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Complaints Policy and Procedure

1. POLICY STATEMENT

Coedffranc Community Council is committed to providing excellent customer service and wants to encourage all residents to be involved in the decisions that it makes and in the development of its services. Customer feedback is an important part of this involvement and the Council therefore welcomes compliments, comments and complaints from its residents to help improve Council services.

2. COMPLAINTS PROCEDURE

The full Complaints Procedures can be found on Page 7 of this policy. The aims of the Complaints Policy are to make sure that:

- The Complaints Procedure is simple and as straightforward as possible for customers to make complaints about Council services.
- Complaints are dealt with quickly, effectively and in a fair and honest way within the set timescales.
- The complainant feels that their complaint has been properly investigated and responded to, even if the outcome may not uphold their complaint.
- The complainant is kept informed of the progress of their complaint.
- There are lessons learned from complaints to help drive forward service improvements.
- All written compliments and comments are recorded and forwarded to the relevant staff member for action as appropriate.
- That the Council meets its duty to promote equality in the way it delivers its services and that there are no discriminatory barriers to accessing and receiving services.

3. WHAT IS A COMPLAINT?

Complaints are a result of dissatisfaction with the service provided. An initial request for a service is not a complaint and for the purpose of this procedure a complaint has been defined as:

'any expression of dissatisfaction about the standard of service, actions, or lack of action by the Council or its employees, which the complainant feels should have been provided'

The Complaints Procedure is intended to cover issues such as:

- A failure to provide a service at the level or standard expected by the Council.
- Unacceptable behaviour by a Council employee.
- Neglect in answering a query.
- A failure to follow the Council's agreed policies, rules or procedures.
- A failure to consider all information in coming to a decision.

- Malice, bias or unfair discrimination, and in particular discrimination or harassment on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation (with the exceptions listed in item 9 of this Policy)

Customer comments, requests for service, or reports of problems are not considered to be complaints and will not be recorded as such.

4. WHO CAN COMPLAIN

Anyone receiving or seeking a service from the Council or anyone acting for those unable or unwilling to complain personally i.e. a 'representative' can make a complaint. A 'representative' is someone acting on behalf of a complainant where that person is unable to make the complaint themselves, or has asked the person to act on their behalf.

If the Council has cause to believe that a representative is not acting in the best interests of a complainant, or they are not a suitable person to represent them, the complaint will not be considered, and both the complainant and the representative will be advised accordingly in writing.

5. MAKING A COMPLAINT

A complaint can be made to the Council Office either by telephone, e-mail or writing. The Council is committed to ensuring that all people are given full and equal access to the Complaints Procedure.

6. WITHDRAWING A COMPLAINT

A complaint can be withdrawn verbally or in writing at any time by the complainant or the representative. The withdrawal of a complaint will be acknowledged in writing.

If at any time a complainant decides not to pursue a complaint further, the relevant member of staff must decide if the matter has been satisfactorily concluded. Any outstanding issues to be investigated or addressed will be followed up in accordance with internal procedures and not the complaints process.

7. CONTRACTED OUT SERVICES

Where the service complained about is provided by a contractor, the contractor will be required to investigate and respond in the first instance. Customers who remain dissatisfied after their complaint has been investigated by the contractor will be able to request a review of the complaint by the Community Council.

8. COMPLIMENTS AND COMMENTS

It is recognised that customers may express disappointment, disagreement or observations about services without necessarily wanting to complain. Feedback of this nature will be forwarded to the relevant staff member or Councillor for consideration and action. Customers will not receive an acknowledgement of this unless they specifically ask for one. Comments can be made by telephone, e-mail or in writing.

Customers may also provide compliments or expressions of gratitude to particular staff members, councillors or projects/events. These will be forwarded to the relevant staff member or Councillor. Compliments can be made by telephone, e-mail or in writing.

9. ISSUES THAT FALL OUTSIDE OF THIS POLICY

Certain types of complaint are not intended to be dealt with by this complaints policy and are more appropriately dealt with through other channels. These include:

- Complaints by Council employees – unless they are made as service users. Matters relating to their employment, for example pay, pensions, disciplinary or grievance matters, are more appropriate to be dealt with under the Council's Staffing policies and procedures.
- Matters that are the subject of ongoing legal action (or likely to be subject to ongoing legal action), which also includes complainants who themselves are subject to an investigation for any breaches of legislation enforced by the Council or subsequent legal proceedings taken by the Council.
- A claim of discrimination or harassment on the grounds of any incident which is perceived by the victim or any other person to be motivated by prejudice against someone's sex, racial heritage, religion, disability, age or sexual orientation that are related to Council services, or the conduct of Council employees which could possibly result in legal action or claims against the Council.
- Complaints about Councillors – if a complainant believes that a Councillor has broken the Council's Code of Conduct they can make a complaint to the Standards Committee of Neath Port Talbot County Borough Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer of Neath Port Talbot County Borough Council in the first instance.
- Complaints about issues covered by the Data Protection Act 1998 or the Freedom of Information Act 2000.
- Complaints relating to issues/actions that occurred more than 12 months before the date of the complaint, unless it is considered that there is good reason to accept the complaint.
- Unreasonably persistent or vexatious complaints –see section 13
- Complaints about matters which have been referred to the Local Government Ombudsman, and on which the Ombudsman has already made a decision.

