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CEREDIGION
County Council

Corporate Concerns and Complaints Procedure



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Concerns and Complaints Procedure

Complaints Handling Guidelines for Staff

This document should be considered in conjunction with the Council's Concerns and Complaints Policy (2021 version) and sets out the requirements and considerations to ensure that corporate complaints are managed effectively.

The Council's (corporate) Concerns and Complaints Policy and Social Services Complaints Policy and Procedures are compliant with our obligations with regard to the Complaints Standards Authority (CSA) which was introduced as part of the Public Services Ombudsman (Wales) 2019 Act. The purpose of the CSA is to ensure that all Councils in Wales have a uniform procedure for managing and reporting all complaints activity.

1 Introduction

- 1.1 Complaints should be viewed as a positive means of promoting customer satisfaction and identifying opportunities to improve service delivery. The purpose of this procedure is to explain to staff at all levels how the Council's Concerns and Complaints Policy operates and to provide practical advice on how to deal with concerns and complaints.
- 1.2 Following its formation in 2019, the CSA developed a Model Concerns and Complaints Policy for adoption by all Local Authorities in Wales. The aim of this Policy was to create a standard, streamlined and seamless process for handling complaints made by members of the public. In addition, the CSA:
 - Supports Local Authorities to deliver effective complaints handling
 - Collects and publishes data from the quarterly reports provided by Local Authorities
 - Delivers bespoke training packages to Local Authorities
- 1.3 The Concerns and Complaints Policy will be available in all Council buildings and accessible via the Council's website and upon request from the Complaints and FOI Service – as with other related policies (i.e. Social Services Complaints Policy and Procedures; Freedom of Information Policy and the Environmental Information Policy).

2 What is a complaint?

- 2.1 A '**complaint**' is defined as:-
 - an expression of dissatisfaction or concern
 - either written or spoken or made by any other communication method
 - by one or more members of the public
 - about a public service provider's action or lack of action
 - or about the standard of service provided

- **which requires a response.**

3 When does the Complaints Policy apply?

- 3.1 Not all expressions of dissatisfaction need to be treated as complaints requiring a formal response under the Concerns and Complaints Policy. All services receive comments, queries and reports of problems as a routine part of their day-to-day business. Every effort should be made to deal with these matters immediately, either by providing information, instigating the appropriate action or explaining a decision. Service users should be informed of their right to make a complaint under the Concerns and Complaints Policy if they are unhappy with the response received from the Service.
- 3.2 The following will **not** be treated as complaints under the Policy:
- an initial request for a service (e.g. reporting a faulty street light)
 - an appeal against a '*properly made decision*' by the Council (i.e. a decision the Council is entitled to make and where the relevant laws, policies and procedures have been correctly followed)
 - representations regarding a Council policy or intended change of policy (e.g. Council Tax increases, revised frequency of refuse collections)
 - attempts to seek change to legislation or a properly made policy decision, or attempts by lobbying groups / organisations to seek to promote a cause
 - complaints for which there is a legal remedy or where legal proceedings already exist
 - complaints about a third party (e.g. noisy neighbours, parking fines issued by private car park companies)
- 3.3 The following types of complaint **should not** be considered under the Policy, as they will be subject to separate arrangements, further details of which are available from the Complaints and FOI Service:
- complaints about schools (*refer to individual school policy which will be compliant with WG Complaints Procedure for School Governing Bodies in Wales; circular 011/2012; October 2012*)
 - complaints about Social Services (*refer to Social Services Complaints Policy*)
 - complaints where there is an alternative procedure for appealing against a decision, e.g. planning appeals, housing benefit appeals or penalty charge notices (*refer to relevant policy/service for further guidance*)
 - complaints about the conduct of a Councillor (*refer to Code of Conduct for Councillors*)
 - potential claims for compensation, which should be referred to the Council's Insurance section (*to be progressed in accordance with the relevant Financial Services policy*)
 - complaints from the public or members of staff about employee conduct, employment matters or complaints about recruitment decisions; all of which should be referred to the People and Organisations Service (*to be addressed under the relevant Human Resources policies and procedures*)

4 How does the Council's Concerns and Complaints Policy work?

- 4.1 The Complaints and FOI Service can be contacted to provide advice and guidance with regards to the Concerns and Complaints Policy and, as a centralised, corporate service, will co-ordinate and facilitate the response and resolution of concerns and complaints. For further advice on these arrangements, the Complaints and FOI Service can be contacted by telephone on: 01545 574151 or via e-mail: complaints@ceredigion.gov.uk.

