



OTTERY ST MARY TOWN COUNCIL

COMPLAINTS PROCEDURE

Version	Author	Details	Dates created	Date approved & ref
1	Christine McIntyre	Created & adopted	October 2011	03/10/2011 11/10/09
2	Christine McIntyre	Reviewed & approved	May 2012	01/05/2012 12/05/15 (a)
3	Christine McIntyre	Reviewed & approved unamended	May 2013	07/05/2013 13/05/16 (a)
4	Christine McIntyre	Reviewed & approved	May 2014	12/05/2014 14/05/19 (a)
5	Christine McIntyre	Reviewed & approved	18 th May 2015	18/05/2015 15/05/27 (a)
6	Christine McIntyre	Reviewed & approved	6 th November 2018	06/11/2018 18/11/16
7	Christine McIntyre	Reviewed	2020	-
8	Laura Dickinson	Reviewed & updated	August 2026	07/09/2026 C/26/09/19

1. Ottery St Mary Town Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard or 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 shall try to resolve your complaint.
2. This Complaints Procedure applies to complaints about Council administration and procedures and may include complaints about how Council employees have dealt with your concerns or handled personal data. Complaints received from members of the public about the administration or procedures of Ottery St Mary Town Council ('the Council') are not subject to the jurisdiction of the Local Government Ombudsman. However, for the transparency in local government and for the benefit of good local administration, the Council has adopted a formal procedure for considering complaints. A complaint is an expression of dissatisfaction about the Council's administration, procedures, actions or failure to act, which the complainant wishes the Council to investigate and respond to.



3. This Complaints Procedure does not apply to:

- 3.1 Complaints by one employee against another employee, or between an employee and the Council as employer. These matters are dealt with under the Council's Disciplinary and Grievance Policies.
- 3.2 Complaints relating to the conduct of an employee. These matters will be dealt with via the Council's Disciplinary and Grievance Policies and through the Clerk (or if the complaint is about the Clerk, through the Mayor.)
- 3.3 Complaints against councillors. Complaints against councillors are covered by the Code of Conduct for Members adopted by the Council on 22nd January 2024.
- 3.4 Complaints against a councillor received by the Council, will be referred to East Devon District Council's Monitoring Officer. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of East Devon District Council.

Wherever possible the Council will seek to resolve concerns informally and promptly before they become formal complaints.

The Council will make reasonable adjustments for individuals who require assistance in making a complaint due to disability, language needs or other accessibility requirements.

The Council will maintain a record of complaints received and their outcomes in accordance with its data retention policies.

Complaints relating to requests for information under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 will be dealt with under the Council's Information Requests Procedure.

4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on a matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with a Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special process set out in the Standing Orders is followed.
5. You may make your complaint about the Council's procedures or administration to the Clerk. You may do this in writing to, or by email to the Clerk. The addresses and numbers are set out below. As a minimum, the complainant needs to confirm the (i) detail of their complaint, including relevant events, dates, names of relevant members, staff, or contractors of the Council etc. and (ii) their contact details.



6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, the Clerk will normally try to acknowledge your complaint within five working days.
7. If you do not wish to report your complaint to the Clerk, you may make your complaint in writing to the Mayor of Ottery St Mary Town Council who will report your complaint to the Council.
8. The Clerk or the Mayor (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.
9. The Clerk or the Mayor of Ottery St Mary Town Council will notify you in writing within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. Where this is not possible, the complainant will be informed of the reasons for delay and the expected response date.
10. The Clerk will immediately inform the Council's insurers of a complaint where the complainant seeks redress for personal injury, damage to property or other financial loss (e.g. in respect of libel) or where the Council is at risk of being held liable in law to pay damages or to provide another legal remedy. The Council will take instructions from its insurers as to how to respond to the complainant.
11. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the Full Council and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint. The review will be conducted by a panel of councillors who were not directly involved in the matter wherever practicable. Requests for review should be made within 20 working days of the Council's response.
12. The Data Protection Act 2018 must be complied with when dealing with a complaint and the complainant's personal details. Personal data provided as part of a complaint will be processed in accordance with the UK GDPR, Data Protection Act 2018 and the Council's Privacy Notice. Personal information provided will only be used for the purpose for which it has been given and may be shared with a third party if the Council deems that it will assist in resolving the issue raised.
 - 12.1 Data Protection Complaints can include issues relating to how data has been collected, used, shared, stored, retained or corrected.
 - 12.2 They can also be used if you are dissatisfied with the way that a Subject Access Request or other GDPR rights request, such as a Rights of Erasure or Rights of Rectification, has been handled.
 - 12.3 If you are dissatisfied with the Council's response to your Data Protection Complaint, you have the right to lodge a complaint with the Information Commissioner's Office (ICO), the UK's supervisory authority for data protection matters. The ICO generally expects individuals to raise concerns



with the council first and recommends complaints are made to the ICO within three months of the last meaningful contact about the issue.

13. In the event of serial facetious, vexatious or malicious complaints from a member of the public, the Council will consider taking legal advice before writing any letters to the complainant. The Council reserves the right to manage unreasonable, vexatious, persistent or abusive complaints in accordance with its Vexacious Complainants Policy.

Anonymous complaints will not normally be investigated unless the Council considers the matter sufficiently serious to warrant investigation.

Contact:

The Clerk
Council Offices
The Old Convent
8 Broad Street
OTTERY ST MARY
EX11 1BZ
Tel: 01404 812252
clerk@otterystmary-tc.gov.uk