



MONTGOMERY TOWN COUNCIL

CYNGOR TREF TREFALDWYN

CONCERNS & COMPLAINTS POLICY

1. Introduction

1.1 On 29 July 2011, the Welsh Government issued the Model Concerns and Complaints Policy and Guidance. The Public Services Ombudsman for Wales urges public service providers to adopt the model concerns and complaints policy and guidance within their organisations with the only variation being those areas in the document tailored to reflect the nature of the service provided by the organisation in question.

1.2 The guidance defines a complaint as:

- 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 the council's action or lack of action
- or about the standard of service provided
- which requires a response

1.3 The guidance defines a complaint as not:

- an initial request for a service, such as reporting a faulty street light
- an appeal against a 'properly' made decision by the council
- a means to seek change to a 'properly made' policy decision
- a means for lobbying groups/organisations to seek to promote a cause

1.4 For the sake of clarity, it should be noted that the Concerns and Complaints policy is not a means of dealing with internal staffing matters, for which other policy and procedures exist.

1.5 Hereafter whenever reference is made to a concern or complaint it refers to both concern and complaint.

2. THE POLICY

2.1 Montgomery Town Council is committed to dealing effectively with any concerns or complaints the public may have about our service. We aim to clarify any issues about which they are not sure. If possible, we'll put right any mistakes we may have made. We will provide any service they are entitled to which we have failed to deliver. If we got something wrong, we'll apologise and where possible and 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.

2.2 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 (such as highways defects or NHS matters) and we may 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 us for which other policy and procedures exist

2.3 Have you asked us yet

If you are approaching us for a service for the first time, (e.g. reporting a broken bench or 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.

2.4 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 Councillor or member of staff will draw them to the Town Clerk's attention. If the member of staff can't help, they will explain why, and you can then ask for a formal investigation.

2.5 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. See appendix 1 Concern or Complaint Form

- You can get in touch with us by telephone: 07855054302

- You can e-mail us at: townclerk@montgomery-wales.uk

- You can write to us at: Town Clerk 2 Siop Fach Kerry Newtown Powys SY16 4LP

Please note that the general contact form on the website should not be used for a complaint as the specific complaint form should be used for this

2.6 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.

2.7 What if there is more than one body involved?

If your complaint covers more than one body (for example the county council or the health service or a business partner) we will usually work with them to decide who should take a 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 (for example a contractor or consultant) 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.

2.8 Investigation

Montgomery Town Council has a designated committee of three councillors who investigate any complaints. You will be given a single point of contact, normally the Clerk unless the complaint concerns the Clerk. If your concern is straightforward, one person from the team will be nominated to look into it and respond to you via the Clerk. If it is more serious or complex the Complaints Committee will investigate. In exceptional cases we may appoint an independent investigator. In the latter case the investigator 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

- tell you who is looking after your concern or complaint
- set out your understanding of your concerns and ask you to confirm that we've got it right
- we will also ask you what outcome you hope for
- if there is a simple solution, like providing a service you are entitled to, we will offer to provide that service rather than investigate and produce a report
- we aim to deal with the majority of concerns within 20 working days but if your complaint is more complex, we will
 - Let you know within the time why it may take longer
 - Let you know how long we expect it to take
 - Let you know where we have reached in the investigation
 - And give you regular updates

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 concern. If necessary, we'll talk to the staff or others involved and look at our policies and any legal entitlement and guidance.

2.9 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
- 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.

The decision of the Town Council as communicated to you at this stage is final.

2.10 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.

2.11 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: 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.

2.12 Learning Lessons

We take our concerns and complaints seriously and try to learn from any mistakes we've made. At least annually a review of all complaints will be carried out by the Council.

Where there is a need for change, we will develop an action plan setting out what changes we will do, who will do it and when we plan to do it. We will let you know when changes we have promised have been made.

2.13 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 Powys Citizens Advice or Age Concern who may be able to assist you.

You can also use this concerns and complaints policy if you are someone under the age of 18.

2.14 What we expect from you

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.

2.15 Should a procedural dispute arise between individual members of Council or its paid employees, the completed complaint form and supporting documents should be sent to the Chair of the Complaints Committee.

(This paragraph added 5th November 2020)

Associated Documents

Unacceptable Behaviour Policy (if we determine we need one)

Complaints pro-forma

Concerns and Complaints Policy adopted: 6th August 2020

Review date 23rd September 2021

MONTGOMERY TOWN COUNCIL/COMPLAINT FORM

SECTION A; Your Details

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

Please state by which of the above 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.

SECTION 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?	

Section C

Name of the 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?

If it is more than 6 months since you became first aware of the problem, please give a reason why you have not complained before now

If you have any documents to support your complaint, please attach them with this form.

Please send the completed form to
Town Clerk C/o 2 Siop Fach, Kerry, Newtown, Powys SY16 4LP
E mail townclerk@montgomery-wales.uk