- 4.2 Early intervention to resolve a concern is proven to be the most effective way to deal with the issue and inspire confidence from the service-user, though this may not always be possible. The Complaints and FOI Service can provide services with additional support to prevent an issue becoming a complaint; however, responsibility for resolving the concern / complaint ultimately lies with the service responsible.
- 4.3 There are two stages to the Council's Concerns and Complaints Policy, both of which require prompt co-operation from the service(s) at the centre of the complaint. The timescales differ between stages and the Complaints and FOI Service will co-ordinate and facilitate the timely acknowledgements, responses and updates with regards to all complaints activity (i.e. issuing acknowledgement letters, formal responses etc.).
- 4.4 The diagram below provides an outline of the timescales of each stage as outlined in the Policy. Service Managers (SMs), Corporate Managers (CMs) and Corporate Lead Officers (CLOs), as indicated by the specific case, will be required to ensure investigations and responses are passed to the Complaints and FOI Service **in advance** of the prescribed timescales – as outlined in red text below.

Stage 1: Informal Resolution

Service Managers will be required to act promptly to investigate the complaint. More specific information on this stage can be found in Section 7.

In the context of early resolution, all Stage 1 complaints must be responded to within **10 working days***

Service Managers will be required to submit their response to the Complaints and FOI Service within 8 working days

**Failure to respond to a Stage 1 complaint within the prescribed timescale of 10 w/d will result in the automatic escalation of the complaint to a Formal Investigation at Stage 2. As such, the CM and CLO will be informed and the process will need to be completed within the remaining 10w/d of the (now Stage 2) complaint.*

Stage 2: Formal Investigation

CMs (and occasionally CLOs) will liaise with the Complaints and FOI Service to identify a suitable Investigating Officer to undertake the formal investigation. In some cases it may be necessary to appoint an Independent Investigating Officer. More specific information on this can stage be found in Section 8.

Stage 2 complaints should be responded to within **20 working days**. However, it is recognised that some investigations may take longer than this. If, for any reason, it will not be possible to provide a substantive response to the complainant within the prescribed timescale, the Investigating Officer must notify the Complaints and FOI Service as early as possible.

CMs/CLOs assigned to investigate a complaint at Stage 2 are required to provide their response and/or report to the Complaints and FOI Service within 18 working days. Alternatively, if it is anticipated that this will not be possible, they must notify the Complaints and FOI Service so that arrangements can be made to update the complainant.

- 4.5 The underlying principle of the management of complaints at the formal stage is to **'Investigate Once, Investigate Well'**. Emphasis must be placed on the importance of conducting a thorough investigation to address all aspects of a complaint rather than re-visiting matters and conducting multiple investigations at different levels within the Council.
- 4.6 Every formal Stage 2 response will include details on how the complainant can refer their complaint to the Public Services Ombudsman for Wales (or the Welsh Language Commissioner if the complaint relates to the failure to adhere to the Welsh Language Standards) if they remain dissatisfied.
- 4.7 Further information regarding referrals to the Ombudsman and Welsh Language Commissioner can be found below in Sections 11 and 12, respectively.

5 Who is responsible for dealing with complaints?

- 5.1 All members of staff may become involved with a complaint from time to time, particularly frontline staff who are delivering services to the public on a day-to-day basis. This procedure, alongside the Policy itself, aims to enable **all** members of staff to identify potential complaints as they arise and to empower them to resolve any issues on the spot or escalate through their management channels.
- 5.2 Resolving concerns or enquiries received directly from service-users or via the Complaints and FOI Service and/or Clic should be considered as part-and-parcel of routine service delivery. In instances whereby a concern cannot be resolved in this manner, the service-user should be informed about how they can make a complaint and/or the matter should be referred to the Complaints and FOI Service to be recorded.
- 5.3 The Council is committed to providing appropriate training for staff at all levels on corporate standards for complaints handling. More information regarding training can be obtained from the Complaints and FOI Service.

