

MAGOR WITH UNDY TOWN COUNCIL COMPLAINTS POLICY

Purpose

Magor with Undy Town Council is committed to providing high quality services and dealing effectively with any concerns or complaints raised by members of the public.

Complaints are valuable because they provide an opportunity to put things right when mistakes occur and to improve how the Council operates.

This policy sets out a clear and fair process for handling complaints in a timely, transparent and consistent way and is based on the Model Complaints Policy issued by the Public Services Ombudsman for Wales.

Records of all matters involving this policy will normally be retained for six years.

Definition of a Complaint

A complaint is any expression of dissatisfaction about the standard of service provided by the Council, or about the actions or lack of action by the Council, or its staff, which requires a response.

Complaints may be made verbally, in writing, by email, or by any other communication method. Examples of complaints may include:

- failure to provide a service
- unjustified delay
- providing incorrect or misleading information
- unfair treatment or discrimination
- poor administrative practice
- failure to follow Council procedures

Matters Not Covered by This Policy

This policy does not deal with:

- internal staffing or employment matters
- complaints about a councillor breaching the Code of Conduct
- appeals against properly made Council decisions or policies
- Freedom of Information or Data Protection requests
- matters where there is an alternative statutory appeal process
- matters already subject to legal proceedings

Complaints about the conduct of Councillors cannot be investigated under this policy and must be referred to the Public Services Ombudsman for Wales.

Principles

When handling complaints the Council will:

- treat complaints seriously and fairly
- aim to resolve concerns as quickly as possible
- deal with complaints openly and honestly
- learn lessons where mistakes have occurred
- treat complainants with respect and courtesy
- ensure complainants do not suffer disadvantage for raising a complaint

The Council expects complainants to behave respectfully towards staff and councillors. All complaints will be managed in accordance with data protection legislation. Information will be shared only with those who need it to investigate the complaint.

Councillors are not expected to use this policy and are referred to the Local Disputes Resolution Protocol.

Where a complaint raises safeguarding concerns or allegations of criminal behaviour, the Council will refer the matter to the appropriate external authority.

Anonymous complaints will be considered where sufficient information is provided to allow investigation.

Time Limits for Complaints

Complaints should normally be made within six months of the event or issue concerned. The Council may consider complaints made later where there are good reasons for the delay and where sufficient evidence remains available to investigate the matter. Complaints relating to matters more than three years old will not normally be considered.

Informal Resolution and/or Investigation (these sections are merged)

Many concerns can be resolved quickly and informally without the need for a formal complaint. Where possible, individuals are encouraged to raise issues with the staff member or Councillor involved in the first instance.

The Council will attempt to resolve the issue immediately by:

- providing information or clarification
- correcting an error
- arranging appropriate action
- explaining the Council's decision

Before moving to a formal stage, the Clerk or Chair may decide to carry out a brief informal investigation to determine whether the matter can be resolved quickly.

This may involve:

- clarifying the issues raised
- speaking to staff or Councillors involved
- reviewing relevant records or correspondence

Where appropriate, a simple remedy may be offered immediately, such as providing a service that should have been delivered or correcting an error.

If the matter cannot be resolved informally, the complaint will move to Stage 1.

Making a Complaint

Complaints may be submitted in the following ways:

- by email
- by telephone
- by letter
- by completing the Council's complaint form
- in person at the Council office

Complaints should be addressed to the Town Clerk.

If the complaint concerns the Town Clerk, the investigation will be carried out by the Chair of the Council or an appointed independent person.

If the complaint concerns the Chair, it should be addressed to the Vice-Chair and the investigation may be carried out by an appointed independent person.

The Council will acknowledge receipt of a formal complaint within five working days.

Stage 1 Formal Investigation

If a complaint requires formal investigation, the matter will be considered at Stage 1.

The investigation will normally be carried out by the Town Clerk or another independent investigator as deemed appropriate.

If the complaint concerns the Town Clerk, the investigation will be carried out by the Chair of the Council or an appointed independent person.

If the complaint concerns the Chair, it should be addressed to the Vice-Chair and the investigation may be carried out by an appointed independent person.

The investigating officer will:

- confirm the issues being investigated
- ask the complainant what outcome they are seeking
- review relevant documents and records
- speak to staff or Councillors involved if necessary
- consider relevant Council policies and legal guidance

The aim of the investigation is to establish the facts and determine whether there has been any failure in service or procedure.

Timescales:

- acknowledgement within 5 working days
- full response normally within 20 working days

Where the investigation is complex, the complainant will be informed of the delay and given an updated timescale.

The written response will detail the outcome of the investigation and will:

- explain the findings of the investigation
- explain how the decision was reached
- confirm whether the complaint is upheld, partially upheld or not upheld
- outline any actions the Council will take

Possible outcomes may include:

- an explanation of events
- an apology
- corrective action
- service improvements
- no further action deemed necessary

Stage 2 Appeal

If the complainant is dissatisfied with the Stage 1 response, they may appeal and request a review by the Council.

Requests for review must normally be made within 20 working days of receiving the Stage 1 decision.

Timescales for the Appeal Panel:

- acknowledgement within 5 working days
- full response normally within 20-30 working days

Where the investigation is complex, the complainant will be informed of the delay and given an updated timescale.

The appeal will be considered by a panel consisting of:

- three councillors
- none of whom were involved in the original investigation or are connected to the complainant or are members of the same household or close family.

The panel may:

- review the Stage 1 investigation
- consider additional information provided by the complainant
- ask questions of the investigating officer if necessary

The panel may decide the matter based on the written information provided or may invite the complainant to attend a meeting to present their concerns.

The panel will decide whether:

- the Stage 1 investigation was fair and reasonable
- the conclusions reached were appropriate
- any further action is required

The panel may:

- uphold the original decision
- partially uphold the complaint
- uphold the complaint and require further action

The panel's decision will normally be issued within 20 working days.

The decision of the appeal panel represents the Council's final internal stage.

Public Services Ombudsman for Wales

If the complainant remains dissatisfied after completing the Council's complaints process, they may refer the matter to the Public Services Ombudsman for Wales.

The Ombudsman is independent of the Council and can investigate complaints about maladministration or service failure.

The Ombudsman's contact details are:

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

Telephone: 0300 790 0203

Email: ask@ombudsman.wales

Website: www.ombudsman.wales

Unreasonable or Persistent Complaints

In rare cases a complainant may continue to pursue a complaint after the Council has fully investigated and responded.

Where a complaint is considered unreasonable or vexatious, the Council may decide that no further action will be taken.

The complainant will be informed of this decision and advised that further correspondence on the same matter may not receive a response.

Learning from Complaints

The Council will monitor complaints to identify patterns and opportunities for service improvement.

Where appropriate the Council will develop action plans to improve services and prevent similar issues arising in the future.

Accessibility and Assistance

This policy should be read in conjunction with the Equality Act 2010.

The Council will provide assistance to anyone who needs help in making a complaint.

This may include:

- providing a template complaint form
- assisting with completing the form
- providing information in alternative formats where possible

Complaints may be made on behalf of another person with their consent.