

Complaints Policy

Based on the Complaints Standards Agency
model policy

Version 5.0

carmarthenshire.gov.wales

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Preface

This model policy is designed for public services providers in Wales. It represents a minimum standard of complaint handling for public bodies in Wales.

The policy is fully compatible with the Welsh Language Standards Regulations.

Please note that NHS bodies in Wales adhere to the National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011, known as 'Putting Things Right'.

When the content of this policy conflicts with the Putting Things Right regulations, the Putting Things Right regulations will take precedence, including when references are made to timescales.

Also, the Social Services Complaints Procedure (Wales) Regulations 2014 outline the procedure for handling complaints about Social Services issues in Wales.

A Model Complaints Policy

Carmarthenshire County Council is committed to dealing effectively with any complaints you may have about our services. We aim to clarify any issues you may be unsure about. If possible, we'll put right any mistakes we may have made. We will provide any service you're entitled to which we have failed to deliver. If we did something wrong, we'll apologise and, where possible, try to put things right for you. We aim to learn from our mistakes and use the information we gain from complaints to improve our services.

When to use this policy

When you complain to us, we will usually respond to you as set out in this policy.

However, sometimes you may have a statutory right of appeal for example, planning decisions, parking fines or a decision not to give your child a place in a particular school. So, in cases like this, rather than investigate your concern, we will explain to you how you can appeal.

Where there are ongoing legal proceedings or another type of investigation, we may need to put a complaint "on hold" until these are concluded.

Sometimes, you might be concerned about matters that are not covered by this policy. Examples include, but aren't limited to:

- Insurance claims
- Complaints about a School, County Councillor, Town or Community Councils
- Complaints about Social Services
- Employment issues, including concerns about Council employees outside of the workplace which don't relate to the delivery of a service
- Reports of anti-social behaviour
- Allegations of serious officer misconduct and criminal activity

The Complaints Team will be happy to advise you about how to pursue a concern like this and can also give clear advice about the type and scope of complaints we can consider.

This policy does not apply to Freedom of Information, Subject Access or other information rights issues. Please contact foia@carmarthenshire.gov.uk in relation to these matters.

Asking us to provide a service?

If you are approaching us to request a service, for example reporting a faulty streetlight, or requesting an appointment this policy doesn't apply.

However, if you make a request for a service and then are not happy with our response, you will be able to make your complaint known as explained below.

Stage 1 - informal resolution

If possible, we believe it's best to deal with things straight away. If you have a complaint, please raise it with the person you're dealing with. They will try to resolve it for you there and then.

The Complaints Team is notified of all complaints and will assist with co-ordinating a response.

At this stage, we'll aim to deal with your complaint as quickly as possible and within 10 working days.

If there are any lessons to learn from addressing your complaint, the member of staff that dealt with your complaint will draw them to the Complaints Team's attention.

If it is not possible to resolve your complaint at this stage, you can then ask for a formal investigation.

How to make a complaint

You can make a complaint in any of the following ways:

- Use the form on our website at www.carmarthenshire.gov.uk
- Email us at complaints@carmarthenshire.gov.uk
- Ask for a copy of our form from the person with whom you are already in contact.
- Get in touch with our Complaints Team on 01267 224488 if you want to make your complaint over the phone.
- Write to us at:

Complaints Team
Carmarthenshire County Council
County Hall
Carmarthen
SA31 1JP

We aim to have complaint forms available at all of our customer service centres, public areas and also at appropriate locations in our libraries and leisure centres.

Copies of this policy and the complaint form are available in Welsh and in other languages, as audio and large print upon request.

Dealing with your complaint

- We will formally acknowledge your complaint within 5 working days and let you know how we intend to deal with it.
- We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements – for example, if you need documents in large type.
- We will deal with your complaint in an open and honest way.
- We will make sure that your dealings with us in the future do not suffer just because you have made a complaint.

Normally, we will only be able to look at your complaint if you tell us about it within 6 months. This is because it's better to look into your complaint while the issues are still fresh in everyone's mind.

We may exceptionally be able to look at complaints which are brought to our attention later than this. However, you will have to explain why you have not been able to bring it to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it properly. In any event, we will not consider any complaint about matters that took place more than three years ago.

If you're expressing a complaint on behalf of somebody else, we'll need their agreement to you acting on their behalf.

What if there is more than one body involved?

If your complaint covers more than one body for example, a Housing Association and the Council regarding the handling of a noise nuisance issue, we will usually work with them to decide who should take the lead in dealing with your concerns. You will then be given the name of the person responsible for communicating with you while we consider your complaint.

If the complaint is about a body working on our behalf for example, a housing repair contractor, the operators of a Household Waste Recycling Centre or a town centre public convenience, you may wish to raise the matter informally with them first. However, if you want to make your complaint formally, we will look into this ourselves and respond to you.

Stage 2 – formal investigation

We will tell you who we have asked to look into your complaint. If your complaint is straightforward, we'll usually ask somebody from the relevant service area to look into it and respond to you. If it is more serious, we may use someone from elsewhere in the Council or in certain cases we may appoint an independent investigator.

