



Complaints Policy

Date of Adoption	Adopted Minute 26/07(126e) Full Council
Review dates	
Review period	Every three years or as required due to legislative requirements
Reviewed by	Policy & Resources Committee



Complaints Policy

Newton Abbot Town Council

1. Purpose

Newton Abbot Town Council is committed to providing high-quality services and acting fairly, openly and transparently. This policy explains how complaints will be handled and ensures that all complaints are dealt with consistently, fairly, promptly and in accordance with relevant legislation.

This policy covers:

- Complaints about Council services, administration or procedures
- Complaints about the actions of Council officers
- Complaints concerning the handling of personal data
- Data protection complaints
- Complaints about councillors' conduct (see section 7)
- Complaints about its contractors

This policy does not apply to:

- Freedom of Information requests (please refer to the Freedom of Information Policy)
- Subject Access Requests (handled under GDPR Policy)
- Planning decisions made by Teignbridge District Council
- Employment matters relating to Council employees
- Matters where legal proceedings have commenced
- Anonymous complaints unless exceptional circumstances apply
- Complaints about allotments as these are handled under the [Complaints & Disputes Policy - Newton Abbot and District Co-Operative Allotment Association](#)

It does not replace statutory appeal procedures or legal processes.

2. Principles

The Council will ensure that complaints are:

- treated seriously
- acknowledged promptly, within 5 working days
- investigated fairly and impartially
- handled confidentially where appropriate
- resolved wherever possible
- used to improve Council services

No person will suffer discrimination or disadvantage because they have made a genuine complaint.

3. Making a Complaint

Complaints may be made:

- in writing
- by email
- by telephone
- in person
- through another person acting on the complainant's behalf with appropriate authority

Where a complaint is made verbally, the Council will make a written record and confirm its accuracy with the complainant.

Complaints should normally be made within 12 months of the event giving rise to the complaint or of the complainant becoming aware of the matter. The Council may, at its discretion, consider complaints made outside this period where there is good reason for the delay and it is still possible to investigate the complaint fairly, for example:

- the complainant was unaware of the issue
- illness or other exceptional circumstances prevented an earlier complaint
- the matter only came to light later

Complaints should be sent to:

Town Clerk
Newton Abbot Town Council
Newton's Place
Wolborough Street
Newton Abbot
Devon, TQ12 1JQ

info@newtonabbot-tc.gov.uk

If the complaint concerns the Town Clerk, it should be addressed to the Mayor.

4. Complaints Process

Stage 1 – Receipt and Acknowledgement

The Council will:

- acknowledge complaints within five working days
- record the complaint
- undertake an initial assessment to determine whether the complaint falls within the scope of this Policy;
- advise the complainant who will investigate the complaint, where appropriate;
- explain the next steps and expected timescales
- Where additional information is required, the complainant will be contacted promptly.

Where a complaint falls outside the scope of this Policy, the complainant will be informed of the reasons and, where appropriate, directed to the relevant procedure or organisation.

The Council aims to resolve complaints at the earliest appropriate stage. Where a complaint can be resolved promptly through explanation, clarification, apology or other agreed action, the Council may seek to resolve the matter without the need for a formal investigation, provided the complainant agrees. Where the complaint cannot be resolved informally, it will proceed to Stage 2 - Investigation.

Stage 2 – Investigation

The investigating officer will conduct an impartial investigation and may:

- consider all relevant evidence
- interview relevant officers, members or contractors or other persons where appropriate
- review Council records
- seek clarification where necessary and request further information from the complainant where necessary
- seek professional or legal advice where appropriate

The complainant should provide any information or evidence upon which they intend to rely. Failure to do so may affect the Council's ability to investigate the complaint.

The investigating officer will determine the facts on the balance of probabilities, taking account of all relevant evidence available.

Where appropriate, complaints may be resolved informally at this stage, through explanation, apology or agreed action.

Stage 3 – Decision

The Council aims to provide a written response within 20 working days. If this is not possible due to the complexity of the complaint, the complainant will be informed of:

- the reason for the delay
- the revised timescale

The response will include:

- the issues investigated
- the evidence considered;
- the findings;
- any action taken
- whether the complaint is upheld, partially upheld or not upheld
- any remedial action or recommendations;
- details of the complainant's right to appeal under Stage 4.

