



Vale of Glamorgan Council

Corporate Complaint Policy and Process

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1. Introduction

The Council recognises the right of its customers to complain and indeed considers complaints as a valuable form of feedback about its services. The Council is committed to using information gained from complaints to help improve services and to better meet the needs of customers.

This policy outlines in broad terms the Council's core aims and intended approach to the management of complaints. Fundamentally this policy is designed to provide a framework for handling complaints that:

1. Sets out a definition of a complaint that can be clearly communicated to both customers and staff.
2. Establishes clear minimum service standards that are capable of being monitored and reported.
3. Is responsive to the needs of our customers.
4. Is transparent and easy to understand.
5. Reflects best practice.
6. Helps the Council to learn from complaints and to inform service improvements.
7. Enable our staff to deal with complaints effectively at the earliest stage in the process.

2. Definition of a complaint

A complaint is an expression of dissatisfaction (whether written or spoken) by an individual or group of people that the Council (or bodies/agencies acting on its behalf) has failed to do something it should have done or done something badly or they feel they have been unfairly treated.

The above definition would include:

- Failure to provide a service which the Council is required to or has decided to deliver
- Neglect or delay in responding to a request within specified timescales
- Failure to follow agreed Council policies, rules or procedures
- Failure to adhere to a published service standard
- Failure to fulfil statutory responsibilities
- Unhelpful attitude of an employee (please note that this Council has an agreed Disciplinary and Capability Procedure)
- Malice, bias or discrimination

3. What is not a complaint

- The reporting of a fault (examples - a broken street lamp or a damaged pavement)
- An initial request for service (examples – reporting that refuse has not been picked up from a property or for a park to be cleared of dangerous rubbish)

- A first request for information on services or an explanation of the Council's services or policies or a decision
- Representations about the merits of the Council's policy decisions (example – the level at which the Council Tax is set)
- A disagreement with the Council's policies (although a letter of response should be sent explaining the policy and enclosing relevant information)
- Comments about the standards of a particular service when the standard provided is at, or above, the published standard
- A disagreement with, or refusal to accept a Government regulation which the Council is applying (example – application of enforcement regulations)
- Decisions in respect of which the person has a separate formal right of appeal or review (examples – planning appeals, housing benefit and Council Tax reviews)
- A comment (examples – compliments or suggestions as to how services could be improved; views, perhaps adverse, about the Council's stated policy or provision)
- Complaints about things that are not the responsibility of the Council
- An insurance claim against the Council (however a complaint could be made about the process the Council followed in administering the claim)
- Matters already subject to Public Services Ombudsman investigation or internal audit investigation
- Allegations of financial impropriety, fraud and/or corruption
- Items which are a police matter

4. Who can complain?

Anyone receiving or seeking a service from the Council including, where appropriate, anyone acting for those unable to complain personally subject to written authorisation (see Section 14 below).

We aim to ensure that no-one, including a child or young person, is excluded from the complaints procedure because of any difficulties they may have in representing themselves. Wherever possible we point people in the direction of suitable assistance. This may include advice and/or advocacy.

All complainants will be treated fairly and without bias according to their needs regardless of their race, nationality, ethnic or national origin, religious or philosophical belief, gender, marital status, sexual orientation, disability or age.

5. When does a request for service become a complaint?

Requests for service will become complaints if they have been reported and the Council, having given assurances to resolve the matter, fails to do so within the appropriate timescale and the matter is raised again.

6. Multiple complaints or complaints which encompass more than one service

Multiple complaints or complaints that encompass a range of services made by a complainant in a single letter should have a single owner and a single response should be sent to the complainant wherever practicable.

7. Extension of deadlines for response

The Council's timescales for responding to Stage 1 complaints is 10 working days; for Stage 2 complaints it's 20 working days and for Stage 3 investigations it's 25 working days. There will be occasions when these published response times cannot be met. Examples are set out below:

- If a third party (eg bus company, bailiff, sub-contractor etc) needs to be consulted before a complaint can be responded to at Stages 1 or 2, or the complaint is complex and will involve a number of services being consulted before a reply can be finalised, it may not always be possible to respond within 10/20 working days.
- If a key member of staff involved in the complaint is on leave or absent sick
- If the workload of the person investigating the complaint is excessive.
- If the complainant continues to send letters of complaint after their initial letter of complaint is received.

