



# Selby Town Council (“the council”)

## Complaints Policy & Procedure

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## 1. The Complaints Procedure

The council is committed to providing a quality service for the benefit of the people who live and work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this council or are unhappy about an action or lack of action by this council, this Complaints Procedure sets out how you may complain to the council and how we will try to resolve your complaint.

## 2. Definition

A complaint is defined as: An expression of dissatisfaction by one or more members of the public about council administration, service, or procedure (whether provided directly by the council or by a contractor or partner) that requires a response. There is no difference between a 'formal' and an 'informal' complaint. Both are expressions of dissatisfaction that require a response.

## 3. Introduction

3.1 Pursuant to Local Government Act 1974, the Local Government Ombudsman (LGO) has no jurisdiction over Parish and Town Councils in England. Consequently, there are no statutory mechanisms in place should complaints be made against local councils in England.

The council therefore feels that to improve communications and services to its residents, a fair, clear, and concise guide on the handling of complaints will guarantee that a transparent system provides a platform to ensure that all complaints are treated with the same respect and importance that they deserve.

3.2 The council does not consider formal complaints against councillors. These are dealt with in accordance with the Town Council's adopted Code of Conduct by North Yorkshire Council's Monitoring Officer.

3.3 All other complaints should be addressed to the Town Clerk and will be dealt with promptly to maintain public confidence.

3.4 Should the complaint be in regard to the Town Clerk, it should be addressed to the Town Mayor.

3.5 A fair and courteous response will be given in all cases, and a full and proper investigation may be undertaken to establish all the pertinent facts.

3.6 To ensure compliance with its obligations in the Data Protection Act 1998, the Council will not disclose the identity, contact details or other personal data about an individual complainant unless the individual consents or disclosure is otherwise fair and lawful under the Data Protection Act 1998 e.g., for the purpose of discharging the Council's functions or for the performance of

contractual obligations. The council should ensure that agendas and minutes do not disclose personal data or financial, sensitive or confidential information that relates to the an individual complainant or a third party.

#### 4. Informal Complaint

- 4.1 The complainant must be asked at the outset to confirm if they want the complaint to be treated confidentially. Even if the complainant waiver's confidentiality the council must comply with the its obligations under the Data Protection Act 1998 to safeguard against the unlawful disclosure of personal data.
- 4.2 The council will seek to resolve all complaints informally prior to a formal complaint being lodged.
- 4.3 The complaint will initially be dealt with by the Town Clerk who will acknowledge the complaint within two working days. The complainant may do this in person, by phone, or by writing to or emailing
- 4.4 The Town Clerk will investigate the complaint and may ask for further information as necessary from the complainant and/or from Councillors or staff.
- 4.5 The Town Clerk will try to resolve the complaint within five working days. If this is not possible, the Town Clerk will acknowledge the complaint within five working days and provide an estimate how long the investigation is likely to last.
- 4.6 Should it not be possible to resolve a complaint informally the complainant may escalate the complaint to a formal complaint.
- 4.7 Should, in the opinion of the Town Clerk or Town Mayor, the complaint be of a serious nature, the complaint shall be escalated to a formal complaint.
- 4.8 The Town Clerk shall maintain logs of informal complaints about staff and the council.
- 4.9 There is no defined process for an informal complaint; but full records must be kept of any communications and attempts at resolution.

#### 5. Formal Complaints

**Where possible, the council would wish to solve any complaint informally prior to a formal complaint being lodged.**

All formal complaints shall be acknowledged within two days. Complaints shall be provided with routine updates on the progress of investigating ongoing complaints. The council aims to resolve complaints within 30 working days. If this is not possible the complainant will be normally be advised within 5 working days and an estimate how long the investigation is likely to last.

#### Formal Complaints about Councillors

- 5.1 The council does not consider formal complaints abouts its members.
- 5.2 Members are required to comply with an adopted Code of Conduct.
- 5.3 A formal complaint about a member should be addressed to the Monitoring Officer of North Yorkshire Council who will arrange the investigation of the complaint. North Yorkshire Council has its own policies for dealing with such complaints.
- 5.4 The contact details for the Monitoring Officer are:

The Monitoring Officer, North Yorkshire Council, County Hall, Northallerton  
DL7 8AD

#### Formal Complaints about Officers/Employees

- 5.5 Formal complaints about an employee of the council must be made in writing to the Town Clerk setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.
- 5.6 Complaints will be processed in accordance with the council's disciplinary policy.
- 5.7 Complaints about the Town Clerk must be made in writing to the Town Mayor, setting out the reasons for the complaint and providing any supplementary information that will assist an investigation.
- 5.8 The complainant will be informed that the complaint will be progressed under the council's disciplinary policy and at the end of that process will receive a response to the complaint.

