

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**CORPORATE COMMENTS, COMPLIMENTS AND COMPLAINTS
POLICY**

March 2016

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Corporate Comments, Compliments and Complaints Policy

1. Introduction

- 1.1 This document details the Authority's policy and procedure for dealing with comments, compliments and complaints received from members of the public and is designed to assist everyone in the implementation of the new policy and procedure.
- 1.2 The procedure will apply to activities carried out by the Authority's employees and to 'contractors' providing services to the Authority.
- 1.3 If there are any questions relating to the policy and procedure then help and advice is available from the Complaints Officers, the Monitoring Officer, Deputy Monitoring Officer and also the Corporate Strategy Team within the Chief Executive's Office. A list of contacts is found at Appendix 1.

2. Objectives of the Policy and Procedure

- 2.1 Comments, compliments and complaints should be viewed positively and are an invaluable source of information about the services that we provide.
- 2.2 The objectives of this policy and procedure are:-
 - the public will find it easy to complain and get things put right when the service they receive is not good enough;
 - to settle complaints to the satisfaction of the public wherever reasonably possible;
 - where this is not possible, to fully explain the reasons for the situation complained about;
 - to empower all employees, managers and Complaints Officers to deal with complaints promptly and close to the point of service delivery;
 - to learn from comments, compliments and complaints by using them as a tool to achieve improvements and better practices in service delivery; and

- to use comments, compliments and complaints to monitor the effectiveness of the Authority's equalities policies.

3. **Key Principles Behind the Policy**

3.1 **Corporate Commitment:**

Complaints are not solely the business of Complaints Officers and senior management. Dealing with complaints and queries from the public is part of the day to day responsibility of all employees and managers who have the opportunity to resolve complaints at an early stage. Complaints should be resolved swiftly and as close to the problem as possible. Employees in contact with the public will need encouragement, training and support to see that this happens. Rather than feeling threatened by complaints, all employees are expected to listen carefully to them and consider whether they present an opportunity to raise the standard of the services that we provide.

3.2 **Equality:**

Complaints and complainants will be dealt with equally and fairly in accordance with this Complaints Policy and with other relevant policies and schemes of the Authority such as the Welsh Language Standards and equalities policies.

3.3 **Openness:**

Complaints should be dealt with in a positive fashion and in a spirit of dialogue with the public. Those dealing with complaints should not be unreasonably defensive of earlier decision making. The complaints system will sometimes give the Authority a second opportunity to resolve matters to the mutual satisfaction of itself and the complainant and, at the very least, will always give an opportunity for the Authority to thoroughly explain its position.

3.4 **Fairness:**

The consideration of complaints must involve an independent element. It must also be and be seen to be fair to the complainant, other service users and employees if it is to gain the confidence of all.

3.5 **Visibility and Accessibility:**

The Authority must make sure that members of the public know how and where to comment or complain about our services at any point in the process. Some members of the public may need encouragement or assistance, particularly in pursuing complaints. To ensure people are not excluded from the complaints procedure flexibility is needed to meet the different needs of different people.

3.6 **A Learning Authority:**

Comments, compliments and complaints are a valuable management tool, which can provide an indication of how we are performing and importantly, assist in improving service provision.

4. **Comments and Compliments**

4.1 Comments and compliments are welcome and appreciated. Public perception, monitored over a period of time provides an important and measurable benchmark of how the Authority is performing. Additionally, suggestions and ideas from the public are important in terms of improving customer care and service quality. Compliments are particularly appreciated as they provide confirmation that the Authority and its employees provide services which meet or exceed expectations and have a very positive effect on employee morale.

5. **Other Statutory Remedies and Complaints Procedures**

5.1 Sometimes the law gives members of the public specific rights of appeal or other remedies if they have grievances. Often, if these rights are not exercised in time they will be lost. In addition, the use of these rights of appeal will often be the only way in which a particular decision can be questioned. In these cases, the complaints system is not appropriate and members of the public should be directed to alternative remedies.

5.2. Examples of those other remedies are:

- Council Tax Benefit and Housing Benefit appeals for persons who wish to challenge benefits decisions;

- External or Internal Audit for those who wish to question matters of a financial nature;
- Social Service’s Complaints System for clients, including children and young people who wish to question service provision;
- Education Appeals Panels dealing with issues such as school admission and exclusion;
- Licensing appeals to the Magistrates Court;
- Planning appeals to the National Assembly for Wales;
- Reference to the Public Services Ombudsman for Wales where there is a complaint that a councillor or co-opted member has broken the Member’s Code of Conduct; and
- West Wales Valuation Tribunal (Council Tax).

School Cases

- 5.3 Some issues now lie entirely within the powers and discretion of school governors. Clearly, there is no intention to use an Authority procedure to pursue a complaint that can only be resolved by school governors. Many schools already have well established procedures for handling such issues, and all schools are encouraged to offer suitable arrangements to parents and members of the public if they wish to complain about a matter within the powers of their governors.

Freedom of Information Act

- 5.4 The Freedom of Information Act 2000 together with the Environmental Information Regulations 2004 gives the general public rights to see or receive recorded information held by public authorities (including Neath Port Talbot County Borough Council). In addition there are also rights available to individuals under the Data Protection Act 1998 to have access to personal data relating to them held by public authorities and other persons and/or organisations. (Please refer to relevant policy).
- 5.5 The public should be advised of these statutory remedies and informed of the appropriate contact point as listed in Appendix 2. Requests can be submitted by letter or e-mail (foi@npt.gov.uk).

Insurance Disputes

- 5.6 Some cases are better referred to the Authority's Insurance Officer. This is appropriate where there is a simple one-off complaint that someone has sustained damage or financial loss arising out of a negligent act or indeed a failure to act.
- 5.7 There are other cases where it will only be apparent that it is an insurance issue when a complaint investigation has begun. In that case, it might be appropriate either to continue the investigation with the agreement of the insurers or to refer the matter to the insurers for them to deal with. Complainants to be kept informed of which section is dealing with their case.
- 5.8 **It is very important that no officer makes any admission of liability in any case which has an insurance element, since this might void the policy and cause the loss to fall on the Authority not the insurers.**
- 5.9 The procedure is there to help members of the public and service users in their dealings with the Authority; it is not there to act as a substitute dispute resolution method for those who have a special relationship with the Authority by virtue of a contract or in some other way. There are specific legal methods of resolving those disputes, such as employment.

Complaints Involving More Than One Service Provider

- 5.10 There are occasions when a complaint received will involve more than one organisation. Having established the elements of the complaint and which organisations are involved, the Complaints Officer should contact their counterpart(s) in the other organisation(s) involved. The Complaints Officer 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.
- 5.11 The role of the Complaints Officer allocated to the complaint in question is to co-ordinate the investigation in each of the service areas involved. The ultimate aim, therefore, is to provide the complainant with a single comprehensive 'joint' response on behalf of the organisation involved.
- 5.12 There will be complaints where each element is sufficiently distinct and separate so all that will be required is to set out the details and outcomes of each investigation strand and then add an overall conclusion to the response.