10. FRAMEWORK FOR MANAGING COMPLAINTS

Employees should be able to deal with the majority of issues that complainants raise quickly and informally and will be encouraged to do so. However, if the complainant insists their issue is recorded as a formal complaint, it will be logged and treated as such. Those issues that cannot be dealt with straight away may need to be dealt with through the complaints procedure. Customers will be advised as to how their issue is being dealt with e.g. either informally or within the formal complaints procedure.

The formal Complaints Procedure is detailed within the Complaints Procedure page 7 of this policy:

11. LOCAL GOVERNMENT OMBUDSMAN

If a complainant is unhappy about the way that the Council has dealt with their complaint they can contact the Local Government Ombudsman, who is independent and can investigate complaints about most Council matters. The Ombudsman would normally expect a complaint to be made within 12 months of when the complainant first knew of the problem that they are complaining about. Contact details are as follows:

- **Call 0300 790 0203**
- **Public Services Ombudsman for Wales**
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

The Public Services Ombudsman for Wales normally requires all complainants to go through **all stages** of their Council's own Complaints Procedure before considering the complaint. However, in certain circumstances the Ombudsman has the discretion to waive this requirement. This might be because delay could cause harm to the complainant. The complainant should be advised of the normal requirement to complete the Council's Complaints Procedure but also that they can contact the Public Services Ombudsman for further advice.

Full details of how the Local Government Ombudsman deals with complaints can be found on the Ombudsman website www.ombudsman-wales.org.uk

12. REMEDY and OUTCOMES

A complaint will normally have three outcomes - **upheld, partially upheld and not upheld**.

A complaint is **upheld** when the Council confirms it was at fault in its actions or lack of actions and that the responsibility for this lies predominantly with the Council.

A complaint is **partially upheld** when the Council was partially at fault in its actions, but the actions of the complainant or a third party also contributed significantly to the situation that resulted in the complaint.

A complaint is **not upheld** when the Council decides it was not at fault in its actions and acted in accordance with policy and procedures, and in good faith.

Where a complaint investigation identifies that things have gone wrong, an appropriate remedy will be determined. The appropriate remedy will depend on the individual case. Often, an apology may be the only necessary action. In other cases, more will be required but an apology will be given to the complainant, especially when the complaint is upheld or partially upheld. Other appropriate remedies include:

- an explanation of what went wrong and why.
- the provision, within a stated timescale of any service that was not provided, or was provided but not to an acceptable standard, that resulted in the original complaint.
- clear action and steps to put things right.

13. UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINTS

The Council acknowledges that certain complaints can be difficult to resolve and can cause anxiety and distress to complainants, employees and councillors. Whilst the Council's aim is to try to find a way to resolve matters, from time to time complainants are encountered who become unreasonably persistent or vexatious in their quest to obtain the outcome they want.

The Council wants to ensure that, in using the Complaints Procedure, complainants who are unreasonably persistent or vexatious are dealt with fairly, honestly and properly, that the resources of the Council are used as effectively as possible and that other service users or employees of the Council do not suffer any detriment as a result of their behaviour. All reasonable measures will be taken to try to resolve complaints through the Complaints Procedure.

It is not possible to provide an exhaustive list to define unreasonably persistent or vexatious complaints. However, the Council would consider this to be the case if complainants or anyone acting on their behalf:

- make repeated demands for action or information that would impact substantially and unreasonably on the Council.
- persistently pursue a complaint when the Complaints Procedure has been fully implemented and exhausted.
- continually change the substance of a complaint, or raise additional issues or seek to prolong contact by continually raising further concerns or questions.
- are unwilling to accept documented evidence as being factual in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns.
- continually focus on a trivial matter to an extent that is out of proportion to its significance.
- have threatened or used actual physical violence towards employees at any time.
- have, in the course of their contacts with the Community Council, used foul and abusive language or have verbally assaulted or harassed Councillors or employees causing them to feel humiliated, intimidated or distressed.
- repeatedly contacting the Council, Councillors or employees with letters of complaint or telephone calls placing unreasonable demands on staff.
- are known to have recorded meetings or face to face/telephone conversations without prior knowledge and consent of other parties involved.
- display unreasonable demands or expectations and fail to accept that these may be unreasonable.

