

# Cyngor Sir CEREDIGION County Council

**REPORT TO:** Corporate Resources Overview and Scrutiny Committee

**DATE:** 7<sup>th</sup> July 2021

**LOCATION:** MS Teams

**TITLE:** Revised Concerns and Complaints Policy and Procedures

**PURPOSE OF REPORT:** To ensure the Council has a robust and up-to-date Concerns and Complaints Policy (corporate) which is compliant with the requirements outlined by the Complaints Standards Authority (CSA).

**REASON SCRUTINY HAVE REQUESTED THE INFORMATION:** To be considered by the Committee prior to presenting the Policy & Procedures to Cabinet for approval.

## **BACKGROUND:**

- The Concerns and Complaints Policy and Procedures have been reviewed and updated for two reasons:
  1. To incorporate the vast organisational and operational changes which have taken place since the last policy review in 2015, which includes the centralisation of the Complaints and FOI Service.
  2. To ensure that the Council's arrangements for managing corporate concerns and complaints is compliant with the requirements stipulated by the Complaints Standards Authority (CSA), which was introduced under the Public Services Ombudsman (Wales) 2019 Act.
- In line with the Model Concerns and Complaints Policy issued by the Public Services Ombudsman for Wales (PSOW) the Policy document provides complainants with information about how their concern/complaint will be managed by the Council. This includes guidance on the timescales of the two-stage policy, how members of the public can make a complaint if they are unhappy with the services provided (or not provided) by the Council and how they can refer their complaint for independent, external consideration by the PSOW or the Welsh Language Commissioner.
- The Concerns and Complaints Procedures document is an internal document and provides guidance for staff with regards to the operational arrangements that must be followed upon receipt, and during the investigation, of a concern or a complaint. This includes information on the escalation of a complaint from Stage 1 (informal resolution) to Stage 2 (formal investigation) and the role played by Services and the Complaints and FOI Service in resolving and learning from complaints.

- In the main, the arrangements outlined within both the Policy and Procedures documents are reflective of current working practices, particularly since the formation of the central Complaints and FOI Service in late 2016. However, due to recent changes to legislation, these documents also comply with Council’s statutory obligations to ensure an effective mechanism of governance to oversee all complaints activity within the Council – as detailed below:
  - i. Bi-annual reporting to the Cabinet Committee of Elected Members (including the Council’s Annual Report); as per the Public Services Ombudsman (Wales) 2019 Act.
  - ii. Information on complaints performance and the Council’s ability to handle complaints effectively will be reported to the Audit and Governance Committee at least twice a year; in accordance with the Local Government and Elections (Wales) Act 2021.
- Whilst the Concerns and Complaints Policy and Procedures being reviewed at this time relate only to the Council’s corporate services (i.e. Planning Service, Highways & Environmental Service, Finance Services etc.) separate policies exist for the management of Social Services Complaints received by the Council.

**CURRENT SITUATION:** The Council’s current Concerns and Complaints Policy is no longer fit-for-purpose due to the organisational, operational and legislative changes which have been implemented since the last review in 2015.

**Has an Integrated Impact Assessment been completed? If not, please state why**

**Summary:** The Policy review will not fundamentally alter the position for service-users but an IIA is in the process of being developed. The IIA will be presented to the Council meeting along with the Policy in September.

**WELLBEING OF FUTURE**

**GENERATIONS:**

- Long term:** To ensure the Council is fully compliant with its statutory duties under the legislation covered by the policies.
- Integration:** The policies will enable a clear and consistent approach across the Council for dealing with (corporate) concerns and complaints.
- Collaboration:** Not applicable.
- Involvement:** The contents of the policies largely represent current working practices and approval of the policies will allow for a more robust service. All corporate services within the Council will need to follow the policies.

**Prevention:** Approval of the policies will ensure that effective practices are in place to manage concerns and complaints activity in accordance with the requirements of legislation.

**RECOMMENDATION (S):**

1. That Corporate Resources Overview and Scrutiny Committee recommend the draft Concerns and Complaints Policy and the accompanying Procedures to be presented to the Council Meeting in for approval on 23<sup>rd</sup> September 2021.

**REASON FOR RECOMMENDATION (S):**

To ensure that fit-for-purpose policies operational across the Council.

**Contact Name:** Marie-Neige Hadfield  
**Designation:** Complaints and FOI Manager  
**Date of Report:** 14<sup>th</sup> June 2021  
**Acronyms:** CSA – Complaints Standards Authority  
PSOW – Public Services Ombudsman for Wales  
FOI – Freedom of Information  
CLO – Corporate Lead Officer  
CM – Corporate Manager



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County Council

# Concerns and Complaints Policy (Corporate)

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**Author and Service:** Marie-Neige Hadfield, Complaints & FOI Manager

**Date approved by Cabinet:** 23<sup>rd</sup> September 2021

**Integrated Impact Assessment (Yes/No):** No

**Publication date:** 1<sup>st</sup> October 2021

**Policy Review Date:** 31<sup>st</sup> March 2024

# Concerns and Complaints Policy

## Statement of Principles

Effective complaints handling processes should be:

### Complainant Focused

- The complainant should always be at the centre of the complaints process
- Service providers need to be flexible when responding to complainants' differing needs

### Simple

- Complaints processes should be well-publicised, have easy-to-follow instructions and have no more than two stages
- Information on advocacy services and support should be available
- Complaints responses should set out clearly the next stage and the right to approach the Ombudsman

### Fair and Objective

- Complainants should receive a complete and appropriate response to their concerns
- Complainants and staff complained about should be treated equally and with dignity

### Timely and Effective

- Complaints should be resolved promptly, when possible investigations should be thorough, yet prompt
- Complainants should be kept informed throughout of the progress of a lengthy investigation

### Accountable

- Complainants should receive an honest and clear explanation of the findings of an investigation
- Service providers should explain to complainants what changes will be made if their complaint is upheld, wherever possible

### Committed to Continuous Improvement

- Information from complaints will be collated and analysed
- Data will be shared with Ceredigion County Council senior leaders and the Ombudsman to support improvement in complaint handling and in service delivery
- Decision makers will regularly review the information gathered from complaints when planning service delivery

## Concerns and Complaints Policy

Ceredigion County Council is committed to dealing effectively with concerns or complaints you may have about our services. We will treat people fairly and with respect and listening to feedback from our service-users when things go wrong.

