

## **CONCERNS AND COMPLAINTS POLICY**

Purpose - To detail the Council's policies and procedures to be adopted regarding complaints

Author - Clerk

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### **1 Introduction**

1.1 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 a 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**

1.2.1 An initial request for a service

1.2.2 Complaints about third parties eg about a community group for which the Council is not responsible

1.2.3 A request for an explanation of a decision

1.2.4 A representation about a major policy decision eg 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:

1.3.1 Complaints where there is a right of appeal to an independent tribunal, or a legal remedy, eg planning decisions or potential insurance claims

1.3.2 Complaints about the conduct of a Councillor, which should in the first instance, be reported to Denbighshire County Council's Monitoring Officer, who will then advise the complainant about making a complaint to the Public Services Ombudsman for Wales.

1.3.3 Complaints by Council staff about employment matter, which are dealt with under the Council's personnel procedures.

1.3.4 Allegations of serious officer misconduct and criminal activity. If the complaint is of serious nature, the complaint must be referred immediately to the Clerk for investigation. The Clerk will retain all documentation relating to such a complaint.

1.3.5 Allegations of financial impropriety. Any case of suspected fraud or corruption by any officer or member of the Council must be reported immediately to the Clerk for the necessary investigation to be carried out. Where, because 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 Scope and Purpose**

2.1 The purpose of this policy is to provide a corporate policy framework for dealing with complaints.

2.2 Complaints from members of the public are an invaluable source of feedback about the service we provide. They are a positive means of promoting complainant satisfaction and a way of identifying opportunities to improve service delivery. They can help us to learn about our complainant's needs and expectations.

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2.3 This procedure reflects guidance given by the Public Services Ombudsman for Wales and One Voice Wales.

### **3 How Can You Make a Complaint?**

3.1 A complaint can be made by letter, in person, by telephone, through a third party such as a Councillor or advice agency, or email – any way that is convenient to the complainant.

3.2 A complaint form has been designed to help members of the public. However, they do not have to use this form if they do not wish to. A copy of the form can be found in Appendix 1.

3.3 This form can be completed by:

3.3.1 A member of the public

3.3.2 A Council employee [on behalf of the member of the public] if the complaint is received via a letter, a personal call, a telephone call, through a third party or by email.

### **4 Procedures 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 the Council is at fault, sometimes all that is required is an on-the-spot apology, eg “I’m sorry for the error” or “I’m sorry you’ve had to wait so long”.

4.3 If the complainant is happy with the response given no further action is required. If the complainant is not happy with the response given [and so further action is required] then a complaint form should be completed and submitted in the manner outlined in paragraph 4.4 below. The complainant should be informed that he/she will receive a reply within 10 working days.

4.4 Recording a Complaint

When a complaint is received, the complainant should be thanked for taking the time to express his/her views and told how the complaint will be dealt with [ie it will be recorded and passed to the Clerk to investigate]. The complaint should be recorded as follows:

4.4.1 If received on complaint form, the form should be passed immediately to the Clerk

4.4.2 If received by letter or email, the letter/email should be passed immediately to the Clerk

4.4.3 If received by telephone, the form should be completed when the complainant is on the phone

4.5 When completed, the form should be passed immediately to the Clerk. For the complainant to be satisfied that the complaint has been recorded accurately, the complaint should be read back to the complainant. The complainant should then be asked if he/she would like a copy of the completed form sent to him/her. The complainant should be advised to contact the Clerk if he/she is not satisfied with the way in which the complaint has been recorded.

4.6 If received via a personal call, the form should be completed when the complainant is present. The complainant should then be asked if he/she would like a copy of the completed form. When completed, the form should be passed immediately to the Clerk.

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### **5 Three-Stage Procedure**

5.1 The procedure for dealing with complaints specifically consists of 3 key stages. The stages are designed to provide the complainant with a thorough and fair means of redress and to provide a framework for officers to work within.

#### **5.2 Stage One**

Investigation by the Clerk

The Clerk will seek to resolve the complaint and a response will be given within 10 working days. The complainant 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 will investigate the complaint with the Chair [Stage 2].

#### **5.3 Stage Two**

Investigation by the Clerk and the Chair

The Clerk, together with the Chair, will further investigate the complaint and a response will be given within 10 working days. The complainant 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 complainant 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.