- 5.13 However, it is recognised that there will be some cases where the resolution and remedy of a complaint will involve agreement by all involved and that this could lead to tensions and disagreement. Where such disagreements lead to an impasse, it may mean having to refer the problem to senior management within each of these organisations (depending on the seriousness possibly Chief Executives) in order to try to resolve the situation.
- 5.14 Where the impasse still cannot be resolved, it may be prudent to refer the complainant to the relevant external body such as the Public Services Ombudsman for Wales.

Partnership Services

- 5.15 It is good governance practice for every partnership established to have in place at the outset a protocol for dealing with complaints. That protocol should make clear where accountability lies within the partnership for any services delivered – i.e. does responsibility rest with the partnership as an entity or is each partner accountable for specific aspects of service delivery?
- 5.16 Given that in most public service provider partnerships many members will be subject to the Ombudsman's complaints model procedure, it is recommended that those providers endeavour to agree a protocol with their partners for dealing with complaints in a way that corresponds with this model. In particular, it is recommended that:
- Partnerships establish a complaints handling process for services that they as a partnership deliver.
 - They identify and publicise a single point of contact for complaints in respect of their activities/services.
 - The person/team identified, co-ordinates the investigation of the complaint on behalf of the partnership. Depending on the nature of the complaint, if the complaint concerns dissatisfaction with the service delivered by one particular partner, it may be more appropriate to refer the investigation on to that particular partner to deal with.

- The partnership ensures that lessons are learnt from complaints received and considers whether there are any that should be shared more widely.

Complaints Concerning Services That Have Been Contracted Out

5.17 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. Contracts need to 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.

6. Defining a Complaint

- 6.1 The British Standard 8600 simply defines a complaint as “any expression of dissatisfaction by a customer, whether justified or not”. Beyond this simple definition, much time can be wasted in debating the question of what is to be counted as a complaint. **The Authority determines that a complaint has been lodged where someone feels that the Authority has failed to do something or done something badly or if they feel they have been unfairly treated by the Authority.**
- 6.2 Complaints in respect of this procedure do not include requests for services e.g. reporting a broken street lamp or a damaged pavement. Such matters only become complaints when they have been reported and the Authority promised to amend the situation and then failed to do so. Likewise, complaints to the Authority about third parties e.g. about noisy neighbours do not constitute a complaint for the purposes of this Complaints Policy, unless the matter has been reported to the Authority and the Authority failed to investigate it. A complaint is not a means to seek change to legislation or appeal against a ‘properly made’ decision.
- 6.3 Issues about non compliance with the Welsh Language Standards, which can include gaps in the provision or continuity of services to the public through the medium of Welsh, constitute a complaint.

- 6.4 Comments on the Authority’s services, likewise, are not complaints under this procedure. Comments are statements by members of the public or service users about the service provided (or not provided) by the Authority. They may be compliments or suggestions as to how services could be improved. They may be views or representations, perhaps adverse, about the Authority’s policy and provision. In each case the employee receiving the comment will need to thank the member of the public for taking the trouble to express their views, describe how it will be dealt with if further action is required and then refer the comment on, if appropriate. As with requests for services, comments should not be regarded as complaints. It is important however, that comments are fed back to the section or employee responsible as such feedback can be very useful.

Complaints that are Equalities Related including “Hate Crimes”

- 6.5 Complaints about services and employees that fall within the definition of “equalities related” are to be recorded as such. Complainants may believe they have been the subject of unlawful discrimination, harassment and victimisation because they are from a group with “protected characteristics”, which include: race, age, disability, sex, religion or belief, marriage and civil partnership, pregnancy and maternity, gender reassignment and sexual orientation. An “equalities related” complaint will also include complainants who have not received a service which complies with the Welsh Language Standards. The Corporate Strategy Team can help provide advice on how to investigate these types of complaints, which may be sensitive in nature.
- 6.6 Also the Community Safety Team can provide contact details for the Police’s Hate Crime Officer, who can investigate hate crime related complaints. Complainants who believe they have been the victim of a hate crime should be encouraged to report the crime directly to the Police. However, if the complaint concerns services provided by the Council or its employees the complaint still needs to be investigated in accordance with this Complaints Policy. “Hate Crimes” mean any incidents or crimes regarded as such by the victim, the police or employees of this Authority. Examples of hate crimes include for instance members of the public alleging they have been verbally abused because of their race or disability etc. The data collected from either completed Comments, Compliments and Complaints forms or computerised recording systems will help the Authority monitor such incidents.

Time Limits

- 6.8 It is not reasonable to expect the Authority to deal with complaints where the cause of complaint arose some years ago. It is very difficult to establish the facts of issue in these circumstances, often employees will have moved on and sometimes records will have been discarded.
- 6.9 The Authority will therefore not consider complaints where the cause of complaint arose over two years ago, except where the relevant Complaints Officer considers that it would not have been reasonable to expect the complainant to have used the system or where other exceptional circumstances exist.

Repeated Complaints and Those Already Dealt With

- 6.10 Sometimes a complaint cannot be resolved to the satisfaction of the complainant and he or she continues restating the complaint to the Authority. In these cases, officers must ensure that all avenues have been exhausted before referring the complainant to the Ombudsman. Care should be taken to ensure that a new point in an old complaint is not ignored but, where the substantive issue has been dealt with, the procedure is not designed to go over old ground.
- 6.11 Equally, the system is not appropriate where issues have already been determined by a third party e.g. the Ombudsman.
- 6.12 Guidance on dealing with unacceptable actions by complainants is contained in Section 11.

7. Complaints Procedure

Summary

- 7.1 The Authority's complaint procedure involves two stages. Firstly, there is Stage One where the initial complaint is lodged and dealt with at the strictly operational level by the relevant manager and his or her employees. Secondly, there is Stage Two where the complaint is investigated by the relevant Complaints Officer. A complaint can also be made to the Ombudsman at anytime. However, the Ombudsman normally expects the complaint to have been raised with the body concerned and given them a reasonable opportunity to investigate and respond before contacting him.

- 7.2 All complaints will be recorded, either on the Comments, Compliments and Complaints Form or electronically if a computerised system is used to record and track service requests. The Comments, Compliments and Complaints Form is available on the Intranet for Complaints Officers and employees to use. The complaints information is available on the Council's website and employees should make it available to all complainants who require it, especially those who do not have access to the internet.
- 7.3 For further information also refer to the Employee Guide (Appendix 3) and Guidance Notes (Appendix 4).
- 7.4 All complainants will be provided with details of the complaints procedure and equalities monitoring information will be collected for all Stage Two complainants. The Equalities Monitoring Form is included in Appendix 5. It is important that complainants are encouraged to consider and provide the information required by the Equalities Monitoring Form because this information will be useful for monitoring purposes.

Who May Submit a Complaint?

