

Title: Complaints procedure

Complaints Wales Group

Proposals for

1. Model Concerns and Complaints Policy for adoption by Public Services Providers in Wales
2. Guidance for Public Service Providers on Implementing the Model Concerns and Complaints Policy

Preface

This document consists of two separate elements:

- The first is the element to be issued to members of the public. The only variation to the model concerns and complaints policy (and model form) should be at those areas indicated so that the document is tailored to reflect the nature of the service provided by the organisation in question. For the health service, the Welsh Assembly Government will be working with the NHS in Wales to produce specific, but similar, information leaflets for patients as part of the implementation of the proposed NHS (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2010.
- The second element is guidance to which public service providers should have regard when developing arrangements for the delivery of the concerns and complaints handling service within their organisations. This guidance will be suitable for most organisations and reflects the statutory guidance for health bodies. Variations can be introduced to take account of the size or operational requirements of organisations, but must not impact on people's experience of a common approach in complaint handling by public service providers. Thus, how complaints are managed internally is a matter for each organisation to determine, subject to statutory guidance e.g. on health and social care complaints. However, the requirements of the policy, e.g. regarding timescales, number of stages, information gathered on complaint forms should not be altered, unless the organisation chooses to work to shorter timescales.

Concerns and Complaints Policy

St Ishmaels Community Council is committed to dealing effectively with any concerns or complaints you may have about our service. We aim to clarify any issues about which you are not sure. 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 got something wrong, we'll apologise and where possible we'll try to put things right. We also aim to learn from our mistakes and use the information we gain to improve our services.

When to use this policy

When you express your concerns or complain to us, we will usually respond in the way we explain below. However, sometimes you may have a statutory right of appeal so, rather than investigate your concern, we will explain to you how you can appeal. Sometimes, you might be concerned about matters that are not decided by us and we will then advise you about how to make your concerns known.

Also, this policy does not apply if the matter relates to a Freedom of Information or Data Protection issue. In this circumstance, you should contact the Clerk to St Ishmaels Community Council.

Have you asked us yet?

If you are approaching us for a service for the first time, (e.g. reporting a faulty street light, requesting an appointment etc) then this policy doesn't apply. You should first give us a chance to respond to your request. If you make a request for a service and then are not happy with our response, you will be able to make your concern known as we describe below.

Informal resolution

If possible, we believe it's best to deal with things straight away rather than try to sort them out later. If you have a concern, raise it with the person you're 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 concern then the member of staff will draw them to our attention. If the member of staff can't help, they will explain why and you can then ask for a formal investigation.

How to express concern or complain formally

You can express your concern in any of the ways below.

- You can ask for a copy of our form from the person with whom you are already in contact. Tell them that you want us to deal with your concern formally.
- You can get in touch with our central complaint contact point on tel 01267 267647 if you want to make your complaint over the phone.
- You can use the form on our website at www.stishmaelscc.org.uk
- You can e-mail us at clerk.stishmaelscc@gmail.com
- You can write a letter to us at the following address Hafan Dawel, Mynydd Cerrig, Llanelli SA15 5BD.

We aim to have concern and complaint forms available at all of our service outlets and public areas and also at appropriate locations in the community

Copies of this policy and the complaint form are available in Welsh.

Dealing with your concern

- We will formally acknowledge your concern 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 have a disability.
- We will deal with your concern 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 expressed a concern or made a complaint.

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

We may exceptionally be able to look at concerns which are brought to our attention later than this. However, you will have to give us strong reasons 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, regardless of the circumstances, we will not consider any concerns about matters that took place more than three years ago.)

If you're expressing a concern 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 e.g. Housing Association and Council re noise nuisance, Health Board and GP, we will usually work with them to decide who should take a lead in dealing with your concerns. If your complaint is about a GP, you can ask the Health Board to look into it for you. 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 e.g. repair contractors, etc. you may wish to raise the matter informally with them first. However, if you want to express your concern or complaint formally, we will look into this ourselves and respond to you.

Investigation

We will tell you who we have asked to look into your concern or complaint. If your concern is straightforward, we'll usually ask somebody from the service to look into it and get back 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 to you our understanding of your concerns and ask you to confirm that we've got it 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 concerns 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 concerns will aim first to establish the facts. The extent of this investigation will depend on 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 you to discuss your concerns. Occasionally, we might suggest mediation or another method to try to resolve disputes.

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

Outcome

If we formally 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 longer report. We'll explain how and why we came to our conclusions.

If we find that we got it wrong, we'll tell you what and why it happened. We'll show how the mistake affected you.

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 got it wrong, we will always apologise.

Putting Things Right

If we didn't provide 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 got it right.

If you had to pay for a service yourself, when you should have had one from us, we will usually aim to make good what you have lost.

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 body providing it
- have been disadvantaged personally by a service failure or have been treated unfairly.

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: 0845 601 0987
- e-mail: ask@ombudsman-wales.org.uk
- the website: www.ombudsman-wales.org.uk
- 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 Board about services in Welsh. We can advise you about such organisations.

Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made. Our Council considers a summary of all complaints quarterly as well as details of any serious complaints. Our Council also considers our response to complaints at least twice a year.

Where there is a 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 changes we've promised have been made.

What if I need help

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

You can also use this concerns and complaints policy if you are someone under the age of 18. If you need help, you can speak to someone on the Meic Helpline (phone 080880 23456, www.meiccymru.org) or contact the Children's Commissioner for Wales. Contact details are:

01792 765600 (South Wales) 01492 523333 (North Wales)
post@childcomwales.org.uk
www.childcom.org.uk

South Wales Office:
Oystermouth House
Phoenix Way
Llansamlet
Swansea
SA7 9FS North Wales Office:
Penrhos Manor
Oak Drive
Colwyn Bay
Conwy
LL29 7YW

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 concern or 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 where we find that someone's actions are unacceptable.

Appendix A
St Ishmaels Community Council Concern/Complaint form

A: Your details

Surname Forename(s): Title: Mr/Mrs/Miss/Ms/if other please state:
Address and postcode:

Your e-mail address:
Daytime contact phone number
Mobile number:

Hospital number (if appropriate)

Please state by which of the above methods 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.

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. Please note that before taking forward the complaint we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.

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

Their name in full:

Address and postcode:

Hospital number (if appropriate)

What is your relationship to them?

Why are you making a complaint on their behalf?

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

C.1 Name of the department/section/service you are complaining about:

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

C.3 Describe how you personally have suffered or have been affected.

C.4 What do you think should be done to put things right?

C.5 When did you first become aware of the problem?

C.6 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.

C.7 If it is more than 6 months since you became first aware of the problem, please give the reason 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:

The Clerk of the Council, Hafan Dawel, Mynydd Cerrig, Llanelli SA15 5BD