



*Okehampton Town Council*

# Complaints Policy & Procedure

## Okehampton Town Council

### Introduction

A complaint is defined as being an expression of dissatisfaction, about the Council's action or lack of action or about the standard of a service.

For transparency and the benefit of good local administration, Okehampton Town Council has adopted a formal procedure for considering complaints. It is essential that complaints are dealt with positively. Okehampton Town Council is committed to making full use of complaints information to contribute to continuous service improvement.

Anonymous complaints will not be considered.

### Complaints about Council Members (Councillors)

Complaints about the conduct of a Council Member should be made directly to the Monitoring Officer at West Devon Borough Council (WDBC) in accordance with regulation, including S27 of the Localism Act 2011. Any complaints of such a nature made to the Council will be forwarded directly to the Monitoring Officer.

Should a complainant seeking an informal resolution of a potential complaint directly with the Council, other than matters relating to the conduct of a Member, the Town Clerk will undertake the initial investigation as detailed:

The Council Member will be made aware of the allegation, but not the details of the complainant which will remain confidential. During the course of the investigation advice may be sought from the Devon Association of Local Councils and/or the Monitoring Officer at (WDBC).

Depending upon the result of the investigation and the seriousness of any complaint which is found to breach the Council's Code of Conduct the following resolutions may be made:

- No action to be taken
- The Member is required to undertake training and/or make a formal apology to the Council or appropriate person or body
- The matter may be referred to the Monitoring Officer at WDBC for them to investigate and make a decision as to action deemed necessary

The decision of the Town Clerk, regarding internal investigation, is final, although a formal complaint could still be made directly to the Monitoring Officer at WDBC by the complainant or another person.

The Council will, as a Part 2 item, be informed of the nature of complaints against Members; ie bullying. The name of the member and exact details will not be disclosed unless the Member is found 'guilty' by the Standards Committee and the details are made public, including any sanctions that have been made.

## **Complaints about Members of Staff**

Employment matters will be dealt with by the Town Council's internal grievance procedure not by way of this policy and procedure.

## **Complaints about Finances and Criminal Activity:**

- Alleged financial irregularity should be reported to the Council's external auditor whose details can be obtained from the Council Office, contact details can be found under the heading 'How to make a complaint'
- Alleged criminal activity should be reported to the police.

## **Policy**

The Town Council is committed to equal opportunities. Complaints and feedback will be used to highlight discriminatory practices and to promote equality of opportunity.

Complaints made by members of the public of discrimination and/or harassment against the Town Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

In all instances, the Council will comply with its obligations under the Data Protection Act 1998 and the General Data Protection Regulations coming into force in May 2018. The complainant has the right to confidentiality unless this is waived by the complainant in writing.

All formal complaints will be brought to the attention of the Council.

## **How to make a complaint**

- In person or in writing: Town Clerk, Okehampton Town Council, Town Hall, Fore Street, Okehampton, EX20 1AA
- By phone: 01837 53179
- By email: townclerk@okehampton.gov.uk

Alternatively if your complaint relates to the Town Clerk you may address your complaint to the Town Mayor:

- In writing: Town Mayor, Okehampton Town Council, Town Hall, Fore Street, Okehampton, EX20 1AA
- By email: the current Mayor's email can be found on the Council website <http://www.okehampton.gov.uk> or obtained by contacting the office on 01837 53179

## **Procedure**

### **1. Stage 1**

During the course of daily business, minor complaints are made to the Council regarding the service we provide. The Town Clerk will usually deal with these.

It is not appropriate for every comment received to be treated as a formal complaint. A response will be sent within 14 working days, either providing information, instigating the appropriate action or explaining a decision. Should this not be possible, the complainant will be informed as soon as possible with an explanation and expected timescale for its conclusion.

On conclusion of the investigation the complainant will be notified of the decision in writing.

If the complainant is not satisfied with the conclusion an appeal can be made within 20 working days of the date of the letter to the Town Clerk or Mayor. If an appeal is not requested within this timescale, the complaint will be considered closed.

## **2. Stage 2**

If the complainant responds and requests an appeal, an acknowledgement will be sent within 14 working days of receipt.

The appeal will be referred to the Policy & Resources Committee for further investigation which will include the consideration of:

- The information previously provided by the complainant
- Any further information provided by the complainant along with an explanation of why it is felt that the decision made at stage 1 is not satisfactory
- Any other information obtained during stage 1

The complainant will be notified in writing of the final decision within 20 working days of receipt of the appeal request or, if an extension of time is required to conclude the investigation, the complainant will be advised accordingly.

The Council will be informed of the complaint and resulting decision.

### **Persistent or Vexatious Complaints**

In the event of serial facetious, vexatious or malicious complaints it may be decided at a meeting of the full Council that the complaint will not be investigated and the reasons why. If new evidence is provided, it will be evaluated in case the subject matter is sufficiently different from any previous facetious, vexatious or malicious complaint as to justify consideration as a new complaint.

### **Review**

This policy will be reviewed at least every four years by the Policy and Resources Committee.