We will set out our understanding of your complaint and ask you to confirm that we are right. We'll also ask you to tell us what outcome you're hoping for.

The person looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, it's important that you tell us.

If there is a simple solution to your problem, we may ask you if you're happy to accept this. For example, where you asked for a service and we see straight away that you should have had 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 and expect to deal with the vast majority within 20 working days. If your complaint is more complex, 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 firstly aim to establish the facts.

The extent of the investigation will depend upon how complex and how serious the issues you have raised are. In complex cases, we will draw up an investigation plan.

In some instances, we may ask to meet with you to discuss your complaint.

Occasionally, we might suggest mediation or another method to try to resolve disputes.

We'll look at relevant evidence. This could include information you have provided, our case files, notes of conversations, letters, emails or whatever may be relevant to your particular complaint. If necessary, we'll talk to the staff or others involved and look at our policies, any legal entitlement and guidance.

Outcome

If we formally investigate your complaint, we will let you know what we find. If necessary, we will produce a report. We'll explain how and why we came to our conclusions.

If we find that we made a mistake, we'll tell you what happened and why.

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

If we make a mistake, we will always apologise for it.

Putting things right

If we didn't provide you with a service you should have had, we'll aim to provide it now, if that's possible. If we didn't do something well, we'll aim to put it right. If you have lost out as a result of a mistake on our part, we'll try to put you back in the position you would have been in if we'd done things properly.

If you had to pay for a service yourself, when we should have provided it for you, or if you were entitled to funding you did not receive we will try to refund the cost.

The Ombudsman

If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and 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 part of the service provider.
- Have been disadvantaged personally by a service failure or have been treated unfairly.

The Ombudsman normally expects you to bring your complaint to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

- Phone: 0300 790 0203
- Email: ask@ombudsman.wales
- The website: www.ombudsman.wales
- 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 Commissioner's Office deals with complaints about services in Welsh. We can advise you about such organisations.

Learning lessons

We take your complaints seriously and try to learn from any mistakes we've made. Our Corporate Management Team considers a summary of all complaints quarterly and is made aware of all serious complaints. Our Scrutiny Committees also consider our response to complaints twice a year. We share summary (anonymised) information on complaints received and complaints outcomes with the Ombudsman as part of our commitment to accountability and learning from complaints.

Where there is a need for significant change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it. We will let you know when changes we've promised have been made.

What if you need help?

Our staff will aim to help you make your complaint known to us. If you need extra assistance, we will try to put you in touch with someone who can help. You may wish to contact organisations such as the Citizens Advice Bureau, Age Cymru or Shelter who may be able to assist you.

You can also use this complaints policy if you are under the age of 18. If you need help, you can speak to someone on the Meic Helpline:

- Phone 0808 802 3456
- Website www.meiccymru.org

or contact the Children's Commissioner for Wales. Contact details are:

- Phone 0808 801 1000
- Email post@childcomwales.org.uk
- Website www.childcom.org.uk

What we expect from you

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 complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.

We believe that all complainants have the right to be heard, understood and respected. However, we also consider that our staff have 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. We have a separate policy to manage situations when we find that someone's actions are unacceptable.

Equalities statement

All employees are required to adopt a positive, open and fair approach and ensure the Authority's **Equality and Diversity Policy** is adhered to and applied consistently to all irrespective of race, colour, nationality, ethnic or national origins, disability, religion and belief or non-belief, age, sex, gender reassignment, gender identity and gender expression, sexual orientation, pregnancy or maternity, marital or civil partnership status.

In addition, the Welsh Language Standards ask us to 'ensure that the Welsh language is treated no less favourably than the English language' and this principle should be adopted in the application of this policy.

Appendix A

Complaint form

This form can be completed online by visiting our website:

www.carmarthenshire.gov.uk

Please Note: The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in Section B.

A: Your details

Please state how you would prefer us to contact you:

Your requirements: if our usual way of dealing with complaints makes it difficult for you to use our service, for example if English or Welsh is not your first language or you need to engage with us in a particular way, please tell us so that we can discuss how we might help you.

Surname	Forenames	Title
Address and postcode		
Email address		
Daytime contact telephone number		

B: Making a complaint on behalf of someone else: Their details:

Please note that we have to be satisfied that you have the authority to act on behalf of the person who has experienced the problem.

Their name in full	
Address and postcode	
What is your relationship with them?	
Why are you making the complaint on their behalf?	

C: About your complaint (please continue your answers to the following questions on a separate sheet(s) if necessary)

The name of the department/section/service you are complaining about:

What do you think they did wrong, or failed to do?

Please describe how you personally have suffered or have been affected:

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

When did you first become aware of the problem?

Have you already put your concern to the frontline staff responsible for delivering the service? If so, please give brief details of how and when you did so:

If it is more than six months since you first became aware of the problem, please say why you have not complained before now:

If you have any documents to support your concern/complaint, please attach them with this form.

Signature:

Date:

When you have completed this form, please send it to:

Complaints Team
Carmarthenshire County Council
County Hall
Carmarthen
SA31 1JP

Email: complaints@carmarthenshire.gov.uk

Telephone: 01267 224488