



PENYRHEOL, TRECENYDD AND ENERGLYN COMMUNITY COUNCIL

COMPLAINTS POLICY

Introduction

Complaints can be valuable as they may provide an opportunity to put things right if there has been an error, and to make sure that the same mistake is not repeated. It is essential that complaints be dealt with positively. The Community Council is open to hearing residents' comments and committed to making full use of complaints information to contribute to continuous service improvement. Important information about areas for improvement can be obtained both from a single complaint and from patterns of complaints, highlighted by detailed monitoring.

Definition of a complaint

A complaint is any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Community Council or its staff which affects the individual resident or group of residents.

What the complaints procedure will deal with:

The complaints procedure will deal with matters of maladministration, ie if the community Council does something the wrong way, fails to do something it should do, or does something it should not do. Some examples include:

- Neglect or unjustified delay
- Malice, bias, or unfair discrimination
- Failure to tell people their rights
- Failure to provide advice or information when reasonably requested
- Providing misleading or inaccurate advice
- Inefficiency, ineffectiveness, bad and unprofessional practice or conduct

What the complaints procedure will not deal with:

- complaints for which there is a legal remedy or where legal proceedings exist already
- complaints about employment matters – the Community Council operates alternative procedures to deal with grievances or disciplinary matters against staff
- . Complaints concerning an elected member should be directed to the Monitoring Officer at Caerphilly County Borough Council

Equal Opportunities

The Community Council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity. Complaints by members of the public of discrimination and/or harassment against the Community Council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

Complaints Officer

The Complaints Officer for Penyrheol, Trecenydd and Energlyn Community Council is the Clerk.

The Clerk's main duties concerning complaints are:

- The day-to-day operation and management of the procedure, including providing a reference point for staff queries on informal complaints.
- To oversee, and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant time scales.
- To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.
- To provide a quarterly analysis of the type, category and number of formal complaints received by the Community Council.
- To identify improvement points arising from any complaints.

Relevant types of complaint (ideally in writing) should be referred directly to the clerk at Penyrheol, Trecenydd and Energlyn Community Council at ptecommunitycouncil@gmail.com or on 02920 830666, or in writing to 1 Lower Brynhyfryd Terrace, Senghenydd, Caerphilly CF83 4GR.

Stages of the Procedure

The stages of the procedure are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within.

Everyday problems, queries and comments

The Council receives queries, problems and comments as part of its day-to-day running, and they should not all be regarded as complaints. These are routine and expected and are generally resolved quickly to the resident's satisfaction.

If someone is dissatisfied with the original service or response they received and wishes to take the matter further then the issue should be recognised as a complaint.

Informal Complaint

During the course of daily business, minor complaints are made to officers about the services provided. The Clerk or a member of her staff will usually deal with these. It is not appropriate for every comment to be treated as a formal complaint. Every effort should be made to deal with these problems immediately, either by providing information, instigating the appropriate action or explaining a decision.

Formal Complaint (Stage 1)

A resident may wish to make a formal complaint directly, or may be unsatisfied with the outcome of an informal complaint and may wish to take the matter further. This will be recorded as a complaint and passed to the appropriate officer to investigate.

Timescales:

Acknowledgement of complaint within five working days.

Investigation to be completed within 14 days, or progress report to be provided thereafter at 14-day intervals

Review of Investigation and Complaint (Stage 2)

If the complainant is not satisfied with the Investigating Officer's response, they should be advised of their right to have the complaint referred to a Complaints Panel which will review the complaint.

Timescales: Advice given within five working days

If the complainant then advises that he/she wishes to go through stage three of the procedure, this should be acknowledged within five working days, advising when the Complaints Panel will meet to discuss the issue.

Complaints Panel (Stage 3)

If the issue remains unresolved and the complainant has advised that he or she wishes to exercise their right to have the matter referred to the Complaints Panel, the matter should be referred to an appropriate meeting convened by the Chair and Clerk of the Council. The outcome of all formal complaints dealt with by the Panel will be reported to the next full Council meeting.

The procedure at the Complaints meeting shall be as follows:

1. The Complaints Panel shall consist of the Chair of the Council, the Vice-Chair and either the Chair of the appropriate committee, or one other Community Councillor. Quorum for the meeting is three. In the event that these persons are not available,

a further appointment (as many times as necessary) shall be made at the sole discretion of the Chair of the Community Council.

2. The complainant will be invited to bring a friend/companion with them, either to represent them or to give moral support. A minimum of two weeks prior notice of such a panel will be given. At the time the complainant is notified in writing of the panel date they will also be requested to present any material/documentation that they wish to give in evidence to the meeting no later than 7 days prior to the meeting and the Community Council will confirm that it will present any material it intends to present to the complainant within the same time scale.
3. As general policy the public and press are not permitted attendance at meetings of the Panel, although the Chair will report on the outcome of the meeting at the following full Council meeting.
4. The order of business for the complaints meeting shall be in accordance with the National Association of Local Councils' guidance as follows:
 - Chair to introduce everyone.
 - Chair to explain procedure.
 - Complainant (or representative) to outline grounds for complaint.
 - Members to ask any question of the complainant. If relevant, the Clerk will be in attendance to explain the Council's position. Members to ask any question of the Clerk.
 - The Clerk and the complainant to be offered the opportunity of a last word (in this order).
 - Clerk and complainant to be asked to leave the room while members decide whether or not the grounds for the complaint have been made. (If a point of clarification is necessary, both parties to be invited back).
 - Clerk or other proper officer and complainant to return to hear decision, or to be advised of when the decision will be made.
5. Following the conclusion of the meeting, the complainant will be advised that the decision of the Committee, which is final with no right of further appeal, will be confirmed in writing within seven days, together with details of any action to be taken.

Unreasonable and Vexatious Complaints

There will be circumstances when a complainant persists in wishing to proceed when there is clearly no reasonable basis, or when the Council has already taken reasonable action in response, or where some other process - whether through the courts or some other recognised procedure - should or has been taken.

These matters should be referred to the Clerk with a summary of the issues and of the attempts made to resolve the complaint. The Clerk, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the

complainant so, making it clear that only new and substantive issues will merit a response.

Anonymous complaints

Anyone communicating with the Community Council is expected to provide their full name and a postal address. Anonymous complaints should be referred to the Clerk, and may be dismissed at their discretion, according to the type and seriousness of the allegation.

Resolution and remedies

The aim in dealing with all complaints is to reach a resolution for the complainant, whether it is the remedy they were originally seeking or not. Where a complaint is found to be at all justified, consideration may need to be given to the question of an appropriate remedy (the Clerk to make any final decision regarding remedy unless such remedy involves the payment of a financial sum in which case a resolution of the Council will be required).

Ombudsman for Wales

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 have personally, or the person on whose behalf you are complaining.

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 Ombudsman by telephone on 0845 601 0987, or via email at ask@ombudsman-wales.org.uk. Website link as follows: Web site www.ombudsman-wales.org.uk. If you would like to write to the Ombudsman for Wales, the address is as follows: 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ.