



<b>POLICY TITLE</b>	<b>Complaints Policy and Procedure</b>
<b>POLICY NO</b>	<b>2</b>
<b>APPROVAL DATE</b>	Approved by Town Council 25 February 2021
<b>REVIEW DATE</b>	
<b>REPLACES POLICY</b>	Comments and Complaints Policy Reviewed and revised March 2018
<b>POLICY AIM</b>	This policy sets out the procedure for dealing with complaints against the Town Council so that complaints are dealt with in a fair, transparent and timely way. (Policy 2a sets out the criteria for determining unreasonable, persistent or vexatious complaints and action that may be taken with regard to those categories of complaint.)

## 1. Introduction

- 1.1 The procedure given in this policy has been adopted for dealing with complaints about the Council’s administration or its procedures.
- 1.2 The Town Council believes that complaints can be constructive feedback on the quality of services, procedures and practices.
- 1.3 Complaints about a policy decision made by the Council will be referred back to the Council or to the relevant Committee, as appropriate, for consideration.
- 1.4 Other bodies have responsibility for certain types of complaint; these are summarised in the table below.<sup>1</sup>

<b>Type of Complaint</b>	<b>Complainant to Refer To</b>
Alleged financial irregularity	Local electors have a statutory right to object to a Council’s audit of accounts (s16 audit Commission Act 1998)
Alleged criminal activity	The police
Members conduct alleged to breach the code of conduct adopted by the Town Council	Mid Devon District Council is responsible for handling complaints that relate to a member’s failure to comply with the Town Council’s code of conduct

- 1.4 The following complaints will not be considered:

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<sup>1</sup> Taken Adapted from NALC Legal Topic Note 9E handling Complaints (England) (December 2018)

- Complaints which amount to a disagreement with a decision made by the Town Council or one of its Committees
- A matter which is the subject of litigation or legal proceedings
- unreasonable, persistent or vexatious complaints as defined in policy 2a

**Note:** Freedom of Information and Data Protection matters will be dealt with in accordance with the relevant legislation

## **2. Who Can Complain**

- 2.1 Complaints will be responded to from the following:
- A person who believes they have been the victim of what they regard as inappropriate behaviour by a Town Council employee
  - A person who witnessed an incident of inappropriate behaviour by a Town Council employee i.e. they were close enough to see or hear the incident
  - A person who believes they have been the victim of what they regard as a wrongly implemented Town Council procedure, policy or service
  - A person acting with the written consent of someone in one of the above categories
- 2.2 Anonymous complaints will not receive a response nor be considered in any way

## **3. Making A Complaint**

- 3.1 There is no time limit to making a complaint but it should be made as soon as possible after the incident and ideally no more than twelve months should have passed between the incident and the date when the complaint is made. When deciding how to deal with the complaint the time that has passed between the incident and the complaint being made may be taken into account.
- 3.2 The complainant should be asked to put the complaint about the council's procedures or administration in writing to the Town Clerk. If the complaint is only notified orally to a councillor, or to the Town Clerk a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
- 3.3 If the complainant does not wish to put the complaint to the Town Clerk, he or she should be advised to address it to The Mayor.
- 3.4 Ideally the complainant should provide the following information at the time of making their complaint:
- Complainant name
  - Complainant contact details
  - The name of the individual or the process being complained about
  - The incident date and a brief description of what happened
  - What proof / evidence exists (and will be provided)
  - The remedy that is sought e.g. an apology, review of process.
- 3.5 The Town Clerk or Mayor, as appropriate, shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the Resources Committee (as the Committee with the delegated authority to determine complaints). The complainant should also be advised whether the complaint will be treated as confidential or whether, for example, notice of it will be clearly identifiable on the agenda.

#### **4. Before a meeting**

- 4.1 The complainant shall be invited to attend the meeting and to bring a representative with them if they so wish.
- 4.2 At least ten working days prior to the meeting, the complainant shall provide the Town Clerk or Mayor with copies of the evidence to support their complaint, this will be shared with Councillors who are entitled to be at the meeting.
- 4.3 At least 5 working days prior to the meeting the Town Council shall supply the complainant with copies of any documents that they will use at the meeting.

#### **5. At the Meeting**

- 5.1 The meeting shall consider whether or not the circumstances of the complaint warrant the exclusion of the press and public.
- 5.2 When the complaint is to be considered, the meeting Chair should introduce everyone present connected to the complaint and explain the procedure that will be followed.
- 5.3 The complainant, or their representative should outline the grounds for the complaint and thereafter questions may be asked through the chair by the Town Clerk or other nominated Officer and then Councillors.
- 5.4 The Town Clerk or other nominated Officer will have an opportunity to explain the Town Council's position and questions may be asked by the complainant or their representative (not both) and then by Councillors.
- 5.5 When all questions have been asked and a response provided the complainant should be offered the Town Clerk should be offered the opportunity to summarise their position.
- 5.6 The complainant or their representative should be offered the opportunity to summarise their position.
- 5.7 The Town Clerk or other nominated Officer that has participated in the meeting and the complainant and their representative should be asked to leave the room whilst Councillors decide whether or not the grounds for the complaint have been made and evidenced. If a point of clarification is required *both* parties shall be invited back.
- 5.8 The Town Clerk or other nominated Officer that has participated in the meeting and the complainant and their representative should be given the opportunity to wait for the decision., but if the decision is unlikely to be made at the meeting they should be advised when the decision is likely to be made and when and how it is likely to be communicated to them.

#### **6. After the Meeting**

- 6.1 The decision should be confirmed in writing within seven working days of it being made together with details of any action to be taken.
- 6.2 If the decision was not made and announced at the meeting where the complaint was considered it will be announced, in public at the next appropriate meeting of the Committee.
- 6.3 Details of the complaint and its determination will be entered into the comments and complaints log which is published monthly on the Town Council's website.

#### **7. Appeals**

- 7.1 There is no appeals process, the determination of the Resources Committee is final.