We aim to clarify any issues you may be unsure about. If possible, we will put right any mistakes we may have made. We will provide any service you are entitled to which we have failed to deliver. If we did something wrong, we will apologise and, where possible, we will try to put things right for you. We also aim to learn from our mistakes and use the information we gain from complaints to improve our services.

### Welsh Language Standards

You may make your complaint to any member of Council staff in Welsh or in English, depending on your language preference. In accordance with the Council's duty to comply with the Welsh Language Standards (WLS), we will communicate with you in the language of your choice.

Complaints can also be made regarding the Council's implementation and compliance with the WLS, or the standard of service provision delivered by the Council in Welsh. Complaints of this nature will be shared with the Council's Welsh Language Officer and you will have the opportunity to refer your complaint to the Welsh Language Commissioner at any time.

### When to use this policy

When you express your concerns or complain to us, we will usually respond in the way we explain below. However, sometimes you may have a statutory right of appeal e.g. against a refusal to grant you planning permission or the decision not to give your child a place in a particular school, so rather than investigate your concern, we will explain to you how you can appeal. Sometimes, you might be concerned about matters that are not covered by this policy e.g. when a legal framework applies or in the event of an insurance claim. In such cases, we will advise you about how to make your concerns known to the appropriate body.

This policy does not apply to Freedom of Information or data access issues. Please direct your requests in writing to the relevant service:

Freedom of Information  
Complaints and FOI Manager  
Canolfan Rheidol  
Rhodfa Padarn  
Aberystwyth  
Ceredigion  
SY23 3UE

[foi@ceredigion.gov.uk](mailto:foi@ceredigion.gov.uk)

Data Protection  
Information & Data Protection Officer  
Canolfan Rheidol  
Rhodfa Padarn  
Aberystwyth  
Ceredigion  
SY23 3UE

[data.protection@ceredigion.gov.uk](mailto:data.protection@ceredigion.gov.uk)

This policy does not apply to complaints made about the provision of Social Services as there is a separate, statutory policy in place for this (i.e. “Are we getting it right?”). This policy also does not relate to complaints against schools. Whilst the Council can provide advice to schools regarding their complaints handling procedures, it is the school’s Governing Body that has responsibility for ensuring complaints are managed in accordance with the school’s own complaints procedures. You can obtain more information about the school’s complaints procedures and a copy of their policy by contacting the school directly.

### Asking us to provide a service?

If you are approaching us to request a service, e.g. reporting a missed bin collection, or requesting an appointment this policy does not apply. If you make a request for a service and then are not happy with our response, you will be able to make your concern known to us as we describe below.

### When should you complain?

Normally we will only be able to look at your concerns if you tell us about them within **six months** of the event that you are complaining about. This is because it is better to look into your concerns while the issues are still fresh in everyone’s mind.

In exceptional circumstances we may agree to look into matters that occurred over six months ago, but you will need to explain why you could not bring your complaint to our attention earlier. We will then consider whether there is enough information available to support undertaking an investigation outside of the normal timescale. In any event, we will not consider any concerns about matters which took place more than three years ago.

If you are expressing a concern on behalf of somebody else, we will need their agreement for you to act on their behalf.

### What if there is more than one body involved?

If your complaint covers more than one body (e.g. a housing association) we will usually work with them to decide who should take the lead in dealing with your concerns. You will then be given the name of the person responsible for communicating with you while we consider your complaint.

If the complaint is about a body working on our behalf (e.g. repair contractors) you may wish to raise the matter with them first as we expect organisations providing a service for the council to have their own Complaints policy. If you are dissatisfied with the response, and you want to express your concern or complaint with the Council, we will look into this ourselves and respond to you, provided the contractors have had the opportunity to respond to you directly.

## How to make your complaint

You can express your concern in any of the following ways:

- Ask for a copy of our form from the person with whom you are already in contact. Tell them that you want us to deal with your complaint in accordance with this policy.
- Get in touch with our Complaints and FOI Team on 01545 574151 if you want to make your complaint over the phone.
- Use the complaints form on our [website](#).
- E-mail us at: [complaints@ceredigion.gov.uk](mailto:complaints@ceredigion.gov.uk)
- Write to us: Complaints & FOI Team, Canolfan Rheidol, Rhodfa Padarn Aberystwyth, SY23 3UE

We aim to have concern and complaint forms available at all of our public areas e.g. at our Council offices and community libraries.

Copies of this policy and the complaint form are available in alternative languages, audio and braille upon request.

## Dealing with your complaint – STAGE 1 (Informal Resolution)

Where possible, we believe it's best to deal with things straight away. You may be able to raise it with the person you're dealing with, or their line manager, who will try to resolve the issue for you there and then and make sure any lessons are learned as a consequence.

