

*Old St. Mellons Community Council*



## **OLD ST MELLONS COMMUNITY COUNCIL**

### **COMPLAINTS PROCEDURE**

*(This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg)*

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## 1.0 DEFINITIONS

### 1.1 Complaint

A complaint is an expression of dissatisfaction by one or more customers about the Council's action or about the standard of a service, whether the action was taken or the service provided by the Council itself or by a person or body acting on behalf of the Council.

### 1.2 A Complaint is NOT:

- An initial request for a service
- Complaints about third parties: e.g. about a community group for which the Council is not responsible
- A request for an explanation of a decision
- A representation about a major policy decision e.g. setting the precept

### 1.3 Matters not covered by this procedure:

Sometimes customer have specific rights of appeal or other remedies if they have grievances, and this complaints procedure is not appropriate in these circumstances. Complaints that fall outside this procedure include:

- Complaints where there is a right of appeal to an independent tribunal or a legal remedy, e.g. planning decisions or potential insurance claims
- Complaints about the conduct of a Councillor, which should in the first instance be reported to Cardiff County Council's Monitoring Officer, who will then advise the complainant about making a complaint to the Public Services Ombudsman for Wales.
- Complaints by Council staff about employment matters, which are dealt with under the Council's personnel procedures
- Allegations of serious officer misconduct and criminal activity. If the complaint is of serious nature, the complaint must be referred immediately to the Clerk for investigation. The Clerk will retain all documentation relating to such a complaint.

- Allegations of financial impropriety. Any case of suspected fraud or corruption by any officer or member of the Council must be reported immediately to the Clerk for the necessary investigation to be carried out. Where, as a consequence of the investigation, there appear to be reasonable grounds to indicate that an officer or member has been guilty of fraud or corruption, the Clerk will discuss the matter with full Council 'in camera', who will be responsible for deciding whether the matter should be formally referred to the Police.

## **2.0 INTRODUCTION**

- 2.1 This document sets out Old St. Mellons Community Council's procedure in dealing with complaints.
- 2.2 Complaints from customers are an invaluable source of feedback about the service we provide. They are a positive means of promoting customer satisfaction and a way of identifying opportunities to improve service delivery. They help us to learn about our customer's needs and expectations
- 2.3 This procedure reflects guidance given by the Public Services Ombudsman for Wales and One Voice Wales.

## **3.0 HOW CAN A CUSTOMER MAKE A COMPLAINT?**

- 3.1 A complaint can be made by letter, in person, by telephone, through a third party such as a Councillor or advice agency, by e-mail or via the Council website – any way that is convenient to the customer.
- 3.2 A complaint form has been designed to help customer. However, they do not have to use this form if they do not wish to. A copy of the form can be found in Appendix 1.
- 3.3 This form can be completed by:
  - a. customer
  - b. Council employee (on behalf of the customer) if the complaint is received via a letter, a personal call, a telephone call, through a third party or by e-mail.

## **4.0 PROCEDURE FOR DEALING WITH COMPLAINTS**

- 4.1 Time limit for receipt of complaints

It may not be possible to investigate complaints that arose more than 6 months before the date of submission. In cases of uncertainty, the complaint must be referred to the Clerk for decision.

## 4.2 Dealing with a Complaint

When a customer contacts an employee with a complaint, the employee must first make a judgement whether the issue raised can be resolved there and then, or whether it needs further investigation. When it is clear that the Council is at fault, sometimes all that is required is an on the spot apology, e.g. "I'm very sorry for the error" or "I'm very sorry you've had to wait so long".

- If the customer is happy with the response given No further action is required.
- If the customer is not happy with the response given (and so further action is required)

The complaint form should be completed and submitted in the manner outlined in paragraph 4.3 below. The customer should be informed that he/she will receive a reply within 10 working days.

## 4.3 Recording a Complaint

When a complaint is received, the customer should be thanked for taking the time to express his/her views, and told how the complaint will be dealt with (i.e. it will be recorded and passed to the Clerk to investigate). The complaint should be recorded as follows:

- If received on complaint form:

The form should be passed immediately to the Clerk.

- If received by letter:

The letter should be passed immediately to the Clerk.

- If received by e-mail:

The e-mail should be passed immediately to the Clerk.

- If received by telephone:

The form should be completed when the customer is on the phone. When completed, the form should be passed immediately to the Clerk.

