



# Caerphilly County Borough Council

## Corporate Complaints Policy

Version 2 Updated January 2016

# Caerphilly County Borough Council

## Corporate Complaints Policy

### Introduction & Policy Statement

Caerphilly County Borough Council is committed to dealing effectively with any complaints you have about our service. We aim to clarify any issues about which you are not sure. If possible, we will put right any mistakes we may have made. We will provide any service to which you are entitled that we have failed to deliver. If we were wrong we will apologise and offer redress if appropriate. We also aim to learn from our mistakes and use the information we gain to improve our services.

#### Principles

The Council will aim to use the following principles in its operation of the Complaints procedure:-

- Accessible and simple
- Fair and impartial
- Timely, effective and consistent
- Accountable
- Delivers continuous improvement

#### What Is A Complaint?

##### A complaint is:

An expression of dissatisfaction or concern which requires a response. It may be:

- Either written or spoken
- Made by one or more members of the public
- About the Council's action or lack of action or about the standard of service provided
- About the Council itself, a person acting on its behalf or a public service provider partnership

#### Who Can Complain?

Any member of the public, including a child, who has received, or was entitled to receive, a service from the Council may make a complaint.

A complaint can also be put forward by someone on behalf of another person, as follows:-

- a. Someone who has died
- b. A child
- c. Those who lack the capacity (as defined by the Mental Capacity Act 2005)
- d. They have been asked to do so by the person affected.

In the case of (b), (c) and (d), the Council must satisfy itself, as far as the circumstances of the person affected allow for it, that the representative is acting with the authority of that person and if possible obtain their signature to confirm this.

### **Time Limit**

The Council will only be obliged to consider complaints within six months of the complainant becoming aware of the problem. If a complaint is received after more than six months, the Council's Monitoring Officer or his deputy will consider whether there are valid reasons to support consideration, and whether information is still available to make consideration possible.

### **When To Use This Policy**

This policy only applies to complaints as described above. It does not apply to:-

#### **1. A Request For Service**

If you are telling us about something which you think needs to be done, for example, repairing a pothole, then you are requesting a service. This policy does not apply to requests for service.

However, if you make a request for service and you aren't happy with our response, you will be able to complain using this policy as we describe below.

#### **Others**

2. Issues where there is a statutory right of appeal, e.g. a refusal to grant you planning permission, or a decision not give your child a place in a particular school. In such cases the Council will explain the appeals process.
3. Concerns about policy decisions made by other public sector organisations, e.g. Welsh Government. In such cases the Council will advise you how to make your concerns known.
4. Complaints regarding Social Services. For Social Services complaints please contact Social Services Complaints, Penallta House, Ystrad Mynach, Hengoed, CF82 7PG; telephone 0800 3284061, email [socialservices@caerphilly.gov.uk](mailto:socialservices@caerphilly.gov.uk)
5. Complaints about schools, please approach the school direct.
6. Concerns/complaint in relation to Freedom of Information or Data Protection issues. Please contact the Council's Information Unit, Penallta House, Ystrad Mynach, Hengoed, CF82 7PG; , telephone 01443 864320, email [foi@caerphilly.gov.uk](mailto:foi@caerphilly.gov.uk)
7. Employment matters. Although we can consider complaints such as recruitment or appointment procedures under this policy we cannot look into other staff matters such as discipline, which may include the conduct of an officer. Where such issues are referred to as part of a complaint, these matters will be referred to the appropriate service area for separate consideration outside of the complaints policy.

## How To Make Your Complaint

You can express your complaint in any of the ways below:-

- Ask for a form from the person with whom you are already in contact. Tell them that you want us to deal with your complaint formally.
- You can get in touch with us by telephoning 01443 864221.
- You can use the form on our website by following this link: [www.complaints@caerphilly.gov.uk](mailto:www.complaints@caerphilly.gov.uk).
- You can e-mail us at [complaints@caerphilly.gov.uk](mailto:complaints@caerphilly.gov.uk)
- You can write to the Corporate Complaints Officer, Mrs. Andrea Jones, Legal Department, Caerphilly County Borough Council, Penallta House, Ystrad Mynach, CF82 7PG.

We aim to have complaint forms available at all of our service outlets and public areas such as local offices and libraries.

If you would like this policy and the complaint form in Welsh or another language or format (perhaps Braille or large print), please contact the Corporate Complaints Officer.

A copy of the form is attached at Appendix 1.

## Dealing With Your Complaint

We have a two-stage approach for dealing with your complaint.

### Stage 1

We will formally acknowledge your complaint within **five** working days and let you know how we intend to deal with it.

If possible, we believe it is best to deal with things straight away rather than try to sort them out later. If you have a complaint, raise it with the person you are dealing with. He or she will try to resolve it for you there and then. If there are any lessons to learn from addressing your complaint then the member of staff will draw them to our attention. We will aim to achieve this within **ten** working days of your complaint being raised. If the member of staff can't help, they will explain why and you can then ask for a formal investigation.

If you have asked us to communicate in a specific way, perhaps by e-mail or letter, we will honour your wish if possible.

We will deal with all complaints in an open and honest way.

We will make sure that no one is disadvantaged because they have made a complaint.

Normally, we will only be able to look at complaints if you tell us about them within six months. This is because it is better to look into your complaints while the issues are still fresh in everyone's minds.

We may, in exceptional circumstances, be able to consider complaints raised later than that. However, you will need to have a strong reason for the delay, and the information must still be available to allow us to investigate properly. A decision on whether or not to investigate in these circumstances will be made by the Council's Monitoring Officer or his/her deputy.

If your complaint covers more than one organisation, we will usually work with them. We will then give you the name of the person responsible for communicating with you while the complaint is dealt with.