In all such cases the complainant should be kept informed and advised of the revised timescale either when the complaint is received or when it becomes clear that the original deadline is not achievable.

8. Complaints about Councillors

Complaints about the conduct of Councillors cannot be handled through the complaint system. Such a complaint should be reported to the Public Services Ombudsman for Wales.

For advice on the process contact the Monitoring Officer on 01446 709400.

9. Social Services Complaints Process

There is a statutory complaints procedure for Social Services which is laid down in primary legislation and in the Representations Procedure (Children) (Wales) Regulations 2005 and the Social Services Complaints Procedure (Wales) Regulations 2005.

The statutory procedure has three stages:

Stage 1: Local Resolution

Stage 2: Formal Consideration

Stage 3: The Independent Panel

For advice on the process contact the Social Services Complaints Officer on (01446) 704800.

10. Complaints about Schools

Schools have their own complaints procedure. Contact the relevant Head teacher in the first instance.

For advice on the process please contact the Governor Support Unit on (01446) 709108 or (01446) 709106.

11. Complaints about Council Employees

Any complaint about a particular member of staff should be referred to the relevant manager or supervisor and investigated under Stage 2 of the Complaints Process.

Complaints that allege poor performance or inappropriate behaviour by employees may raise the issue of disciplinary action, even if the complainant has not specifically requested that such action be taken. Consideration of the merits of the complaint against the Council should be kept separate from any disciplinary issues.

If a Council employee wishes to complain about another employee the Council's Grievance Policy should be used. Members of the public are not able to use the Grievance Policy.

12. Equalities Complaints

Complaints about equality issues are generally related to a specific service and are addressed by that service. The Equalities Team is able to provide advice to services to ensure that equality considerations are dealt with appropriately.

The equalities strands include:

- gender
- race
- disability
- sexual orientation
- transgender
- religion/belief
- age

For complaints related to the provision of Welsh language services, please contact the Corporate Equalities Officer on (01446) 709362.

13. Legal Proceedings

If the Complainant and/or the Council are the subject of legal proceedings, the proceedings may take precedence over the corporate complaint process.

If the complainant takes the Council to Court there may be some aspects of the complaint that were not or could not be dealt with in those legal proceedings. If this is the case, the complaint process should be used.

14. Maintaining Confidentiality

The Data Protection Act 1998 regulates the way in which organisations can use personal information. When dealing with local authority complaints there are specific issues which need to be borne in mind:

- The information provided by the complainant will be used to process their complaint and may be shared with Third Parties in that process.
- In processing a complaint we may have to divulge details of the complaint to another person, for instance, if the complaint is against a member of staff we would need to notify that member of staff of the complaint.
- If a complainant provides their details but they do not wish the individual they have complained about to know, this may limit how far the investigation in to their complaint could progress as it may infringe the person who is the subject of the complaint rights.
- In certain circumstances we may share information from a complainant with other authorities if it is for the prevention or detection of crime.
- In processing a complaint we would normally only deal with the complainant. However if they wanted somebody else to communicate with the Council on their behalf they would need to provide written authority. (A complaint will be held in abeyance until the letter of authorisation is received.)
- Statistical information will be used in the preparation of management and performance reports on complaints. However no information will be extracted which would identify an individual complainant.

15. Timescale for receipt of complaints

The complaint should be brought to the attention of the Council as soon as possible, however a complaint can be brought to the Council's attention within 12 months of the complainant becoming aware of the problem. In exceptional circumstances this timescale could be extended. Preferably the Operational Manager or a Senior Chief Officer should make the decision bearing in mind that the Public Services Ombudsman for Wales has discretion to investigate complaints over 12 months old (see Section 17 below). By doing so the Operational Manager needs to exercise their own discretion on the nature of

the complaint and potential consequences, including corporate risk and reputation.

16. Contact Details – Complaints

In the first instance the relevant member of staff should be contacted about the complaint. If the matter is not resolved it should be referred to the staff member's manager.

For advice on the corporate complaint process please contact the Customer Complaints Officer on (01446) 709803.

17. Public Services Ombudsman for Wales

The Public Services Ombudsman for Wales may investigate a complaint against the Vale of Glamorgan Council if he is satisfied:

- (a) that the matter has been brought to the attention of the Vale of Glamorgan Council
- (b) the authority has been given a reasonable opportunity to investigate and respond to it.