- 7.5 A complaint may be made by a member of the public or his or her representative such as a relative or friend, a Councillor or an organisation. Where the complaint is not made directly by the individual concerned that individual must authorise the Authority to disclose information to the person or body acting on their behalf and indicate that they support the complaint by completing the Representatives Authorisation Form, in Appendix 6. References made in this document to complainants are also applicable to complainant's representatives.
- 7.6 The Authority is committed to improving opportunities for children and young people by actively seeking and listening to their views. Complaints will therefore be accepted by or on behalf of children and young people.

How to Make a Complaint

- 7.7 Complainants can make a complaint by any of the following:
- Completing a Comments, Compliments and Complaints Form
 - Calling and seeing in person an employee, for instance at the One Stop Shops
 - Phoning the Authority on 01639 686868.

- Printing off the Comments, Compliments and Complaints Form from www.npt.gov.uk and either posting or handing it to us
- Writing a letter or e-mailing contactus@npt.gov.uk
- Completing the general contact form on www.npt.gov.uk

7.8 Complainants can make a complaint in whatever format (large print, Braille, on tape or disc) or language they choose to use.

7.9 In accordance with the Welsh Language Standards the public can communicate with the Authority in Welsh or English and this includes welcoming correspondence in Welsh or English. Employees dealing with complaints must clarify the complainants' preferred language for dealing with their complaint, whether it is Welsh, English or another language.

Stage One - Initial Complaint

7.10 This stage should be part and parcel of frontline service delivery and not viewed as separate from it. The best way to deal with complaints is to try to sort them out on the spot. This can often prevent a minor complaint from becoming a major issue. The complainant may only be seeking an explanation of a decision or action. But if an explanation or simple remedial action is not forthcoming, this could easily develop into a more serious complaint, which will need to be investigated by the Complaints Officer. Officers should specifically consider whether other services or indeed other statutory agencies could assist in dealing with the complaint.

7.11 When a complaint cannot be sorted on the spot and needs to be investigated, the complainant should be given or sent an acknowledgement and the complaint should then be investigated by the manager or nominated employee. A written explanation of the outcome of the investigation and the complaints procedure should be sent to the complainant. A mechanism should be in place to record stage one complaints, which are to be monitored by Complaints Officers.

7.12 Complaints should not be resolved at the informal Stage One if they concern issues where it appears a service failure has occurred due to an obvious systemic problem. Instead they should be dealt with as a Stage Two.

7.13 If the explanation at Stage One does not prove satisfactory and the complainant wishes to take the complaint further, it then becomes a Stage Two complaint and the following procedure is to be adopted.

Stage Two - Complaints: The Complaints Officer

- 7.14 Should the complainant be dissatisfied with the response or outcome at Stage One, the complaint will be referred and all documentation passed to the appropriate Complaints Officer for investigation. All directorates are required to appoint Complaints Officers.
- 7.15 ‘Investigate once, investigate well’ is the principal for this stage. A complaint investigation is a fact finding exercise that is impartial, open, transparent and proportionate to the seriousness of the complaint.
- 7.16 It is recognised that the officer investigating a complaint may not (nor could they be expected to) have knowledge of specialist fields and the assistance of appropriate officers may be required.
- 7.17 The Complaints Officer is responsible for investigating the complaint and must respond in writing to the complainant within the time limits. For identification purposes, each complaint will be given a unique reference number at Stage Two.
- 7.18 An Equalities Monitoring Form is to be sent out with the written response to the complainant. The Complaints Officer must record the complaint and should keep track of (and record) progress and ensure timescales are met.
- 7.19 It may be that the complainant remains dissatisfied for some reason. Therefore, in all cases the complainant should be informed that if they remain dissatisfied then they have the right to seek an independent external consideration of the complaint. Information about making a complaint to the Public Services Ombudsman for Wales and other appropriate complaints handlers, such as the Welsh Language Commissioner, should be provided.

8. Timetable

- 8.1 In the event that a Stage One complaint is not resolved on the spot, the complainant will receive a written response on the findings of the investigation within 10 working days. If this is not possible, the complainant will be kept informed in writing of the progress of the investigation and provided with a revised date for the completion of the investigation.

8.2 For a Stage Two complaint, the complainant will receive a written response on the findings of the investigation within 20 working days. If this is not possible, the complainant will be kept informed in writing of the progress of the investigation and provided with a revised date for the completion of the investigation.

9. **Extraordinary Circumstances**

9.1 In the event that an anonymous complaint is received or the complainant is unwilling to provide their name and address, the matter may still be investigated. Obviously in this instance, the procedure will need to be modified to suit the particular circumstances. The Comments, Compliments and Complaints Form must still, as far as is possible, be completed.

9.2 If the complaint is of a very serious nature such as an allegation of criminal activity, financial impropriety or of serious officer misconduct, the complaint should be referred to the audit team for investigation. All documentation relating to the complaint will be completed and retained by the relevant senior manager/ and or audit.

10. **Complaints about Employees**

10.1 Where the complaint concerns allegations about the behaviour of an individual employee, the complaint may be passed immediately to the line manager and relevant Complaints Officer for investigation. He or she should ensure that the complaint is dealt with fairly and that an opportunity is given to the employee to answer any charges made against him or her.

10.2 Where the officer dealing with the complaint is satisfied that there is a case to answer, the matter should be referred for consideration under the Disciplinary Policy. The complainant should be informed of this. The complaint should be examined at this stage to see whether it would be possible to resolve it without awaiting the outcome of disciplinary proceedings. In some cases however it would not be appropriate to go any further without completing disciplinary proceedings. On conclusion of such proceedings, the complainant should be told that the proceedings have been completed but should not be told whether disciplinary action has been taken against an employee. Senior management will be kept informed of the investigation and outcome.

11. **Unacceptable Actions by Complainants**

- 11.1 This section sets out the Authority's approach to the relatively few complainants whose actions or behaviours are considered unacceptable. The term complainant includes anyone acting on behalf of a complainant or who contacts the Authority in connection with a complaint.
- 11.2 It is important to deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions are considered unacceptable because all complainants have the right to be heard, understood and respected. It is also considered that the Authority's employees have the same rights too.
- 11.3 Although the complaints service should be accessible to all complainants, where it is considered that a complainant's actions are unacceptable, the right to restrict or change access to the complaints service is retained.
- 11.4 There is the need to ensure that other complainants and the Authority's employees do not suffer any disadvantage from complainants who act in an unacceptable way.

Defining Unacceptable Actions by Complainants

- 11.5 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint being made. The Authority does not view behaviour as unacceptable just because a complainant is forceful or determined. In fact, it is accepted that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the Authority or unacceptable behaviour towards employees. It is these actions that are considered unacceptable and ones that need to be managed. Such actions are grouped under three broad headings:

Aggressive or Abusive Behaviour

- 11.6 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause employees to feel afraid, threatened or abused.

- 11.7 Examples of behaviour grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- 11.8 We expect our employees to be treated courteously and with respect. Violence or abuse towards employees is unacceptable. It is acknowledged that the anger felt by many complainants involves the subject matter of their complaint; however, it is not acceptable when anger escalates into aggression directed towards employees.

