

Agenda No. 23a**Saltash Town Council****Policy/Procedure:****Data Protection – Subject Access Request Policy****Date of Adoption:**

This is a Policy or Procedure document of Saltash Town Council to be followed by both Councillors and employees.

Current Status			
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Data Protection

Subject Access Request Policy

1 Introduction

- 1.1 Saltash Town Council holds personal data (or information) about job applicants, employees, clients, customers, suppliers, business contacts and other individuals for a variety of business purposes.
- 1.2 Under Regulation (EU) 2016/679, General Data Protection Regulation (GDPR), individuals (known as 'data subjects') have a general right to find out whether we hold or process personal data about them, to access that data, and to be given supplementary information. This is known as the right of access, or the right to make a data subject access request. The purpose of the right is to enable the individual to be aware of, and verify, the lawfulness of the processing of personal data that we are undertaking.
- 1.3 The Senior Policy and Data Compliance Monitoring Officer is responsible for ensuring:
 - 1.3.1 that all data subject access requests are dealt with in accordance with the GDPR and other relevant legislation and guidance; and
 - 1.3.2 that all staff have an understanding of the GDPR and other relevant legislation and guidance in relation to data subject access requests and their personal responsibilities in complying with the relevant aspects of the GDPR and other relevant legislation and guidance.
- 1.4 This policy provides guidance for staff members on how data subject access requests should be handled, and is intended for internal use. It is not a privacy policy or statement, and is not to be made routinely available to third parties.
- 1.5 This policy applies to all staff but much of it is aimed primarily at those members of staff who are authorised to handle data subject access requests. These sections are identified by the words '(authorised staff)' appearing in the section title. For other staff members, it provides guidance on:
 - 1.5.1 what to do if you receive a data subject access request (see paragraph 3 below); and
 - 1.5.2 how to decide whether a request for information is a data subject access request (see paragraph 2 below).
- 1.6 Failure to comply with the right of access under the GDPR puts both staff and Saltash Town Council at potentially significant risk, and so Saltash Town Council takes compliance with this policy very seriously. For further information on the consequences of failure to comply, see paragraph 16 below.
- 1.7 We will review and update this policy in accordance with our data protection obligations. It does not form part of any employee's contract of employment and we may amend, update or supplement it from time to time. We will circulate any new or modified policy to staff when it is adopted.
- 1.8 If you have any questions regarding this policy, please contact the Senior Policy and Data Compliance Monitoring Officer.

Once you have read and understood this policy, please confirm you that have done so by signing and returning the attached copy to the Senior Policy and Data Compliance Monitoring Officer.

2 How to recognise a data subject access request (all staff)

2.1 A data subject access request is a request from an individual (or from someone acting with the authority of an individual, ~~eg~~ a parent making a request in relation to information relating to their child):

2.1.1 for confirmation as to whether we process personal data about him or her and, if so

2.1.2 for access to that personal data

2.1.3 and certain other supplementary information

2.2 Such a request will typically be made in writing but may be made orally (eg during a telephone conversation). The request may refer to the GDPR and/or to 'data protection' and/or to 'personal data' but does not need to do so ~~in order to~~ be a valid request. For example, a letter which states 'please provide me with a copy of all the information that you have about me' will be a data subject access request and should be treated as such.

2.3 All data subject access requests should be immediately directed to Senior Policy and Data Compliance Monitoring Officer in accordance with paragraph 3 below.

3 What to do when you receive a data subject access request (all staff)

3.1 If you receive a data subject access request and you are not authorised to handle it, you must immediately take the steps set out in paragraphs 3.3 (request received by email) or 3.4 (request received by letter) There are limited timescales within which we must respond to a request and any delay could result in our failing to meet those timescales, which could lead to enforcement action by the Information Commissioner's Office (ICO) and/or legal action by the affected individual.

3.2 For information on what amounts to a data subject access request, see paragraph 2 above. If you are in any way unsure as to whether a request for information is a data subject access request, please contact the Senior Policy and Data Compliance Monitoring Officer.

3.3 If you receive a data subject access request by email, you must immediately forward the request to the Senior Policy and Data Compliance Monitoring Officer.

3.4 If you receive a data subject access request by letter you must:

3.4.1 scan the letter; send the original to the Senior Policy and Data Compliance Monitoring Officer.

3.5 If you receive a data subject access request orally, you must:

3.5.1 take the name and contact details of the individual;

3.5.2 inform the individual orally that you will notify the Senior Policy and Data Compliance Monitoring Officer that the individual has made an oral

request and that the Senior Policy and Data Compliance Monitoring Officer will contact them in relation to the request;

- 3.5.3 immediately email the Senior Policy and Data Compliance Monitoring Officer and provide the individual's contact details and details of the oral request and the date on which it was received.
- 3.6 You will receive confirmation when the request (or your email concerning an oral request) has been received by the Senior Policy and Data Compliance Monitoring Officer. If you do not receive such confirmation within [two] working days of sending it, you should contact the Senior Policy and Data Compliance Monitoring Officer to confirm safe receipt.
- 3.7 You must not take any other action in relation to the data subject access request unless the Senior Policy and Data Compliance Monitoring Officer has authorised you to do so in advance and in writing.

4 Conditions for responding to a valid request (authorised staff)

- 4.1 Where we process a large quantity of information about an individual, we may need to ask the individual to specify the information or processing activities to which the request relates.
- 4.2 While it is not a requirement under Regulation (EU) 2016/679, GDPR that an individual must make a DSAR in writing, it is helpful for Saltash Town Council if they do so. Individuals should therefore be encouraged to use the Data subject access request form set out in Appendix [insert number].
- 4.3 We will not usually charge a fee for responding to a data subject access request. We may, however, charge a reasonable fee (based on the administrative cost of providing the information) for responding to a request:
 - 4.3.1 that is manifestly unfounded or excessive, eg repetitive; or
 - 4.3.2 for further copies of the same information.