Contact details for the Public Services Ombudsman for Wales are as follows:

1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0845 601 0987; Fax: 01656 641199;
E-mail: ask@ombudsman-wales.org.uk;
Website: www.ombudsman-wales.org.uk

18. The Complaint Process

Please see flowchart in Appendix 1 which summarises the process.

Stage 1

If a complainant wishes to complain about a service or about a council employee* who provides it, they should address their complaint to that particular service.

The complainant may do this by contacting the Council either:

- in writing to Customer Relations, Civic Offices, Holton Road, Barry, CF63 4RU
- by telephone – 01446 700111
- by email – contactonevale@valeofglamorgan.gov.uk
- by using the on-line complaint form
- or in person at a Council reception point

The complainant may also ask to discuss their complaint in private. An officer within the service will investigate their complaint and will respond to them directly within 10 working days of receipt of the complaint.

*A complaint about the behaviour of a member of staff will be escalated to Stage 2 of the complaints process – see below for details. The complainant will be advised of this and be sent a Stage 2 response. If they remain unhappy with the response they should be advised to go to Stage 3 of the complaints process.

Stage 2

If the complainant is not satisfied with the response they have received to their complaint at Stage 1 and they feel that the problem has not been resolved, they may request that their complaint goes to Stage 2 of the process. This should be done within 20 working days of the response at Stage 1.

At Stage 2 the complaint will be investigated again, this time by a manager, who will respond to them directly within 20 working days of receipt of being advised that the complainant wishes to go to Stage 2 of the process.

To do this, the complainant must identify which elements of their complaint have not been properly dealt with and address their request directly to the manager concerned either:

- in writing or
- by e-mail

If it is not possible to put the complaint in writing (eg the complainant has learning difficulties or literacy problems) the manager will use their discretion and offer assistance.

Stage 3

If at Stage 2 the matter is still not resolved to the complainant's satisfaction, they may ask that their complaint goes to Stage 3 of the process.

Stage 3 of the process requires an investigation into the way in which the person's complaint has been handled during Stages 1 and 2. It is not intended as a re-investigation of the original complaint, but to ensure that the officers who have undertaken investigations previously have followed correct procedure, taken into account all available and pertinent information and treated the complainant fairly and with respect. However there may be occasions (such as the proper process was not followed) when it will be recommended that a Stage 2 process is re-investigated. In this case it should not be re-investigated by the original officer – it should be referred to their manager or a senior officer appointed by their manager.

Stage 3 also means that the complaint could be reviewed or investigated either by the Customer Complaints Officer or by a Senior Officer independent of the Service they are complaining about.

At Stage 3 the complainant will need to identify which elements of their complaint have still not been properly dealt with and address their request to:

Customer Complaints Officer
The Vale of Glamorgan Council
Chief Executive's Office
Civic Offices
Holton Road
Barry
Vale of Glamorgan
CF63 4RU

Telephone no. 01446 709803
E-mail: ecarroll@valeofglamorgan.gov.uk

The complainant will need to do this within 20 working days of the response at Stage 2. The Customer Complaints Officer or Senior Officer will respond to the complainant directly within 25 working days of their appointment (not the date of the request in writing to go to Stage 3). The appointment of the officer to investigate the complaint should be done as quickly as possible, no later than 5 working days from receipt of the request.

19. Learning from Complaints

Learning from complaints is important to the Council and therefore systems have been introduced to:

- Record, analyse and report on the outcomes of complaints and remedies
- Apply the information to improve customer service.

Where complaints are upheld or partially upheld the service will consider whether changes are required to policies, procedures, systems, staff training or all of these if appropriate.

20. Review of Corporate Complaint Policy and Process

The corporate complaint Policy and Process will be subject to annual review and any amendments will be submitted to Cabinet for approval.

21. Unreasonable Complainant Behaviour Policy and Process

The Council has adopted an Unreasonable Complainant Behaviour Policy and Process. This Policy relates to situations where a complainant, either individually or as part of a group or groups, may be considered to be unreasonably persistent and/or have shown unreasonable behaviour. Whilst the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further that can be done to reasonably assist.

Flowchart - Complaints Process

