

Customer Complaints and Compliments Procedure

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1. Introduction

- 1.1** This document sets out Carmarthenshire County Council's procedure for dealing with corporate complaints and compliments from our customers. A summary guide is also available for the public.
- 1.2** Complaints and compliments from members of the public are an invaluable source of feedback about the services we provide. They are a positive means of promoting customer satisfaction and a way of identifying opportunities to improve service delivery. They help us to learn about our customers' needs and expectations.
- 1.3** This procedure reflects the '*Model Concerns and Complaints Policy and Guidance*' (2011) published by the Welsh Government.

2. Definitions

2.1 A complaint is:

- An expression of dissatisfaction or concern about the Council's action or lack of action, or about the standard of service provided and which requires a response;
- About the Council itself, an organisation or person acting on its behalf, or a service provided by a partnership.

2.2 A complaint is not:

- An initial request for a service, such as reporting a faulty street light;
- An appeal against a properly made decision by a public body;
- A means to seek change to legislation or a properly made policy decision;
- A means for lobbying groups/organisations to seek to promote a cause.

2.3 Although not an exhaustive list, the sort of complaints that would fall under the scope of this procedure would be our standards of service, our actions or lack of action, or our employees' attitude.

2.4 Complaints about other agencies/organisations who are not acting on our behalf cannot be dealt with by the Council. In such circumstances, the Complaints Team may be able to advise on where a complaint should be directed.

2.5 Where complaints involve more than one service provider or organisation, the Complaints Team will establish the elements of the

complaint and which organisations they relate to. They will then contact their counterpart(s) in the other organisation(s) concerned. The complaints officers will then decide which organisation will lead on co-ordinating the response to the complainant - this should be the organisation with the greatest involvement in the complaint.

2.6 Compliments are:

- Expressions of satisfaction, where we have exceeded expectations. It is good to know when our customers feel that we have provided a good service, or where our staff have shown excellent customer care. We can use these examples to thank our staff and to share best practice.

3. Confidentiality

3.1 Customers will be assured that details of their complaint will only be shared within the Council on a need to know basis. However, in exceptional circumstances, for example for the purpose of protecting a child/vulnerable adult or in connection with a criminal investigation, information may be shared with third parties in accordance with specific provisions of the Data Protection Act 1998. Complaints sent to contractors providing services for the Council must be dealt with in accordance with **paragraph 7.2** of this procedure.

3.2 Customers should also be assured that they will not suffer any adverse service provision as a result of making a complaint or any other form of customer contact.

3.3 If a customer wants a representative other than their local county councillor, solicitor, Assembly Member, Member of Parliament or Member of European Parliament to act on their behalf, the Authority will require confirmation that they have given permission to deal with their affairs. The Data Protection Act 1998 requires that the Council only provides personal information to those who have a right to receive it. An authorisation form must therefore be completed before an investigation can commence. We will then aim to respond within the timeframes of this procedure commencing from the date of receipt of this authorisation. The Complaints Team will advise the customer accordingly and send out the form. A copy can also be found in **Appendix 1**.

3.4 If an anonymous complaint is received or the customer is unwilling to provide his/her name and address, the details of the complaint must still be taken by the frontline member of staff or the Complaints Team. In the absence of the complainant's details it will not be possible to report back to them on the outcome of the investigation.

4. Time limit for receipt of complaints

- 4.1** It may not be possible to look into matters that arose more than 6 months before the date of making the complaint. When such time has passed, the Complaints Team will initially assess whether it will be possible to properly investigate the complaint. The final decision will be taken by the Complaints Team.
- 4.2** In accordance with the Council's Retention Guidelines, information relating to all corporate complaints will be kept for 6 years and destroyed thereafter.

5. Matters that fall outside of the Complaints Procedure

5.1 Some issues may fall outside of the Complaints Procedure. Complaints that fall outside of this procedure include:

- Complaints where there is a right of appeal within the Council, or to an independent tribunal, or a legal remedy e.g. planning decisions or potential insurance claims;
- Complaints about a Councillor, a Town or Community Council;
- Complaints about Schools;
- Complaints about Social Services (there is a separate statutory complaints policy for Social Services complaints. For further information please contact the Complaints and Compliments Team);
- Complaints by Council staff about employment matters;
- Reports of incidents of anti-social behaviour; and
- Allegations of serious officer misconduct and criminal activity;
- Allegations of financial impropriety.