5 Identifying the data subject (authorised staff)

- 5.1 Before responding to a data subject access request, we will take reasonable steps to verify the identity of the person making the request. In the case of current employees, this will usually be straightforward.
- 5.2 We will not retain personal data, eg relating to former employees for the sole purpose of being able to react to potential data subject access requests in the future.
- 5.3 If we have doubts as to the identity of the person making the data subject access request, we may ask for additional information to confirm his or her identity, we will request a copy of the individual's driving licence or passport to enable us to establish his or her identity and signature (which should be compared to the signature on the data subject access request and any signature we already hold for the individual). We also ask for a recent utility bill (or equivalent) to verify the individual's identity and address.

- 5.4 If, having requested additional information, we are still not in a position to identify the data subject, we may refuse to act on a data subject access request (see paragraph 6 below).

6 Refusing to respond to a request (authorised staff)

- 6.1 We may refuse to act on a data subject access request where:

6.1.1 even after requesting additional information in accordance with paragraph 5.2, we are not in a position to identify the individual making the data subject access request;

6.1.2 requests from an individual are manifestly unfounded or excessive, eg because of their repetitive character or, in certain circumstances, where the request relates to large amounts of data];

- 6.2 If we intend to refuse to act on a data subject access request, we will inform the individual, no later than one month after receiving his or her request:

6.2.1 of the reason(s) why we are not taking action; and

6.2.2 that they have the right to complain to the ICO and seek a judicial remedy.

7 Time limit for responding to a request (authorised staff)

- 7.1 Once a data subject access request is received, Saltash Town Council must provide the information requested without delay and at the latest within one month of receiving the request. You should therefore make a note of when request was received and when the time limit will end.

- 7.2 If a data subject access request is complex or the data subject has made numerous requests, Saltash Town Council:

7.2.1 may extend the period of compliance by a further two months; and

7.2.2 must inform the individual of the extension within one month of the receipt of the request, and explain why the extension is necessary.

8 Information to be provided in response to a request (authorised staff)

- 8.1 The individual is entitled to receive access to the personal data we process about him or her and the following information:

8.1.1 the purposes for which we process the data;

8.1.2 the recipients or categories of recipient to whom the personal data has been or will be disclosed, in particular where those recipients are in third countries or international organisations;

8.1.3 where possible, the period for which it is envisaged the personal data will be stored, or, if not possible, the criteria used to determine that period;

8.1.4 the fact that the individual has the right:

- (a) to request that Saltash Town Council rectifies, erases or restricts the processing of his personal data; or
 - (b) to object to its processing;
 - (c) to lodge a complaint with the ICO;
- 8.1.5 where the personal data has not been collected from the individual, any information available regarding the source of the data;
- 8.1.6 any automated decision we have taken about him or her (see paragraph 9 below), together with meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for him or her.
- 8.2 The information referred to in paragraph 8.1 should be provided:
 - 8.2.1 in a way that is concise, transparent, easy to understand and easy to access;
 - 8.2.2 using clear and plain language, with any technical terms, abbreviations or codes explained;
 - 8.2.3 in writing - if the data subject access request was made in writing;
 - 8.2.4 in a commonly-used electronic format, if the data subject access request was made electronically, unless otherwise requested by the individual.
- 9 How to locate information (authorised staff)**
- 9.1 The personal data we need to provide in response to a data subject access request may be located in several of our electronic and manual filing systems. This is why it is important to identify at the outset the type of information requested so that the search can be focused.
- 9.2 Depending on the type of information requested, you may need to search all or some of the following:
 - 9.2.1 electronic systems, eg databases, networked and non-networked computers, servers, customer records, human resources system, email data, back up data;
 - 9.2.2 manual filing systems in which personal data are accessible according to specific criteria, eg chronologically ordered sets of manual records containing personal data;
 - 9.2.3 data systems held externally by our data processors
 - 9.2.4 occupational health records held by the Town Clerk in personnel files;
 - 9.2.5 pensions data held by Cornwall Council Pensions;
 - 9.2.6 insurance benefit information held by WPS
 - 9.2.7 data held by Ellis Whittam
- 9.3 You should search these systems using the individual's name, employee number, customer account number or other personal identifier as a search determinant.

10 What is personal data? (authorised staff)

- 10.1 Once you have carried out the search and gathered the results, you will need to select the information to be supplied in response to the data subject access request. The individual is only entitled to receive information which constitutes his or her personal data.
- 10.2 Personal data is any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier, eg their name, identification number, location data or online identifier. It may also include personal data that has been pseudonymised (eg key-coded), depending on how difficult it is to attribute the pseudonym to a particular individual.

11 Requests made by third parties on behalf of the individual (authorised staff)

Occasionally we may receive a request for data subject access by a third party (an 'agent') acting on behalf of an individual. These agents may include parents, guardians, legal representatives and those acting under a power of attorney or other legal authority. The agent must provide sufficient evidence that he or she is authorised to act on behalf of the individual. The Data subject access request form should be used for all such requests.

