



Guidance for Pontypool Community Council on Implementing the 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. This complaints policy is based on a model complaints policy for government organisations.

The second element is guidance to which public service providers, and therefore Pontypool Community Council, should have regard when developing arrangements for the delivery of the concerns and complaints handling within their organisations.



CONCERNS AND COMPLAINTS POLICY

1 INTRODUCTION

- 1.1 Pontypool 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.

2 WHEN TO USE THIS POLICY

- 2.1 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 e.g., if it is a matter which is dealt with by a local authority such as school places and we will then advise you about how to make your concerns known.
- 2.2 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 Pontypool Community Council.

3 HAVE YOU ASKED US YET?

- 3.1 If you are approaching us for a service for the first time, (e.g., about a grant for a community organisation etc) then this policy does not 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.

4 INFORMAL RESOLUTION

4.1 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. They 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 the attention of Councillors. If the member of staff can't help, they will explain why, and you can then ask for a formal investigation.

5 HOW TO EXPRESS CONCERN OR COMPLAIN FORMALLY

5.1 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 call 01495 365951 if you want to make your complaint over the phone.
- You can e-mail us at pontypool@pontypoolcc.gov.uk
- You can write a letter to us at 35A Commercial Street, Pontypool, Torfaen, NP4 6JQ.

6 DEALING WITH YOUR CONCERN

6.1 We will formally acknowledge your concern within 5 working days and let you know how we intend to deal with it.

6.2 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.

6.3 We will deal with your concern in an open and honest way.

6.4 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.

6.5 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 investigate your concerns while the issues are still fresh in everyone's mind.

6.6 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.)

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

7 WHAT IF THERE IS MORE THAN ONE BODY INVOLVED?

- 7.1 If your complaint covers more than one body and includes another, such Torfaen County Borough Council, we will usually work with them to decide who should take a lead in dealing with your concerns.

- 7.2 If the complaint is about a body working on our behalf such as a contractor, you may wish to raise the matter informally with them first. However, if you want to express your concern or complaint formally, we will investigate this ourselves and respond to you.

8 INVESTIGATION

- 8.1 We will tell you who we have asked to investigate your concern or complaint. If your concern is straightforward, we'll usually ask somebody from the Community Council investigate it and get back to you. If it is more serious we may use someone from elsewhere, for example Torfaen County Borough Council, if there are legal concerns or we may appoint an independent investigator.

- 8.2 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 the outcome you are seeking.

- 8.3 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.

- 8.4 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.

- 8.5 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.

8.6 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.

8.7 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.

8.8 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.

9 Outcome

9.1 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. If necessary, we will produce a longer report. We'll explain how and why we came to our conclusions.

9.2 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.

9.3 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.

9.4 If we got it wrong, we will always apologise.

10 PUTTING THINGS RIGHT

10.1 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.

10.2 If you had to pay for a service yourself, when you should have had one from us, or if you were entitled to funding you did not receive, we will usually aim to make good what you have lost.

11 OMBUDSMAN

11.1 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 investigate 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.

11.2 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: 0300 790 0203
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

11.3 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.

12 LEARNING LESSONS

12.1 We take your concerns and complaints seriously and try to learn from any mistakes we've made. Our clerk and managers will consider a summary of all complaints and our Council will also consider our response to complaints as soon as possible after action has been taken.

12.2 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.

13 WHAT WE EXPECT FROM YOU

13.1 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.

13.2 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.

14 WHAT IF I NEED HELP?

14.1 Our staff will aim to help you make your concerns known to Councillors of the Council. If you need extra assistance, we will try to put you in touch with someone who can help. You may wish to contact a support agency and we can put you in contact with Torfaen Voluntary Alliance which will be able to point you in the direction of the most appropriate one to assist you.

14.2 You can 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 080880 23456, www.meiccymru.org) or contact the Children's Commissioner for Wales. You can contact the Commissioner by:

phone: 01792 765600 / 0808 801 1000

e-mail: post@childcomwales.org.uk

the website: www.childcom.org.uk

writing to: Llewellyn House, Harbourside Business Park,
Harbourside Road, Port Talbot, SA13 1SB

Appendix A



Pontypool Community Council
Cyngor Cymuned Pont-Y-Pŵl

CONCERN/COMPLAINT FORM

SECTION A - YOUR DETAILS:

Surname:	
Forename(s)	
Title: Mr/Mrs/Miss/Ms/if other please state:	
Address and postcode:	
E-mail 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, 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.