6 Receiving a complaint

- 6.1 A complaint can be made in person, by telephone, e-mail, letter or via the on-line complaint form to any member of Council staff. It is important that the complaint and any information relating to the complainant is passed immediately to the Complaints and FOI Service.
- 6.2 In accordance with the Council's statutory obligations under the Welsh Language Measure 2011, a person can make a complaint in Welsh or English – whichever is their language of preference. The complaints process will be followed, in its entirety, in accordance with this preference (i.e. issue a Welsh acknowledgment letter, response letter etc.).
- 6.3 The Council will usually only consider complaints which are made within **6 months** of the incident which triggered the complaint, unless there are very good reasons for not bringing the matter to the Council's attention earlier. In any event, the Council will not consider complaints about matters which took place more than three years ago.
- 6.3 Any member of staff who receives a complaint should notify the Complaints and FOI Service immediately.

- 6.4 If the complainant wishes to make their complaint verbally (in person or by telephone) they must be signposted to the Complaints and FOI Service. Alternatively, the staff member involved in the matter can pass any information they gather, as well as the contact information of the complainant, to the Complaints and FOI Service.
- 6.5 Upon receipt of a complaint by the Complaints and FOI Service, the complaint will be assessed and contact will be made with the relevant SM / CM / CLO in order to:
- (a) consider whether the Concerns and Complaints Policy applies,
 - (b) check whether the time for making a complaint has expired,
 - (c) agree the most appropriate Stage for the complaint to be investigated
- 6.6 The Complaints and FOI Service will then record the complaint on the complaints database in accordance with the actions agreed with the service.
- 6.7 In considering whether a complaint should be dealt with under Stage 1 or Stage 2 of the Concerns and Complaints Policy, the questions below should be taken into account. If the answer to any of these questions is 'yes', it is likely to be more appropriate for the complaint to proceed directly for investigation at Stage 2.
- (a) Has the complainant already tried to resolve the complaint with the staff responsible for delivering the service? *(e.g. is this an issue which has been considered at length at various levels of management within the service?)*
 - (b) Have there been any disagreements with the staff responsible for delivering the service? *(e.g. does the complainant question the honesty/integrity of the staff they have been dealing with?)*
 - (c) Are there any broader reasons why it would be more appropriate for a more senior officer to consider the complaint? *(e.g. if the matter relates to an issues of significant public interest or if similar issues have been raised by others within a short period of time)*
 - (d) Does the complaint raise any serious or complex issues? *(e.g. whether referral for safeguarding screening has taken place and the matter is now deemed appropriate to conclude under the Concerns and Complaints Policy)*
 - (e) Has the complainant asked for a formal investigation or expressed a wish to proceed straight to Stage 2? *(whether this is proportionate or reasonable will depend on the circumstances of the complaint and the outcome of discussions with the service).*

7 Stage 1 – Informal resolution

- 7.1 A member of staff who is responsible for responding to a Stage 1 complaint should:
- (a) Ensure that the Complaints and FOI Service is aware of the complaint and that it is recorded on the complaints database.
 - (b) The Complaints and FOI Service will seek to acknowledge the complaint and explain the arrangements under Stage 1 and advise that they will receive a response within **10 working days**.

- (c) As outlined in Section 4, if it is not possible to respond to the complaint within 10 working days, the service must inform the Complaints and FOI Service as early as possible in order for the complaint to be escalated to Stage 2 and for them to notify the complainant accordingly. **It must be noted that in these circumstances the 'clock' does not reset to provide an additional 20 working days; therefore the complaint must be responded to within the next 10 working days following the date of receipt.**
- (d) When responding to a Stage 1 complaint, complainants will be advised that they may request a formal investigation under Stage 2 if they are not satisfied with the outcome. The complainant will also be advised that they need to provide specific details to support their request for a formal investigation within 20 working days of the Stage 1 response being issued.
- (e) In rare cases, there may not be any merit in accepting the complainants request to escalate their complaint for a formal investigation under Stage 2 (i.e. if it is deemed that nothing further can be achieved by investigating matters at Stage 2 or if the rationale provided by the complainant is unreasonable or disproportionate). This will usually be discussed between the Complaints and FOI Service and the Service in receipt of the complaint so that everybody is in agreement that the complaint should be refused. Such cases will involve a formal response from the Complaints and FOI Manager explaining why the matter will not be investigated formally and the Ombudsman's contact information will be included in the letter.
- (f) In addition to resolving the complaint, emphasis must be placed on **learning lessons**. For reporting purposes, information is required from services upon the conclusion of a complaint with regards to any service improvements or lessons learned as a direct consequence of the complaint.