Stage 4 – Appeal

If the complainant remains dissatisfied with the outcome of Stage 3, they may submit a written appeal within **20 working days** of the date of the decision.

The appeal should clearly state the grounds on which it is made. An appeal will normally only be considered where one or more of the following applies:

- there is evidence that the complaints procedure was not followed correctly and this may have affected the outcome;
- significant new evidence has become available which could not reasonably have been provided during the original investigation;
- the decision was unreasonable or disproportionate based on the evidence considered;
- there was actual or perceived bias or a conflict of interest in the investigation or decision-making process.

An appeal is not an opportunity to repeat the original complaint or simply express dissatisfaction with the outcome.

The appeal will be considered by an individual or panel who has had no previous involvement in the complaint. Where the Town Clerk investigated the complaint, the appeal will normally be determined by a panel of three councillors appointed by the Mayor. Where the complaint concerns the Town Clerk, the Mayor will arrange for an independent panel of councillors to hear the appeal, excluding any councillor previously involved in the matter.

The appeal panel may:

- uphold the original decision;
- uphold the appeal in whole or in part;
- refer the complaint back for further investigation where procedural deficiencies are identified;
- recommend appropriate remedial action or service improvements.

The appeal will normally be determined on the basis of the written evidence submitted. However, where the Council considers that fairness requires it, or where there are exceptional circumstances, the appellant may be invited to attend an appeal hearing in accordance with Section 5 – Appeal Hearing Procedure.

The Council will normally issue its written appeal decision within 20 working days of receiving the appeal, or, where an appeal hearing is held, within seven working days of the hearing. If additional time is required, the appellant will be informed of the reasons and provided with a revised timescale.

The appeal decision represents the Council's final stage of the complaints procedure. Once the appeal has been concluded, the Council's internal complaints process is exhausted and no further correspondence will normally be entered into on the same matter. The decision will be final.

Nothing in this procedure prevents a complainant from exercising any statutory right to refer the matter to the relevant external body, regulator or ombudsman where such a right exists.

5. Appeal Hearing Procedure

Where the Council determines that an appeal hearing is required under Stage 4, the following procedure will apply.

Before the Hearing the Council will:

- give the appellant at least 10 working days' written notice of the date, time and venue of the hearing;

- provide details of the members appointed to hear the appeal;
- supply copies of any documents on which the Council intends to rely no later than seven clear working days before the hearing;
- invite the appellant to submit any additional evidence or written representations no later than seven clear working days before the hearing. No new evidence will normally be accepted after this deadline unless the Chair of the Appeal Panel is satisfied that there are exceptional circumstances.

Attendance, the appellant:

- may attend in person or, where agreed by the Council, by remote means;
- may be accompanied by a friend, representative or legal adviser at their own expense;
- may call witnesses where their evidence is directly relevant to the appeal, subject to prior notification.

The Council may also be represented by the investigating officer or another appropriate officer.

If the appellant fails to attend without good reason, the Appeal Panel may determine the appeal in their absence based on the written evidence available.

Conduct of the Hearing

The Chair of the Appeal Panel will ensure that the hearing is conducted fairly, impartially and respectfully. The order of proceedings will normally be:

1. Introductions by the Chair.
2. The Chair explains the purpose of the hearing and the procedure to be followed.
3. The appellant presents the grounds of appeal.
4. Members of the Appeal Panel may ask questions of the appellant.
5. The investigating officer (or Council representative) explains the original investigation and decision.
6. Members of the Appeal Panel may ask questions of the investigating officer.
7. The appellant may make a brief closing statement.
8. The investigating officer may make a brief closing statement.
9. The Appeal Panel retires in private to consider its decision.
10. The Appeal Panel may seek legal or professional advice provided that such advice relates to matters of law or procedure and does not introduce evidence not available to the parties. Any advice that introduces new evidence or issues material to the decision will be disclosed to both parties, who will be given an opportunity to comment before a final decision is made.