In order for the customer to be satisfied that the complaint has been recorded accurately, the complaint should be read back to the customer. The customer should then be asked if he/she would like a copy of the completed form sent to him/her. The customer should be advised to contact the Clerk if he/she is not satisfied with the way in which the complaint has been recorded.

- If received via personal call:

The form should be completed when the customer is present. The customer should then be asked if he/she would like a copy of the completed form. When completed, the form should be passed immediately to the Clerk.

#### 4.4 Three-Stage Procedure

The procedure for dealing with complaints specifically consists of 3 key stages. The stages are designed to provide the customer with a thorough and fair means of redress and to provide a framework for officers to work within.

##### STAGE ONE

###### Investigation by the Clerk

The Clerk will seek to resolve the complaint and a response will be given within 10 working days. The customer will be informed that if he/she is not happy with the response he/she can ask (within 10 working days of receipt of the response) that the Clerk investigate the complaint with the Chairman (Stage 2).

##### STAGE TWO

###### Investigation by the Clerk and the Chairman

The Clerk, together with the Chairman, will further investigate the complaint and a response will be given within 10 working days. The customer will be informed that if he/she is not happy with the response he/she can ask (within 10 working days of receipt of the response) that the full Council investigate the complaint (Stage 3). However, if the customer is dissatisfied with the outcome of Stage 2, he/she shall be advised that he/she has the right to refer the complaint to the Public Services Ombudsman for Wales immediately without proceeding to Stage 3.

##### STAGE THREE

###### Investigation by full Council

Full Council has final responsibility for dealing with complaints within this procedure.

The full Council will investigate the complaint and a response will be given within 10 working days. The customer will also be informed of how he/she can refer the complaint to the Public Services Ombudsman for Wales.

#### 4.5 Timescales

- If it is likely that a full response will be made within 5 working days of receipt of complaint, the complaint does not need to be acknowledged.
- If it is unlikely that a full response will be made within 5 working days of receipt of the complaint, the complaint will be acknowledged within 3 working days of receipt.
- A full response will be made within 10 working days of receipt of the complaint/request to move on to the next stage.
- In those cases where the investigation cannot be completed within 10 working days, the customer will be contacted (within the 10 working days) and an

explanation for the delay given. The customer will also be given a revised date for completion of the investigation.

A 'Quick Reference' to the timescales involved at each of the three stages can be found in Appendix 2.

#### 4.6 Complaints about Council Staff

Any complaint about the conduct of the Clerk not properly falling within the Council's Disciplinary Procedure shall be referred immediately to the Chairman of the Council for investigation by full Council. The Clerk shall be notified of the complaint and shall be given an opportunity to respond. Any complaint about the conduct of other staff shall be considered within the Council's Disciplinary Procedure framework.

#### 4.7 The Ombudsman

Customer can make a complaint to the Public Services Ombudsman for Wales at any time. Generally, however, the Ombudsman will be the final avenue open to a customer if he/she is not satisfied with the Council's response having gone through the three internal complaints stages.

If a customer wishes to refer a matter to the Ombudsman he/she shall be given the relevant contact details, which can be found in Appendix 3.

#### 4.8 Vexatious Complaints

It is possible to refuse to accept a complaint under this procedure if it is 'vexatious'. The decision to classify a complaint as vexatious shall be taken by the Clerk, after consultation with the Chairman of the Council. The factors to be considered before making this decision shall include one or more of the following:

- The complaint has already been fully investigated and the Council's complaints procedure has been exhausted
- The complainant is not prepared to accept the conclusion
- The complainant persists in the same or largely similar complaint
- The Public Services Ombudsman for Wales (or some other third party) has already made a finding on the matter and the complainant persists in making the same or largely similar complaint.

In the first instance, staff should receive and record the complaint in accordance with this procedure. If a complaint is received which is subsequently classed as vexatious, the customer will be advised accordingly by the Clerk.

#### 4.9 Anonymous Complaints

If an anonymous complaint is received or the customer is unwilling to provide his/her name and address, the complaint form must still (as far as possible) be completed and the matter must be investigated. The procedure will need to be modified to suit the particular circumstances.

In the absence of the complainant's details it will not be possible to report back to him/her on the outcome of the investigation. However, some complainants, although wishing to remain anonymous will give a phone number or e-mail address, in which case a response can be given this way.

