



monmouthshire
sir fynwy

Monmouthshire County Council

WHOLE AUTHORITY COMPLAINTS AND COMPLIMENTS POLICY

June 2011

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1. Policy information	
<u>Organisation</u>	<u>Monmouthshire County Council</u>
<u>Scope of policy</u>	<p>All complaints about services provided by the Council or due for provision by the Council except:</p> <ul style="list-style-type: none"> • Services provided by schools, which are subject to separate policies within each school <p>Whilst this policy covers all complaints not excluded above, a variety of separate procedures may be applicable, such as:</p> <ul style="list-style-type: none"> • The Whole Authority Complaints procedure • The Social Services Statutory Complaints procedure • The Unacceptable Actions by Complainants Policy • Various Appeals procedures, including but not limited to: <ul style="list-style-type: none"> ○ Refusal of planning permission ○ Curriculum ○ Special Educational Needs (SEN) ○ Religious Worship ○ Admissions ○ Pupil Exclusions <p>All compliments received by the Council.</p> <p>Note</p> <p>Comments will be processed in the same way as informal complaints.</p>
<u>Policy operational date</u>	<u>1st August 2011</u>
<u>Date approved by Cabinet</u>	<u>July 2011</u>

2. Policy Statement	
<p>Monmouthshire County Council is committed to dealing effectively with any complaints you have about our service. We aim to clarify any issues about which you are not sure. If possible, we will put right any mistakes we may have made. We will provide any service to which you are entitled but we have failed to deliver. If we were wrong we will apologise and offer redress if appropriate. We also aim to learn from our mistakes and use the information we gain to improve our services.</p>	

3. What is a complaint?

A complaint is:

An expression of dissatisfaction or concern which requires a response. It may be:

- either written or spoken
- made by one or more members of the public
- about the Council's action or lack of action or about the standard of service provided
- about the Council itself, a person acting on its behalf, or a public service provider partnership

Who can complain?

Any member of the public, including a child, who has received, or was entitled to receive, a service from the Council may make a complaint.

A concern can also be put forward by someone on behalf of another person, as follows:

- (a) someone who has died
- (b) a child
- (c) those who lack the capacity (as defined by the Mental Capacity Act 2005)
- (d) they have been asked to do so by the person affected.

In the case of (b), (c) and (d), public service providers must satisfy themselves, as far as the circumstances of the person affected allow for it, that the representative is acting with the authority of that person and if possible obtain their signature to confirm this.

Time limit

The Council will only be obliged to consider complaints within six months of the complainant becoming aware of the problem. If a complaint is received after more than six months, the Customer Relations Manager will consider whether there are valid reasons to support consideration, and whether information is still available to make consideration possible.

4. What is not a complaint?

This policy only applies to complaints as described at **3** above. You may have other concerns which will be addressed differently, such as:

A request for service

If you are telling us about something which you think needs to be done, like, for example, repairing a pothole, then you are requesting a service. This policy does not apply to requests for service.

However, if you make a request for service and you aren't happy with our response, you will be able to complain using this policy as we describe below.

Other objections:

- an appeal against a "properly made" decision by a public body

- a means to seek change to legislation or a “properly made” policy decision
- a means for lobbying groups/organisations/individuals to seek to promote a cause.

A “properly made” decision is one where the relevant laws, policies and procedures have been correctly followed in arriving at a decision e.g. setting the Council Tax rate.

Appeals

In some circumstances you may have a right to appeal against a decision which the Council has made. These are not complaints, and this policy will not apply. Some examples of this are:

- a refusal to grant you planning permission
- not giving your child a place in a particular school

When that is the case, we will explain to you how you can appeal.

Other procedures

This policy is not a means for a member of staff to raise employment issues. There are other internal mechanisms for these type of concerns, for example, whistleblowing, bullying, or grievance procedures.

Other public bodies

Sometimes you might be concerned about matters that are not decided by us, such as problems on motorways or trunk roads. We will then advise you about how to make your concerns known.

5. Principles

The Council will aim to use the following principles in its operation of the Complaints procedure:

- Accessible and Simple
- Fair and Impartial
- Timely, Effective and Consistent
- Accountable
- Delivers Continuous Improvement

6. How to make your complaint

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

- Ask for a form from the person with whom you are already in contact. Tell them that you want us to deal with your concern formally
- You can get in touch with us by telephoning 01633 644647 or 01633 644672
- You can use the form on our website by following this link:
www.monmouthshire.gov.uk/complaintsandcompliments
- You can e-mail us at feedback@monmouthshire.gov.uk

We aim to have complaint forms available at all of our service outlets and public areas such as local offices and libraries.

If you would like this policy and the complaint form in Welsh or another language or format (perhaps Braille or large print), please contact us.

7. Dealing with your complaint

We will formally acknowledge your complaint within 5 working days and let you know how we intend to deal with it.

