

Newport City Council Customer Feedback Policy: Comments, Compliments and Complaints



Our commitment

Newport City Council is committed to dealing effectively with any compliments, concerns or complaints you may have about the services we provide.

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Introduction

Newport City Council aims to follow the Principles of Good Administration and Good Records Management (as set out by the Public Services Ombudsman for Wales) when operating this policy. These are:

- Getting it right
- Being customer focussed
- Being open and accountable
- Acting fairly and proportionately
- Putting things right

- Seeking continuous improvement
- Creating good quality records
- Managing records effectively

This policy covers all complaints about services provided by the council.

Services provided by schools are subject to separate policies within each school. If you have a complaint regarding a school please approach the head teacher of the school in the first instance – further details about school complaints can be found on school websites or the Newport City Council website www.newport.gov.uk

Other legislation, policies and procedures may also be applicable, including:

- The Complaints Process Flow Charts
- The Unacceptable Actions by Customers Policy and Procedure
- Social Services Complaints Procedure (Wales) Regulations 2014
- Social Services Representations Procedure (Wales) 2014
- The Equality Act 2010
- The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
- The Welsh Language (Wales) Measure 2011
- The Welsh Language Standards (No.1) Regulations 2015 (in particular Standards 147, 148 and 149)
- Various appeals procedures, including but not limited to:
 - Refusal of Planning Permission
 - School Admissions
 - Special Education Needs (SEN)
 - Housing Benefit Decisions

Definition of complaints, compliments and comments

Complaints

The council has adopted the following definition of a complaint suggested by the Public Services Ombudsman for Wales:

" An expression of dissatisfaction by one or more members of the public about the council's action or lack of action, or about the standard of service, whether the action was taken or the service provided by the council itself, or by a person or body acting on behalf of the council. "

Compliments

"An expression of praise concerning a high level of service delivery and/or customer care received."

Comments

"Proposals to help the council improve its service delivery and/or aspects of customer care."

Comments and compliments will be recorded – if appropriate, a response will be provided within 10 working days.

What is not a complaint?

A complaint is not:

- The reporting of a fault, e.g. a faulty street light
- An initial service request, e.g. fly-tipping to be removed
- A first request for information, or explanation of the council's policies or decisions
- Representations about the merits of the council's policy decisions
- Complaints issues that are not the responsibility of the council

The council does not consider the following to be complaints under this policy:

A request for service

If you are telling us about something that you think needs to be done - for example, repairing a pothole - then you are requesting a service. You must first give us a chance to respond to the request for service.

However, if you make a request for service and you are not satisfied with our response, you will be able to complain using this policy as we describe below.

Other objections:

This policy cannot be used as:

- an appeal against a 'properly made' decision by a public body
- a means to seek change to legislation or a 'properly made' policy decision
- a means for lobbying groups, organisations or individuals to seek to promote a cause

A 'properly made' decision is one where the relevant laws, policies and procedures have been correctly followed to arrive at a decision e.g. setting the council tax rate. However, if you think we have applied the policy incorrectly or unfairly you can make a complaint about how the policy was applied (see below).

Appeals against a decision

In some circumstances you may have a right to appeal against a decision which the council has made.

Some examples of these are:

- a refusal to grant you planning permission
- not giving your child a place in a particular school or nursery
- awards and decisions made regarding housing benefits
- reductions in provision of care

When this is the case, we will explain to you how you can appeal.

HR and employment matters

This policy is not a means for a member of staff to raise employment issues. There are internal policies for these type of concerns, for example, whistleblowing, bullying, or grievance procedures which staff can find on the council's intranet.

Complaints about councillors

Complaints about councillors are not covered by this policy but can be made directly to the Public Services Ombudsman for Wales (contact details below).

Concurrent investigations

There are some circumstances where it is not appropriate for the council to consider a complaint if such consideration would prejudice the conduct of certain proceedings or investigations. Those circumstances include:

- the complainant indicates in writing that they are taking or intend to start legal proceedings
- the council is considering legal proceedings, for example, care proceedings of Court of Protection proceedings
- the council is taking or proposing disciplinary proceedings against a staff member
- a prosecuting authority, for example, the police or the Care and Social Services Inspectorate for Wales, is investigating with a view to criminal prosecution
- if a complaint investigation may compromise any adult or child safeguarding process

Complaints to other public bodies

Sometimes you might be concerned about matters that are not decided by the council, such as problems on motorways or trunk roads. We will then advise you on how to make your concerns known.