If the member of staff or manager cannot help, they will pass your concerns to the Complaints and FOI Service for further consideration under Stage 1 of the Concerns and Complaints Policy. As outlined above, you may also contact the Complaints and FOI Team directly to raise your concerns.

### At Stage 1:

- We will acknowledge your concern within **two working** days and let you know how we intend to deal with it.
- We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements – for example, your preferred language of choice or if you need documents in large type.
- We will deal with your concern in an open and honest way.
- We will make sure that your dealings with us in the future do not suffer because you have expressed a concern or made a complaint.
- We will formally respond to your complaint within **10 working days** informing you of our findings and what we have done to resolve matters. If we are unable to respond to you

within this timeframe, **we will escalate your complaint to Stage 2**, Formal Investigation. The Complaints and FOI Team will advise you of these arrangements.

- If you remain dissatisfied with the outcome of your complaint at Stage 1, you will be advised within the response provided that you can request escalation of your complaint to Stage 2: Formal Investigation within **20 working days** of the date of your Stage 1 response.
- You will need to explain why you believe your complaint has not been addressed properly at Stage 1.

## Dealing with your complaint – STAGE 2 (Formal Investigation)

If we have been unable to resolve your complaint satisfactorily at Stage 1, if we have exceeded the timescales set out under Stage 1 or, if your concerns are complex or of a more serious nature, we will conduct a formal investigation into your complaint.

### At Stage 2:

- We will formally acknowledge your concern within **five working days** and let you know how we intend to deal with it.
- We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements – for example, your preferred language of choice or if you need documents in large type.
- We will deal with your concern in an open and honest way.
- We will make sure that your dealings with us in the future do not suffer because you have expressed a concern or made a complaint.
- We may need to meet with you to discuss your complaint or we may suggest alternative methods to try and resolve matters (e.g. mediation or a resolution meeting).
- We will aim to formally respond to your complaint within **20 working days**, informing you of our findings and what we have done to resolve matters. If we are unable to respond to you within this timeframe, the Complaints and FOI Team will contact you to inform you of the delay, provide an update on the investigation and give you a revised response date.
- We will include information in our formal response about where you can take your complaint if you remain unhappy with the outcome or the explanations provided. This is usually the [Public Services Ombudsman for Wales](#), but may also be the [Welsh Language Commissioner](#) if your complaint relates to the Welsh Language Standards, or the [Information Commissioner's Office](#) if your complaint is about information governance.

## Investigation

We will tell you who we have asked to look into your complaint. If your complaint is straightforward, we will usually ask the Corporate Manager for the Service to investigate your complaint and respond to you. If your complaint is complex or of a serious nature, we may ask a manager from another Service to investigate matters. In exceptional circumstances, we may decide to appoint an independent investigating officer.

Our Complaints and FOI Team will keep you informed about how your complaint will be addressed, who is responsible for investigating the matters you have raised and when you can expect to receive a response.

We will set out our understanding of your complaint and ask you to confirm that these details are correct. We will also ask you to tell us what outcome you are hoping for. We may also need to discuss your complaint with you in more detail. We will let you know as early as possible if this is the case.

The person investigating your complaint will aim to establish the facts. The extent of the investigation will depend on how complex and how serious the issues are and in some cases, we may draw up an investigation plan.

The investigating officer will look at relevant evidence which may include information you have provided, our case files, notes of conversations etc. The investigating officer may also conduct staff interviews and look at our policies and any legal entitlement and guidance.

## Outcome

If there is a simple solution that could resolve your complaint then we may ask you if you are happy to accept this. For example, where you have asked for a service and we can see straight away that you should have had it, we will offer to provide the service rather than undertake a formal investigation into your complaint.

If we formally investigate your complaint we will let you know what we find and if necessary, we will produce a report. We will explain how and why we came to our conclusions.

If we find that we made a mistake, we will tell you what happened and why.

If we find there is a fault in our systems or the way we do things, we will tell you what it is and how we plan to change things to stop it happening again.

If we have made a mistake we will always provide a formal apology within our response.

## Putting things right

If we didn't provide you with a service you should have had, we'll aim to provide it now, if that's possible. If we didn't do something well, we will aim to put it right. If you have lost out as a result on our part, we will try to put you back in the position you would have been in if we'd have done things properly.

If you were entitled to funding and we did not provide it, we will try to refund the cost.

Our formal response to your complaint will provide details of any actions we will take to put things right.

## The Ombudsman

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:

- Have been treated unfairly or received a bad service through some failure on the part of the service provider.

- Have been disadvantaged personally by a service failure or have been treated unfairly.

The Ombudsman normally expects you to bring your concerns to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

- Phone: 0300 790 0203
- Email: [ask@ombudsman.wales](mailto:ask@ombudsman.wales)
- The website: [www.ombudsman.wales](http://www.ombudsman.wales)
- Writing to: Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

## Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made. The Council's Leadership Group considers a summary of all complaints on a quarterly basis and is made aware of all serious complaints.

The Council's Cabinet of Elected Members also consider how we are performing in relation to complaints at least twice a year.

We share summary (anonymised) information on complaints received and complaints outcomes with the Ombudsman as part of our commitment to accountability and learning from complaints.

In line with the Local Government and Elections (Wales) Act 2021 we also report information on complaints performance and the Council's ability to handle complaints effectively at least twice a year to the Audit and Governance Committee.

Where there is a need for significant change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it.