Unreasonable Demands

- 11.9 Complainants may make what are considered to be unreasonable demands on the Authority through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands always depend upon the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.
- 11.10 Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular employee, continual phone calls or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.
- 11.11 These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the office, such as taking up an excessive amount of employee time to the disadvantage of other complainants or functions.

Unreasonable Persistence

- 11.12 It is recognised that some complainants will not or cannot accept that the Authority is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue.
- 11.13 Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what the Authority can or cannot do and continuing to pursue a complaint without presenting any new

information. The way in which these complainants approach the Authority may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

- 11.14 The actions of persistent complainants are considered to be unacceptable when they take up what is considered to be a disproportionate amount of time and resources.

Managing Unacceptable Actions by Complainants

- 11.15 There are relatively few complainants whose actions are considered by the Authority to be unacceptable. How these actions are managed depends on their nature and extent. If it adversely affects the Authority's ability to do its work and provide a service to others, complainant contact will need to be restricted in order to manage the unacceptable actions. The aim will be to do this in a way, wherever possible, that allows a complaint to progress to completion through the complaints process. Contact in person, by telephone, fax, letter or electronically or by any combination of these may be restricted. Effort will be made to try to maintain at least one form of contact. In extreme situations, the complainant will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the Authority to either written communication or through a third party.
- 11.16 The threat or use of physical violence, verbal abuse or harassment towards employees is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the Police. This will always be the case if physical violence is used or threatened.
- 11.17 The Authority will not deal with correspondence (letter, fax or electronic) that is abusive to employees or contains allegations that lack substantive evidence. When this happens the complainant will be told that their language is considered offensive, unnecessary and unhelpful. They will be asked to stop using such language and that there will be no response to their correspondence if they do not stop. The Authority may require future contact through a third party.
- 11.18 Employees will end telephone calls if the caller is considered aggressive, abusive and offensive. The employee taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

11.19 Where a complainant repeatedly phones, visits an office, sends irrelevant documents or raises the same issues, the Authority may decide to:

- Only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in the future.
- Require the complainant to make an appointment to see a named employee before visiting the office or that the complainant contacts the office in writing only.
- Return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
- Take other action considered to be appropriate. However, the complainant will always be informed of what action is being taken and why.

11.20 Where a complainant continues to correspond on a wide range of issues and this action is considered excessive, then the complainant is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

11.21 Complainant action may be considered unreasonably persistent if all two stages of the Complaints Policy have been exhausted and the complainant continues to dispute with the Authority's decision relating to their complaint. The complainant is told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

Deciding to Restrict Complainant Contact

11.22 Employees who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Complaints Policy.

11.23 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Authority are only taken after careful consideration by managers or Complaints Officers.

Wherever possible, the complainant is given the opportunity to modify their behaviour or action before a decision is taken. Complainants are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

Appealing a Decision to Restrict Contact

11.24 A complainant can appeal a decision to restrict contact. A manager who was not involved in the original decision will consider the appeal. They advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

Recording and Reviewing a Decision to Restrict Contact

11.25 Managers and Complaints Officers must record all incidents of unacceptable actions by complainants, which they have managed. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate computer records.

11.26 A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach.

12. Public Services Ombudsman for Wales

12.1 In the event that a complaint is referred to the Public Services Ombudsman for Wales, then the Monitoring Officer or Deputy on behalf of the Chief Executive will deal with that complaint. The service to which the complaint is directed will co-operate with the Monitoring Officer or Deputy in processing the complaint in accordance with the protocol set out in Appendix 7.

13. Monitoring

13.1 All complaints can be monitored in terms of:

- Number, stage and category of complaints
- Adherence to timescale(s)
- Outcomes
- Geographical source of complaint by postcode

- Gender, age and ethnic group of complainant(s) and other protected characteristics referred to in “Complaints that are Equalities Related” section.
- Complainant(s) language of choice (if not English)
(Confirmation of complainant(s) language of choice must be clarified at stage 1)
- Any resultant service delivery changes

Oracle Complaint Categories:

- Access to records (mainly used for queries)
- Advice (mainly used for queries)
- Complaint against another resident
- Disagreement with assessment
- Level of service
- Other equalities complaint
- Own Local Authority (Social Services – looked after children etc.)
- Policy dispute
- Public complaint
- Quality of service
- Quality of service food
- Racial incidents
- Staff attitude
- Welsh Language Standards
- Disability

Monitoring of Complaints

13.2 Complaints Officers will be responsible for ensuring that effective monitoring procedures and systems for the above are in place for all complaints. The main source for the monitoring information will be the:

- Oracle Complaints System
- Comments, Compliments and Complaints Form
- Equalities Monitoring Form

13.3 Monitoring and analysis of complaints should be undertaken in order that, where possible, action may be taken to remedy situations which attract regular complaints. Monitoring, analysis and review of service delivery matters should also be undertaken on a service basis and should cover an analysis of the items listed above and any resultant proposed service

delivery changes. Service teams will include complaints and compliments information in their annual scorecard presentations to Scrutiny Committee. Complaints information should be used, where appropriate, to consider if there is potential to improve policies, procedures and services. Complaints Officers will report the results of the monitoring and analysis exercise to the relevant Board/Committee at least on an annual basis but preferably on a biannual basis. Reports will not indicate the identity of any of the complainants. A copy of the report will also be forwarded by Complaints Officers to the Corporate Strategy Team for central monitoring purposes and publishing in the Performance Hub on the Intranet.

13.4 The Customer Service Manager will provide an annual report to the Policy and Resources Scrutiny Committee.

13.5 Complaints Officers will also monitor the number and content of comments and compliments and will report the results of the monitoring exercise to the relevant Board/Committee on a biannual basis. The monitoring exercise and report will encompass an analysis of which individual, function or service is being complimented, perceptions of the service and any suggestions or ideas for improvements. Any suggestions or ideas implemented should also be reported.

14. **Publicity and Assistance**

14.1 Information on the Complaints Policy will be publicised via the Council's website and which employees will print off when required (Appendix 8). It is the responsibility of each Complaints Officer to ensure relevant officers for their directorate are aware of the Complaints process and how to access the information when required.

14.2 Information on the Complaints Policy will be available in Braille, large print and on tape on request.

14.3 The Authority's website has the facility for comments, compliments and complaints to be e-mailed.

14.4 It is the personal duty of managers, Complaints Officers and employees to ensure that any person needing help to formulate a complaint gets that help.

15. **Confidentiality**

- 15.1 Any information provided by the complainant in the course of making a complaint shall be treated as having been given to the Authority “in confidence”.
- 15.2 Accordingly, such information shall be treated as confidential and shall not be used for any purpose(s) other than the investigation of the complaint made unless:
- The complainant gives his/her consent to disclosure of the information (or any part thereof), or
 - There is sufficiently robust public interest justification in the disclosure of the information (or any part thereof) and such disclosure is made in compliance with the principles of the Data Protection Act 1998, or
 - Disclosure of that information is required by Law.
- 15.3 In conducting an investigation of a complaint the Authority will consult, for the purposes of comparison of information, all relevant files and information, including information which is held by sections of the Authority other than the section complained about.
- 15.4 Where it is necessary to disclose the identity of the complainant to another officer in order to investigate the complaint then consideration should be given to seeking the complainant’s specific consent. This should always be done where the complaint is about the conduct of a particular officer and it is necessary to disclose the complainant’s identity in order to conduct the investigation.
- 15.5 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 have an effect on the ability to conduct a thorough investigation.