SECTION B - MAKING A COMPLAINT ON BEHALF OF SOMEONE ELSE:

Their name in full:	
Address and postcode:	
What is your relationship to them?	
Why are you making a complaint on their behalf?	
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, please tell us so that we can discuss how we might help you.	

SECTION C - ABOUT YOUR CONCERN/COMPLAINT:

(Please continue your answers to the following questions on a separate sheet(s) if necessary)

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

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?

<p>Have you already put your concern to a member of staff? If so, please give brief details of how and when you did so.</p>	
<p>If it is more than 6 months (12 months for health concerns) since you became first aware of the problem, please give the reason why you have not complained before now.</p>	
<p>If you have any documents to support your concern/complaint, please attach them with this form.</p>	
<p>Signature:</p>	
<p>Date:</p>	

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

The Clerk
35A Commercial Street
Pontypool
Torfaen, NP4 6JQ

or email it to: pontypool@pontypoolcc.gov.uk

Concerns and Complaints Policy Guidance for Pontypool Community Council

SECTION 1 - INTRODUCTION

1.1 Purpose of the Model Concerns and Complaints Policy

1.1.1 The Welsh Assembly Government's vision for improving public services in Wales is well documented and it recognises that complaints systems and redress can make an important contribution to the improvement of those services.

1.1.2 The purpose of the model policy for handling concerns and complaints (hereafter referred to as „the policy“) is to establish across the spectrum of public service providers:

- common principles for the effective handling of concerns and complaints
- a common model for dealing with concerns and complaints.

1.1.3 In addition, it is intended that this guidance will also enable:

- common data collection procedures
- common methods for learning from concerns and complaints.
- a common means to identify and disseminate good practice.
- consistency in how the Council deals with Concerns and Complaints

1.2 Statutory Basis and Scope of the Model Policy and Guidance

1.2.1 The policy and guidance comes into effect on 24 November 2021.

1.2.2 They are issued under existing powers of the Welsh Assembly Government in respect of the various sectors of the public service devolved to Wales, and Section 31 of the Public Services Ombudsman (Wales) Act 2005.

1.2.3 Complainants should not be disadvantaged where they complain through the medium of Welsh.

1.2.4 The model policy and guidance applies to the list of public service providers set out at Appendix A.

SECTION 2 - DEFINITION AND PRINCIPLES

2.1 What is a Complaint?

2.1.1 A complaint is: an expression of dissatisfaction or concern either written or spoken or made by any other communication method made 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 whether about the public service provider itself, a person acting on its behalf, or a public service provider partnership.

2.2.2 A complaint is not:

- an initial request for a service, such as reporting a faulty streetlight
- an appeal against a „properly made“ decision where Pontypool Community Council has followed relevant laws and procedures correctly
- 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.

2.2 Principles for dealing with complaints

2.2.1 When someone complains they inevitably have an issue about a service which has been received or not received. Complaints need to be handled in such a way that the complainant is the focus and not the process itself. It is within this context that the following principles should be applied.

Accessible and Simple

Well publicised.

Easy to find, understand and use – both for public and staff.

Simple and clear instructions for the public about how to make a complaint.

Has flexibility to meet the different needs of different people, ensuring that those who face challenges in access are not excluded.

Provides information on advocacy and support services.

The stages in the complaint handling process are kept to a minimum.

Fair and Impartial

Concerns are dealt with in an open-minded and impartial way.

Complainants are assured that making a complaint will not adversely affect their future dealings and contacts with the body concerned.

Ensures that complainants get a full response and that decisions are proportionate, appropriate and are fair.

The staff complained about are treated as fairly as complainants

Timely, Effective and Consistent

Within the parameters of what is appropriate and possible, frontline staff themselves should seek to resolve complaints

„Investigate Once, Investigate Well” – when a complaint requires formal investigation, this should be done thoroughly to establish the facts of the case.