#### 4.10 Unacceptable Actions by Complainants

The Council expects its employees to be treated courteously and with respect. Council employees who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in accordance with Guidance issued by the Council.

**The Council will take action to restrict complainants that fall into the following categories:-**

Violence; abusive; or aggressive behaviour towards employees is unacceptable

There is a difference between aggression and anger. It is not acceptable when anger escalates into aggression directed towards Council employees. Violence is not restricted to aggression that may result in physical harm, it also includes behaviour or language (whether written or oral) which may cause employees to feel afraid, threatened or abused.

Unreasonable Demands/Unreasonable Persistence/Vexatious complaints

Examples include - demanding responses within unreasonable time-scale, insisting on seeing or speaking to a particular member or officer of the Council; continual telephone calls or letters; repeatedly changing or adding to the substance of the complaint; or raising unrelated concerns.

The Council reserves the right to decline to investigate such complaints. Any decision will be the subject of a review by the full council.

# APPENDIX 1 – Complaint Form

<p><b>COMPLAINT FORM</b></p> <p>Your name: .....</p> <p>Your address and postcode: .....</p> <p>.....</p> <p>.....</p> <p>Your daytime phone number: .....</p> <p>Your e-mail address: .....</p> <p>Date: .....</p> <p>Your Complaint is: .....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(Please continue on separate sheet if necessary)</p> <p>What do you think we should do: .....</p> <p>.....</p> <p>.....</p> <p>If the complaint is resolved and no further action is required – Officer to tick box and sign below:</p> <p><input type="checkbox"/> No further action: .....</p> <ul style="list-style-type: none"> <li>• Are you appealing against a previous response to the same complaint?    <input type="checkbox"/> Yes    <input type="checkbox"/> No</li> <li>• If 'Yes' when was the response given? .....</li> <li>• Please give the name and reference of the person who gave the response:</li> </ul> <p>Name:.....</p> <p>Reference on response letter: .....</p> <ul style="list-style-type: none"> <li>• Please explain why you are appealing</li> </ul> <p>.....</p> <p>.....</p> <p>.....</p> <p>(Please continue on separate sheet if necessary)</p>	<p>Reference:</p> <p>For Office Use Only</p>
<p>Please return the completed form by post to</p> <p>Clerk of the Council            393 Coed-y-Gores            Llanedeyrn            Cardiff            CF23 9NR</p>	

## APPENDIX 2 – Timescales – Quick Reference

### STAGE ONE – INVESTIGATION BY CLERK

*Clerk:*

If full response is likely to be made within 5 working days of receipt of complaint – complaint does not need to be acknowledged.

If full response is not likely to be made within 5 working days of receipt of the complaint – complaint acknowledged within 3 working days.

Investigation completed and response given or revised date for completion of investigation given within 10 working days of receipt of the complaint.

*Customer:*

Request to move on to Stage 2 to be received within 10 working days from receipt of the letter detailing the result of the Stage 1 investigation.

### STAGE TWO – INVESTIGATION BY CLERK AND CHAIRMAN

*Clerk and Chairman:*

If full response is likely to be made within 5 working days of receipt of customer request to move to Stage 2 – complaint does not need to be acknowledged.

If full response is not likely to be made within 5 working days of receipt of customer request to move to Stage 2 – complaint acknowledged within 3 working days.

Investigation completed and response given or revised date for completion of investigation given within 10 working days of receipt of the request to progress to Stage 2.

*Customer:*

Request to move on to Stage 3 to be received within 10 working days from receipt of the letter detailing the result of the Stage 2 investigation.

### STAGE THREE – INVESTIGATION BY FULL COUNCIL

*Full Council:*

If full response is likely to be made within 5 working days of receipt of customer request to move to Stage 3 – complaint does not need to be acknowledged.

If full response is not likely to be made within 5 working days of receipt of customer request to move to Stage 3 – complaint acknowledged by Town Clerk within 3 working days.

Investigation completed and response given or revised date for completion of investigation given within 10 working days of receipt of the request to progress to Stage 3.

## **APPENDIX 3 - Public Services**

### **PUBLIC SERVICES OMBUDSMAN FOR WALES – CONTACT DETAILS**

Public Services Ombudsman for Wales 1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Tel. No. 01656 641150

Fax No. 01656 641199

E-mail: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)