12 Exemptions to the right of subject access (authorised staff)

- 12.1 In certain circumstances we may be exempt from providing some or all of the personal data requested. These exemptions are described below and should only be applied on a case-by-case basis after a careful consideration of all the facts.
- 12.2 **Crime detection and prevention:** We do not have to disclose any personal data which we are processing for the purposes of preventing or detecting crime; apprehending or prosecuting offenders; or assessing or collecting any tax or duty. This is not an absolute exemption. It only applies to the extent to which the giving of subject access would be likely to prejudice any of these purposes. We are still required to provide as much of the personal data as we able to. For example, if the disclosure of the personal data could alert the individual to the fact that he or she is being investigated for an illegal activity (ie by us or by the police) then we do not have to disclose the data since the disclosure would be likely to prejudice the prevention or detection of crime, or the apprehension or prosecution of offenders.
- 12.3 **Protection of rights of others:** We do not have to disclose personal data to the extent that doing so would involve disclosing information relating to another individual (including information identifying the other individual as the source of information) who can be identified from the information (or that information and any other information that we reasonably believe the data subject is likely to possess or obtain), unless:
- 12.3.1 that other individual has consented to the disclosure of the information to the individual making the request; or

12.3.2 it is reasonable to disclose the information to the individual making the request without the other individual's consent, having regard to:

- (a) the type of information that would be disclosed;
- (b) any duty of confidentiality owed to the other individual;
- (c) any steps taken by the controller with a view to seeking the consent of the other individual;
- (d) whether the other individual is capable of giving consent; and
- (e) any express refusal of consent by the other individual.

12.4 **Confidential references:** We do not have to disclose any confidential references that we have given to third parties for the purpose of actual or prospective:

12.4.1 education, training or employment of the individual;

12.4.2 appointment of the individual to any office; or

12.4.3 provision by the individual of any service

This exemption does not apply to confidential references that we receive from third parties. However, in this situation, granting access to the reference may disclose the personal data of another individual (ie the person giving the reference), which means you must consider the rules regarding disclosure of third-party data set out in paragraph 12 before disclosing the reference.

12.5 **Legal professional privilege:** We do not have to disclose any personal data which are subject to legal professional privilege. There are two types of legal professional privilege:

12.5.1 'Advice privilege' covers confidential communications between Saltash Town Council and our lawyers where the dominant purpose of the communication is the seeking or giving of legal advice;

12.5.2 'Litigation privilege' covers any document which was created with the dominant purpose of being used in actual or anticipated litigation (eg legal proceedings before a court or tribunal). Once a bona fide claim to litigation privilege ends, the documents in the file which were subject to litigation privilege become available if a data subject access request is received.

[If you think the legal professional privilege exemption could apply to the personal data that have been requested, you should refer the matter to the the Town Clerk for further advice.]

12.6 **Management forecasting:** We do not have to disclose any personal data which we process for the purposes of management forecasting or management planning to assist us in the conduct of any business or any other activity. Examples of management forecasting and planning activities include staff relocations, redundancies, succession planning, promotions and demotions. This exemption must be considered on a case-by-case basis and must only be applied to the extent to which disclosing the personal data would be likely to prejudice the conduct of that business or activity.

- 12.7 **Negotiations:** We do not have to disclose any personal data consisting of records of our intentions in relation to any negotiations with the individual where doing so would be likely to prejudice those negotiations. For example, if HR is negotiating with an employee in order to agree the terms of a redundancy package and the employee makes a data subject access request, HR can legitimately withhold giving access to information which would prejudice those redundancy negotiations. The HR department must, however, disclose all other personal data relating to the individual unless those other personal data are also exempt from disclosure.

13 Deleting personal data in the normal course of business (authorised staff)

- 13.1 The information that we are required to supply in response to a data subject access request must be supplied by reference to the data in question at the time the request was received. However, as we have one month in which to respond and we are generally unlikely to respond on the same day as we receive the request, we are allowed to take into account any amendment or deletion made to the personal data between the time the request is received and the time the personal data are supplied if such amendment or deletion would have been made regardless of the receipt of the data subject access request.
- 13.2 We are, therefore, allowed to carry out regular housekeeping activities even if this means that we delete or amend personal data after the receipt of a data subject access request. What we are not allowed to do is amend or delete data because we do not want to supply the data.

~~14 [Checklist (authorised staff)]~~

- ~~14.1 The checklist in Appendix [insert number] is designed to help you ensure that you have addressed all the necessary requirements for the handling of a data subject access request. Please make sure that you have considered and ticked off each of the items listed in Appendix [insert number].]~~

15 Consequences of failing to comply with this policy (all staff)

- 15.1 If we fail to comply with a subject access request, or fail to provide access to all the personal data requested, or fail to respond within the one-month time period, we will be in breach of GDPR and other relevant legislation. This may have several consequences:
- 15.2 Saltash Town Council takes compliance with this policy very seriously. If we fail to comply with a subject access request, or fail to provide access to all the personal data requested, or fail to respond within the one-month time period, we will be in breach of GDPR and other relevant legislation. This may have several consequences:
- 15.2.1 it may put at risk the individual(s) whose personal information is being processed;

- 15.2.2 the individual may complain to the ICO and this may lead the ICO to investigate the complaint. If we are found to be in breach, enforcement action could follow, which carries the risk of significant civil and criminal sanctions for Saltash Town Council and, in some circumstances, for the individual responsible for the breach;
- 15.2.3 if an individual has suffered damage, or damage and distress, as a result of our breach of the GDPR or other relevant legislation, he or she may take us to court and claim damages from us; and
- 15.2.4 a court may order us to comply with the subject access request if we are found not to have complied with our obligations under the GDPR and other relevant legislation.
- 15.3 Because of the importance of this policy, an employee's failure to comply with any requirement of it may lead to disciplinary action under our procedures, and this action may result in dismissal for gross misconduct. If a non-employee breaches this policy, they may have their contract terminated with immediate effect.
- 16** Contacts and responsibilities (all staff)
- 16.1** This Policy will be reviewed annually by the Senior Policy and Data Compliance Monitoring Officer.
- 16.2** Any questions regarding this Policy should be addressed to the Senior Policy and Data Compliance Monitoring Officer.