If the complaint is about someone working on our behalf, we will look into your complaint ourselves **unless** we have agreed a contractual complaints process with the body providing the service. If a contractual complaints process is in place, we will still monitor complaints received and how the contractor deals with them.

## **Formal Investigation – Stage 2**

The relevant Head of Service or a person nominated on his/her behalf will deal with your complaint at Stage 2. We may seek advice from both within and outside the Council. If the complaint involves more than one Head of Service's area of responsibility it will be dealt with by the Council's Monitoring Officer, his/her deputy or the Corporate Solicitor.

We will set out to you our understanding of your complaint and ask you to confirm that we have got it right. We'll also ask you to tell us what outcome you are hoping for. The person looking at your complaint will usually need to see the files we hold relevant to your complaint, but we will always protect your personal data from improper use.

If there is a simple solution to your problem, we may ask you to accept this. For example, where you asked for a service and we see straight away that you should have received it; we will offer to provide the service rather than investigate and produce a report.

We will aim to resolve complaints as quickly as possible. The formal stage complaints process should normally be concluded within **20** working days, commencing on the day following the day that the exact complaint is agreed between the complainant and the Corporate Complaints Officer. Where this deadline cannot be met we will:-

- Let you know within this time why we think it may take longer to investigate.
- Tell you how long we expect it to take.
- Let you know where we have reached with the investigation, and
- Give you regular updates, including telling you whether any developments might change our original estimate.

The person who is investigating your complaint will aim first to establish the facts. The extent of this investigation will depend on how complex the issues you have raised are.

We may ask to meet you to discuss your concerns. Occasionally we might suggest mediation to try to resolve disputes.

We will look at relevant evidence. This could include files, notes of conversations, letters, e-mails or whatever may be relevant to your particular complaint. If necessary, we will talk to the staff or others involved and look at our policies and any legal entitlement and guidance.

### **Equalities Issues**

We will deal with all complaints fairly and without prejudice, irrespective of the background, language needs and circumstances of the person making the complaint. This does mean we will need to ask relevant questions to ensure that there is no discrimination occurring in our complaints process, but you only need to answer the questions if you wish to do so, all we ask is that you understand that we have to ask them.

### **Outcome**

If we investigate your complaint, we will let you know what we have found in keeping with your preferred form of communication. This could be by letter or e-mail, for example. If necessary, we will produce a detailed report. We will explain how and why we came to our conclusions.

If we find that we got it wrong, we will tell you what happened and why.

If we find there is a fault in our systems or the way we do things, we will tell you what it is and how we plan to change things to stop it happening again.

If we've got it wrong, we will always apologise.

### **Putting Things Right**

If the Council didn't provide a service you should have had, we will aim to provide it if that is practical and sensible.

If the Council didn't do something well enough, we will aim to do it better and if our investigations show you have lost out as a result of a mistake on the Council's part we will try to put you back in the position you would have been in if we had got it right in the first place.

### **Ombudsman**

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman can look into 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 Council's part, or
- Have been disadvantaged personally by maladministration or service failure.

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 0300 790 0203
- E-mail [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)
- The website [www.ombudsman-wales.org](http://www.ombudsman-wales.org)
- Writing to: Public Services Ombudsman for Wales,  
1 Ffordd Yr Hen Gae,  
Pencoed,  
CF35 5LJ.

### **Learning Lessons**

We take your concerns and complaints seriously and try to learn from any mistakes we have made. A summary of all complaints will be considered by the Council's Leadership team on a regular basis. Complaints will also be monitored by the Council's Audit Committee.

When we identify a significant 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 promised have been implemented.

### **What If I need Help?**

Our staff will aim to help you to make your complaints known to us. If you need extra assistance, we will try to put you in touch with someone who can help.

In all circumstances, we will pay due regard to your particular circumstances in the light of protected characteristics defined by the Equality Act 2010.

### **Appendices**

Complaint/concern form.

## About your complaint?

1. Name of the service you are complaining about  

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2. What do you think they did wrong, or failed to do:  

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3. When did you first become aware of this problem  

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4. Have you already raised concern with a member of staff? If so, please give brief details of how and when you did so.  

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5. Describe how you personally have suffered or have been affected.  

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6. What do you think should be done to put things right?  

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7. If it is more than six months since you first became aware of the problem, please explain why you have not complained before.  

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8. Please attach any relevant supporting documents.  

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## Contact:

Caerphilly County Borough Council,  
Penallta House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed,  
CF82 7PG.

E-mail: [complaints@caerphilly.gov.uk](mailto:complaints@caerphilly.gov.uk)

Telephone: 01443 864221

Let us know if you have a complaint about our services we want to hear about it.



**This publication is available in Welsh, and in other languages and formats on request.**

**Mae'r cyhoeddiad hwn ar gael yn Gymraeg, ac mewn ieithoedd a fformatau eraill ar gais.**

## What is a complaint?

A complaint could include:

- Failure of the Council to deliver a service.
- A delay in responding to your request within a specified timescale.
- Failure of the Council to follow their agreed rules, statutory obligations or a published service standard.
- An unhelpful attitude of someone who works for the Council.
- If you feel you have suffered any form of bias or discrimination.

## Who can complain?

Anyone who has used or requires a Council service. You can also complain on behalf of someone else, as long as you have their permission.

## How long will you wait?

We will acknowledge receipt of your complaint within five working days and your complaint will be fully resolved within a maximum of 20 working days.

## What will happen?

If your complaint is new it will be dealt with as part of Stage 1 of the Council's complaints policy. If you are unhappy with the response you receive to your complaint you can escalate it to Stage 2.

## Your details

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Post Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Preferred method of contact:

Post

Phone

Email

If contacting on behalf of someone else  
Please provide their details