Freedom of Information and Data Protection Act enquiries

This policy does not apply if the matter relates to a Freedom of Information or Data Protection issue. In this circumstance, you should contact our information governance team on (01633) 656 656 or info@newport.gov.uk

How to raise a complaint

Informal resolution

If possible, we believe it is 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 and they will try to resolve it for you there and then. If there are any lessons to learn from addressing your concern, the member of staff will record this in an appropriate way.

We will aim to do this within 10 working days. If the issue is not resolved at this stage you can request a formal investigation (see below).

How to express concern or complain formally

You can express your concern in any of the ways below:

- ask for a copy of our complaint form from the person with whom you are already in contact. Tell them that you want us to deal with your concern formally
- use the form on our website at www.newport.gov.uk/complaints
- email complaints@newport.gov.uk
- call (01633) 656 656 if you want to make your complaint over the phone
- write to Complaint Resolution, Newport City Council, Civic Centre, Newport, South Wales, NP20 4UR

Copies of this policy and the complaint form are available in Welsh, and in alternative languages upon request, as well as audio, large print and Braille.

What we expect from you

We believe that all complainants have the right to be heard, understood and respected. However, we also consider that council staff have the same rights. We therefore expect you to be polite and courteous in your dealings with us. We accept that circumstances leading to a complaint may have been upsetting or distressing, but we will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence.

When we find that someone's actions are unacceptable, our [Unacceptable Actions by Customers policy](#) will apply. The policy can be found on the Newport City Council website.

The Welsh Language and Equalities

The Welsh Language Measure 2011 and the Equalities Act 2011 require the council to record, respond to, monitor and report on complaints on Welsh language and equalities matters. Further information on Welsh language and equalities can be found on the council's website.

We keep a record and a copy of the complaints we have received each year about the Welsh language and the Welsh Language Standards. We report annually on equalities and Welsh language. You can find more information on how we report on matters arising from complaints in the Learning Lessons section.

The council will respond in Welsh to any complaints made in Welsh and to the same timescales and quality as an English language complaint. If you wish to discuss a matter with a member of staff you can do so in Welsh. If a Welsh speaking member of staff is not available we will offer simultaneous translation.

The council encourages people to contact us first regarding any complaint, so that we can deal with the matter promptly and have the chance to put things right if possible. A complaint can be made directly to the Welsh Language Commissioner

whose contact details can be found in the Ombudsman and Welsh Language Commissioner section.

Dealing with your concern

- We will formally acknowledge your concern within two working days.
- If for any reason we cannot accept your complaint or we do not consider that investigation is appropriate, we will write to you explaining why. If possible, we will identify any further action you can take and/or advise you of other organisations who may be able to help you
- 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

Timescales

Normally, we will only be able to look at your concerns if you tell us about them within 12 months. This is because it is 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).

Representing somebody else and advocacy

Any representative may make a complaint on behalf of someone else in the following circumstances:

- They have been asked to do so by the person they are representing
- The person they are representing is a child
- The person they are representing lacks capacity as defined by the Mental Capacity Act 2005
- The person they are representing has died (in appropriate circumstances)

If you are expressing a concern on behalf of somebody else we will need confirmation of their agreement to you acting on their behalf.

What if there is more than one professional body or organisation involved?

If your complaint covers more than one organisation e.g. Newport City Council and South Wales Police, we will usually work with the other organisation to decide who should take a lead in dealing with your concerns. You will be given the name of the person responsible for communicating with you while we consider your complaint.

If the complaint is about an organisation working on our behalf, 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 your complaint ourselves, unless we have agreed a contractual complaints process within the organisation providing the service. If a contractual complaints process is in place, we will still monitor complaints received and how the contractor deals with them.