## What if you need help?

Our staff will aim to help you make your concerns known to us. If you need extra assistance, we will try to put you in touch with someone who can help. You may wish to contact:

### Ceredigion Independent Professional Advocacy (CIPA)

- **Website:** [www.cipawales.org.uk](http://www.cipawales.org.uk)
- **Email:** [info@cipawales.org.uk](mailto:info@cipawales.org.uk)
- **Phone:** 0800 206 1387

You can also use this concerns and complaints policy if you are under the age of 18. If you need help, you can speak to someone on the [Meic Helpline](#):

- **Website:** [www.meiccymru.org](http://www.meiccymru.org)
- **Phone:** 0808 802 3456

Or contact the [Children's Commissioner for Wales](#):

- **Website:** [www.childcom.org.uk](http://www.childcom.org.uk)
- **Email:** [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk)
- **Phone:** 0808 801 1000

## What we expect from you

In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a concern or a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.

We believe that all complainants have the right to be heard, understood and respected. However, we also consider that our staff have the same rights. We therefore expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence. We have a separate policy to manage situations when we find that someone's actions are unacceptable.

DRAFT

## APPENDIX A

### CONCERN / COMPLAINT FORM

**Please Note:** 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.

#### A: Your details

<b>Title:</b>	<b>Forename(s):</b>	<b>Surname:</b>
<b>Address and postcode:</b>		
<b>E-mail address:</b>		
<b>Daytime phone number:</b>		
<b>Please state how you would prefer us to contact you:</b>		

**Your requirements:** if our usual way of dealing with complaints makes it difficult for you to use our service, for example if English or Welsh is not your first language or you need to engage with us in a particular way, please tell us so that we can discuss how we might help you.

#### B: MAKING A COMPLAINT ON BEHALF OF SOMEONE ELSE

##### THEIR DETAILS:

**Please note:** We have to be satisfied that you have the authority to act on behalf of the person who has experienced the problem.

<b>Their full name:</b>	
<b>Address and postcode:</b>	
<b>What is your relationship to them?</b>	
<b>Why are you making a complaint on their behalf?</b>	

## **C: About your concern / complaint**

(please continue your answers to the following questions on a separate sheet(s) if necessary.)

**C.1** Name of the department/section/service you are complaining about:

**C.2** What do you think they did wrong, or failed to do?

**C.3** Describe how you personally have suffered or have been affected:

**C.4** What do you think should be done to put things right?

**C.5** When did you first become aware of the problem?

**C.6** Have you already put your concern to the staff responsible for delivering the service? If so, please explain how and when you did so:

**C.7** If it is more than 6 months since you became first aware of the problem, please give the reason why you have not complained before now:

If you have any documents to support your concern/complaint, please attach them with this form.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

When you have completed this form please send it to:

Complaints and FOI Team, Canolfan Rheidol, Rhodfa Padarn, Aberystwyth, SY23 3UE

or via e-mail to: [complaints@ceredigion.gov.uk](mailto:complaints@ceredigion.gov.uk).



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# Corporate Concerns and Complaints Procedure

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**Author and Service:** Marie-Neige Hadfield, Complaints & FOI Manager

**Publication date:** 23rd September 2021

**Review Date:** 31<sup>st</sup> March 2024

# Concerns and Complaints Procedure

## Complaints Handling Guidelines for Staff

This document should be considered in conjunction with the Council's Concerns and Complaints Policy (2021 version) and sets out the requirements and considerations to ensure that corporate complaints are managed effectively.

The Council's (corporate) Concerns and Complaints Policy and Social Services Complaints Policy and Procedures are compliant with our obligations with regard to the Complaints Standards Authority (CSA) which was introduced as part of the Public Services Ombudsman (Wales) 2019 Act. The purpose of the CSA is to ensure that all Councils in Wales have a uniform procedure for managing and reporting all complaints activity.

## 1 Introduction

- 1.1 Complaints should be viewed as a positive means of promoting customer satisfaction and identifying opportunities to improve service delivery. The purpose of this procedure is to explain to staff at all levels how the Council's Concerns and Complaints Policy operates and to provide practical advice on how to deal with concerns and complaints.
- 1.2 Following its formation in 2019, the CSA developed a Model Concerns and Complaints Policy for adoption by all Local Authorities in Wales. The aim of this Policy was to create a standard, streamlined and seamless process for handling complaints made by members of the public. In addition, the CSA:
  - Supports Local Authorities to deliver effective complaints handling
  - Collects and publishes data from the quarterly reports provided by Local Authorities
  - Delivers bespoke training packages to Local Authorities
- 1.3 The Concerns and Complaints Policy will be available in all Council buildings and accessible via the Council's website and upon request from the Complaints and FOI Service – as with other related policies (i.e. Social Services Complaints Policy and Procedures; Freedom of Information Policy and the Environmental Information Policy).

## 2 What is a complaint?

- 2.1 A '**complaint**' is defined as:-
  - an expression of dissatisfaction or concern
  - either written or spoken or made by any other communication method
  - by one or more members of the public
  - about a public service provider's action or lack of action
  - or about the standard of service provided

