

Torfaen County Borough Council

Corporate Complaints Policy

Version 2

DOCUMENT CONTROL

Title:	Corporate Complaints Policy		
Document Owner:	Complaints and FOI Manager		
Document Author:	Assistant Complaints and FOI Manager		
Reference:		Retention Period:	Until next review
Document Classification:	Official	Location:	SWOOP/website
Version / Status:	Final	Approved by:	Leadership Team
Current Issue Date:	16 th March 2021	Next Review Date:	As per guidance from the Public Services Ombudsman of Wales

REVISION HISTORY

Issue Date	Version / Status	Reason for Change	Changed By:
April 2012	1	New Policy	Caron Davies
March 2021	2	Policy Refresh, reporting update	Caron Davies

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1. Introduction

Torfaen County Borough Council is committed to dealing effectively with any concerns or 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.

2. How to contact us

- By phone: 01495 762200
- Use the form on our website at www.torfaen.gov.uk/en/AboutTheCouncil/Complaints/Service-Complaints/How-to-Complain.aspx
- Email us at corporatecomplaints@torfaen.gov.uk
- Write to us at: Complaints Team, Torfaen County Borough Council, Civic Centre, Pontypool, Torfaen, NP4 6YB

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

3. Who may put forward a concern

Any member of the public, including a child, who has received, or was entitled to receive, a service from the public service provider may make a complaint. The same applies if they have suffered due to the inappropriate action or lack of action by the public service provider.

If you are expressing a concern on behalf of somebody else, we will need their agreement to you acting on their behalf.

4. 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 (e.g. against a refusal to grant you planning permission or the decision not to give your child a place in a particular school) so, rather than investigate your concern, we will explain to you how you can appeal.

Any complaints regarding Social Care will be addressed via the statutory Social Care Complaints Procedure. For further information visit the [Complaints about Social Care Services](#) page.

The Corporate Complaints process is not able to address a complaint regarding a Councillor. For further information visit the [Complaints about Councillors](#) page.

The Corporate Complaints process is not able to deal with matters of a “claim/civil litigation” nature, where you consider you are entitled to compensation in respect of any believed wrong doing by the Authority. For further information visit the [Insurance Claims](#) page.

The statutory responsibility for responding to school related complaints lies with the school and governing body. For further information visit:

<https://www.torfaen.gov.uk/en/AboutTheCouncil/Complaints/School-complaintsprocedure/School-Complaints-Procedure.aspx>

This policy does not apply to ‘Freedom of Information’ or Data Protection/access issues. For Freedom of Information, please contact the Complaints & Freedom of Information team, Torfaen County Borough Council, Civic Centre, Pontypool, Torfaen, NP4 6YB, tel 01495 762200 or email foi@torfaen.gov.uk.

Data Protection concerns should be directed to the Data Protection Officer, Torfaen County Borough Council, Civic Centre, Pontypool, NP4 6YB, tel 01495 762200 or email DPA@torfaen.gov.uk. Information about these processes is available to view on the website:

www.torfaen.gov.uk/en/AboutTheCouncil/DataProtectionFreedomofInformation/Data-Protection-and-Freedom-of-Information.aspx

Asking us to provide a service?

If you are approaching us to request a service, (e.g. reporting a faulty street light, or requesting an appointment) this policy doesn’t apply. 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.

5. What is a complaint?

A complaint is:

- An expression of dissatisfaction or concern.
- Written or spoken or made by any other communication method.
- Made by one or more members of the public (someone or a group in receipt of or denied a service to which they are entitled by the service provider).
- About a public service provider’s action or lack of action or the standard of service provided.
- Something which requires a response.

It can be about the public service provider itself, a person, body or trader acting on its behalf, or a partnership of public service providers.

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' decision (when laws or policies have been correctly applied, e.g. charging for purple-lidded bins).
- A means for lobbying groups/organisations to seek to promote a cause.

Normally, we will only be able to look at your concerns if you tell us about them within 12 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 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 concerns about matters that took place more than three years ago.

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) 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 (e.g. contractors), you may wish to raise the matter informally with them first. However, if you want to express your concern or complaint to us, we will look into this ourselves and respond to you.

6. Complaint handling arrangements

Upon receipt of a complaint:

- We will acknowledge your concern within 5 working days and let you know how we intend to deal with it.
- We will set out our understanding of your concerns and ask you to confirm that we are right. We'll also ask you to tell us what outcome you're hoping to reach.
- 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.
- 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.
- 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.
- 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.

Stage 1 complaint

If possible, we believe it's best to deal with things straight away. If you have a concern, please raise it with the person you're dealing with who will pass details to the Complaints team or provide you with our contact information. We will establish details of your complaint and make enquiries with the appropriate department. We aim to provide a response and outcome within 10 working days. We will keep you informed if it is going to take longer. If there are any lessons to learn from addressing your concern, we will share these with you and the department involved. If you feel that the stage 1 outcome has not addressed the details of your complaint then you may ask for us to escalate to the second stage of the process. Please contact us within 28 days of receiving your stage 1 response.

Stage 2 complaint

We will tell you who we have asked to look into your concern or complaint.

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 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 concerns. 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 concern. 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 concerns 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.

7. Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made. We share information and reports with senior management and Members via the most appropriate forum. 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.

8. What if you 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 may wish to contact organisations such as Citizens Advice Bureau, Advocacy Support Cymru, Older People's Commissioner for Wales, Children's Commissioner for Wales, Age Cymru, Shelter who may be able to assist you.

You can also use this concerns and 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

9. 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 when we find that someone's actions are unacceptable.

10. Complaint/Concern form

A: Your Details

Surname	Forename(s)	Title: Mr/Mrs/Miss/Ms/ if other please state
Address and Postcode		
Your email address		
Daytime contact phone number		
Mobile number		

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	
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 12 months since you first became 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:
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When you have completed this form, please send it to:

Complaints Team, Torfaen County Borough Council, Civic Centre, Pontypool, Torfaen, NP4 6YB OR email corporatecomplaints@torfaen.gov.uk.