Investigating a complaint

We will aim to resolve concerns as quickly as possible and expect to deal with the vast majority within 20 working days. If your complaint is more complex, we will:

- let you know within this time why we think it may take longer to investigate
 - tell you how long we expect it to take.
 - let you know where we have reached with the investigation
 - give you regular updates, including telling you whether any developments might change our original estimate.
1. We will tell you who we have asked to look into your concern or complaint. If there is a simple solution to your problem, we may ask you if you are happy to accept this. For example, where you asked for a service and we see straight away that you should have had received it, we will offer to provide the service rather than investigate and produce a report.
 2. If it is appropriate, we may use someone from elsewhere in the authority or outside the authority to investigate. For example, if the complaint is about social services we will appoint an Independent Investigator to complete the investigation.
 3. The officer investigating your complaint will set out our understanding of your concerns and ask you to confirm that we have got it right. They will also ask you to tell us what outcome you are hoping for.
 4. The person who is investigating your concerns will establish the facts. The extent of the investigation will depend on how complex and how serious the issues you have raised are. The person looking at your complaint may need to see files we hold relevant to your complaint. If you do not want this to happen, it is important that you tell us.

5. In some instances, we may ask to meet you to discuss your concerns. Occasionally, we might suggest mediation to try to resolve disputes.
6. The investigating officer will look at relevant evidence. This could include files, notes of conversations, letters, emails or whatever may be relevant to your particular concern. If necessary, they will talk to staff or others involved and look at our policies and procedures, and any legal entitlement and guidance.

Outcome

If we formally investigate your complaint, we will let you know what we have found in keeping with your preferred form of communication. This could be over the phone, by letter or email, for example. If necessary, we will produce a report. We will explain how and why we came to our conclusions.

- if we find that we got it wrong, we will tell you what happened and why it happened
- if we find there is a fault in our systems or the way we do things, we will 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

Putting things right

If we got something wrong we will apologise. If possible, we will put right any mistakes we may have made.

- If we didn't provide a service you should have received, we will aim to provide it if that is practical and sensible
- If we didn't do something well enough we will try to do improve this
- 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.

Training for council employees

We will provide training to staff to support them to handle complaints effectively, including training on the council's comments, compliments and complaints policy.

Training may be provided in English or Welsh depending on the requirements of the staff being trained.

Ombudsman and Welsh Language Commissioner

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:

- has been treated unfairly or received a bad service through some failure on the part of the organisation providing it
- has 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: 0845 601 0987
- email: ask@ombudsman-wales.org.uk
- website: www.ombudsman-wales.org.uk
- writing to: Public Services Ombudsman for Wales,
1 Ffordd yr Hen Gae,
Pencoed
CF35 5LJ

There are other organisations that consider complaints, e.g. the Welsh Language Commissioner considers complaints regarding the provision of public services in Welsh.

You can contact the Welsh Language Commissioner by:

- phone: 0845 6033 221
- email: post@welshlanguagecommissioner.wales
- writing to: Welsh Language Commissioner,
Market Chambers,
5/7 St Mary Street,
Cardiff
CF10 1AT

Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we have made. A summary of all compliments and complaints (including those received about the council's compliance with Welsh Language Standards) is shared with the corporate management team every quarter, as well as details of any serious complaints or trends identified. The Scrutiny Committee for Community Planning and Development also considers the council's response to complaints on an annual basis.

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

What if I need help

Our staff will aim to help you make your concerns known to us. If you need extra assistance, we will try to put you in touch with someone who can help. In all circumstances we will pay due regard to your particular circumstances.

You can also use this concerns, complaints and compliments policy if you are someone under the age of 18. You can contact the complaint resolution officers who will support and help you use this concerns and complaints policy:

Complaint Resolution Team
Newport City Council
Civic Centre
Newport
NP20 4UR

Email: complaints@newport.gov.uk

If you are still unhappy or need further help, you can contact the Children's Commissioner for Wales. Contact:

Children and Young People's freephone number 0808 801 1000

Or text 80 800 and start your message with COM

post@childcomwales.org.uk
www.childcom.org.uk

Oystermouth House
Phoenix Way
Llansamlet
Swansea
SA7 9FS