8 Stage 2 – Formal investigation

- 8.1 Information about how a complaint can be escalated to Stage 2 will be included in every Stage 1 response issued by the Complaints and FOI Service. However, if a member of staff receives a request for a formal investigation of their complaint, this should be forwarded to the Complaints and FOI Service immediately.
- 8.2 The Complaints and FOI Service will liaise with the CM and/or CLO of the relevant Service(s) referred to in the complaint with regards to the following actions:
 - (a) A formal acknowledgement will be issued to the complainant within **5 working days**. This letter will explain how the matter is being investigated and by whom, when they will be likely to receive a response and they will be offered the opportunity to discuss their complaint further with the Service and/or Complaints and FOI Service.
 - (b) A copy of the Concerns and Complaints Policy will be provided and, if unknown, the Complaints and FOI Service will seek to clarify the complainant's preferred method and language of communication and whether they have any particular requirements (e.g. if they require support in making their complaint or if they have a disability which requires the Council to make reasonable adjustments in order to enable them to make their complaint).
 - (c) Obtain written consent in instances where somebody is acting on behalf of the service user.

- (d) All information will be retained in the complaint file (in the event that matters are subsequently referred to the Ombudsman). Details of the complaint will also be recorded on the complaints database for monitoring and reporting purposes.
 - (e) If the complaint is 'out of time' (i.e. over 6 months since the incident which triggered the complaint) consideration should be given as to whether there are good reasons to justify acceptance of the complaint regardless of the time which has elapsed.
- 8.3 Stage 2 complaints will usually be investigated by the CM of the relevant Service and who is senior to any staff directly referred to in the complaint. Occasionally, it may be necessary for the CLO to undertake the Stage 2 investigation. It is vital however, that the investigation is conducted by a senior member of staff who has not been directly involved in the issues referred to in the complaint. In the interests of openness and transparency (in order to support staff members, attempt to resolve the complaint and preserve the integrity of the process) it may be considered more appropriate for a CM or CLO from another Service to investigate the complaint. Such instances will be discussed between the Complaints and FOI Manager, the CM/CLO of the Service at the centre of the complaint and the CM for Partnerships and Performance (who has management responsibility of the Complaints and FOI Service) and in highly contentious cases, the CLO for Policy, Performance and Public Protection.
- 8.4 It is imperative that complaints are not investigated by a member of staff where there may be a conflict of interests (i.e. a close relationship between the investigator and a member of staff involved in the complaint). Any possible situations need to be declared immediately and an alternative investigator appointed.
- 8.5 The person investigating a Stage 2 complaint may be required to do all or some of the following (depending on the nature, complexity or severity of the complaint):
- (a) Offer a discussion with the complainant and agree the matters which will be investigated.
 - (b) Confirm the complainant's desired outcomes (if this is not clear from their complaint).
 - (c) Consider whether the matter can be resolved by way of a 'quick fix' without having to undertake a full investigation e.g. by offering to provide a service which the complainant should have received.
 - (d) Maintain communication with the Complaints and FOI Service so that progress can be recorded and if required, holding letters can be issued to the complainant (if it is not possible to complete the investigation within the prescribed timescale of **20 working days**).
 - (e) Compile a formal report (template attached as Appendix 2) to accompany their response. The draft report and response, once complete, should be shared with the Complaints and FOI Service.
 - (f) The Complaints and FOI Service will quality check the documents and retain any evidence in the complaints file. In addition, they will record the outcome of the complaint and issue the formal response directly to the complainant, ensuring that all compulsory information is included therein (i.e. referral to the Ombudsman, whether the complaint(s) are upheld or not upheld etc.).