Dealt with as quickly as possible. It should normally take no longer than 20 working days from receipt at the Formal Stage to resolution. If a complaint is more complex, complainants should be told why it may take longer to investigate and how long it is expected to take. Complainants and staff involved should be kept informed of progress throughout.

Consistent so that people in similar circumstances are treated in similar ways.

Concerns involving more than one public service provider are dealt with in such a way that the complainant’s experience is of one system.

Accountable

Provides honest, evidence-based explanations and gives reasons for decisions.

Information is provided in a clear and open way.

When concerns are found to be justified, as appropriate, the Community Council will:

- acknowledge mistakes*
- apologise in a meaningful way*
- put matters right*
- provide prompt, appropriate and proportionate redress.*

Follow up to ensure any decisions are properly and promptly implemented.

Where appropriate, the complainant is told about the lessons learnt and changes made to the service, guidance or policy.

Ensures that complainants are informed of their right to complain to the Public Services Ombudsman for Wales (or of other appropriate routes open to them, for example, Welsh Language Board in respect of complaints about compliance with Welsh Language Schemes, Equality and Human Rights Commission).

Delivers Continuous Improvement

Lessons learnt from complaints are gathered and feedback is used to improve service design and delivery.

Systems will be in place to record, analyse and report on the learning from concerns.

The leadership of Pontypool Community Council will:

- take ownership of the complaints process*
- regularly review and scrutinise its effectiveness*
- receive regular complaints monitoring reports, and*
- demonstrate what the organisation has done to improve service delivery as a result of complaints.*

SECTION 3 - COMPLAINT HANDLING ARRANGEMENTS

- 3.1 The aim is to provide a common approach for handling complaints by replacing “Process heavy” systems with one that is simple, flexible and places emphasis on getting the most appropriate outcome for individuals and services. It requires Pontypool Community Council to take a much more proactive approach to dealing with concerns by focusing on people’s needs and not the complaints process itself.
- 3.2 By being widely adopted it will help to streamline complaints arrangements across Pontypool Community Council and make it easier to deal with concerns that relate to more than one service provider.

A Commitment Statement

The Welsh Assembly Government has published a principle on redress for public services (Making the Connections – Building Customer services, March 2007). This is the touchstone for the model complaints policy and every public service provider in Wales in adopting the model should in turn publish a commitment statement as follows:

“People will find it easy to complain and get things put right when the service they receive is not good enough.”.

[Note: The above statement also applies to circumstances where there has been a failure to deliver a service someone is entitled to receive. However, it does not apply in circumstances where people are making a request for an initial service.]

B The people 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 Pontypool Community Council may make a complaint. The same applies if they have suffered due to the inappropriate action or lack of action by Pontypool Community Council.

Where a concern is notified by a young person or child, the responsible body must provide them with such assistance that they may reasonably require in order to pursue the concern. This should include making the young person or child aware of the help that could be provided by the Children’s Commissioner for Wales.

A concern can also be put forward by someone on behalf of another person, as follows:

- a) someone who has died
- b) a child
- c) those who lack the capacity (as defined by the Mental Capacity Act 2005(1))

d) if they have been asked to do so by the person affected.

In the case of (b), (c) and (d), Pontypool Community Council must satisfy itself, as far as the circumstances of the person affected allow for it, that the representative is acting with the authority of that person and if possible, obtain their signature to confirm this.

This procedure is not however a means for a member of staff to raise employment issues. There are other internal mechanisms for these types of concerns, for example, whistleblowing, bullying, or grievance procedures.

C Roles

The Council should ensure that the policy is adopted and in place. It is not appropriate for the Council to be involved in the investigation of individual complaints. However, it should receive reports on the number and type of complaints received, their outcomes and any remedial action taken as a consequence. It is for the Council to determine how frequently it should receive such reports; however, this should be at least twice a year. Organisations with such arrangements in place may, in addition, want to include the consideration of complaints reports to be included within the remit of a scrutiny or similar type committee.

Responsible Officer – The Clerk shall have responsibility for ensuring the policy is adopted and the guidance is followed and will co-ordinate responses to all complaints.

The number of complaints received should be reported to the Establishment Committee at least every six months.