**- which requires a response.**

### 3 When does the Complaints Policy apply?

- 3.1 Not all expressions of dissatisfaction need to be treated as complaints requiring a formal response under the Concerns and Complaints Policy. All services receive comments, queries and reports of problems as a routine part of their day-to-day business. Every effort should be made to deal with these matters immediately, either by providing information, instigating the appropriate action or explaining a decision. Service users should be informed of their right to make a complaint under the Concerns and Complaints Policy if they are unhappy with the response received from the Service.
- 3.2 The following will **not** be treated as complaints under the Policy:
- an initial request for a service (e.g. reporting a faulty street light)
  - an appeal against a '*properly made decision*' by the Council (i.e. a decision the Council is entitled to make and where the relevant laws, policies and procedures have been correctly followed)
  - representations regarding a Council policy or intended change of policy (e.g. Council Tax increases, revised frequency of refuse collections)
  - attempts to seek change to legislation or a properly made policy decision, or attempts by lobbying groups / organisations to seek to promote a cause
  - complaints for which there is a legal remedy or where legal proceedings already exist
  - complaints about a third party (e.g. noisy neighbours, parking fines issued by private car park companies)
- 3.3 The following types of complaint **should not** be considered under the Policy, as they will be subject to separate arrangements, further details of which are available from the Complaints and FOI Service:
- complaints about schools (*refer to individual school policy which will be compliant with WG Complaints Procedure for School Governing Bodies in Wales; circular 011/2012; October 2012*)
  - complaints about Social Services (*refer to Social Services Complaints Policy*)
  - complaints where there is an alternative procedure for appealing against a decision, e.g. planning appeals, housing benefit appeals or penalty charge notices (*refer to relevant policy/service for further guidance*)
  - complaints about the conduct of a Councillor (*refer to Code of Conduct for Councillors*)
  - potential claims for compensation, which should be referred to the Council's Insurance section (*to be progressed in accordance with the relevant Financial Services policy*)
  - complaints from the public or members of staff about employee conduct, employment matters or complaints about recruitment decisions; all of which should be referred to the People and Organisations Service (*to be addressed under the relevant Human Resources policies and procedures*)

### 4 How does the Council's Concerns and Complaints Policy work?

- 4.1 The Complaints and FOI Service can be contacted to provide advice and guidance with regards to the Concerns and Complaints Policy and, as a centralised, corporate service, will co-ordinate and facilitate the response and resolution of concerns and complaints. For further advice on these arrangements, the Complaints and FOI Service can be contacted by telephone on: 01545 574151 or via e-mail: [complaints@ceredigion.gov.uk](mailto:complaints@ceredigion.gov.uk).

- 4.2 Early intervention to resolve a concern is proven to be the most effective way to deal with the issue and inspire confidence from the service-user, though this may not always be possible. The Complaints and FOI Service can provide services with additional support to prevent an issue becoming a complaint; however, responsibility for resolving the concern / complaint ultimately lies with the service responsible.
- 4.3 There are two stages to the Council's Concerns and Complaints Policy, both of which require prompt co-operation from the service(s) at the centre of the complaint. The timescales differ between stages and the Complaints and FOI Service will co-ordinate and facilitate the timely acknowledgements, responses and updates with regards to all complaints activity (i.e. issuing acknowledgement letters, formal responses etc.).
- 4.4 The diagram below provides an outline of the timescales of each stage as outlined in the Policy. Service Managers (SMs), Corporate Managers (CMs) and Corporate Lead Officers (CLOs), as indicated by the specific case, will be required to ensure investigations and responses are passed to the Complaints and FOI Service **in advance** of the prescribed timescales – as outlined in red text below.

### **Stage 1: Informal Resolution**

Service Managers will be required to act promptly to investigate the complaint. More specific information on this stage can be found in Section 7.

In the context of early resolution, all Stage 1 complaints must be responded to within **10 working days\***

**Service Managers will be required to submit their response to the Complaints and FOI Service within 8 working days**

*\*Failure to respond to a Stage 1 complaint within the prescribed timescale of 10 w/d will result in the automatic escalation of the complaint to a Formal Investigation at Stage 2. As such, the CM and CLO will be informed and the process will need to be completed within the remaining 10w/d of the (now Stage 2) complaint.*

### **Stage 2: Formal Investigation**

CMs (and occasionally CLOs) will liaise with the Complaints and FOI Service to identify a suitable Investigating Officer to undertake the formal investigation. In some cases it may be necessary to appoint an Independent Investigating Officer. More specific information on this can stage be found in Section 8.

Stage 2 complaints should be responded to within **20 working days**. However, it is recognised that some investigations may take longer than this. If, for any reason, it will not be possible to provide a substantive response to the complainant within the prescribed timescale, the Investigating Officer must notify the Complaints and FOI Service as early as possible.

**CMs/CLOs assigned to investigate a complaint at Stage 2 are required to provide their response and/or report to the Complaints and FOI Service within 18 working days. Alternatively, if it is anticipated that this will not be possible, they must notify the Complaints and FOI Service so that arrangements can be made to update the complainant.**

- 4.5 The underlying principle of the management of complaints at the formal stage is to **'Investigate Once, Investigate Well'**. Emphasis must be placed on the importance of conducting a thorough investigation to address all aspects of a complaint rather than re-visiting matters and conducting multiple investigations at different levels within the Council.
- 4.6 Every formal Stage 2 response will include details on how the complainant can refer their complaint to the Public Services Ombudsman for Wales (or the Welsh Language Commissioner if the complaint relates to the failure to adhere to the Welsh Language Standards) if they remain dissatisfied.
- 4.7 Further information regarding referrals to the Ombudsman and Welsh Language Commissioner can be found below in Sections 11 and 12, respectively.

## 5 Who is responsible for dealing with complaints?

- 5.1 All members of staff may become involved with a complaint from time to time, particularly frontline staff who are delivering services to the public on a day-to-day basis. This procedure, alongside the Policy itself, aims to enable **all** members of staff to identify potential complaints as they arise and to empower them to resolve any issues on the spot or escalate through their management channels.
- 5.2 Resolving concerns or enquiries received directly from service-users or via the Complaints and FOI Service and/or Clic should be considered as part-and-parcel of routine service delivery. In instances whereby a concern cannot be resolved in this manner, the service-user should be informed about how they can make a complaint and/or the matter should be referred to the Complaints and FOI Service to be recorded.
- 5.3 The Council is committed to providing appropriate training for staff at all levels on corporate standards for complaints handling. More information regarding training can be obtained from the Complaints and FOI Service.