#### Formal Complaints about the Council, Committees or Decisions

- 5.9 Complaints about the activity or decisions of the Council should be made to the Town Clerk in writing, providing any additional information that will enable the complaint to be investigated.

- 5.10 The Council will only consider complaints about its formal (council/committee) decisions where the complainant puts forward missing information or evidence to suggest that the council has erred in its decision making.
- 5.11 The complaint shall first be considered by the Town Clerk, Town Mayor, and Chair of the relevant committee (“the panel”) who shall seek to resolve the issue or explain the background to the decision. The panel may escalate the complaint to the appropriate committee or Full Council should they consider they are able to resolve it.
- 5.12 Should the complainant be dissatisfied with the response from the panel, the panel may at its discretion refer the complaint to the appropriate committee or Full Council where the complainant will be invited to address the meeting.
- 5.13 Records shall be kept detailing all complaints, actions undertaken and the outcome.

## 6. Vexatious complaints

- 6.1 A vexatious complaint is one who persists unreasonably with their complaints or makes complaints in order to inconvenience the Council rather than genuinely resolve an issue. This may include making serial complaints about different issues or continuing to raise the same or similar matters repeatedly.
- 6.2 If such complaints affect the Council’s ability to undertake its work and provide its services to others, it may alter the way it deals with complaints by not acknowledging or responding to vexatious complaints. Complaints will still be read in case they contain new information.
- 6.3 If a complainant is to be classified as vexatious, they shall be informed so and given a timescale of how long this will remain the case.
- 6.4 Should a vexatious complainant make a new complaint about new issues these will be treated on their merits.

## 7. Complaints related to Financial Matters

For complaints that are related to financial matters where you think that that the council has acted illegally or improperly please contact the council’s External Auditor: PKF Littlejohn, 15 Westferry Circus, Canary Wharf, London, E14 4HD or [www.pkf-l.com](http://www.pkf-l.com) or call 020 7516 2200

## 8. Complaints related to Freedom of Information Requests

For complaints about information you have requested under the Freedom of Information Act 2000 please contact the Information Commissioner at [www.ico.org.uk](http://www.ico.org.uk) or call 0303 1231113

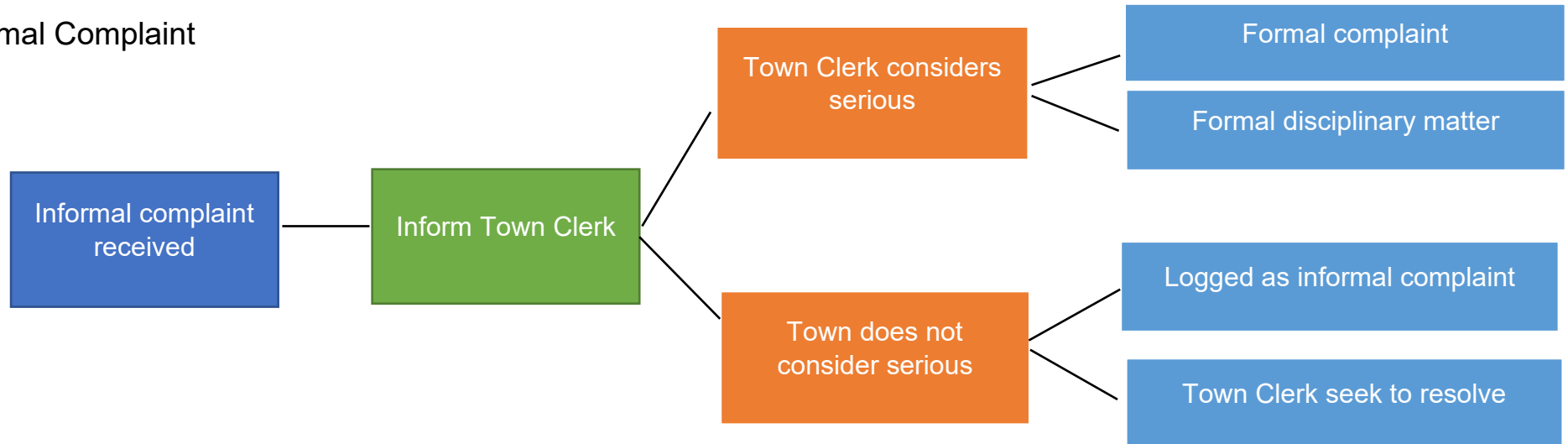
## 9. Complaints related to how we manage your information

For complaints relating to how we manage your information under the Data Protection Act 2018 please contact the Information Commissioner as above.