9 Recording and Reporting Complaints Activity

- 9.1 All complaints will be recorded by the Complaints and FOI Service on the complaints database. The Stage, outcome and timeliness of the complaint response will be included in this recorded information, as will any information about lessons learned.
- 9.2 The Complaints and FOI Service will provide a detailed report to the CSA and Leadership Group on a quarterly basis. Complaints activity will be reported on to Cabinet and the Council's Audit Committee twice a year (to include the Annual Report which will be presented together with the Ombudsman's Annual Report for the Council).
- 9.3 Identifying lessons to be learned and implementation of improvements as a consequence of complaints are mandatory fields on the database and this information will be summarised, or examples chosen, to be included in the reports produced. This will reinforce the importance of making positive changes to prevent future occurrences.

10 What if the complaint involves more than one Council Service or another organisation?

- 10.1 If a complaint involves more than one Council Service, the Complaints and FOI Service will liaise with the CMs and CLOs of the relevant Services to agree who will be leading on specific elements of the complaint. The Complaints and FOI Service will co-ordinate the complaint and, if necessary, undertake the investigation. If agreement cannot be reached as to who should lead on a particular aspect of a complaint, this will be resolved via escalation to the CM for Partnerships and Performance and/or the CLO for Policy, Performance and Public Protection.
- 10.2 A complaint involving another organisation (e.g. a Housing Association or the Local Health Board) will be discussed with the CM / CLO of the relevant Service(s) so they are aware of a complaint involving their Service and, if known, obtain from them the details of any external parties referred to.
- 10.3 The Complaints and FOI Service will notify the complainant in writing that their complaint involves another organisation and their consent will be required prior to sharing the complaint with any interested parties. The expectation will be that the organisation involved in the majority of the complaint should lead on the investigation. Alternatively, it may be decided that each organisation addresses its own sections of the complaint under their policies with the aim of responding directly to the complainant as opposed to issuing a single, combined response.
- 10.4 If the complaint involves an organisation who is providing a Service on our behalf (i.e. a commissioned/contracted Service) the circumstances of each individual case will need to be considered and discussed between the Complaints and FOI Service and the commissioning Service. Usually, the expectation would be for the commissioned Service to investigate the complaint under their own complaints procedures and provide a copy of their response to the Council. However, on occasion, the circumstances may require the Council to follow its own complaints procedures (in this case, the Concerns and Complaints Policy). Such instances will be discussed at length between the Complaints and FOI Service and the commissioning Service.

11 Public Services Ombudsman for Wales

- 11.1 The Ombudsman is independent of all government bodies and looks into complaints about public services in Wales, including complaints made against Local Authorities. A complainant who is not satisfied with the way in which his/her complaint has been handled by the Council can refer their complaint to the Ombudsman.
- 11.2 A complaint can be referred to the Ombudsman at any stage, but the Ombudsman will usually request that the Council has had a reasonable opportunity to investigate and respond in accordance with the relevant complaints policy in the first instance. However, the Ombudsman has discretion to accept a complaint for investigation at any time if they consider it reasonable to do so.
- 11.3 The Complaints and FOI Service will provide support and advice to Services who are involved in complaints under consideration or investigation by the Ombudsman. In addition, the Complaints and FOI Service will be able to provide resources to assist Services during the process (including the Ombudsman 'Toolkit', Factsheets and advice on previous similar cases reported on by the Ombudsman).
- 11.4 Complainants will be advised within their response at Stage 2 that they can contact the Ombudsman if they remain dissatisfied. The same also applies in instances where it is deemed that the complaints policy does not apply, and when requests for investigations at Stage 2 are refused (as per point 7.1(e) above). The Ombudsman's contact details are as follows:
- Telephone: 0300 790 0203
 - E-mail: ask@ombudsman-wales.org.uk
 - Online Form: www.ombudsman-wales.org.uk
 - Via post: Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ
- 11.5 The Complaints and FOI Service will record, monitor and report on all Ombudsman activity involving the Council as part of its quarterly reporting procedure. In addition, Ombudsman activity will be included in reports presented to the Cabinet, Audit Committee and any other relevant committees on a biannual basis. The end of year report compiled by the Complaints and FOI Service will be accompanied by the Ombudsman's Annual Letter outlining the Council's performance with regard to cases referred for Ombudsman consideration.