## 6 Receiving a complaint

- 6.1 A complaint can be made in person, by telephone, e-mail, letter or via the on-line complaint form to any member of Council staff. It is important that the complaint and any information relating to the complainant is passed immediately to the Complaints and FOI Service.
- 6.2 In accordance with the Council's statutory obligations under the Welsh Language Measure 2011, a person can make a complaint in Welsh or English – whichever is their language of preference. The complaints process will be followed, in its entirety, in accordance with this preference (i.e. issue a Welsh acknowledgment letter, response letter etc.).
- 6.3 The Council will usually only consider complaints which are made within **6 months** of the incident which triggered the complaint, unless there are very good reasons for not bringing the matter to the Council's attention earlier. In any event, the Council will not consider complaints about matters which took place more than three years ago.
- 6.3 Any member of staff who receives a complaint should notify the Complaints and FOI Service immediately.

- 6.4 If the complainant wishes to make their complaint verbally (in person or by telephone) they must be signposted to the Complaints and FOI Service. Alternatively, the staff member involved in the matter can pass any information they gather, as well as the contact information of the complainant, to the Complaints and FOI Service.
- 6.5 Upon receipt of a complaint by the Complaints and FOI Service, the complaint will be assessed and contact will be made with the relevant SM / CM / CLO in order to:
- (a) consider whether the Concerns and Complaints Policy applies,
  - (b) check whether the time for making a complaint has expired,
  - (c) agree the most appropriate Stage for the complaint to be investigated
- 6.6 The Complaints and FOI Service will then record the complaint on the complaints database in accordance with the actions agreed with the service.
- 6.7 In considering whether a complaint should be dealt with under Stage 1 or Stage 2 of the Concerns and Complaints Policy, the questions below should be taken into account. If the answer to any of these questions is 'yes', it is likely to be more appropriate for the complaint to proceed directly for investigation at Stage 2.
- (a) Has the complainant already tried to resolve the complaint with the staff responsible for delivering the service? *(e.g. is this an issue which has been considered at length at various levels of management within the service?)*
  - (b) Have there been any disagreements with the staff responsible for delivering the service? *(e.g. does the complainant question the honesty/integrity of the staff they have been dealing with?)*
  - (c) Are there any broader reasons why it would be more appropriate for a more senior officer to consider the complaint? *(e.g. if the matter relates to an issues of significant public interest or if similar issues have been raised by others within a short period of time)*
  - (d) Does the complaint raise any serious or complex issues? *(e.g. whether referral for safeguarding screening has taken place and the matter is now deemed appropriate to conclude under the Concerns and Complaints Policy)*
  - (e) Has the complainant asked for a formal investigation or expressed a wish to proceed straight to Stage 2? *(whether this is proportionate or reasonable will depend on the circumstances of the complaint and the outcome of discussions with the service).*

## 7 Stage 1 – Informal resolution

- 7.1 A member of staff who is responsible for responding to a Stage 1 complaint should:
- (a) Ensure that the Complaints and FOI Service is aware of the complaint and that it is recorded on the complaints database.
  - (b) The Complaints and FOI Service will seek to acknowledge the complaint and explain the arrangements under Stage 1 and advise that they will receive a response within **10 working days**.

- (c) As outlined in Section 4, if it is not possible to respond to the complaint within 10 working days, the service must inform the Complaints and FOI Service as early as possible in order for the complaint to be escalated to Stage 2 and for them to notify the complainant accordingly. **It must be noted that in these circumstances the 'clock' does not reset to provide an additional 20 working days; therefore the complaint must be responded to within the next 10 working days following the date of receipt.**
- (d) When responding to a Stage 1 complaint, complainants will be advised that they may request a formal investigation under Stage 2 if they are not satisfied with the outcome. The complainant will also be advised that they need to provide specific details to support their request for a formal investigation within 20 working days of the Stage 1 response being issued.
- (e) In rare cases, there may not be any merit in accepting the complainants request to escalate their complaint for a formal investigation under Stage 2 (i.e. if it is deemed that nothing further can be achieved by investigating matters at Stage 2 or if the rationale provided by the complainant is unreasonable or disproportionate). This will usually be discussed between the Complaints and FOI Service and the Service in receipt of the complaint so that everybody is in agreement that the complaint should be refused. Such cases will involve a formal response from the Complaints and FOI Manager explaining why the matter will not be investigated formally and the Ombudsman's contact information will be included in the letter.
- (f) In addition to resolving the complaint, emphasis must be placed on **learning lessons**. For reporting purposes, information is required from services upon the conclusion of a complaint with regards to any service improvements or lessons learned as a direct consequence of the complaint.

## 8 Stage 2 – Formal investigation

- 8.1 Information about how a complaint can be escalated to Stage 2 will be included in every Stage 1 response issued by the Complaints and FOI Service. However, if a member of staff receives a request for a formal investigation of their complaint, this should be forwarded to the Complaints and FOI Service immediately.
- 8.2 The Complaints and FOI Service will liaise with the CM and/or CLO of the relevant Service(s) referred to in the complaint with regards to the following actions:
  - (a) A formal acknowledgement will be issued to the complainant within **5 working days**. This letter will explain how the matter is being investigated and by whom, when they will be likely to receive a response and they will be offered the opportunity to discuss their complaint further with the Service and/or Complaints and FOI Service.
  - (b) A copy of the Concerns and Complaints Policy will be provided and, if unknown, the Complaints and FOI Service will seek to clarify the complainant's preferred method and language of communication and whether they have any particular requirements (e.g. if they require support in making their complaint or if they have a disability which requires the Council to make reasonable adjustments in order to enable them to make their complaint).
  - (c) Obtain written consent in instances where somebody is acting on behalf of the service user.