Employee acknowledgment

I have read and understood this policy and agree to abide by its terms.

Signed.....

Print name

Date.....

Agenda No. 23b**Saltash Town Council****DRAFT Data Subject Access Request Form**

Please complete this form if you wish to request access to your personal data. You do not have to use this form, but it will help us to deal with your request as quickly and effectively as possible if you do.

You can also use this form if you are requesting access to personal data on behalf of someone else. In that case, we will need you to confirm you have that person's authority to ask for access to their data.

If you have any questions about this form or your request, please contact *[insert contact details]* to discuss it further.

1 About you

Please provide the following information. If you have an account number or other reference number, please provide it.

Full name	<i>[Details to be inserted here]</i>
Address	<i>[Details to be inserted here]</i>
Contact details	<i>[Details to be inserted here]</i>
[[Customer account number OR Client number OR National Insurance number OR <i>[insert details of other relevant reference number, if any]</i>]]	<i>[Details to be inserted here]</i>

For security reasons, we cannot respond to a request unless we have confirmed your identity. Please provide:

[Insert details of identity information required, eg a certified copy driving licence or passport, plus a utility bill or other proof of address]

2 Whose personal data are you requesting?

Please provide the following information. If you are making this request on behalf of someone else, we will need this information before we can supply you with the data you are asking for.

Are you requesting access to your own personal data?	<input type="checkbox"/> Yes, please go to section 3 below. <input type="checkbox"/> No, please complete the rest of this section of the form.
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- 2.1 If you are not requesting access to your own personal data, please provide the following information about the person on whose behalf you are making this request:

Full name	[Details to be inserted here]
Address	[Details to be inserted here]
Contact details	[Details to be inserted here]
[[Customer account number OR Client number OR National Insurance number OR [insert details of other relevant reference number, if any]]]	[Details to be inserted here]
Age (if under 16)	[Details to be inserted here]

We cannot respond to your request until we also receive satisfactory confirmation of the identity of the person on whose behalf you are making this request. Please provide:

[Insert details of identity information required, eg a certified copy of their driving licence or passport, plus a utility bill or other proof of their address]

- 2.2 Please provide a copy of your legal authority to make this request. This might be a signed letter of authority from the person on whose behalf you are making this request, a power of attorney, or confirmation that you are their legal representative.

3 What data are you requesting?

Your rights to request access to personal data and other information are set out *[insert details, eg in our Privacy policy, available on our website]*. Please describe what personal data and other information you are requesting, in particular if you are asking for specific documents or information.

Description of the personal data and information requested including details of any specific documents or information you asking for (where relevant)	[Details to be inserted here]
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Please give as much detail as possible about where the data might be located and any other relevant information. You do not have to provide this information, but doing so will help us to deal with your request as quickly and effectively as possible.

Location of data, eg any particular departments or parts of the organisation you have dealt with (if known)	[Details to be inserted here]
Relevant time periods, eg when we are likely to have obtained your data (if known)	[Details to be inserted here]
Dates of any particular correspondence, meetings or telephone calls (if known)	[Details to be inserted here]
The name(s) of people you have dealt with within our organisation (if known)	[Details to be inserted here]
Any other relevant information you can think of that might help us	[Details to be inserted here]

respond to your request	<i>inserted here</i>
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4 Signature

Please check the information you have provided and sign below.

Signed	<i>[Signature to be inserted here]</i>
Date	<i>[Date to be inserted here]</i>

Please send this form and the documents we have asked you to provide to: *[insert contact details including postal and email address]*.

If you are making this request by email, we will provide the information to you in an electronic format unless you ask us not to. If you wish to receive your information in a different format, eg hard copy please let us know in the box below.

<i>[Details to be inserted here]</i>

Agenda No. 23b

Saltash Town Council



Policy/Procedure:

Equal Opportunities Policy DRAFT

Date of Adoption:

This is a Policy or Procedure document of Saltash Town Council to be followed by both Councillors and employees.

Current Status			
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Saltash Town Council**Equal Opportunities Policy****The Policy**

Saltash Town Council's intention is to be an effective Equal Opportunities organisation. This means it will do everything in its power to ensure that everyone has equal access, and is treated with respect, in relation to employment opportunities, to its services and to all its activities.

As an Employer

All employees are required to treat one another with mutual respect. Actions, behaviour and attitudes should consistently demonstrate respect for the dignity and worth of an individual, irrespective of the position they have within the organisation.

Saltash Town Council is making every effort to create a workplace where individuals are valued, listened to and treated with respect.

Saltash Town Council maintains a work environment that seeks out and values the insight, experience, contribution and full participation of all staff.

Harassment and discrimination in any form is unacceptable behaviour and offenders will be subject to disciplinary action.

As a Service Provider

- Saltash Town Council will strive to ensure that all services provided by, or on behalf of, the Council are made accessible to all individuals and groups equally and without discrimination;
- all service users will be treated with respect. Actions, behaviour and attitudes should consistently demonstrate respect for the dignity and worth of an individual;
- Saltash Town Council will, wherever appropriate, work in partnership with other agencies in the area, including the County and District Councils, voluntary groups and community organisations to promote equal opportunities;
- Saltash Town Council will ensure that all contractors directly supplying goods and services or executing works for, or on behalf of, the Council comply with this Council's stated policy on equal opportunities.