5.2 Matters which are subject to legal proceedings cannot be considered under this procedure until the case has been concluded.

5.3 If the complaint does fall outside the scope of this procedure, the Complaints Team will where possible advise the customer of the alternative procedure to follow.

6. Complaints regarding social care services

6.1 These would arise where an adult or child is entitled to/in receipt of a social care service provided or commissioned by the Council and is unhappy with that service.

- 6.2 Such complaints are dealt with under a separate procedure in accordance with the Welsh Government's statutory guidance '*A guide to handling complaints and representations by local authority social services*' (2014). A fact sheet about the social care services procedure is available on the Council's website.

7. Complaints regarding contracted services

- 7.1 Some services provided by the Council may be delivered by private contractor, such as Civic Amenity Sites or town centre public conveniences.
- 7.2 Where it is clear that the complaint is regarding a company contracted to deliver a service by the Council, this should be forwarded to the Complaints Team. The Complaints Team will take the details of the complaint, record it and inform the customer that it will be necessary to raise the complaint on their behalf with the contractor, to enable the issue(s) to be addressed and responded to in accordance with the contractor's complaints procedure. Permission should be sought in all cases before passing personal details to a third party such as a contractor.

8. Receiving a complaint

- 8.1 Complaints may be received in parts of the Council which are not directly responsible for the services in question, such as the Chief Executive's Office, Customer Services or the Customer Contact Centre.
- 8.2 Employees must be aware that members of the public may raise issues without actually using the word 'complaint'. Complaints must not be overlooked because they are not formally described as such, therefore care needs to be taken in ensuring that contact received from the public is properly understood. **If in any doubt, advice should be sought from the Complaints Team.**
- 8.3 Complaints must be forwarded to the Complaints Team as soon as possible after receipt and without undue delay.
- 8.4 A form for submitting complaints is made available on the Council's website and is attached as **Appendix 2**.

9. Stage 1: response by the service

- 9.1 It is important that all Council services should attempt to address and resolve any issues they encounter informally and as they arise, where this is possible and appropriate - in other words, some matters can be resolved before they need to be dealt with under the Complaints Procedure.

- 9.3** Once a complaint is received, the Complaints Team will record it on the complaints handling system and acknowledge its receipt within 3 working days.
- 9.4** The Complaints Team will then consult with the relevant Council service in order to confirm which officer will be designated to investigate the complaint.
- 9.5** At Stage 1, the response to the complainant will be provided in writing by the designated officer.
- 9.6** The Stage 1 complaints process should normally be concluded within 10 working days. In cases where the investigation cannot be completed within this timescale, the customer will be contacted (within 10 working days) and an explanation given as to why the extra time is required by the officer dealing with the complaint. The customer will also be given a revised date for completion of the investigation.
- 9.7** The Complaints Team will provide support and advice for Council services in respect of Stage 1 complaints.
- 9.8** If the customer is dissatisfied with the response provided at Stage 1 of the procedure the complaint can be escalated to Stage 2.
- 9.9** Where it is not suitable to resolve a complaint at Stage 1, for instance, where the matter is very complex, the Complaints Team in conjunction with the service may also decide to proceed with the matter under Stage 2 of the process.

10. Stage 2: formal investigation

- 10.1** The Complaints Team will initially undertake an assessment of the complaint to ascertain whether the complaint falls within this Complaints Procedure or the statutory social services complaints procedure.
- 10.2** The Complaints Team may, where necessary, discuss the matter further with the customer in order to:
- Help them understand the process;
 - Clarify what outcome the customer is seeking;
 - Confirm with them their preferred method of communication during the course of the investigation;
 - Provide advice of relevant advocacy and support services if the customer needs help in making their complaint.

- 10.3** The Complaints Team will then liaise with the relevant department or service to identify an appropriate Investigating Officer.
- 10.4** The complaint will be recorded on the complaints handling system and acknowledge its receipt within 3 working days. The Complaints Team will keep track of (and record) progress and be responsible for monitoring the smooth running of the investigation, ensuring that timescales are met.
- 10.5** The Stage 2 process should normally be concluded within 20 working days. In cases where the investigation cannot be completed within 20 working days, the customer will be contacted by the Investigating Officer or the Complaints Team (within the 20 working days) and an explanation given as to why the extra time is required. The customer will also be given a revised date for completion of the investigation.

