

# COMPLAINTS PROCEDURE

## CYNGOR CYMUNED PENTIR



### 1. The Importance of Complaints

- 1.1 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.
- 1.2 It is essential that complaints are dealt with positively. Cyngor Cymuned Pentir (thereafter referred to as the council), is anxious to hear people's comments and is committed to making full use of complaints information to contribute to continuous improvement. Important information about areas for improvement can be obtained from a single complaint or from a pattern of complaints, highlighted by detailed monitoring.

### 2. Definition of a Complaint

- 2.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the council, its councillors, the clerk and its contractors which affects an individual customer or group of customers.

#### 2.2 What the complaints procedure will deal with: -

The complaints procedure will deal with matters of maladministration, which is if the Council does something in the wrong way, fails to do something it should do or does something 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.

#### 2.3 What the complaints procedure will not deal with: -

- complaints for which there is a legal remedy or where legal proceedings already exist.
- complaints about contractual matters
- Where the council is carrying out its legal duties

## **2. Equal Opportunities**

- 3.1 The council is committed to equal opportunities. Complaints feedback will be used to highlight discriminatory practices, and to promote equality of opportunity
- 3.2 Complaints by members of the public of discrimination and/or harassment against the council will be dealt with through the complaints procedure unless it is a complaint that should be dealt with through a statutory procedure

## **4. Complaints Officer**

- 4.1 The Complaints Officer for the council is the Clerk. The main duties are;

The day-to-day operation and management of the procedure, including providing a reference point for member queries on informal complaints.

To oversee and undertake where necessary, the investigation of formal complaints at the first stage, within the relevant timescales.

To maintain a record of all complaints received including details of the nature of the complaint, action taken, outcome, and time taken to resolve.

To identify improvement points arising from any complaints.

To identify any training needs.

- 4.2 In the event of a complaint against the Clerk, the Complaints Officer will be the Chair of the Council.

## **5. Stages of the Procedure**

- 5.1 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 the clerk to work within. However, there may be occasions when a complainant makes an approach in a different manner, and it is important that the procedure does not in itself become a barrier to effective communication.

### **5.2 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.

### **5.3 Informal Complaint**

During the course of daily business, minor complaints are made to the clerk / members about the services we provide. These will usually be dealt with by the Appropriate Officer as appropriate. 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.

#### **5.4 Formal Complaint (First Stage)**

A customer 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 Clerk to investigate.

If the complainant remains unsatisfied with the response, they should be informed of their right to take the matter further.

Timescales:

Acknowledgment – by return of post.

Investigation completed - 14 days.

Or Progress Reports Issued - 14-day intervals

Investigating Officer: Clerk

#### **5.5 Review of Investigation and Complaint (Second Stage)**

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 Councillors' Panel who will review the complaint.

Timescales

Response by Council's Clerk - 14 days

Panel (if thought necessary) – Convened within 14 days. Review completed - 14 days thereafter.

Investigating Officer: Clerk

#### **5.6 Councillors' Panel**

If the issue still remains unresolved, the complainant should be notified of his or her right to have the matter referred to a panel consisting of the Chair (or the Vice Chair if the complaint refers to the Chair), and two other Councillors appointed by the Council. These Councillors will not have had previous involvement with the complaint or are referred to in the complaint. There will also be a note-taker, who will also not have had previous involvement in the complaint.

The outcome of all formal complaints dealt with by the panel will be advised to the Council.

#### **5.7 Unreasonable and Vexatious Complaints**

There will be circumstances when a complainant persists in wishing to pursue a complaint 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 or when the council is acting in accordance with its power under statute and the council's decision has been lawfully made.

These matters should be referred to the Clerk with a summary of the issues and of the attempts made to resolve the complaint. They may, in such circumstances, decide that no further action can usefully be taken in response to the complainant, and inform the complainant so. It should be made clear that only new and substantive issues will merit a response.

### **5.8 Anonymous Complaints**

Anonymous complaints should be referred to the Clerk, and may be acted on at his discretion, according to the type and seriousness of the allegation.

## **6 Resolutions and Remedies**

The aim in dealing with all complaints is to reach a resolution or remedy that satisfies 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,. An explanation or an apology will always be needed.