D Resources

Pontypool Community Council shall ensure that the necessary resources are made available to enable delivery of the policy, this includes:

- staffing (including administrative support, if necessary)
- training
- complaint handling administration systems.

E Accessibility and publicising the complaints procedure

The Complaints Commitment Statement and complaints process shall widely publicised. E.g., on the Council's website. This should be done by:

- promoting the existence of the procedure, together with appropriate contact details, on a regular basis in any newsletters that the organisation publishes for its service users
- producing a bilingual complaints information leaflet when requested
- the leaflet shall be available at Pontypool Community Council's Office

Local advocacy organisations shall be made aware of the Concerns and Complaints Policy. Pontypool Community Council shall keep a list of such organisations e.g., Citizens Advice, Age Concern

The complaints information leaflet/complaint form

The wording of the English and Welsh complaints information leaflet should be as in the Council's policy.

In raising a concern, ideally people should complete a complaint form either printed version or webform.

However, people may prefer to present their complaint by telephone, e-mail, or in person (or other method). In doing so staff dealing with the complaint should ensure that they have gathered the same information as that being sought on the complaint form and ensure it is recorded appropriately.

F The complaints procedure

Stage 1 - Informal Resolution

This stage offers the opportunity for informal engagement at the point of service delivery to seek to resolve complaints either at the time the concern arises or very shortly thereafter. This stage should be part and parcel of front-line service delivery and not viewed as separate from it. This first step will normally be an explanation or other appropriate remedial action by Council staff.

Staff should understand what is expected of them in dealing with Comments and Complaints so they can deal with them as they arise with the aim of resolving issues on the spot.

Staff will be informed so they can recognise the seriousness of a complaint and understand when it should be referred to a manager or the clerk.

Staff may receive complaints that do not involve them personally. They should be able to direct the complainant to their manager or the clerk who will then be able to advise the complainant appropriately.

Staff must advise complainants how to progress their complaint to the formal investigation stage if they are not satisfied with the outcome of their complaint at the end of the informal stage.

Complainants may wish their complaint to be „fast tracked“ straight through to internal investigation (Stage 2). This may particularly be so if there have been disagreements with staff directly responsible delivering the service. It is the complainant’s prerogative to seek to take their complaint directly to Stage 2 of the procedure and frontline staff should advise how they may do so.

Frontline staff should be informed about how and encouraged to provide appropriate information on advice and advocacy support at Stage 1 of the complaints process. However, it is recognised that they may not have (nor could they be expected to) have the breadth of knowledge of all organisations for all types of help available, particularly when operating in a specialist field themselves.

The Clerk should be a source of support for all staff in respect of local resolution.

The informal resolution stage should be completed as quickly as possible and certainly take no longer than 10 working days. If it is not possible to resolve the concern within the relevant timescale, then the matter should be escalated to the formal investigation stage.

Stage 2 Formal Internal Investigation

“Investigate once, investigate well“ is the principle for this stage of the process. Emphasis is placed on one investigation to deal thoroughly with the concerns raised, rather than multiple investigations at different levels in the organisation which can result in protracted and sometimes open-ended investigations.

However, the Stage 2 element of the complaints process is intended to be flexible to respond appropriately to the complaint. „Investigating well“ also means conducting an investigation in a manner that is proportionate to the nature and degree of seriousness of the complaint. Proportionate means that for those complaints not so serious in their nature, the investigation may not need to be so detailed. The following sets out how a complaint should be dealt with at Stage 2.

Stage 2 complaints should be sent by the complainant to the clerk. Any other staff receiving a complaint form should forward it promptly.

Having formally received a complaint at Stage 2, an acknowledgement should be sent by the clerk as soon as is possible but within a maximum of five working days.

If the complaint is “out of time” – i.e., the issue being complained about is older than six months (from the time that the complainant first became aware of the problem), consideration should be given as to whether there are good reasons as to why it should nevertheless be accepted.

The clerk should offer to discuss the matter with the complainant, including:

- helping the person who is complaining understand the process
- confirming with them their preferred method of communication and what they want as an outcome to making the complaint
- providing advice of relevant advocacy and support services if they need help in making their complaint.

Depending on the nature of the complaint it may be necessary to obtain the complainant’s permission to access their personal file. If the complainant refuses to give permission, then it should be explained to them that this will influence the ability to conduct a thorough investigation.

