportunity to hear the decision at that point.

After the Meeting:

18. 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.

19. If the consideration of the complaint gives rise to any further action in relation to staff members, this will be dealt with through the relevant processes and procedures and where appropriate, HR or legal advice will be sought to inform any further action.

Appendix 3 – Summary of complaints process