- (d) All information will be retained in the complaint file (in the event that matters are subsequently referred to the Ombudsman). Details of the complaint will also be recorded on the complaints database for monitoring and reporting purposes.
  - (e) If the complaint is 'out of time' (i.e. over 6 months since the incident which triggered the complaint) consideration should be given as to whether there are good reasons to justify acceptance of the complaint regardless of the time which has elapsed.
- 8.3 Stage 2 complaints will usually be investigated by the CM of the relevant Service and who is senior to any staff directly referred to in the complaint. Occasionally, it may be necessary for the CLO to undertake the Stage 2 investigation. It is vital however, that the investigation is conducted by a senior member of staff who has not been directly involved in the issues referred to in the complaint. In the interests of openness and transparency (in order to support staff members, attempt to resolve the complaint and preserve the integrity of the process) it may be considered more appropriate for a CM or CLO from another Service to investigate the complaint. Such instances will be discussed between the Complaints and FOI Manager, the CM/CLO of the Service at the centre of the complaint and the CM for Partnerships and Performance (who has management responsibility of the Complaints and FOI Service) and in highly contentious cases, the CLO for Policy, Performance and Public Protection.
- 8.4 It is imperative that complaints are not investigated by a member of staff where there may be a conflict of interests (i.e. a close relationship between the investigator and a member of staff involved in the complaint). Any possible situations need to be declared immediately and an alternative investigator appointed.
- 8.5 The person investigating a Stage 2 complaint may be required to do all or some of the following (depending on the nature, complexity or severity of the complaint):
- (a) Offer a discussion with the complainant and agree the matters which will be investigated.
  - (b) Confirm the complainant's desired outcomes (if this is not clear from their complaint).
  - (c) Consider whether the matter can be resolved by way of a 'quick fix' without having to undertake a full investigation e.g. by offering to provide a service which the complainant should have received.
  - (d) Maintain communication with the Complaints and FOI Service so that progress can be recorded and if required, holding letters can be issued to the complainant (if it is not possible to complete the investigation within the prescribed timescale of **20 working days**).
  - (e) Compile a formal report (template attached as Appendix 2) to accompany their response. The draft report and response, once complete, should be shared with the Complaints and FOI Service.
  - (f) The Complaints and FOI Service will quality check the documents and retain any evidence in the complaints file. In addition, they will record the outcome of the complaint and issue the formal response directly to the complainant, ensuring that all compulsory information is included therein (i.e. referral to the Ombudsman, whether the complaint(s) are upheld or not upheld etc.).

## **9 Recording and Reporting Complaints Activity**

- 9.1 All complaints will be recorded by the Complaints and FOI Service on the complaints database. The Stage, outcome and timeliness of the complaint response will be included in this recorded information, as will any information about lessons learned.
- 9.2 The Complaints and FOI Service will provide a detailed report to the CSA and Leadership Group on a quarterly basis. Complaints activity will be reported on to Cabinet and the Council's Audit Committee twice a year (to include the Annual Report which will be presented together with the Ombudsman's Annual Report for the Council).
- 9.3 Identifying lessons to be learned and implementation of improvements as a consequence of complaints are mandatory fields on the database and this information will be summarised, or examples chosen, to be included in the reports produced. This will reinforce the importance of making positive changes to prevent future occurrences.

## **10 What if the complaint involves more than one Council Service or another organisation?**

- 10.1 If a complaint involves more than one Council Service, the Complaints and FOI Service will liaise with the CMs and CLOs of the relevant Services to agree who will be leading on specific elements of the complaint. The Complaints and FOI Service will co-ordinate the complaint and, if necessary, undertake the investigation. If agreement cannot be reached as to who should lead on a particular aspect of a complaint, this will be resolved via escalation to the CM for Partnerships and Performance and/or the CLO for Policy, Performance and Public Protection.
- 10.2 A complaint involving another organisation (e.g. a Housing Association or the Local Health Board) will be discussed with the CM / CLO of the relevant Service(s) so they are aware of a complaint involving their Service and, if known, obtain from them the details of any external parties referred to.
- 10.3 The Complaints and FOI Service will notify the complainant in writing that their complaint involves another organisation and their consent will be required prior to sharing the complaint with any interested parties. The expectation will be that the organisation involved in the majority of the complaint should lead on the investigation. Alternatively, it may be decided that each organisation addresses its own sections of the complaint under their policies with the aim of responding directly to the complainant as opposed to issuing a single, combined response.
- 10.4 If the complaint involves an organisation who is providing a Service on our behalf (i.e. a commissioned/contracted Service) the circumstances of each individual case will need to be considered and discussed between the Complaints and FOI Service and the commissioning Service. Usually, the expectation would be for the commissioned Service to investigate the complaint under their own complaints procedures and provide a copy of their response to the Council. However, on occasion, the circumstances may require the Council to follow its own complaints procedures (in this case, the Concerns and Complaints Policy). Such instances will be discussed at length between the Complaints and FOI Service and the commissioning Service.

