

# MAESTEG TOWN COUNCIL

## Model Complaints Policy

### Policy

Maesteg Town 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.

### What is a Complaint?

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 providers action or lack of action,
- or about the standard of service provided,
- which requires a response,

A complaint is not:

- an initial request for a service, such as reporting a faulty streetlight.
- an appeal against a properly made decision by a public body.
- 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.

### When to use this policy

When you express your concerns or complain to us, we will usually respond in the way we explain below. Sometimes, you might be concerned about matters that are not decided by us e.g. housing, potholes, refuse & recycling, school transport, street lighting.

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 [clerk@maestegcouncil.org](mailto:clerk@maestegcouncil.org)

### 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 (see Appendix 1) 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 Clerk by telephone 01656 732631.
- You can e-mail us at [clerk@maestegcouncil.org](mailto:clerk@maestegcouncil.org)
- You can write a letter to us at the following address:

Town Clerk,  
Maesteg Town Council,  
Talbot Street,  
Maesteg, CF34 9BY

## **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 such as BCBC or V2C we will require your permission to forward your complaint to them.

## **Investigation**

We will tell you who we have asked to look into your concern or complaint, this will usually be the Clerk or the current Mayor. If your concern is straightforward, we'll usually investigate it and get back to you.

If it is more serious, we may ask you to contact and make the complaint to the Public Services Ombudsman for Wales (PSOW)

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 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 would 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.

### **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:	0300 790 0203
e-mail:	<a href="mailto:ask@ombudsman.wales">ask@ombudsman.wales</a>
the website:	<a href="https://www.ombudsman.wales/">https://www.ombudsman.wales/</a>
writing to:	Public Services Ombudsman for Wales 1 Ffordd yr Hen Gae Pencoed CF35 5LJ

### **Learning lessons**

We take your concerns and complaints seriously and try to learn from any mistakes we've made. Our full council considers a summary of all complaints quarterly as well as details of

any serious complaints.

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 may wish to contact Citizens Advice who may be able to assist you.

### **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.

### **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 frontline staff. Staff should be empowered and trained to deal with complaints as they arise with the aim of resolving issues on the spot. This training can be provided during their induction period.

#### Stage 2 Formal Internal Investigation

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.

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.

### **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
- legislation
- interviews (including detailed notetaking)
- site plans and visits
- photographic evidence
- recordings in various formats (e.g. phone, video, CCTV)
- obtaining professional/expert advice
- training records of relevant staff.

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**

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.

On closing a complaint case, the Clerk/Mayor should ensure that working documents used during 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.

## **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.

This policy was reviewed by the Policy committee on 18/06/2024

**Policy Accepted and adopted by a Hybrid meeting of the Council held on 02/07/2024**

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**Mayor**

Review Date: To be reviewed every 5 years election unless any issues arise.

## Appendix A

### Model 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

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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)**

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

What do you think they 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?

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

If it is more than 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.

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: Town Clerk  
Maesteg Town Council  
Talbot Street  
Maesteg  
CF34 9BY