16. **General**

- 16.1 All documentation/forms must be compiled and stored in accordance with the procedure. In the event that the complaint is referred to the

Ombudsman, the documentation and procedure followed will be of prime importance.

- 16.2 Where a complaint arises which crosses service boundaries, the lead investigating officer will be the officer from the service where the initial complaint was received.
- 16.3 Any queries regarding the operation of the Comments, Compliments and Complaints Policy should be directed to the nominated Complaints Officer.

COMPLAINTS OFFICERS AND CONTACT POINTS

SERVICE	NAME	BUILDING
Chief Executives	Ali Forbes/Linda White	Port Talbot CC
Social Services, Health and Housing	Leighton Jones	Neath Civic Centre
Education, Leisure and Lifelong Learning	Neal Place	Port Talbot CC
Finance and Corporate Services	Ali Forbes/Linda White	Port Talbot CC
Environment	Ross Williams	The Quays

ALTERNATIVE REMEDIES - CONTACT POINTS

- | | | |
|----|--|--|
| 1. | Council Tax and Housing
Benefit Appeals | (01639) 686188 |
| 2. | Internal Audit | (01639) 763627 |
| 3. | Social Services Complaints Procedure | (01639) 76394 |
| 4. | Education Appeals | Exclusions (01639) 763599
Admissions (01639) 763580 |
| 5. | Licensing Appeals –

Internal (NPTCBC) |

(01639) 763050 |
| 6. | Council’s Monitoring Officer | (01639) 763368 |
| 7. | Schools | Head Teacher of the school |
| 8. | Information Commissioner for Data Protection,
Freedom of Information and Environmental
Information Regulation Complaints | Relevant departmental FOI |
| 9. | Insurance Officer | (01639) 763615/14 |



Corporate Complaints Policy

Employee Guide for Dealing with Complaints

What is a complaint?

When someone feels that the Authority has failed to do something, done something badly or if they feel they have been badly treated by the Authority. A request for a service is **NOT** a complaint. Make sure that the complaint is not covered by some other complaint or appeals system or should be referred to the Insurance Section. A complaint can be made in person, in writing or via the telephone.

Who can make a complaint

A member of the public including children and young people, their representative such as a relative or friend, councillor, or organisation.

Recording a complaint

All complaints must be recorded.

Dealing with a complaint – Stage 1

Establish language preference (English or Welsh) of the complainant and ensure all correspondence is in their preferred language. If it is not obvious, try to find out what the complainant expects. If possible, sort the complaint out on the spot. If this can't be done, tell the complainant that the complaint will be investigated and a written reply will be provided within 10 working days, or if this is not possible, give a revised timescale or date. Keep the complainant informed of any deadlines that have not been met. Give or send an acknowledgement to the complainant.

Complainant satisfied with response

No further action required. Inform the Complaints Officer for the service (via form/Oracle system) and keep all documentation safe for the Complaints Officer.

Complainant not satisfied with your response – Stage 2

Inform complainant and/or representatives that the next stage in the process is for the Complaints Officer to investigate the complaint. Pass the complaint and all documentation to the Complaints Officer.

Anonymous complaints or allegations of criminal activity

If the complaint is anonymous or the complainant does not wish to provide their name, the complaint may still be investigated. The Comments, Compliments and Complaints Form must be completed with as much information as is possible. The procedure for investigating the complaint may then need to be modified to suit the circumstances. If the complaint alleges criminal activity, financial misdeeds or serious employee misconduct, the complaint is to be referred to the audit team for investigation.

Complaints about employees

All complaints about employees should be passed to the relevant Complaints Officer.

The Complaints Procedure

Stage 1 - Informal stage - answered on the spot or investigated by service manager.

Stage 2 - Formal stage - investigated by the Complaints Officer for directorate.

A complaint can be made to the Public Services Ombudsman for Wales at any time. However, the Ombudsman normally expects the complaint to have been raised with the body concerned and given them a reasonable opportunity to investigate and respond, before contacting him.

General

If a complaint involves more than one service, the service where the complaint was received will generally carry out the investigation.

If you have any queries or require further information, please see the Corporate Comments, Compliments and Complaints Policy document or contact your Complaints Officer.

Neath Port Talbot County Borough Council

Complaints Investigation

Guidance Notes for Employees

1. Introduction

Most complaints should be capable of being resolved speedily and simply. There are however, occasions where there will be a need for an investigation. These guidance notes are designed to assist in these investigations.

2. Investigative Guidelines

2.1 The complaint must be investigated in accordance with the Authority's policy, procedure and timetable.

2.2 Check to see if complainant has made previous or similar complaints.

2.3 Contact the complainant to:-

- Clarify the complaint.
- See if the complaint can be answered quickly without a formal investigation.
- Determine if the Complaints Policy is the most appropriate for the complaint.
- Clarify what outcome if any is expected.
- Check to see if complainant needs any support or help for sight, hearing or language problems and so on.
- Explain the investigative procedure.

- Explain the timetable.
- 2.4 If the complaint is about a proposed action by the Authority, should or could the action be deferred while the complaint is investigated?
- 2.5 Investigative Procedure:
- Ensure complete confidentiality at all times.
 - Obtain all relevant documentation, letters, reports and files etc.
 - Establish the sequence of events and names of everyone involved.
 - Check for any relevant Authority policy, procedure or guidelines.
 - Arrange to interview of all relevant parties. Consider if you need a witness.
 - In the event that there is a risk of violence when dealing with a complainant face to face, appropriate steps are to be taken to create a safe environment for the interview. Arrange for someone to accompany you and inform the complainant that if there is any suggestion of aggressive behaviour, verbal or physical, the interview will be stopped.
 - The Authority, by the provisions of the health and safety legislation has an obligation not to knowingly place an employee at risk. Therefore, as a last resort, the Authority could refuse to investigate the complaint. If this decision were challenged, the Authority would have to demonstrate that it had acted reasonably as the decision could be challenged by a complaint to the Ombudsman.
 - At the end of the interview, summarise the main points to the complainant.
 - Make a formal record of the interview as soon as possible after the interview and whilst it is still fresh in your mind.
 - If the complaint is about a particular establishment, visit the establishment unannounced to check normal practice for yourself.

- If the complaint crosses services boundaries, the complaint should be investigated by the officer of the service where the initial complaint was received. Alternatively, a joint investigation by the services concerned may be more appropriate.
- If necessary, obtain technical, specialised or legal advice from within the Authority. In exceptional circumstances, it may be necessary to obtain approval from your Corporate Director to go outside the Authority.
- Keep the complainant informed of the reason for any timetable overrun or amendments.

3. Investigation Findings and Remedies

3.1 Determine if the complaint is justified or not. Consult with senior officers if necessary.

3.2 If justified, determine what remedial action is required. The basic principle is that as far as possible, the complainant should be put in the position they were in if things had not gone wrong.