If the complainant is complaining on behalf of someone else, consideration will need to be given as to whether consent is needed to investigate the complaint.

Having satisfied themselves that they sufficiently understand the details of the complaint, the central complaints handler should grade the seriousness of the complaint to decide on the appropriate level of investigation (where the organisation has such an arrangement in place) and identify an officer within the organisation with sufficient seniority, credibility, and independence from the source of the complaint to undertake the investigation; in the case of Pontypool community council, it is accepted that the Clerk will usually take the role of “frontline, informal resolution” and that the Chair of the Council or Chair of the Establishment Committee should where necessary take the role of “investigator”.

Having recorded the complaint on the complaints handling system on receipt, the central complaints handler should keep track of (and record) progress and take responsibility for monitoring the smooth running of the investigation, ensuring that timescales are met. The Stage 2 complaints process should normally be concluded within 20 working days. Where this is not possible complainants must be informed of the reasons and be agreeable to any extension. In any event, there should be regular contact with the complainant, updating them on progress on the case.

A complainant may withdraw their concern at any time; however, the public service provider may continue to investigate if it feels that it is necessary to do so.

It is recommended that the clerk produces a specimen documents/template to assist other staff involved in the complaints process which may include:

- a form for frontline staff for logging relevant complaints at the informal stage (these will be essential for any complaints progressed to Stage 2)
- an acknowledgement letter

Complaints Investigations

A complaint investigation should be a fact-finding exercise which is impartial, open and transparent and proportionate to the seriousness of the complaint. For serious complaints, a plan needs to be drawn up enabling the complaint to be investigated systematically.

However, even though the complaint has reached the Formal Internal Stage, there may still be potential for resolving the concern to the complainant's satisfaction through a „quick fix“ and without having to undertake a full and lengthy investigation. Consideration should be given to the possibility of this. Consideration should also be given as to whether face to face meetings and/or mediation could be a means to resolving the complaint.

Evidence gathering can include:

- correspondence (letters and e-mails)
- notes of telephone conversations
- organisational policies and procedures
- good practice guidance
- records (including those specifically relating to the complaint, under consideration and training records of staff involved in the complaint)
- legislation

- interviews (including detailed notetaking)
- site plans and visits
- photographic evidence
- recordings in various formats (e.g., phone, video, CCTV)
- obtaining professional/expert advice

Recommendations arising from investigations should be Specific, Measurable, Achievable, Realistic and Timed (SMART).

At the end of an investigation a written outcome such as letter or e-mail should be produced, and in more serious cases a report. Where a report is produced this should include where appropriate:

- the scope of the investigation
- a summary of the investigation:
 - details of key issues, setting out a brief chronology of events leading to the complaint)
 - those who were interviewed (including setting out to what degree the complainant, and if appropriate, any affected relatives, advocates, etc were involved in the investigation)
 - conclusion
 - if the complaint is found to be justified/upheld
 - how it happened - i.e., what went wrong
 - why it happened – i.e., the root cause of the problem (e.g., human error, a systemic failure)
 - what impact did it have on the complainant?
 - 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 of why this conclusion has been reached, demonstrating that it has been arrived at based on the evidence gathered.

Overall, the report should demonstrate throughout that the complaint has been taken seriously, that the investigation undertaken has been fair and, in accord with the seriousness of the complaint, proportionately thorough.

Even in cases where an investigation upholds the complaint and offers remedy/redress, it may be that the complainant remains dissatisfied for some reason. Therefore, in all cases, the report should inform the

complainant that if they remain dissatisfied then they have the right to seek an independent external consideration of their complaint.

Information about making a complaint to the Public Services Ombudsman for Wales and other appropriate complaint handlers including the Welsh Language Board should be provided.

G The final steps

The fact that complaints will vary in the degree of seriousness has already been referred to. Pontypool Community Council should decide at what level decisions on recommendations in the report can be taken and who should sign off on the complaint (i.e., who should sign any report or letter).

In cases where a complaint has been upheld and there is a clear systemic issue, the clerk should ensure that an action plan is devised setting out how the recommendations will be implemented and identify who will be responsible for ensuring their implementation. When it affects them, other staff should be involved in this process. The plan should also include arrangements for confirming to the complainant that changes have been implemented and make provision for the monitoring and evaluation of new arrangements introduced to assess their impact.