14. HOW THE COUNCIL WILL MANAGE UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINTS

Where circumstances permit, the Council will give the complainant a warning that, if their behaviour or actions continue, the Council may need to take action or apply

restrictions. In all cases where it is decided that someone is unreasonably persistent or vexatious the action the Council takes will be appropriate and proportionate, and may include one or more of the following options:

- requesting contact in a particular form (for example, letters or e-mails only).
- requiring contact to take place with a named officer.
- restricting telephone calls to specified days and times of the week.
- placing time limits on telephone conversations and personal contact.
- banning a complainant from attending some or all of the Council's premises.
- asking a complainant to enter into a written agreement about his/her future contacts with the Council.
- referral of the case to the Police/Legal Services.

When making decisions about appropriate action, the interests of the complainant will be balanced against the effects which his/her behaviour or actions are having on employees, other service users and the efficient use of resources. Use of abusive or foul language, threats, intimidation or harassment of employees by complainants is deemed to be unacceptable behaviour.

If a decision is taken to apply the policy the Clerk will write to tell the complainant why their behaviour is considered to be unreasonably persistent or vexatious, what action the Council are taking, and the duration of that action. The Council will also tell the complainant how they can request a review of the decision.

Reviews of decisions to take action or to restrict contact will be taken by the Clerk, Chair and Vice Chair. Where a complainant persists in communicating with the Council about either a complaint that has been completed at all stages of the Complaints Procedure, or a complaint which they have decided not to pursue at the next stage, the Council may decide to terminate contact with that complainant. In such cases the complainant will be informed in writing that, if they persist in communicating with the Council about the complaint, the Council will not respond further. The Clerk will read all correspondence from that complainant, but unless there is fresh evidence that affects a decision on the complaint, the Council will file the correspondence but not reply.

If the complainant continues to contact the Council by telephone or in person about the original complaint it may be decided to limit communication by one of the methods described above.

Staff will be required to report all verbal and physical assaults to the Clerk (or the Chair of the Council in the case of the Clerk) as appropriate. Incidents will be investigated and appropriate action taken, including reporting to the police where appropriate.

COMPLAINTS PROCEDURE

1. 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. 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 are followed.
2. You may make your complaint about the council's procedures, administration or services to the Clerk. You may do this in person, by phone, or by writing (using the complaints form found following this policy) or by emailing the Clerk. The addresses and numbers are set out below.
3. 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 15 working days.
4. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of the Council who will report your complaint to the Clerk of the Council or to the full Council (as appropriate).
5. The Clerk, or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or Members of the Council. The Council will consider whether the circumstances of the complaint warrant the matter being discussed in the absence of the press and public.
6. The Clerk, or the Chairman of the Council will notify you 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. (In exceptional cases the twenty working days timescale may have to be extended. This could happen if legal issues arise which mean that legal advice is necessary). If this is the case you will be kept informed.
7. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the full Council (if it has previously only been heard by the Clerk or Chair) and (usually within eight weeks) you will be notified in writing of the outcome of the review of your original complaint.

Contact details for the Clerk and Chair

The Clerk of Coedffranc Community Council
Address: The Memorial Hall
Skewen Park
Off Wern Road, Skewen, Neath,
SA10 6DP

Telephone: 01792 817754

E-mail: enquiries@coedffranc-wcc.gov.uk

COEDFFRANC COMMUNITY COUNCIL COMPLAINTS FORM

Please use black ink if possible and fill in your name in BLOCK CAPITALS

A Your details

Your name in full

Address and postcode

E-mail

Daytime contact number Mobile number

The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in Section B.

B Making a complaint on behalf of someone else: Their details

Their name in full

Address and postcode

What is your relationship to them?

Why are you making a complaint on their behalf?

- If you are complaining on behalf of someone else, they must sign here if they are able to. If they are not able to, please explain why.
- I give my consent for a complaint to be made on my behalf, to enable Coedffranc Community Council to obtain and consider all relevant information for the purposes of investigating my complaint.

Their signature	
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C About your complaint

Which service do you want to tell us about?	
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What do you want to tell us?	
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On what date did you first become aware of the problem?	
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What would you like us to do?	
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Have you contacted us before about this? If yes, please tell us who you told and when.	
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If you have documents to support your complaint, please send them with this form.

Please tick this box if you would like us to return them to you.

Consent

I consent to Coedffranc Community Council obtaining and considering all the relevant information for the purposes of investigating my complaint.

Signature

Date

Please send this filled-in form to:
Wendy Thomas, Clerk
Coedffranc Community Council,
Memorial Hall
Skewen Park,
Skewen, Neath, SA10 6DP

Phone: 01792 817754 E-mail: enquiries@coedffranc-wcc.gov.uk