3.3 The complaint may be remedied by providing a suitable apology and providing the service that the complainant wants. In other instances, a change of procedure or policy may be needed which could need to go to Members for approval.

3.4 Ensure that where possible, the remedy is actioned and carried out.

3.5 Write to the complainant. Your written reply should:-

- Convey the outcome of your investigation.
- What remedial action, if any, will be undertaken.
- Aim to answer all points of concern.
- Be factually correct.
- Avoid jargon.
- Be signed by yourself.
- Contain a contact telephone number.
- Tell the person what they can do next if they are still not satisfied.

4. Unacceptable Actions by Complainants

- 4.1 This section sets out the Authority's approach to the relatively few complainants whose actions or behaviours are considered unacceptable. The term complainant includes anyone acting on behalf of a complainant or who contacts the Authority in connection with a complaint.
- 4.2 It is important to deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions are considered unacceptable because all complainants have the right to be heard, understood and respected. It is also considered that the Authority's employees have the same rights too.
- 4.3 Although the complaints service should be accessible to all complainants, where it is considered that a complainant's actions are unacceptable, the right to restrict or change access to the complaints service is retained.
- 4.4 There is the need to ensure that other complainants and the Authority's employees do not suffer any disadvantage from complainants who act in an unacceptable way.

5. Defining Unacceptable Actions by Complainants

- 5.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint being made. The Authority does not view behaviour as unacceptable just because a complainant is forceful or determined. In fact, it is accepted that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the Authority or unacceptable behaviour towards employees. It is these actions that are considered unacceptable and ones that need to be managed. Such actions are grouped under three broad headings:

6. Aggressive or Abusive Behaviour

- 6.1 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause employees to feel afraid, threatened or abused.
- 6.2 Examples of behaviour grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and

rudeness. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.

- 6.3 We expect our employees to be treated courteously and with respect. Violence or abuse towards employees is unacceptable. It is acknowledged that the anger felt by many complainants involves the subject matter of their complaint; however, it is not acceptable when anger escalates into aggression directed towards employees.

7. Unreasonable Demands

- 7.1 Complainants may make what are considered to be unreasonable demands on the Authority through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands always depend upon the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.
- 7.2 Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular employee, continual phone calls or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.
- 7.3 These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the office, such as taking up an excessive amount of employee time to the disadvantage of other complainants or functions.

8. Unreasonable Persistence

- 8.1 It is recognised that some complainants will not or cannot accept that the Authority is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue.
- 8.2 Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what the Authority can or cannot do and continuing to pursue a complaint without presenting any new information. The way in which these complainants approach the

Authority may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

- 8.3 The actions of persistent complainants are considered to be unacceptable when they take up what is considered to be a disproportionate amount of time and resources.

9. Managing Unacceptable Actions by Complainants

- 9.1 There are relatively few complainants whose actions are considered by the Authority to be unacceptable. How these actions are managed depends on their nature and extent. If it adversely affects the Authority's ability to do its work and provide a service to others, complainant contact will need to be restricted in order to manage the unacceptable actions. The aim will be to do this in a way, wherever possible, that allows a complaint to progress to completion through the complaints process. Contact in person, by telephone, fax, letter or electronically or by any combination of these may be restricted. Effort will be made to try to maintain at least one form of contact. In extreme situations, the complainant will be told in writing that their name is on a 'no personal contact' list. This means that they must restrict contact with the Authority to either written communication or through a third party.
- 9.2 The threat or use of physical violence, verbal abuse or harassment towards employees is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the Police. This will always be the case if physical violence is used or threatened.
- 9.3 The Authority will not deal with correspondence (letter, fax or electronic) that is abusive to employees or contains allegations that lack substantive evidence. When this happens the complainant will be told that their language is considered offensive, unnecessary and unhelpful. They will be asked to stop using such language and that there will be no response to their correspondence if they do not stop. The Authority may require future contact through a third party.
- 9.4 Employees will end telephone calls if the caller is considered aggressive, abusive and offensive. The employee taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.

9.5 Where a complainant repeatedly phones, visits an office, sends irrelevant documents or raises the same issues, the Authority may decide to:

- Only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in the future
- Require the complainant to make an appointment to see a named employee before visiting the office or that the complainant contacts the office in writing only.
- Return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
- Take other action considered to be appropriate. However, the complainant will always be informed of what action is being taken and why.

9.6 Where a complainant continues to correspond on a wide range of issues and this action is considered excessive, then the complainant is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

9.7 Complainant action may be considered unreasonably persistent if all two stages of the Complaints Policy have been exhausted and the complainant continues to dispute with the Authority's decision relating to their complaint. The complainant is told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

10. Deciding to Restrict Complainant Contact

10.1 Employees who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Complaints Policy.

10.2 With the exception of such immediate decisions taken at the time of an incident, decisions, to restrict contact with the Authority are only taken

after careful consideration by managers or Complaints Officers. Wherever possible, the complainant is given the opportunity to modify their behaviour or action before a decision is taken. Complainants are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

11. Appealing a Decision to Restrict Contact

11.1 A complainant can appeal a decision to restrict contact. A manager who was not involved in the original decision considers the appeal. They advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

12. Recording and Reviewing a Decision to Restrict Contact

12.1 Managers and Complaints Officers must record all incidents of unacceptable actions by complainants, which they have managed. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate computer records.

12.2 A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach.

13. Exceptional Circumstances

13.1 The Complaints Officer is responsible for deciding how best to deal with complaints relating to an employee's personal conduct. The Authority's Disciplinary Policy may or may not be invoked by the relevant senior manager.

13.2 Complaints concerning possible criminal activity or financial impropriety by an employee(s) are to be referred to senior management.

13.3 Anonymous complaints should be investigated in the same manner as that of a normal complainant. The documentation and procedure will have to be modified to suit individual circumstances.

14. Monitoring

14.1 All complaints will be analysed, monitored and reported as set out in the Corporate Comments, Compliments and Complaints Policy.

15. General

- 15.1 All documentation, notes, letters, findings, reports and so on must be retained. These will be very important should the complaint be referred to the Ombudsman or if contact is made by the Ombudsman to supply information.

EQUALITIES MONITORING FORM

The Council operates equality policies that aim to ensure that everyone is treated fairly and equally. To make sure that people are not discriminated against when accessing our services we carry out monitoring and therefore would be grateful if you could answer the following questions. The information you provide is strictly confidential. Your name and address, where provided, will be removed prior to processing.

Please tick appropriate boxes:

Gender

Male Female Transgender

Age

Under 16 16-24 25-29

30-39 40-49 50-59

60-74 75-85 85+

Disability

A person with disability is defined in legislation as someone who has “physical or mental impairments which has a substantial and long-term adverse effect on his/her ability to carry out normal day to day activities”.

Do you consider yourself to have a disability?

Yes No

Welsh Language

Fluent speaker & writer Fairly fluent speaker & writer

Fluent speaker Fairly fluent speaker

Learner Little or no knowledge

Do you wish to receive Council correspondence in Welsh?