On closing a complaint case, the clerk should ensure that working documents used during the course of the investigation are retained in an orderly fashion and stored securely. If the complaint becomes the subject of further external investigation such as by the Public Services Ombudsman for Wales, these working documents may be needed as the public service provider's evidence.

Complaint case records should be retained for at least one year following closure at the end of Stage 2.

H An Independent Person

It may be that for some investigations, it is considered appropriate to include the involvement of an independent person in the Stage 2 investigation. This is particularly the case in respect of concerns relating to children and adults in vulnerable circumstances. It will be the responsibility of the clerk to ensure that the organisation has a suitable person to call upon where necessary.

I Complaints Involving Other Legal or Disciplinary Proceedings

Occasionally, complaints received will involve legal or disciplinary proceedings. It may from time to time be necessary to put the investigation of a complaint “on hold” until the conclusion of those other proceedings. However, it should not automatically be assumed that this is necessary in every case. An assessment should be made (with legal advice sought, if appropriate) to identify whether it is possible to address the subject of the complaint, without impacting unfairly on the other proceedings underway. It is important that if a complainant is in a continued state of disadvantage as a result of likely poor service delivery that every step is taken to conclude this part of their complaint. This will mean that, if the complaint is upheld, it has been demonstrated that the organisation is doing everything it can to return them as soon as possible to the position they would have been in if that failure had not occurred in the first place.

J Complaints involving more than one service provider

There are very rare occasions when a complaint received will involve more than one organisation. In this case the role of the clerk will be to establish the elements of the complaint and which organisations are involved and then contact their counterpart(s) in the other organisation(s) involved. The complaints officers should then decide which of them should lead on co-ordinating the response to the complainant. It would seem sensible that this should be the organisation with the greatest involvement in the complaint. However, it may be appropriate for the organisation with the largest complaints handling resource to undertake this role.

K Complaints concerning services that have been contracted out

Even though public service providers may contract out the provision of services to private/voluntary organisations, this does not absolve the public service provider of their responsibility for those functions. The clerk should, therefore, ensure that contracts include, as a matter of course, a provision for complaints handling. This should include the requirement for organisations contracted to provide services to comply with similar complaint handling arrangements (i.e., the two stages), with the outcome report/letter being copied to the public service provider. Such organisations should also inform complainants of the third external stage and their right to complain to the Public Services Ombudsman for Wales.

SECTION 4 - LEARNING LESSONS

4.1 Learning from complaints/continual improvement

4.1.1 Complaints information should be used to improve Pontypool Community Council's service delivery and increase its effectiveness.

4.1.2 To support this, Pontypool Community Council should:

- Ensure that the clerk periodically reviews all complaint outcomes and their recommendations to identify whether there are any lessons to be learnt that may not be apparent from individual complaints alone. When considering the lessons that can be learnt from a complaint, an assessment should be made as to whether:
 - These are limited to the section/department in question
 - They have an organisation wide implication
 - They are ones that should be shared across the sector of the public service or indeed across the whole of the public service in Wales.
- Ensure that complaints reports are considered on a regular basis by senior management, including an analysis of the data gathered and information on recommendations that have been made for improving service delivery.
- Ensure that the information received by the clerk is used to target any problem areas and consider if there is potential to improve policies, procedures and accordingly services.
- Ensure that the Council receives reports giving an overview of complaints received, setting out what changes have been made as a result of complaints information, and following monitoring of their implementation what results have been received.
- Ensure that an annual report on complaints is produced with lessons learnt over this period demonstrating how they have contributed to improved service delivery.

4.2 Recording & monitoring complaints

4.2.1 Effective approaches to complaints management collect specific data and identify recurring or system wide problems. All feedback and complaints received should be recorded to ensure that a comprehensive evaluation of data can be made.

4.2.2 To support this, Pontypool Community Council shall:

- Have a system to collect organisation-wide complaints data
- Use the system to help track complaints and compliance with timescales
- Record data to identify system wide or recurring complaints
- Enable points from lessons learned to be captured

- Write to the complainant detailing the findings of the investigation, providing an apology for any shortfalls and describing what action will be taken to prevent recurrence.