Decision

The Appeal Panel will consider:

- whether the complaints procedure was followed correctly;
- whether the findings were supported by the available evidence;
- whether the decision reached was reasonable and proportionate;
- any new evidence properly admitted under Stage 4.

The Appeal Panel shall determine the appeal in accordance with the powers set out in Stage 4

The Appeal Panel's decision, together with the reasons for that decision, will normally be provided in writing within seven working days of the hearing. The decision of the Appeal Panel is final and concludes the Council's internal complaints procedure. This does not affect any statutory right the complainant may have to refer the matter to an external regulator, ombudsman or other body with jurisdiction.

Data Protection Complaints

The Council complies with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and the Data (Use and Access) Act 2025. Individuals have the right to complain about how the Council has processed their own personal data.

What is a Data Protection Complaint? A data protection complaint concerns:

- collection of personal data
- use of personal data
- disclosure or sharing
- storage
- retention
- accuracy
- Subject Access Requests
- requests for rectification
- requests for erasure
- objections to processing
- any other UK GDPR right

A complaint about another person's data is not normally a data protection complaint. Likewise, a complaint about a Council service is not a data protection complaint simply because personal data is mentioned. Such matters will be considered under the appropriate complaint's procedure.

How to Make a Data Protection Complaint:

- in writing
- by email
- verbally
- by telephone

The Council will ensure complaints are recognised regardless of how they are received.

Acknowledgement - the Council will acknowledge receipt of a data protection complaint within 30 calendar days.

The acknowledgement will:

- confirm receipt
- explain the investigation process
- identify the investigating officer
- explain the complainant's right to complain to the Information Commissioner's Office (ICO)

Investigation, the Council will:

- investigate promptly
- make appropriate enquiries
- keep the complainant informed
- consider whether improvements to procedures are required

Outcome

The Council aims to provide a written outcome within 30 calendar days. The outcome will explain:

- findings
- corrective action taken (if any)
- improvements identified
- the complainant's right to complain to the Information Commissioner's Office.

Where additional time is required, the complainant will be informed of the reasons. The Council will maintain a register of data protection complaints and monitor lessons learned to improve future practice.

6. Freedom of Information Complaints

Complaints concerning the handling of Freedom of Information requests will be dealt with through the Council's Freedom of Information policy and internal review process in accordance with the Freedom of Information Act 2000.

If the applicant remains dissatisfied following the internal review, they may complain to the Information Commissioner's Office.

7. Complaints About Councillors

Complaints concerning the conduct of a Councillor must relate to an alleged breach of the Members' Code of Conduct. Complaints should be made for the attention of the Town Clerk in writing and include:

- the name of the Councillor
- details of the alleged conduct
- dates and locations where possible
- supporting evidence

The Town Clerk will acknowledge receipt and determine whether the complaint falls within the scope of the Code of Conduct. Where appropriate, the complaint will be referred to the Monitoring Officer at Teignbridge District Council for consideration under the statutory standards regime. Anonymous complaints will not normally be investigated.

8. Unreasonable or Persistent Complaints

The Council recognises that a small number of complainants may behave unreasonably.

Examples include:

- repeated complaints about the same issue after completion of the process
- abusive or threatening behaviour
- excessive correspondence
- unreasonable demands

The Council may:

- limit communication
- require correspondence to be in writing
- nominate a single point of contact
- decline to consider repeated complaints where no new evidence exists

Any such decision will be proportionate, reasonable and recorded and in line with the Council's Vexatious Complainants Policy.

9. Equality and Accessibility

The Council is committed to ensuring that everyone can access its complaints process. Reasonable adjustments will be made where required under the Equality Act 2010. Alternative formats and assistance will be provided where reasonably practicable.

10. Confidentiality

Complaints will be handled in accordance with:

- Council policies and procedures
- UK GDPR
- Data Protection Act 2018
- Freedom of Information Act 2000

Information will only be shared where necessary for investigating and resolving the complaint.

11. Monitoring and Learning

The Town Clerk will maintain a register of complaints, including:

- date received
- category
- outcome
- response times
- actions taken
- lessons learned

An anonymised summary of complaints and any service improvements arising from them may be reported annually to the Council.