## 11 Public Services Ombudsman for Wales

- 11.1 The Ombudsman is independent of all government bodies and looks into complaints about public services in Wales, including complaints made against Local Authorities. A complainant who is not satisfied with the way in which his/her complaint has been handled by the Council can refer their complaint to the Ombudsman.
- 11.2 A complaint can be referred to the Ombudsman at any stage, but the Ombudsman will usually request that the Council has had a reasonable opportunity to investigate and respond in accordance with the relevant complaints policy in the first instance. However, the Ombudsman has discretion to accept a complaint for investigation at any time if they consider it reasonable to do so.
- 11.3 The Complaints and FOI Service will provide support and advice to Services who are involved in complaints under consideration or investigation by the Ombudsman. In addition, the Complaints and FOI Service will be able to provide resources to assist Services during the process (including the Ombudsman 'Toolkit', Factsheets and advice on previous similar cases reported on by the Ombudsman).
- 11.4 Complainants will be advised within their response at Stage 2 that they can contact the Ombudsman if they remain dissatisfied. The same also applies in instances where it is deemed that the complaints policy does not apply, and when requests for investigations at Stage 2 are refused (as per point 7.1(e) above). The Ombudsman's contact details are as follows:
- Telephone: 0300 790 0203
  - E-mail: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)
  - Online Form: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)
  - Via post: Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ
- 11.5 The Complaints and FOI Service will record, monitor and report on all Ombudsman activity involving the Council as part of its quarterly reporting procedure. In addition, Ombudsman activity will be included in reports presented to the Cabinet, Audit Committee and any other relevant committees on a biannual basis. The end of year report compiled by the Complaints and FOI Service will be accompanied by the Ombudsman's Annual Letter outlining the Council's performance with regard to cases referred for Ombudsman consideration.

## 12 Welsh Language Complaints

- 12.1 As per 6.1 complainants have the right to express their dissatisfaction in their preferred language. Should any complaints arise regarding the provision of Council Services in the medium of Welsh, these will be reported directly to the Council's Welsh Language Officer. In addition, the Complaints and FOI Service will record the case on the complaints database – highlighting that the nature of the complaint relates to the Council's failure to adhere to its statutory obligations under the Welsh Language Standards.

12.2 Complaints regarding the Council's performance in respect of the Welsh Language Standards will be included in the Welsh Language Officer's Annual Report which is submitted to the Welsh Language Commissioner.

12.3 Complainants who remain dissatisfied following the Council's response at Stage 2 where the Council's compliance or performance with the Welsh Language Standards is under dispute, should be advised within their formal response, that they may refer their complaint to the Welsh Language Commissioner for external consideration.

12.4 The Welsh Language Commissioner's details are provided below:

- Telephone: 0345 6033 221
- E-mail: [post@cyg-wlc.cymru](mailto:post@cyg-wlc.cymru)
- Website: [Welsh Language Commissioner](#)
- Via post: Welsh Language Commissioner, Market Chambers, 5–7 St Mary Street, Cardiff CF10 1AT

## 13 Anonymous complaints

13.1 Complaints made anonymously may still raise issues of serious concern and the Complaints and FOI Service will advise Services whether the information provided is sufficient to warrant further investigation in the accordance with the Concerns and Complaints Policy. Whilst the formal response process would not be applicable in these circumstances, there may be merit in undertaking an investigation and retaining the documentation generated in the event that the complainant later provides their information, or if similar concerns arise.

## 14 Unacceptable actions by complainants

14.1 The Council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain. Access to this Service and to Council offices and employees is not normally limited. However, there are a small number of complainants who, because of the frequency of their contact with the Council, hinder consideration of their own complaints.

14.2 In most cases, complaints can be dealt with quickly and efficiently. However, the behaviour of a minority of service users can make investigating and resolving a complaint difficult. These service users can also take up a lot of officer time so there is less time to help others.

14.3 In a very small number of cases, a complainant's behaviour may become unacceptable. The Council has a duty to protect its staff from behaviour which is abusive, offensive and threatening, and in these cases, will consider the matter under the Unacceptable Actions by Service Users Policy.

14.4 Features of a persistent complainant may include:

- Continuously shouting to a member of staff, swearing, threats, and name-calling
- Obsessive, harassing, or prolific behaviour
- Making the same complaint repeatedly or with minor differences but never accepting the outcome

- Seeking an unrealistic outcome and refusing to accept that the Council cannot provide what they are asking for

14.5 When the relationship has become unworkable, the Complaints and FOI Service, together with the relevant CM and CLO will consider applying the Unacceptable Actions by Service Users Policy.

## **15 Compliments**

15.1 It is equally important for the Council to record compliments received from members of the public in order to provide positive feedback to staff and share best practice. A compliment can be defined as an expression of praise or positive feedback regarding services provided by the Council.

15.2 Staff should forward details of all compliments received to the Complaints and FOI Service who will record the information on the central database for inclusion in the quarterly and biannual reports.

15.3 Occasionally, compliments will be received in the form of formal correspondence to the Council. In such cases, the compliment should be formally acknowledged and the service-user thanked for taking the time to provide positive feedback.

## **16 Freedom of Information Act 2000 Complaints**

16.1 Complaints about the Council's management of requests under the Freedom of Information (FOI) Act 2000 will be addressed under the relevant policy (e.g. Freedom of Information Policy or Environmental Information Regulations Policy). This process is considered as an 'Internal Review' which will be considered and responded to by the CLO for Policy, Performance and Public Protection.

16.2 All Internal Reviews are recorded and included in all routine reports referred to above.

16.3 If an applicant remains dissatisfied with the outcome of their Internal Review, they are informed that they may refer their case to the Information Commissioner's Office (ICO) for further consideration.