



# WETHERBY TOWN COUNCIL

## COMPLAINTS PROCEDURE

**Adopted 13<sup>th</sup> December 2022**

"A complaint is an expression of dissatisfaction ... by one or more members of the public about the Town Council's action, or lack of action, or about the standard of a service, whether the action was taken, or the service provided, by the council itself or a person or body acting on behalf of the council." [Local Government Ombudsman]

### 1. INTRODUCTION

- 1.1 Wetherby Town Council is committed to providing a courteous, prompt and efficient service to members of the public and other organisations, but things can sometimes go wrong. That is why the Town Council has adopted a policy which sets out its procedure for dealing with any complaints that it receives.
- 1.2 This procedure has been adopted for dealing with complaints about the Council's administration or its procedures. It does not specifically focus upon complaints about an employee of the Council that are appropriate to be dealt with as an employment matter and in accordance with the Council's disciplinary procedures and should be directed to the Town Clerk.

Complaints that an employee may have about a colleague or senior officer must be conducted in accordance with the Council's grievance procedures.

- 1.3 This procedure does not cover complaints about the conduct of Members of the Town Council, which are covered by the Council's [Code of Conduct](#).

Any such complaints should be referred directly to:

The Monitoring Officer  
c/o The Corporate Governance Team  
1<sup>st</sup> Floor West  
Civic Hall  
Leeds  
LS1 1UR

E-mail: [councillorconduct@leeds.gov.uk](mailto:councillorconduct@leeds.gov.uk)

Information is also available online at: [www.leeds.gov.uk](http://www.leeds.gov.uk)

### 2. WHAT YOU CAN EXPECT FROM THE COUNCIL

- 2.1 Wetherby 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; and
  - Assign the complainant a dedicated point of contact who will keep them informed whilst the process is underway.

### 3. RECEIPT OF THE COMPLAINT

- 3.1 The Council receives queries, problems and comments as part of its day to day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the person's satisfaction.

If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

- 3.2 Complaints must be made in writing (letter or email) to provide substantial detail regarding the nature of the complaint.

They should be addressed as follows:

The Town Clerk  
Wetherby Town Council  
The Town Hall  
Market Place  
Wetherby  
LS22 6NE  
e-mail: clerk@wetherby.co.uk

- 3.3 Acknowledgement of receipt of the complaint will be provided within 7 days.

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

#### **4. RESOLVING THE COMPLAINT**

- 4.1 The Council aims to resolve the complaint within 28 working days. If this is not possible the complainant will be advised of actions taken 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.
- 4.2 The Council's aim is to resolve any complaint that it receives at the earliest opportunity and in the first instance the Town Clerk or Mayor of Wetherby shall attempt to resolve the complaint informally.
- 4.3 Where the complaint is successfully dealt with through direct communications with the complainant this will be reported to the next meeting of the Council.

#### **5. DEALING WITH THE COMPLAINT (FORMAL PROCESS)**

- 5.1 Wetherby Town Council recognises that it is not always possible, in the view of the complainant, to resolve a complaint informally therefore this procedure provides for a direct approach to the Council's elected Members through a formal process.
- 5.2 In such circumstances the usual practice is for the complaint to be heard by a special meeting of the Finance & General Purposes Committee, usually held with the press and public excluded.
- 5.3 The request for a formal process will be acknowledged in writing and the complainant advised of when the Committee will meet and which Councillors are members. 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 committee meeting will be given.
- 5.5 The Council will need to investigate the facts of the complaint and collate relevant evidence. This will be done by the Town Clerk or, in the event of the Clerk being the subject of the complaint, the Mayor.
- 5.6 At the time the complainant is notified in writing of the meeting, they will also be requested to provide any written evidence that they wish to present no later than 7 days prior to that date and the Council will provide the complainant with any material it intends to present within the same timescale.



*Format of the Finance & General Purposes Committee Meeting convened for the purposes of hearing a complaint:*

- 5.7 The chairman of the committee will begin by explaining how the meeting will proceed.
- 5.8 At the meeting the Committee may resolve to exclude members of the public and press to ensure confidentiality. (Depending on whether the complainant wishes the matter to be dealt with in this way).
- 5.9 The complainant will be asked to outline the grounds for their complaint and, under the Chairman's direction, questions may be asked by committee demembers, the Clerk or other nominated officer.
- 5.10 The clerk or other nominated officer (or if the complaint concerns them, another member of staff or a member) will have an opportunity to explain the council's position and, under the Chairman's direction, questions may be asked by committee members and the complainant.
- 5.11 The clerk or other nominated officer and then the complainant will be offered the opportunity to summarise their respective positions.
- 5.12 The Committee may defer dealing with a complaint if it is considered that further advice or information is necessary. The advice or information will be obtained and considered and the complaint will then be dealt with at the earliest available opportunity.
- 5.13 The Committee will have full delegated power to bring the complaint to a conclusion.
- 5.14 Following the conclusion of the committee meeting, the complainant will be advised whether or not their complaint has been upheld, together with reasons for the Council's decisions and details of any action to be taken if this is appropriate.
- 5.15 This will be confirmed in writing within 7 days.
- 5.16 The committee chair will report the outcome of the process to the next meeting of the Town Council (it may be deemed necessary for the press and public to be excluded from this agenda item).
- 6. APPEALING A DECISION OF THE FINANCE & GENERAL PURPOSES COMMITTEE**
- 6.1 If the complainant wishes to pursue the matter, he/she must notify the Council in writing with his/her reasons for wanting to do so and a meeting of the Appeals Committee will be convened for the purpose of investigating the complaint further.
- 6.2 Complainants will be asked by formal letter to attend the committee meeting and will be informed that they may be accompanied by another person.
- 6.3 At the commencement of the meeting, the Committee Chair will explain how the meeting will proceed.
- 6.4 Complainants will be asked to provide any new information or supporting evidence to the committee and will be invited to make a verbal representation to the meeting.
- 6.5 Members of the committee will be invited by the Chairman to ask questions of the complainant.
- 6.6 The Chairman of the Finance & General Purposes Committee and then the complainant will summarise their respective positions.
- 6.7 The complainant will then leave the meeting and the committee will consider the further findings.



- 6.8 The complainant will be informed by formal letter of the conclusions of the process within five working days of the committee meeting.
- 6.9 The committee chair will report the outcome of the process to the next meeting of the Town Council (it may be deemed necessary for the press and public to be excluded from this agenda item).
- 6.10 Minutes of the committee meeting will be kept and will be available to all parties involved in the complaint.
- 6.11 The Appeal Committee's decision is final with no further right of appeal.

## **7. UNREASONABLE AND VEXATIOUS COMPLAINTS**

- 7.1 There may be circumstances when a complainant persists in wishing to pursue a complaint when it clearly has no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process, whether through the courts or some other recognised procedure, should or has been taken.
- 7.2 The Council or Town Clerk may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so, making it clear that only new and substantive issues will merit a response.
- 7.3 Further correspondence which is not considered to contain new and substantive issues will be sent an acknowledgement of receipt only.