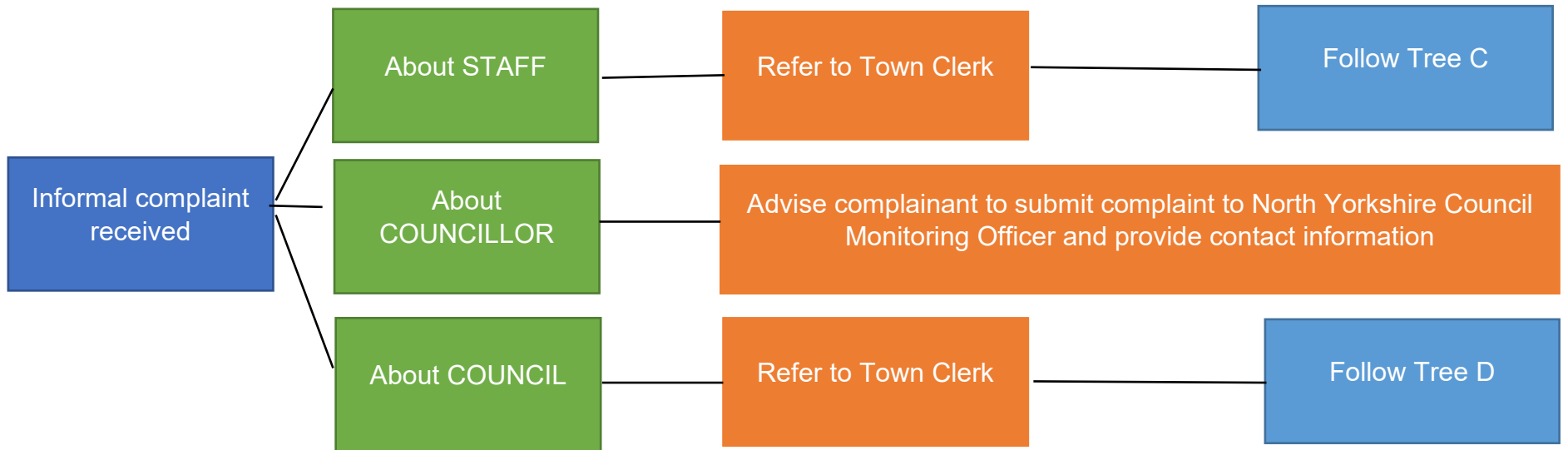
<b>Status</b>	<b>Date</b>
Approved by Full Council	26.6.23
Date of next review	30.6.26

# Decision Trees

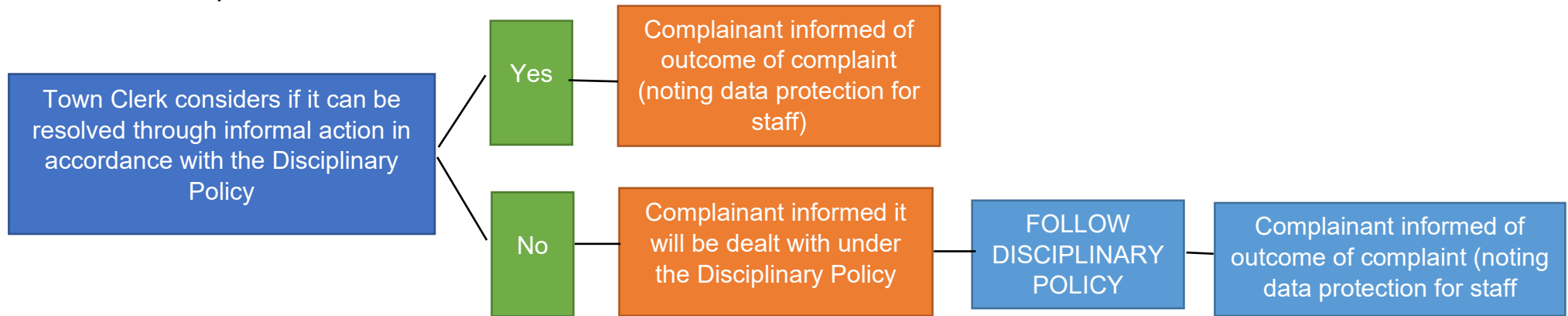
## A - Informal Complaint



## B - Formal Complaint



### C – Formal Complaint about Member of Staff



### D – Formal Complaint about Council