11. Conducting complaints investigations

- 11.1** Stage 2 investigations should follow the principle '*Investigate once, investigate well*'.
- 11.2** A complaint investigation should be a fact finding exercise which is open and transparent and proportionate to the seriousness of the complaint. Consideration should also be given as to whether face to face meetings and/or mediation could be a means to resolving the complaint.
- 11.3** At the end of an investigation a written outcome must be produced. This should preferably be in the form of a report and an example of a template that can be used is provided in **Appendix 3**.
- 11.4** The Investigating Officer will discuss and agree any recommendations for services improvement that are identified with the service.
- 11.5** One of the functions of this procedure is to put things right if they have gone wrong – the right of redress.
- 11.6** If the Council is at fault, consideration should be given to a remedy for the fault. An apology and an explanation of what action will be taken will normally be appropriate, however, other steps may also be justified, for example:
- Reassessment of needs
 - Provision or restoration of service
 - Reconsider a decision which was not taken properly
 - Change of procedure(s) to prevent recurrence

11.7 If the complaint is not upheld, the customer must still receive a written response. Most complaints come from customers who have a genuine sense of grievance and this should be recognised. Great care should be taken not to increase that feeling of grievance, for example by:

- Providing a poorly prepared letter or response which does not fully cover the issues raised - communications must be clear, comprehensive as well as being considerate to the customer.

11.8 All Stage 2 complaint responses will be sent to the customer by the Complaints Team and not by the department/service.

11.9 The Complaints Team will undertake a check to ensure:

- All elements of the original complaint have been addressed;
- The letter is written in a format that the customer will understand.

11.10 Once the check is complete, the response will be sent to the complainant by the Complaints Team.

12. Independent external consideration by the Public Services Ombudsman for Wales (PSOW)

12.1 Members of the public can make a complaint to the PSOW at any time. However the Ombudsman will usually expect the customer to have complained to the Council first giving the Council the chance to respond to the complaint. Generally however, the PSOW will be the final avenue open to a customer if they are not satisfied with the Council's response, having gone through the stages of this Complaints Procedure.

12.2 If a member of the public wishes to refer a matter to the Ombudsman they should be offered the contact details for the PSOW. All Stage 2 responses need to include the PSOW contact details. These are:

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

Telephone: (01656) 641150
Email: ask@ombudsman-wales.org
Website: www.ombudsman-wales.org

12.3 If the Ombudsman decides to investigate a complaint made against the Authority, all cases will be co-ordinated by the Council's Ombudsman contact officer in liaison with the Complaints Team.

13. Dealing with a compliment

13.1 When a compliment is received, the customer should be thanked for taking the time to express their views. The compliment will be recorded and passed to the Complaints and Compliments Team who will pass the details onto the appropriate officer/s.

13.2 A form for submitting compliments is available on the Council's website and is attached as **Appendix 2**.

14. Publicising this procedure

14.1 A summary version of this procedure will be available to download from the Council website.

15. Training

15.1 Stage 1 - An e-learning module will be available for all frontline staff to complete. Awareness raising of the Complaints and Compliments Procedure will also be undertaken.

15.2 Stage 2 – Investigation training will be available for all staff that undertake Stage 2 investigations.

16. Reporting

16.1 To ensure that customer feedback is used to inform decision making and service improvements the Complaints Team will provide regular reports to the following:

- All scrutiny committees (half yearly)
- CMT (half yearly)

17. Other Council policies, procedures and guidance

17.1 This policy should be read in conjunction with the following:

- Unacceptable Actions by Complainants Policy
- Making a Comment, Complaint or Compliment: Social Care Services
- Whistleblowing Policy

18. Ensuring equality of treatment

- 18.1** This procedure must be applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, language, disability, religion or belief, age, sex, gender reassignment, sexual orientation, parental, marital or civil partnership status.

For advice and further information, or if you require this document in an alternative format please contact the Complaints Team on 01267 224488 or email complaints@carmarthenshire.gov.uk

Procedure approved by Executive Board on:

Procedure review date: 2020

Procedure written by: John Tillman, Helen Davies and Hywel Phillips

19. Appendices

Appendix 1: Authorisation Form

Carmarthenshire County Council Complaints Procedure



Representative Authorisation Form

I am giving my permission for:

to be given any information about me that is relevant and needed to deal with an enquiry about:

I understand that this may involve giving this person information about me in relation to this matter and other related Council services, if it is needed to assist with this enquiry.