The Policy in Action**As an Employer**

Saltash Town Council aims to achieve the policy by:-

- ensuring its employees are made aware of their rights and responsibilities to each other, the customer and the organisation regarding equal opportunities issues;
- providing a way in which individuals can communicate any concerns via competent named personnel;
- treating any unacceptable behaviour seriously;
- ensuring all Managers realise they have a key role in implementing this policy and are expected to take personal responsibility in ensuring its success;
- providing awareness training for all employees and Councillors, ensuring opportunities to develop relevant competencies are available to implement the policy;
- meeting the commitments and living the aims of being a "Positive about Discrimination" employer.

As a Service Provider

Saltash Town Council aims to achieve its policy by:-

- providing training for all staff in equal opportunities awareness and customer care, emphasising equality of treatment in service delivery;
- ensuring that no member of the public is disadvantaged, or treated less favourably than others, in terms of access to Council services. Where the Council's practice, policy or procedures are found to make access impossible or unreasonably difficult, we will take such steps as are reasonable in the circumstances to change these practices, policies or procedures;
- ensuring that, wherever practical, all public buildings and premises owned or managed by the Council are accessible to all. Where this is impractical in the short-term, we will provide reasonable alternative methods of access so that no member of the public is disadvantaged by physical barriers;
- recognising the importance of communication in attaining equity and quality services which are responsive to the needs of all local people, for example through the provision of information in large print and on audio tape on request;
- complying with all relevant legislation relating to discrimination and equity.

Role of Councillors and Employees

All Councillors and employees are responsible for implementing the Council's Equal Opportunities Policy. It is important that all individuals who are employed by the Council appreciate that they have a responsibility and a role to play in the provision of equal opportunities.

Monitoring of Equal Opportunities

- the Council's Staffing Committee will have responsibility for the implementation and monitoring of the policy as it applies to Saltash Town Council as an employer, involving staff as appropriate in the monitoring process;
- the Council's Policy and Resources Committee will have responsibility for implementing and monitoring the policy as it applies to Saltash Town Council as a service provider, involving local community and voluntary groups in the monitoring process;
- complaints from staff about discrimination or unfair treatment will be dealt with as laid down in the Council's Grievance Procedures;
- complaints from members of the public about discrimination or unfair treatment will be dealt with through the Council's Complaints Procedure.

Agenda No. 23d

Saltash Town Council



COMPLAINTS FORM

Contact Details	
Title:	
First Name:	
Surname:	
Address:	
Postcode:	
Telephone Number:	
Mobile Number:	
Email Address:	

Complaint Details	
Please give details of the complaint: (continue on a separate sheet if necessary)	
What do you want us to do to rectify the problem:	
Have you complained about this matter before: (if so, to whom and what was the outcome)	
If yes, when:	
Signature:	
Date:	

Please refer to the Town Council Privacy Policy on the website for details of how your personal data is processed and stored.

Official use only:	
Date received:	
Who is dealing:	
Action log:	

Saltash Town Council
The Guildhall
12 Lower Fore Street
Saltash PL12 6JX
enquiries@saltash.gov.uk

Agenda No. 23e

Saltash Town Council



Policy/Procedure:

**Customer Feedback Policy:
Suggestions, Comments, Compliments & Complaints**

Date of Adoption:

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This is a Policy or Procedure document of Saltash Town Council to be followed by both Councillors and employees.

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Saltash Town Council**Customer Feedback Policy:
Suggestions, Comments, Compliments and Complaints**

This policy is for complaints and general feedback. It lays out the procedure for dealing with feedback from the public and for handling complaints.

Note: Complaints against an elected councillor are dealt with under the Code of Conduct and have a separate procedure.

Complaints should be addressed to:

The Monitoring Officer,
Cornwall Council,
New County Hall,
Treyew Road,
Truro TR1 3 AY.

Suggestions and Comments

Suggestions and comments may be left on the town council social media sites, emailed or sent the Town Council in writing.

Complaints

The Town Council will aim to address complaints quickly and informally. If the matter is still unresolved a formal complaints procedure may be followed.

Step one

All complaints should be addressed to the Town Clerk in writing and will be acknowledged if an email address has been provided. Complaints will be investigated by the Town Clerk or his nominated officer with an aim to resolve the complaint within 10 working days. Where this is not possible a timescale will be agreed with the complainant.

If the complainant is not happy with the response a request can be made for a further review. This must be sent in writing within one calendar month of receiving the response detailing any reference number, any additional information, the reason for not being satisfied with the response and what can be done to put matters right.

Step two

The complaint will be reviewed by _____ who will not have been involved in the response to the original complaint. The review will ensure that the complaint has been comprehensively and accurately addressed and that the response was appropriate.

A final detailed response will be provided within 20 working days. If this is not possible a timescale will be agreed with the complainant.

Outcome

Where a complaint is upheld and justified, this will be acknowledged with an apology and an explanation of what will be done to resolve the complaint. Measures that have been put in place to ensure a similar occurrence is prevented will also be explained.

Where a complaint cannot be upheld or is not justified this will be explained and further options open to the complainant will be signposted.

The Local Government Ombudsman

Where a complaint remains unresolved to the satisfaction of both parties the Local Government Ombudsman is the final step of the complaints process.

In most cases complaints must go through step one and step two of the complaints process before the Ombudsman will consider it. However, there are exceptions to this and you have the right to contact the Local Government Ombudsman at any time about your complaint. They will advise you whether they are able to investigate.

During their investigation, the Ombudsman will contact the council to ascertain whether appropriate actions have been taken when dealing with the complaint.

Website: www.lgo.org.uk

The Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH

Unreasonably persistent complainants and unreasonable customer behaviour

In a small number of cases people pursue their complaints in a way which can either impede the investigation of their complaint or have a significant impact on the resources of the Town Council. This can happen either while the complaint is being investigated, once the Town Council has finished dealing with it.