#### **5.4 Stage Three**

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 complainant will also be informed of how he/she can refer the complaint to the Public Services Ombudsman for Wales.

### **6 Timescales**

If it is likely that a full response will be made within 5 working days of receipt of 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 of receipt.

6.1 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 complainant will be contacted [within the 10 working days] and an explanation for the delay given. The complainant will also be given a revised date for completion of the investigation.

6.2 A 'Quick Reference' to the timescales involved at each of the three stages can be found in Appendix 2.

#### **6.3 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 complainant 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.

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### **7 Complaints about Council Staff**

7.1 Any complaint about the conduct of the Clerk not properly falling within the Council's Disciplinary Procedure shall be referred immediately to the Chair of the Council for investigation by Full Council. The Clerk shall be notified of the complaint and shall be given an opportunity to respond. Any complaint about the conduct of other staff shall be considered within the Council's Disciplinary Procedure framework.

### **8 Vexatious Complaints**

8.1 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 Chair of the Council. The factors to be considered before making this decision shall include one or more of the following:

8.1.1 The complaint has already been fully investigated and the Council's complaints procedure has been exhausted

8.1.2 The complainant is not prepared to accept the conclusion

8.1.3 Demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the request or rising unrelated matters [unreasonable demands]

8.1.4 The complainant persists in the same or largely similar complaint [unreasonable persistence]

8.1.5 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

### **8.2 Unreasonable Demands**

Individuals may make what are unreasonable demands on the Council through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the individual.

8.3 Examples of actions grouped under this heading include demanding responses within an unreasonable timescale, insisting on seeing or speaking to a particular member of staff, continual phone calls, or letters, repeatedly changing the substance of the request or rising unrelated matters.

8.4 These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the office, such as taking up an excessive amount of staff time to the disadvantage of other individuals or functions.

### **8.5 Unreasonable Persistence**

It is recognised that some individuals will not or cannot accept that the Council is unable to assist them further or provide level of service other than that provided already. They may persist in disagreeing with the action or decision taken in relation to their request or contact the office persistently about the same issue.

8.6 Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a request, persistent refusal to accept explanations relating to what

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this office can or cannot do and continuing to pursue information. The way in which these individuals approach the Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

8.7 The actions of persistent individuals are unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources.

### **8.8 Managing Unacceptable Actions by Individuals**

There are relatively few individuals whose actions are considered by the Council to be unacceptable. How these actions are managed depends on their nature and extent. If it adversely affects the Council or its staff to work and provide a service to others, individual contact with the office may need to be restricted to manage the unacceptable action. Contact in person, by telephone, fax, letter or electronically or by any combination of these may be restricted. Effort will be made to try to maintain at least one form of contact. In extreme situations, the individual will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the Council either in written communication or through a third party.

8.9 The threat or use of physical violence, verbal abuse or harassment towards Council staff is likely to result in the ending of all direct contact with the individual. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.

8.10 The Council will not deal with correspondence [letter, fax, or electronic mail] that is abusive to staff or contains allegations that lack substantive evidence. When this happens, the individual will be told that their language is considered offensive, unnecessary, and unhelpful. They will be asked to stop using such language and the Council will state that there will be no response to their correspondence if they do not stop. The Council may require future contact to be through a third party.

8.11 The Council staff will end telephone calls if the caller is considered aggressive, abusive, or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

8.12 Where an individual repeatedly phones, visits the office, sends irrelevant documents, or raises the same issues, the Council may decide to:

8.12.1 Only take telephone calls from the individual at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the individual in the future

8.12.2 Require the individual to make an appointment to see a named member of staff before visiting the office or that the individual contacts the office in writing only

8.12.3 Take other action that we consider appropriate, the Council will, however, always tell the individual what action is being taken and why.

### **8.13 Deciding to Restrict Contact**

Members of the Council or its staff who directly experience aggressive or abusive behaviour from an individual have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.

8.14 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Council are only taken after careful consideration of the situation by a more senior member of staff or by a Councillor. Wherever possible, we give an individual the opportunity to modify their behaviour or action before a decision is taken. Individuals are told in

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writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

### **8.15 Appealing a Decision to Restrict Contact**

An individual can appeal a decision to restrict contact. A senior member of staff or a Councillor who was not involved in the original decision considers the appeal. They advise the individual in writing that either the restricted contact arrangements still apply, or a different course of action has been agreed.