Yes No

If Yes, please specify if you want Welsh or bilingual correspondence and provide your name and address.

Welsh Bilingual

Name and address: _____

If you wish to inform us of this request separately please do so.

Religion/Belief

Christian Muslim

Hindu Sikh

Jewish Buddhist

No religion Any other religion

Sexual Orientation

Heterosexual Lesbian

Gay Bisexual

Nationality

British

Welsh

Scottish

English

Irish

Other, please write in

Ethnic origin

White

- British
- Irish
- Any other White background, please write in

Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background, please write in

Asian

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background, please write in

Black

- African
 - Caribbean
 - Any other Black background, please write in
-

Chinese or other ethnic group

- Chinese
- Any other background, please write in

Which service dealt with your complaint?

- | | | | |
|--|--------------------------|------------------------------|--------------------------|
| Chief Executive's Office | <input type="checkbox"/> | Finance & Corporate Services | <input type="checkbox"/> |
| Social Services, Health & Housing | <input type="checkbox"/> | Environment | <input type="checkbox"/> |
| Education, Leisure & Lifelong Learning | <input type="checkbox"/> | | |

FFURFLEN MONITRO CYDRADDOLDEB

Mae'r cyngor yn gweithredu polisiâu cydraddoldeb sy'n ceisio sicrhau bod pawb yn cael ei drin yn deg ac yn gyfartal. Er mwyn sicrhau na wahaniaethir yn erbyn pobl wrth gael mynediad i'n gwasanaethau, rydym yn monitro ac felly byddem yn ddiolchgar pe gallech ateb y cwestiynau canlynol. Mae'r wybodaeth yr ydych yn ei rhoi'n hollol gyfrinachol. Os rhoddir eich enw a'ch cyfeiriad, cânt eu dileu cyn prosesu'r ffurflen.

Ticiwch y blychau priodol:

Rhyw

Gwryw Benyw Trawsryweddol

Oedran

Dan 16 oed 16-24 25-29
30-39 40-49 50-59
60-74 75-85 85+

Anabledd

Mae Deddf Gwahaniaethu ar sail Anabledd 1995 yn diffinio rhywun ag anabledd fel rhywun sydd â "namau ar y corff neu'r meddwl sy'n cael effaith andwyol sylweddol a thymor hir ar ei allu i wneud gweithgareddau arferol o ddydd i ddydd".

A ydych yn ystyried bod anabledd gennych?

Ydw Nac ydw

Yr Iaith Gymraeg

Siaradwr ac ysgrifennwr rhugl Siaradwr ac ysgrifennwr gweddol rugl

Siaradwr rhugl Siaradwr gweddol rugl

Dysgwyr Gwybodaeth brin neu ddim
gwybodaeth

A ydych am dderbyn gohebiaeth gan y cyngor yn Gymraeg?

Ydw Nac ydw

Os ydych, nodwch a ydych am ohebiaeth Gymraeg neu ddwyieithog a rhowch eich enw a'ch cyfeiriad.

Cymraeg Dwyieithog

Enw a chyfeiriad: _____

Os ydych am roi gwybod i ni am y cais hwn ar wahân, mae croeso i chi wneud hynny.

Crefydd/Credo

Cristion Moslemaidd

Hindwâidd Sicaidd

Iddewig Bwdaidd

Dim crefydd Unrhyw grefydd arall

Cyfeiriadedd Rhywiol

Heterorywiol Lesbiaidd

Hoyw Deurywiol

Cenedligrwydd

- Prydeinig
 - Cymreig
 - Albanaidd
 - Seisnig
 - Gwyddelig
 - Arall, *nodwch*
-

Tarddiad ethnig

Gwyn

- Prydeinig
 - Gwyddelig
 - Unrhyw gefndir Gwyn arall, *nodwch*
-

Cymysg

- Gwyn a Du Caribiaidd
 - Gwyn a Du Affricanaidd
 - Gwyn ac Asiaidd
 - Unrhyw gefndir cymysg arall, *nodwch*
-

Asiaidd

- Indiaidd
- Pacistanaidd
- Bangladeshaidd
- Unrhyw gefndir Asiaidd arall, *nodwch*
-

Du

- Affricanaidd
- Caribiaidd
- Unrhyw gefndir Du arall, *nodwch*
-

Tsieineaidd neu grŵp ethnig arall

- Tsieineaidd
- Unrhyw gefndir arall, *nodwch*

Pa wasanaeth a fu'n ymdrin â'ch cwyn?

- | | | | |
|--|--------------------------|-------------------------------------|--------------------------|
| Swyddfa'r Prif Weithredwr | <input type="checkbox"/> | Cyllid a Gwasanaethau Corfforaethol | <input type="checkbox"/> |
| Gwasanaethau Cymdeithasol, Iechyd a Thai | <input type="checkbox"/> | Amgylchedd | <input type="checkbox"/> |
| Addysg, Hamdden a Dysgu Gydol Oes | <input type="checkbox"/> | | |

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Representatives Authorisation Form For Complaints

I
(Please insert full name)

of

confirm that I have authorised

.....
(Please insert the name of your representative)

to lodge a complaint with the Authority about

.....

.....

(Please insert details of your complaint)

and understand that my representative may receive personal information relating to my complaint as part of the Authority's response.

Signed

Dated

PROTOCOL FOR
HANDLING COMPLAINTS RECEIVED FROM THE OMBUDSMAN

The protocol set out below broadly follows the procedure currently adopted. As a preliminary to implementing the procedure, services should indicate to the Principal Solicitor (Corporate) and who is hereafter referred to as the Monitoring or Deputy Monitoring Officer, the identity of the officer that will deal with all complaints. This should be either the Head of Service in the relevant area or the Complaints Officer. If the service intends that the Complaints Officer should deal with all Ombudsman cases that Complaints Officer should have the appropriate authority to have access to records and the appropriate administrative support to carry out the function.

Protocol

1. On the day that the Chief Executive receives a complaint from the Ombudsman, he will arrange for it to be taken to the office of the Monitoring or Deputy Monitoring Officer.
2. On the day of receipt or the following day, the Monitoring or Deputy Monitoring Officer shall send out copies of the complaint to the section or sections concerned. The memorandum enclosing the complaint shall be despatched to the officer nominated by the service. The memorandum shall indicate the date by which the response should be back with the Monitoring or Deputy Monitoring Officer.
3. On receipt of the copy of the complaint the officer concerned shall send an acknowledgement to the Monitoring or Deputy Monitoring Officer. If the officer concerned is not able to reply within the time requested he or she shall indicate this to the Monitoring or Deputy Monitoring Officer and shall ask for the Ombudsman to be contacted with a request for additional time to respond. The request must be specific setting out the reasons for the request and a realistic estimate must be given of when a response is likely. Officers should also at this stage alert the Monitoring or Deputy Monitoring to any involvement by another directorate
3. Provided that the response has been received by the date requested, the Monitoring or Deputy Monitoring will then respond to the Ombudsman within the deadline

Nature of the Response

It should not be necessary to emphasise that all responses must be comprehensive and frank. All responses should set out a chronology of the main events relating to the complaint including dates of telephone complaints and correspondence from the complainant. The officer compiling the response should consider providing copy correspondence which has a substantive bearing on the complaint. In cases where a Committee or Board decision is involved copies of reports and minutes should be provided. Officers should comment specifically and in detail on the grounds of the complaint. There should also be consideration of whether a proposal for settlement of the complaint should be put forward.