4.2.3 It is not intended that Pontypool Community Council should implement a new IT system for these recording purposes and manual recording may suffice.

SECTION 5 - STAFF AND TRAINING

5.1 Staff

5.1.1 Whilst it is not uncommon for people to look for someone to blame when things go wrong, staff should be assured that this is not the aim of an investigation. It should be made clear that any interview that may take place is to establish facts as part of the investigation of a complaint, and that it does not form part of a disciplinary procedure. (However, a separate disciplinary process could take place if this appropriate.).

5.1.2 When requiring staff to attend for interview, they should be told the purpose of the interview, what to expect and what preparation they need to do. They should be advised that they can bring someone (such as a colleague) for support – although the position of confidentiality and their role should be made clear). They should also be advised as to what will happen after the interview.

5.1.3 Being the subject of a complaint is in any event a stressful situation and depending on the circumstances of the complaint and the issues involved, it may be prudent to inform the interviewee of staff support available.

5.1.4 In the same way that it is important to keep complainants informed on progress in the investigation and its outcome, the same is true in respect of staff.

5.1.5 As well as informing staff involved of the outcomes of complaints and any recommendations that arise, other staff may be informed about how they deal with complaints through internal communication such as staff meetings so it can contribute to better public services. The organisational culture should be that reporting a complaint and action taken is seen as a positive act in that it assists organisational learning.

5.2 Training

5.2.1 The complaints' function needs to be adequately resourced by appropriately trained or informed staff.

5.2.2 The clerk should ensure that all staff have the skills and competencies required to deal with the complaints process

5.2.3 General training or information giving should also be included in the induction programme of all in the organisation (this includes staff and Council members).

5.3 Unacceptable Actions by complainants

5.3.1 The model policy recognises that some people may act out of character in times of trouble or distress. It should be borne in mind that there may have been upsetting or distressing circumstances leading up to a complaint. A complainant's behaviour should not be regarded as unacceptable just because they are forceful or determined. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on an organisation or unacceptable behaviour towards staff. It is these actions that are considered unacceptable. Pontypool Community Council shall therefore have in place a process for dealing with "unacceptable actions by complainants" and ensure that staff are informed accordingly.

5.3.2 Pontypool Community Council may use the Public Services Ombudsman for Wales policy to deal with this (available at www.ombudsman-wales.org.uk) as a basis for their own procedure.

Appendix A

This Concerns and Complaints Policy and Guidance has been adapted from model policy and guidelines which are available to the following which includes Community Councils:

Government of Wales

- The Welsh Assembly Government
- The National Assembly for Wales Commission
- Local government, fire and police
- A local authority in Wales (this includes county/county borough councils and community councils)
- A joint board the constituent authorities of which are all local authorities in Wales
- A fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies
- A police authority for a police area in Wales

Environment

- A National Park Authority for a National Park in Wales
- The Countryside Council for Wales
- The Environment Agency
- The Forestry Commissioners
- A regional flood defence committee for an area wholly or partly in Wales
- An internal drainage board for an internal drainage district wholly or partly in Wales

Health and Social Care

- The Care Council for Wales
- The Board of Community Health Councils in Wales
- A Local Health Board
- An NHS trust managing a hospital or other establishment or facility in Wales
- An independent provider in Wales*
- A family health service provider in Wales
- A person with functions conferred by regulations made under section 113(2) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

Housing

- A social landlord in Wales (this includes housing associations)

Education and training

- The Office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru (ELWA)
- The Higher Education Funding Council for Wales
- An admission appeal panel constituted in accordance with regulations under section 94(5) or 95(3) of the School Standards and Framework Act 1998 (c. 31).
- The governing body of any community, foundation or voluntary school so far as acting in connection with the admission of pupils to the school or otherwise discharging any of their functions under Chapter 1 of Part 3 of the School Standards and Framework Act 1998.
- An exclusion appeal panel constituted in accordance with regulations under section 52 of the Education Act 2002 (c. 32).

Arts and leisure

- The Arts Council of Wales The Sports Council for Wales

Miscellaneous

- The Welsh Language Board