In all cases where we feel someone is being unreasonably persistent in complaining, or their behaviour is unacceptable, the unreasonable customer behaviour policy will be referred to _____ which may lead, in the first instance, to the council requesting in writing that behaviour is moderated. Further action may be taken if the unreasonable behaviour persists.

Agenda No. 23f

Saltash Town Council



Policy/Procedure:

Grants Policy DRAFT

Date of Adoption:

This is a Policy or Procedure document of Saltash Town Council to be followed by both Councillors and employees.

Current Status			
Version	1 DRAFT	Approved by	
Date		Date of approval	
Responsible Officer		Minute reference	
Responsible Committee		Review date	

Version History			
Date	Version	Author/Editor	Comments

Review Record				
Date	Type of Review	Date of completion	Summary actions	Completed by

THIS POLICY COVERS BOTH CC & FF – APPLICATION FORMS WOULD NEED TO BE UPDATED IF THE POLICY IS ADOPTED.

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1.0 Policy/Procedure Background

This document sets out a clear and structured procedure for grant applications being submitted to Saltash Town Council.

This procedure is prepared in accordance with the Town Council's new policy on grants and introduces a new procedure for Officers to conduct initial filtering of applications against a set of criteria.

Saltash Town Council is committed to support a range of causes each year within a limited budget. It is therefore imperative that the Town Council has in place an established method of scrutinising grant applications to ensure it uses its budget to the best possible effect.

Applications will be considered providing sufficient funds remain in the budget.

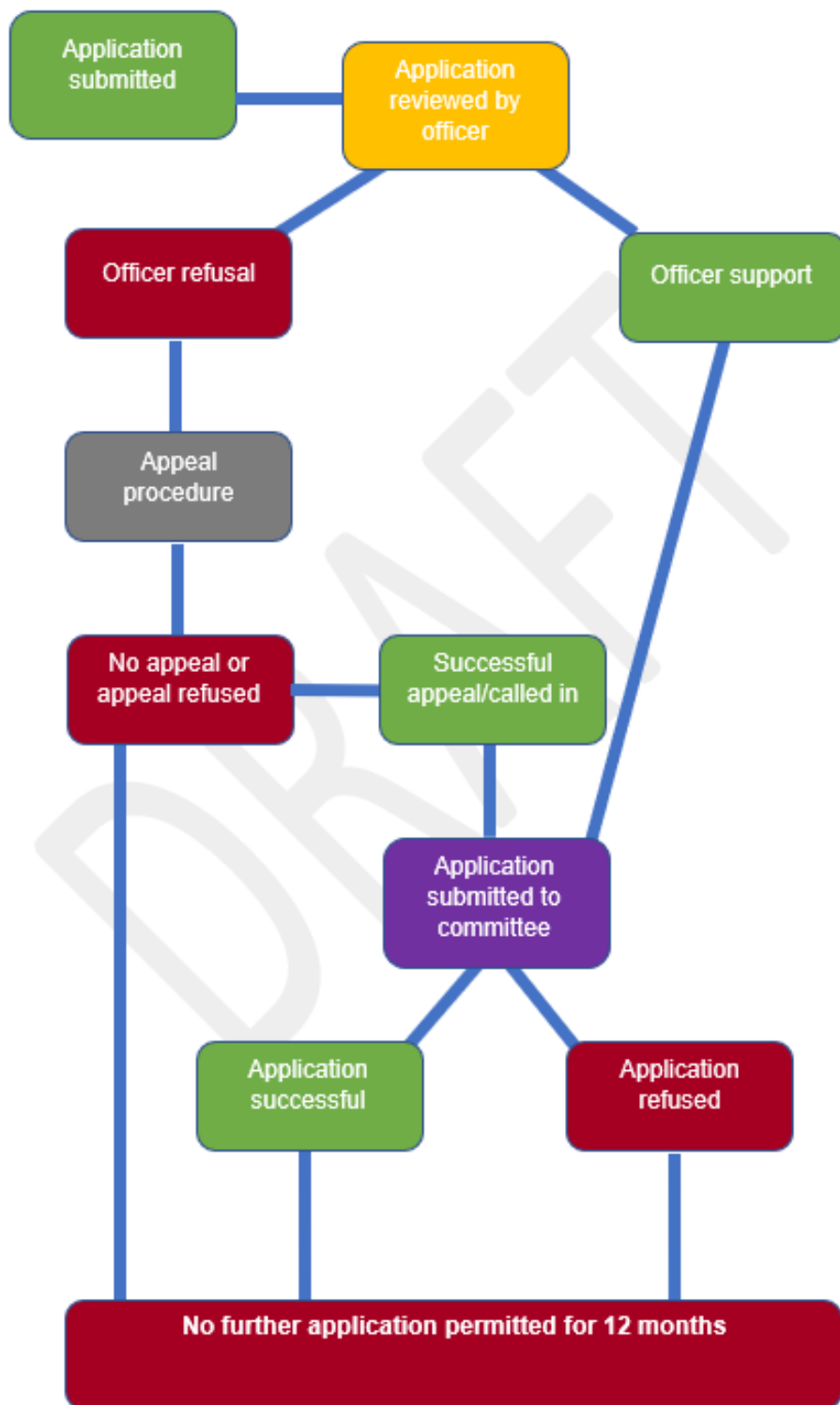
1.1 Policy Statement

A grant or subsidy is any payment made by Saltash Town Council to be used by an organisation for a specific purpose in the furtherance of the wellbeing of the community, either generally, or for a specific purpose and which is not directly controlled or administered by Saltash Town Council. The purpose of any grant or subsidy given by Saltash Town Council is to support initiatives in the local community and to help create opportunities for the residents of Saltash that are not, as a matter of course, funded by Saltash Town Council or Cornwall Council.