Frequently the Ombudsman will ask for additional information. These requests will be forwarded to the officers concerned by the Monitoring or Deputy Monitoring Officer as soon as possible and will indicate a requested time for response.

Information on Complaints included on the Council's Website

Comments, Compliments and Complaints

What do you think about us?

We want to provide good quality services for everyone whether they live, work in or are visiting the Neath Port Talbot area. We would like to know what you think about our services and facilities.

How do I let you know?

If you want to tell us about any of our services and/or facilities:

- Ask for a copy of the Comments, Compliments and Complaints Form from the person you are already in contact with. If making a complaint, tell them you want your complaint dealt with formally.
- Print off the Comments, Compliments and Complaints Form from www.npt.gov.uk and either post or hand it to us.
- Come and see us in person at the One Stop Shop in Neath or Port Talbot Civic Centres.
- Phone us on 01639 686868
- Write us a letter.
- Online using our general contact form at www.npt.gov.uk
- E-mail us on contactus@npt.gov.uk

Please note the Council welcomes correspondence in either English or Welsh.

How do I complain?

Hopefully an initial complaint can be resolved on the spot. Where this is not the case the complaint will be investigated by the manager of the service. If you are dissatisfied with the outcome, the complaint will be referred to a Complaints Officer.

You can also complain to the Public Services Ombudsman for Wales at any time. The Ombudsman normally expects you to have raised the matter with the body concerned, and given them a reasonable opportunity to investigate and respond, before you contact him. Contact details:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed CF35 5LJ
☎ 01656 641150

E-mail ask@ombudsman-wales.org.uk
Website: www.ombudsman-wales.org.uk

When will I hear?

If your complaint cannot be sorted out on the spot we will look into it and you should hear from the relevant service area within 10 working days under Stage 1 of the process. Where a Complaints Officer needs to look at your complaint under Stage 2 of the process you will hear from us within 20 working days. If any deadlines cannot be met we will keep you informed and give you a new date.

Who are the Complaints Officers?

Chief Executives

Ali Forbes/Linda White – 01639 763932

Email: a.forbes@npt.gov.uk

Email: l.white@npt.gov.uk

Education, Leisure & Lifelong Learning

Neal Place – 01639 763619

Email: n.place@npt.gov.uk

Finance and Corporate Services

Ali Forbes/Linda White – 01639 763932

Email: a.forbes@npt.gov.uk

Email: l.white@npt.gov.uk

Environment

Ross Williams - 01639 686799

E-mail: r.j.williams@npt.gov.uk

Social Services, Health & Housing

Leighton Jones – 01639 683394

Email l.jones@npt.gov.uk

Or e-mail: complaints@npt.gov.uk

If you have a complaint about a school please contact the Headteacher or governors of that school.

If you are a child or young person and wish to complain about Social Services please contact **the Social Services Complaints Officer** on 01639 763445.

Neath Port Talbot 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 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.

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, for example Council Tax benefit or planning appeals. 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, for example decisions or policies agreed by the Welsh Assembly Government, and we will 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. If you do have this type of request, it should be submitted in writing, either by letter or e-mail foi@npt.gov.uk

The web site link is <http://www.npt.gov.uk/default.aspx?page=928&lang=en-gb>

Have you asked us yet?

If you are approaching us for a service for the first time (e.g. reporting a faulty street light, requesting an appointment etc.) then the Comments, Compliments and Complaint's 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.

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 are dealing with. He or she will try to resolve it 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.

Please contact us if you would like this information in an alternative format such as audio, large print, etc.

Dealing with your concern

- 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 concern if it occurred in the last 2 years. This is because it's better to look into your concerns while 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.

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, for example a registered social landlord and the Council regarding noise nuisance, we will usually work with them to decide who should take the lead in dealing with your concerns.

If the complaint is about a contractor or a body working on our behalf for example a provider of private residential homes 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.

Investigation

If your concern is straightforward, we'll usually ask somebody from the service to look into it and get back to you. If it is more serious, we may use someone from elsewhere in the Council, for instance a Social Services Complaints Officer for clients or in certain cases we may appoint an independent investigator.

We will set out our understanding of your concerns. 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 is 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 response.

We will aim to resolve concerns as quickly as possible. 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 in 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 to first establish the facts. The extent of this investigation will depend on how complex and how serious the issues you raised are. In some instances, we may ask to meet you to discuss your concerns.

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 entitlements 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. 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 will always apologise.

Put 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 or if you were entitled to funding you did not receive we will usually aim to make good what you have lost.

There are also other organisations that consider complaints. For example the Welsh Language Commissioner about services in Welsh.

Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made.

Where there is a need for change, we will set out what we will do, who will do it and when we plan to do it by.

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 can also use the Comments, Compliments and Complaints Policy if you are someone under the age of 18. If you need help you can speak to a Complaints Officer or contact the Children's Commissioner for Wales. Contact details are:

Tel no. 01792 765600

E-mail post@childcomwales.org.uk

Address:

Oystermouth House

Phoenix Way

Llansamlet

Swansea SA7 9FS

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.

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.

Comments, Compliments and Complaints Form**A: Your details**

Name of section/service you are referring to:	
Title: Mr/Mrs/Miss/Ms (If other please state)	
Last name:	
Forename(s):	
Address and postcode:	
Daytime contact number:	
Mobile number:	
E-mail address	

Please state by which of the above methods you would prefer us to contact you

If a complaint is being made, 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. For example, you may need to fill in an authorisation form.

B: Making a complaint on behalf of someone else: Their details:

Title: Mr/Mrs/Miss/Ms (If other please state)	
Last name:	
Forename(s):	
Address and postcode:	
What is your relationship to them?	
Why are you making a complaint on their behalf?	

C: About your comment, compliment or complaint. Please provide the following information if you wish to do so. (Please continue on a separate sheet if necessary).

C.1 What is your comment or compliment? Or if a complaint, please explain what you think they did wrong or failed to do and complete the below sections.
C.2 Describe how you personally have suffered or have been affected.
C.3 What do you think should be done to put things right?
C.4 When did you first become aware of the problem?

C.5 Have you already put your concern to the staff responsible for delivering the service? If so, please give brief details of how and when you did so.

C.6 If it is more than 6 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 complaint, please attach them with this form.

Signature: _____

Date: _____

Thank you for providing us with this information

When you have completed the form please give it in at a One Stop Shop in either civic centre (Neath or Port Talbot), e-mail it back to the officer who sent it to you or post it to:

Neath Port Talbot CBC
Civic Centre,
Port Talbot
SA13 1PJ