

MINERA COMMUNITY COUNCIL CYNGOR CYMUNED MWYNGLAWDD

Complaints Procedure

1. Introduction

The collation, analysis and resolution of complaints should be an essential element in the efficient administration of all councils. The making of a complaint should be seen as an opportunity to measure the effectiveness of the services provided by the council and not as a threat. Adopting a defensive or obstructive attitude to complainants is counterproductive and projects a poor image of the council.

2. What is a complaint?

- 2.1 *“A complaint is an expression of dissatisfaction by one or more members of the public about the council’s action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or by a person or body acting on behalf of the council.”*
- 2.2 The following are not to be regarded as complaints:-
- An initial request for a service
 - Complaints about third parties: e.g. about a community group for which the Community Council is not responsible
 - A request for an explanation of a decision.
 - A representation about a major policy decision e.g. setting the precept
- 2.3 Complaints about the conduct of councillors should always be reported to the Monitoring Officer of the Unitary Authority in the first instance, who will then advise the complainant about making a complaint to the Public Services Ombudsman for Wales.

3. Procedure for handling complaints

- 3.1 The council will keep a record of complaints.
- 3.2 Councils expect complainants to bring their complaint to them within 6 months of becoming aware of the problem. The council will be flexible when there are exceptional circumstances.
- 3.3 Complaints should be made in writing in the first instance. The complaint must include the complainant’s name and address and should be addressed to the Clerk.
- 3.4 The Clerk will acknowledge receipt of the complaint in writing immediately upon receipt.

- 3.5 Stage 1: The Clerk will inform the Chair and Vice Chair of the complaint, and a decision made whether it can be resolved informally and reasonably quickly. Sometimes it is the officer responsible for the original action or decision who is able to resolve the complaint
- 3.6 Stage 2: If the matter cannot be resolved informally to the satisfaction of all parties, or if the matter is serious, it will be considered by full council.
- 3.7 Complainants will be fully informed of the progress of their complaint and should be advised in writing of the outcome.
- 3.8 Stage 3: Those dissatisfied with the outcome or progress will be directed to complain to the Public Services Ombudsman for Wales.
- 3.9 The Clerk will ensure the effective operation of the procedure. The Chair should regularly analyse the data to spot lessons for service improvement and should report periodically to full council.
- 3.10 Appropriate training should be provided for staff and councillors where necessary.

4. Involvement of the Ombudsman

- 4.1 The Ombudsman may investigate a complaint if he is satisfied:
 - (a) that the matter has been brought to the attention of the council and
 - (b) the council has been given a reasonable opportunity to investigate and respond to it.
- 4.2 The test will have been met, at the latest, once the council has made a formal response to the complaint. The Ombudsman also has discretion to investigate even where this test is not met, if there are particular circumstances which make it reasonable to do so.
- 4.3 The possible stages at which the Ombudsman is likely to become involved, if a council has adopted a complaints procedure based on the preceding guidance, are set out in the table below. However, it should be borne in mind that the Ombudsman does have discretion to accept a complaint at any time if it appears reasonable to him to do so in the particular circumstances.

<i>Stage reached in council's complaints procedure when complaint made to Ombudsman</i>	<i>Ombudsman's likely involvement</i>
Complainant has not raised matter with council at all	Ombudsman will not accept complaint save in exceptional circumstances
Complainant has raised matter with council but it has not been recognised and dealt with as a complaint	Ombudsman likely to intervene, especially if matter appears serious
Authority still dealing with complaint at stage 1	Ombudsman unlikely to intervene unless authority apparently dealing inappropriately with serious complaint or taking too long
Complainant not satisfied with	Ombudsman likely to refer most complaints

authority's response at stage 1	back to authority for consideration under a formal stage of its procedure if stage 1 has been dealt with properly and promptly
Authority still dealing with complaint at first formal stage of its procedure	Ombudsman unlikely to intervene unless authority apparently dealing inappropriately with complaint or taking too long
Complainant not satisfied with outcome at any formal stage	Ombudsman will normally accept complaint for consideration (not necessarily leading to an investigation)