2. Application principles

1. Applications must be fully completed and assessed against a set of criteria laid down by members of Saltash Town Council.
2. If an application is refused by an officer, then an appeal procedure can be implemented under certain circumstances and within a set deadline.
3. If an application is:
 - a. not called in by a relevant number of Town Councillors
 - b. is refused on appeal
 - c. is not appealed within the deadline set or
 - d. has been turned down by members at a previous Committee meeting

then a new request/re-application or a request of a similar nature will automatically be turned down for a period of not less than 12 months' time from the date the previous application was turned down without the ability to appeal.

3. Application process

Grants Policy DRAFT 082018
Version 1

Application Submitted

Applications should be made using either the Community Chest application form (Appendix 1) or the Festivals Fund application form (Appendix 2). Applicants should ensure that all relevant documents are included or there may be a delay to the application being considered.

Application reviewed by Officer

The application will be reviewed by the officer against the eligibility criteria (listed in this document) and will either notify the applicant of refusal with details of the appeal procedure or submit it to the next available meeting of the Policy and Resources Committee.

Officer Refusal

When an application is refused by an officer the applicant will be notified immediately and given 30 days to appeal. The officer will also notify members of the Policy and Resources Committee who may choose to call in the application themselves.

Appeal procedure

Following notification of refusal, applicants have 30 days to appeal in writing. Within this period a member of the Policy and Resources Committee may request that the application is called in.

No appeal or appeal refused

Appeals will be considered by the Chairman of the Policy and Resources Committee. Where no appeal is received this will be noted on the application form.

Successful appeal or call in

Where an appeal is successful or a member of the committee has called the application in, the officer will submit the application to the next available meeting of the Policy and Resources Committee.

Restrictions on re-applications

Applications that have been refused by an officer, the Policy and Resources Committee or that have not been appealed after 30 days will be closed. Applicants may not apply for a grant for the same or similar scheme until 12 months from the date of closure.

Officer Support

Where an officer considers the application is valid and meets required criteria, the Committee Chairman will be notified and the application placed on the agenda for the next Policy and Resources meeting.

Application submitted to committee

The Policy and Resources Committee will consider applications at the next available meeting. The applicants may be invited to attend the meeting to answer questions and

will be given at least five working days notice. If an applicant is unable to attend the Committee Chairman may defer the application to a future meeting.

Application successful

Successful applicant will be advised in writing and given two months to apply for funding to be released. Any conditions placed on the funding will have to be met before funds are released. If the applicant wishes to extend this period the request should be put in writing and the officer will pass this to the Committee Chairman for a decision.

Application refused

If an application has been heard by the Policy and Resources Committee and been refused, the applicant cannot reapply or submit a further grant request for the same or a similar project for a period of 12 months. Any application received will be automatically rejected without appeal or the option for a member to call in the application.

4. Types of grant and funding limits

Saltash Town Council has two separate grants available to the local community. To enable as many organisations as possible to benefit from the grants, there will only be one grant per organisation permitted in any 12 month period.

The Community Chest supports small scale community projects intended to improve the town environment to strengthen the community fabric or the common economy of the town.

The Festivals Fund supports larger events that are free, 6 to 7 hour long events likely to attract several thousand people.

Both funds have a cap on the amount which can be awarded:

The Community Chest grant will not exceed £1000.

The Festivals Fund grant will not exceed £1000 per day up to a maximum of three days per event.

5. Normal Eligibility Criteria

This section outlines the normal criteria organisations have to fulfil for grants.

a. Mandatory requirements

All of the following requirements must be met by applicants. Where they are not met a clear reason should be given in writing with the application.

- i. Copies of the most recent bank statements must be provided
- ii. Public Liability Insurance Certificates are required for any events or projects
- iii. If staff will be involved Employee Liability Insurance Certificates are required
- iv. Buildings Insurance will be required if an application relates to funding towards this purpose
- v. Full contact details for the applicant as well as any registered address for the organisation should be supplied
- vi. A copy of the constitution for the organisation should be included
- vii. Applicants may be required to attend a meeting to answer questions on the application or make a presentation
- viii. All successful applications will be required to provide receipts and supporting documents after the event and return to the Town Council any unused grant awarded.

b. Key Priority Areas

Grants may be given for projects that fit into one or more of the following areas:

- i. The promotion of tourism and leisure for both residents and visitors to the area with a community focus
- ii. Supporting local safety campaigns
- iii. Enhance existing events
- iv. Promote pride in the community

- v. Highlight important local issues/history/culture to local residents and students
- vi. Promote a sports -related initiative or event
- vii. Increases visitors to Saltash and improves the local economy
- viii. Promotes environmental issues which improve the local area

6. Applications that will not be eligible

The Town Council will not consider applications for or from the following except in exceptional circumstances:

- a. Statutory services
- b. Expeditions or trips
- c. Replacement for statutory funding
- d. Bursaries or scholarships
- e. Projects outside of Saltash
- f. Individuals
- g. Hospitality
- h. National Charities
- i. Salaries or routine administration costs
- j. "Upward funders"-local groups who send fundraising to central headquarters for redistribution
- k. Private organisations operating as a business to generate a profit or surplus
- l. Cost of routine maintenance and repair of equipment
- m. Projects with party political links
- n. Organisations intending to support or oppose any particular political party or to discriminate on any grounds
- o. Projects which discriminate on any grounds
- p. Projects which do not benefit the Saltash community at large
- q. "Branches" that could be funded by the main organisation
- r. Buildings that are uninsured
- s. A project that competes or conflicts with any service, project or event being supported, organised or funded by the Town Council
- t. Applications from organisations with substantial and allocated resources will not be considered a priority for funding and will usually be unsuccessful
- u. Applications will not normally be considered from national organisations or local groups with access to funds from national "umbrella" or "parent" organisations, unless funds are not available from their national bodies, or the funds available are inadequate for a specified project.