### **8.16 Recording and Reviewing a Decision to Restrict Contact**

The Council records all incidents of unacceptable actions by individuals. Where it is decided to restrict individual contact, an entry noting this is made in the relevant file and on any appropriate computer record.

8.17 A decision to restrict individual contact may be reconsidered if the individual demonstrates a more acceptable approach. The Clerk reviews the status of all individuals with restricted contact arrangements on a regular basis.

8.18 In the first instance, staff should receive and record the complaint in accordance with this procedure. If a complaint is received which is subsequently classed as vexatious, the complainant will be advised accordingly by the Clerk.

## **9 Anonymous Complaints**

If an anonymous complaint is received or the complainant is unwilling to provide his/her name and address, the complaint form must still [as far as possible] be completed and the matter must be investigated. The procedure will need to be modified to suit the circumstances.

9.1 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.

## **10 What We Expect from You**

10.1 In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a concern or a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.

10.2 We believe that all complainants have the right to be heard, understood, and respected. However, we also consider that our staff has the same rights. We, therefore, expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands, or unreasonable persistence.

10.3 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language [whether oral or written] that may cause staff to feel afraid, threatened or abused.

10.4 Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

10.5 We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. However, it is not acceptable when actions escalate into aggression directed towards Council staff.

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### 11 Learning Lessons

11.1 We take your concerns and complaints seriously and try to learn from any mistakes we have made. The Council considers a summary of all complaints quarterly as well as details of any serious complaints. The Council will also consider our response to complaints at least twice a year.

11.2 Where is 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 have promised to have been made.

### 12 What If You Need Help?

12.1 The Clerk will aim to help you make your concerns known to the Council. If you need extra assistance, we will try to put you in touch with someone who can help. You may wish to contact [examples appropriate to the service provider here eg CHC advocacy services, Age Concern, Shelter etc] who may be able to assist you.

12.2 You can also use this concerns and complaints policy if you are someone under the age of 18. If you need help, you can speak to someone on the Meic Helpline [phone 080880 23456, [www.meiccymru.org](http://www.meiccymru.org)] or contact the Children's Commissioner for Wales. Contact details are: 01492 523333 North Wales Office, Penrhos Manor, Oak drive, Colwyn Bay, Conwy LL29 7YW [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk) [www.childcom.org.uk](http://www.childcom.org.uk)

## APPENDIX 1 COMPLAINT FORM

Your Name .....

Your Address and Postcode .....

.....

Your Phone Number .....

Your Email Address .....

Date .....

Are you appealing against a previous response to the same complaint?

Yes ..... No .....

If 'Yes' when was the response given? .....

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

Name .....

Reference on Response Letter .....

Please explain why you are appealing .....

.....

[Please continue separate sheet if necessary]

Your Complaint is .....

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.....  
.....  
.....  
.....

[Please continue separate sheet if necessary]

What do you think we should do? .....

.....  
.....

Please return the completed form by post to

The Clerk, Llanfair D C Community Council, Min Y Cae, Llanrhaeadr, Denbigh LL16 4NL

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For Office Use Only

If the complaint is resolved and no further action is required – the clerk to tick and sign below:

No further action

Signature/Date .....



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### APPENDIX 2 – Timescales – Quick Reference

#### Stage One – 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 full response is not likely to be made within 5 working days of receipt of the 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 the complaint.

Complainant:

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

#### Stage Two – Investigation by Clerk and Chair

Clerk and Chair:

If full response is likely to be made within 5 working days of receipt of complainant 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 complainant 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 the request to progress to Stage 2.

Complainant:

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

#### Stage Three Investigation by Full Council

Full Council:

If full response is likely to be made within 5 working days of receipt of complainant 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 complainant request to move to Stage 3 – complaint acknowledged by Clerk within 3 working days.

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

### APPENDIX 3 – Ombudsman

If we fail in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can investigate 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 a service failure or have been treated unfairly.

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

Email [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk) The website [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

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

There are also other organisations that consider complaints. For example, the Welsh Language Board about services in Welsh. The Clerk can advise you about such organisations.