

# Magor with Undy Community Council

## COMPLAINTS POLICY

### Introduction

Complaints are valuable because they provide a chance to put things right if there has been an error, and to make sure that the same mistake is not repeated.

### Policy Statement

It is essential that complaints be dealt with positively. Magor with Undy Community Council is anxious to hear people's comments and is 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 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, which is if the Council does something the wrong way, fails to do something it should do or does something that 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 already exist
- Complaints about employment matters.
- Complaints that the Council or a Councillor has broken the Code of Conduct†

### Equal Opportunities

The 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 Council will be dealt with through this complaints procedure unless it is a complaint that should be dealt with through a statutory procedure.

### **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 councillors 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 customer'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 councillors about the services we provide. The Clerk, the Chair of the Council and the Chair of the Admin & Personnel Committee will deal with these (see Admin & Personnel Committee Terms of reference).

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 or member of the public 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. Chair of Council and Chair of Admin & Personnel Committee will be notified of receipt of complaint.

Timescales:                      Acknowledgement – within 10 working days  
    Within 20 working days of acknowledgement the decision and the nature of any action to be taken shall be communicated in writing to the complainant.

Investigating Officer: Clerk to the Council††

#### **Review of Investigation and Complaint (Stage 2)**

If the complainant is not satisfied with the Clerk's response, they should be advised of their right to have the complaint referred to the Chair of the Council and Chair of Admin & Personnel Committee who will review the complaint.†††

Timescales: Acknowledgement – within 10 working days  
Within 28 working days of acknowledgement the decision and the nature of any action to be taken shall be communicated in writing to the complainant.

Investigating Officer: Chair of Council and Chair of Admin & Personnel Committee

### **Complaints Panel (Stage 3)**

If the issue remains unresolved, the complainant should be notified of his or her right to have the matter referred to a complaints panel consisting of the Chair of Admin & Personnel Committee, Vice Chair of Admin & Personnel Committee and Vice Chair of Council. †††

Timescales: Panel convened within 28 working days  
Within 15 working days of the meeting the decision and the nature of any action to be taken shall be communicated in writing to the complainant.

Investigating Body: Complaints Panel

### **Unreasonable and Vexations Complaints**

There will be circumstances when a complainant persists in wishing to proceed when it clearly has 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 complaints panel may, 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**

Anonymous complaints should be referred to the Clerk, and may be dismissed at his/her 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 Complaints Panel to make any final decision regarding remedy). An explanation or an apology will always be needed.

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† In these cases the complainant should be referred to the Public Service Ombudsman for Wales

†† *Where a resident or member of the public feels unable to complain directly to the Clerk to the Council, they may direct their complaint directly to the Chair of the Council*

††† *In some circumstances it may be necessary to refer or advise the complainant to take an alternative route i.e. Public Service Ombudsman for Wales.*

†††† *When the Complaints Panel deems that all routes to resolve the complaint have been exhausted then the Chair of Council and Chair of Admin & Personnel Committee may need to seek legal advice the cost of which may be met by the Community Council or the Community Council's Insurance (note Magor with Undy Community Council standing order 14.b.3)*