7. Guidelines for Grant Applications and Further Information

- a. In most cases, if a grant has been successful in the past, then there will be a limit to the number of times the same or similar grant can be requested again.

- b. If an organisation is successful in obtaining a grant in one financial year, it is unlikely it will receive another grant for a period of not less than 23 months.
- c. It is a condition of any grant application that the group or project must bring direct benefit to the residents of Saltash. All applications must clearly demonstrate how this will be achieved.
- d. Application forms are available from the Guildhall or from the Town Council website. Application forms must be submitted along with the latest set of the group's accounts. It is important that all questions on the application form are fully answered and that any appropriate additional information, which supports an application, is provided at the time of submission.
- e. Applications cannot be made retrospectively.
- f. The scheme provides start-up awards for new as well as grants for existing organisations. Applications will be considered for day-to-day running expenses and individual projects.
- g. Saltash Town Council will only grant aid to churches for parish clocks and possibly for environmental purposes. Church Halls can also be grant aided if they are used by the community.
- h. Schools will only be grant aided for environmental purposes or if, in the opinion of Saltash Town Council, their application is for the benefit of the wider community. The project must also be in addition to statutory services.
- i. Applications from education, health or social service establishments will be considered where the organisation can demonstrate that it is working in partnership with other groups and where there are benefits to the wider community within the parish. The project must also be in addition to statutory services.
- j. Grant applications will be considered against the following criteria:
 - i. meeting the priorities are set out above
 - ii. meeting an identified need
 - iii. viability of the project
 - iv. the majority of those benefiting our residents of the town
- k. Saltash Town Council reserves the right to reclaim the grant in the event of it not being used for the purpose specified on the application form.
- l. Grants will not be awarded retrospectively.
- m. A grant must only be used for the purpose for which it was awarded. Written approval must be obtained from the Town Council in advance for a change in use of grant money.
- n. Any underspent portion of the grant must be returned to Saltash town Council within 12 months of the award.
- o. Administration of and accounting for the grant is the responsibility of the recipient.
- p. The Town Council reserves the right to request any further information that it deems necessary to assist the decision-making process. Account will be taken of the amount and frequency of previous awards and of the

extent to which funding has been sought or secured from other sources or own fundraising activities.

- q. In the case of grant awarded for projects for which additional grant funding is to be sought to enable the project proceed, the funds approved will only be available to the organisation when all other funding is in place/secured subject to a time limit of 12 months from date of approval. After this 12 month period the applicant should submit in writing a full update, reasons for the delay and a request to extend the period of the grant. Requests will be considered by the Policy and Resources Committee.
- r. Organisation seeking funds for buildings must demonstrate a reasonable security of tenure in the relevant property.
- s. The size of any grant awarded is at the discretion of the Policy and Resources Committee.
- t. All awards are made subject to any additional conditions and requirements as deemed appropriate by the Policy and Resources Committee.
- u. The Town Council reserves the right to refuse any application considered inappropriate or not meeting the objectives of the Council.

8. Banking Arrangements

Organisations should have a bank account in the name of the organisation with at least two authorised representatives required to sign a cheque.

9. Officer Refusal

This section provides details of possible reasons for an officer refusing an application. It is not an exhaustive list and attempts to provide clarity over some of the topics which are considered:

- a. Application does not meet the eligibility criteria
- b. Application is not complete
- c. Further information requested on an application has not been received in good time and no-communication has been achieved with the applicant
- d. Standard mandatory requirements are not in place/being met
- e. Does not fit in with the Key Priorities of the Town Council
- f. Similar applications have been rejected
- g. Following an established precedent
- h. Such an application would set an unfair or unsustainable precedent for future applications of a similar nature
- i. The project is considered too high risk for public funds to be contributed to it
- j. The business case is considered flawed or unsustainable (if appropriate)
- k. The Town Council does not hold any more funding for grants and there are no suitable reserves that could be utilised
- l. Any other relevant reason(s) which are considered important enough to warrant refusal to safeguard the Town Council and the local public funds.

10. Automatic Refusal

An application will automatically be refused with no appeal rights if it is an application for the same or is similar to a previously refused application and has been submitted within the 12 months following the refusal (same applicant/organisation/family).

11. Appeals Procedure

- a. The Appeals Procedure is only available to applicants at the initial stages of the process whereby an officer has issued an "Officer Refusal Notice". The applicant has 30 days from the date of the "Officer Refusal Notice" to apply for an appeal to the decision, irrespective of when the applicant receives the Notice (which may be via email or in the post).
- b. To appeal, the applicant needs to do any of the following:
 - i. answer and justify any observations made to the satisfaction of the officer
 - ii. provide information which is required by the officer
 - iii. put forward a strong case for an officer to re-view the decision taken
 - iv. give further clarification on how the application meets the normal qualifying criteria
- c. An officer will take any appeal requests deemed valid to the committee Chairman/Vice Chairman to obtain approval to progress the application to committee or to refuse the appeal.
- d. Applicants, who are appealing under 11b, must make sure they correctly justify why their project does meet the normal criteria and does not conflict with any of the Town Council's strategies.

Appendix 1

<insert > Community Chest Application Form

Appendix 2

<insert> Festivals Fund Application Form