My name:	
My address:	
Telephone number:	

This authorisation is valid for the duration of this enquiry unless I state otherwise.

My signature:

Date:

Please return this completed form to: **Complaints & Compliments Team,
Carmarthenshire County Council,
County Hall,
Carmarthen,
SA31 1JP.**

We will only use the information you provide on this form for the purpose of dealing with your enquiry in adherence with the Data Protection Act 1998. For more information please contact 01267 234567.

Appendix 2: Complaints Compliments and Comment Form

What is the nature of your feedback:		Complaint/Compliment/Comment	
Customer:		Representative (if applicable)	
Title:		Title:	
Name:		Name:	
Address:		Address:	
Postcode:		Postcode:	
Phone no:		Phone no:	
e-mail:		e-mail:	
Which is the best method of communicating with you?		Letter/email/phone	

Name of the department/division/service area:	
Have you raised this concern before?	Yes/No
If yes, brief details of how, when & complaint number?	
Your complaint, compliment or comment is:	
(Please continue on separate sheet if necessary)	
What do you think should be done to put things right?	
We value your feedback and are happy to respond to you, however, if you do not wish to receive a response, please tick here:	

Resolution	
Were you able to resolve this complaint?	Yes/No
If Yes, please provide details below:	
Officer taking the complaint:	
Date:	

Appendix 3: Example of an Investigation Template for Stage 2 Complaints (with guidance notes)

Guidance note:

Sources for initial evidence gathering include, but are not limited to::

- *correspondence (letters and emails)*
- *notes of telephone conversations*
- *conducting interviews with officers and complainants, if appropriate (including detailed note taking)*
- *organisational policies, procedures*
- *good practice guidance, including online sources*
- *records/files such as applications, site plans and visits*
- *relevant legislation*
- *photographic evidence and recordings such as CCTV*
- *professional/expert advice*

Complaint Report			
Department:		Complainant:	
Investigating Officer:		Representative <i>(where applicable)</i>	
Complaint Number:		Address:	

Complaint:

- *Set out the complaint(s) as agreed with the complainant. If there is more than one issue, number them separately, and describe in language that can easily be understood by the complainant. The complaints should also be set out in a factual and precise manner. If there are several points relating to one complaint then these should be listed under one heading.*

Outcome sought:

- *Clearly set out the outcome being sought – this should be established/clarified with the complainant.*

Summary of the investigation

- *Provide details of who was interviewed (including to what degree the complainant, and if appropriate, any affected relatives, advocates, etc. were involved in the investigation)*
- *Set out the evidence considered as part of the investigation (please refer to the guidance note above for advice on the types of evidence to consider gathering).*

Background

- *Details of the key issues, setting out a brief timeline of events leading to the complaint.*

Findings

- *Detail your findings.*

Conclusion

The conclusion is your assessment of, or view on the issue(s) raised along with your reason for reaching this view. It should be clear why you have reached a certain conclusion and you should clearly state whether the complaint is upheld, partially upheld or not upheld.

If you are unable to reach a view on a particular issue this should be clearly set out (e.g., where there are two conflicting accounts of an incident, neither of which can be substantiated).

Where appropriate, you may wish to include a personal view based on probability, however, you should be able to substantiate why you came to this view.

*If the complaint is found to be **justified/upheld** please include:*

- *how it happened – i.e. what went wrong*
- *why it happened – i.e. the root cause of the problem (e.g. human error)*
- *what impact did it have on the customer*
- *if a systemic failing has been identified, an explanation of actions taken to put things right, with a view to ensuring the same problem does not occur again*
- *if appropriate, an apology*
- *if appropriate, an offer of redress*

*If the complaint has **not been upheld**, there should be an explanation as to why this conclusion has been reached, demonstrating that it has been arrived at based on the evidence gathered.*

Name:

Signature:

Designation:

Date:

Summary of Issues and Recommendations

Complaint number	Summary of Issues	Recommendations	Officer Responsible	Start Date	Target End Date

Guidance note:

- *The summary template above is an internal document separate to the Complaint Report and may contain areas for improvement which are identified during the investigation of the complaint but which are not linked to the complaint itself. These could include confidential matters that require management action or consideration outside of the complaints procedure, such as disciplinary action.*
- *Recommendations must be Specific, Measurable, Achievable, Realistic and Time-related (SMART).*