If possible, we believe it is best to deal with things straight away rather than try to sort them out later. If you have a complaint, raise it with the person you are dealing with. He or she will try to resolve it for you there and then. If there are any lessons to learn from addressing your complaint then the member of staff will draw them to our attention. We will aim to achieve this within 10 working days of your complaint being raised. If the member of staff can't help, they will explain why and you can then ask for a formal investigation.

If you have asked us to communicate in a specific way, perhaps by e-mail or letter, we will honour your wish if possible.

We will deal with all complaints in an open and honest way.

We will make sure that no one is disadvantaged because they have made a complaint

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

We may, in exceptional circumstances, be able to consider complaints raised later than that. However, you will need to have a strong reason for the delay, and the information must still be available to allow us to investigate properly.

If your complaint covers more than one organisation, we will usually work with them. We will then give you the name of the person responsible for communicating with you while the complaint is dealt with.

If the complaint is about someone working on our behalf, we will look into your complaint ourselves **unless** we have agreed a contractual complaints process with the body providing the service. If a contractual complaints process is in place, we will still monitor complaints received and how the contractor deals with them.

8. Formal Investigation

We will tell you who we have asked to look into your complaint. If your complaint is straightforward, we'll usually ask somebody from the service to look into it and get back to you. If it is more complicated, we may use someone from elsewhere in the Council. We may seek advice from both within and outside the Council

We will set out to you our understanding of your concerns and ask you to confirm that we have got it right. We'll also ask you to tell us what outcome you are hoping for. The person looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, you must tell us at the time you make your complaint but we will always protect your personal data from improper use.

If there is a simple solution to your problem, we may ask you to accept this. For example, where you asked for a service and we see straight away that that you should have received it, we will offer to provide the service rather than investigate and produce a report.

We will aim to resolve complaints as quickly as possible and expect to deal with the vast majority within 20 working days. If your complaint is more complex, we will:

- Let you know within this time why we think it may take longer to investigate
- Tell you how long we expect it to take
- Let you know where we have reached with the investigation, and
- Give you regular updates, including telling you whether any developments might change our original estimate

The person who is investigating your concerns will aim first to establish the facts. The extent of this investigation will depend on how complex the issues you have raised are.

We may ask to meet you to discuss your concerns. Occasionally we might suggest mediation to try to resolve disputes.

We'll look at relevant evidence. This could include files, notes of conversations, letters, e-mails or whatever may be relevant to your particular complaint. If necessary, we'll talk to the staff or others involved and look at our policies and any legal entitlement and guidance.

Note Complaints investigated under the Statutory Social Services Complaints Policy also have a third stage, which is a review by an independent panel. Full details of this policy can be found by clicking on the link [Social Services Complaints Procedure](#).

9. Outcome

If we investigate your complaint, we will let you know what we have found in keeping with your preferred form of communication. This could be by letter or e-mail, for example. If necessary, we will produce a longer report. We'll explain how and why we came to our conclusions. The report will be accompanied by a covering letter or email from the relevant Head of Service who will comment on the report's findings and recommendations. The Head of Service will do this within a further ten working days. Where this deadline cannot be met, you will be informed of the reasons and given a date when the completion can be expected.

If we find that we got it wrong, we'll tell you what happened and why. We'll show how the mistake affected you.

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

If we got it wrong, we will always apologise.

10. Redress

Redress may not always be possible or appropriate. However, if:

- We didn't provide a service you should have had, we'll aim to provide it if that is practical and sensible
- We didn't do something well enough, we'll aim to do it better
- Our investigations show you have lost out as a result of a mistake on our part we'll try to put you back in the position you would have been in if we'd got it right

11. Ombudsman

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman 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 body providing it
- Have been disadvantaged personally by maladministration or service failure.

The Ombudsman 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: 0845 601 0987
- E-mail: ask@ombudsman-wales.org.uk
- The website: www.ombudsman-wales.org.uk
- Writing to: Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

12. Learning Lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made. A summary of all complaints will be considered by our Leadership team on a regular basis. Complaints will also be monitored by one of our Scrutiny Committees.

When we identify a need for change we will develop an action plan setting out what we will do, who will do it and when we plan to do it by. We will let you know when changes we've promised have been made.

13. What if I need help?

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

In all circumstances, we will pay due regard to your particular circumstances in the light of protected characteristics defined by the Equalities Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

14. Comments

You might wish to tell us something about our service which isn't a complaint or a compliment. If you do this, we will consider your comment and reply to you within 10 working days of receipt.

15. Compliments

If you tell us that we have done something well, we will thank you for your compliment. All compliments will be noted and included in reports to Select Committees.

16. What we expect from you

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 accept that circumstances leading to a complaint may have been upsetting or distressing, but we will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence. When we find that someone's actions are unacceptable, our **Unacceptable Actions by Complainants Policy** will apply.