12 Welsh Language Complaints

- 12.1 As per 6.1 complainants have the right to express their dissatisfaction in their preferred language. Should any complaints arise regarding the provision of Council Services in the medium of Welsh, these will be reported directly to the Council's Welsh Language Officer. In addition, the Complaints and FOI Service will record the case on the complaints database – highlighting that the nature of the complaint relates to the Council's failure to adhere to its statutory obligations under the Welsh Language Standards.

12.2 Complaints regarding the Council's performance in respect of the Welsh Language Standards will be included in the Welsh Language Officer's Annual Report which is submitted to the Welsh Language Commissioner.

12.3 Complainants who remain dissatisfied following the Council's response at Stage 2 where the Council's compliance or performance with the Welsh Language Standards is under dispute, should be advised within their formal response, that they may refer their complaint to the Welsh Language Commissioner for external consideration.

12.4 The Welsh Language Commissioner's details are provided below:

- Telephone: 0345 6033 221
- E-mail: post@cyg-wlc.cymru
- Website: [Welsh Language Commissioner](#)
- Via post: Welsh Language Commissioner, Market Chambers, 5–7 St Mary Street, Cardiff CF10 1AT

13 Anonymous complaints

13.1 Complaints made anonymously may still raise issues of serious concern and the Complaints and FOI Service will advise Services whether the information provided is sufficient to warrant further investigation in the accordance with the Concerns and Complaints Policy. Whilst the formal response process would not be applicable in these circumstances, there may be merit in undertaking an investigation and retaining the documentation generated in the event that the complainant later provides their information, or if similar concerns arise.

14 Unacceptable actions by complainants

14.1 The Council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain. Access to this Service and to Council offices and employees is not normally limited. However, there are a small number of complainants who, because of the frequency of their contact with the Council, hinder consideration of their own complaints.

14.2 In most cases, complaints can be dealt with quickly and efficiently. However, the behaviour of a minority of service users can make investigating and resolving a complaint difficult. These service users can also take up a lot of officer time so there is less time to help others.

14.3 In a very small number of cases, a complainant's behaviour may become unacceptable. The Council has a duty to protect its staff from behaviour which is abusive, offensive and threatening, and in these cases, will consider the matter under the Unacceptable Actions by Service Users Policy.

14.4 Features of a persistent complainant may include:

- Continuously shouting to a member of staff, swearing, threats, and name-calling
- Obsessive, harassing, or prolific behaviour
- Making the same complaint repeatedly or with minor differences but never accepting the outcome

- Seeking an unrealistic outcome and refusing to accept that the Council cannot provide what they are asking for

14.5 When the relationship has become unworkable, the Complaints and FOI Service, together with the relevant CM and CLO will consider applying the Unacceptable Actions by Service Users Policy.

15 Compliments

15.1 It is equally important for the Council to record compliments received from members of the public in order to provide positive feedback to staff and share best practice. A compliment can be defined as an expression of praise or positive feedback regarding services provided by the Council.

15.2 Staff should forward details of all compliments received to the Complaints and FOI Service who will record the information on the central database for inclusion in the quarterly and biannual reports.

15.3 Occasionally, compliments will be received in the form of formal correspondence to the Council. In such cases, the compliment should be formally acknowledged and the service-user thanked for taking the time to provide positive feedback.

16 Freedom of Information Act 2000 Complaints

16.1 Complaints about the Council's management of requests under the Freedom of Information (FOI) Act 2000 will be addressed under the relevant policy (e.g. Freedom of Information Policy or Environmental Information Regulations Policy). This process is considered as an 'Internal Review' which will be considered and responded to by the CLO for Policy, Performance and Public Protection.

16.2 All Internal Reviews are recorded and included in all routine reports referred to above.

16.3 If an applicant remains dissatisfied with the outcome of their Internal Review, they are informed that they may refer their case to the Information Commissioner's Office (ICO) for further consideration.