



GRAIG COMMUNITY COUNCIL

Complaints Procedure for Members of the Public

INDEX

Procedure No:	Description:	Page No:
	INDEX	1
1.0	DEFINITIONS	2
2.0	INTRODUCTION	3
3.0	HOW CAN A CUSTOMER MAKE A COMPLAINT?	3
4.0	PROCEDURE FOR DEALING WITH COMPLAINTS	3-6
4.1	Time limit for receipt of complaints	3
4.2	Dealing with a complaint	3
4.3	Recording a complaint	4
4.4	Three Stage Procedure	4
4.5	Timescales	5
4.6	Complaints about the Clerk	5
4.7	The Ombudsman	6
4.8	Vexatious Complaints	6
4.9	Anonymous Complaints	6
	Appendices	7-9
APP. 1	Copy of the Complaints Form	7
APP. 2	Timescales – Quick Reference	8
APP. 3	Contact details for the Public Services Ombudsman for Wales	9



1.0 DEFINITIONS

1.1 Complaint

A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or about the standard of 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 members of the public 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 the Chairman or the Clerk who will advise on the next course of action. If this is not appropriate, it should be reported directly to Newport City 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 a serious nature, the complaint must be referred 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 Graig Community Council's procedure in dealing with complaints from members of the public.
- 2.2 Complaints 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 to the Clerk by letter, in person, by telephone, through a third party such as a Councillor or advice agency, by email or via the Graig Community Council website – whichever is most convenient.



- 3.2 The complaint form has been designed to help members of the public. However, they do not have to use the form if they do not wish to. A copy of the form can be found in **Appendix 1** and is available from the Clerk.
- 3.3 This form can be completed by:
- A member of the public.
 - A Council employee (on behalf of a member of the public) if the complaint is received via letter, personal call, telephone call, third party or email.
 - Any person using the services of the Graig Community Council or its facilities.

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 member of the public 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 Community Council is at fault, sometimes all that is 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, no further action need be taken.
- If the customer is unhappy, 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 expressing his/her views, and told how the complaint will be dealt with (i.e. it will be recorded and passed on to the Clerk to investigate). The complaint should be recorded as follows:

- If received on complaints 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 email;
The email 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 that the customer be satisfied that the complaint has been dealt with 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 form sent to him/her as soon as is practicable. 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 as soon as is practicable. When completed, the form should be passed immediately to the Clerk.



4.4 **The Three Stage Procedure**

The procedure for dealing with complaints specifically consists of three 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 1

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 2

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 3

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 the 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 from 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 given for the delay. The customer will then 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 Community Council for investigation by full Council. The Clerk shall be notified of the complaint and shall be given the 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**

Members of the public 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 member of the public 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 Community 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 the 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 complaints form must still be completed (as far as possible) 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 email address, in which case a response can be given this way.



APPENDIX 1

Graig Community Council

Complaint Form

Your name:

Your address:

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Telephone number:

Email address:

Date:

Please explain your complaint:

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If the complaint is resolved and no further action needs to be taken – Officer to tick box and sign below to confirm:

No further action.

Signature:.....Position:.....Date:.....

Appeal Section

(Only to be filled in if appealing against a previous complaint)

If this is an appeal against a previous response, please state when the response was given:

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Please give the name and reference of the person who gave the response:

Name:

Reference number on the response letter:

Please explain why you are appealing:

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Please return this completed form to Sian Davies, Clerk to the Graig Community Council, 6, Vale View, Gelli Park, Risca, Newport NP11 6HS as soon as possible.



APPENDIX 2 – Timescales – Quick Reference

STAGE 1 – 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 complaint is not likely to be made within 5 working days of receipt of 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 complaint.

CUSTOMER:

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

STAGE 2 – INVESTIGATION BY CLERK AND CHAIRMAN

CLERK & 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 request to progress to Stage 2.

CUSTOMER:

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

STAGE 3 - 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 within 3 working days.

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



APPENDIX 3

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
Email: ask@ombudsman-wales.org.uk
Website: www.ombudsman-wales.org.uk