



# **Wrexham County Borough Council Complaints Policy 2012**

## **Contents**

Our Commitment	page	3
When to use this policy	page	3
Informal resolution	page	3
How to complain formally	page	4
Dealing with your complaint	page	4
Investigation	page	5
Outcome	page	6
Putting things Right	page	6
Ombudsman	page	6
Learning Lessons	page	7
What if I need help?	page	7
What we expect from you	page	7
Unacceptable actions by complainants	page	8

## 1 – Our commitment

- 1.1 Wrexham County Borough Council is committed to dealing effectively with any concerns or complaints you may have about our service. We aim to clarify any issues about which you are not sure. If possible, we will put right any mistakes we may have made. We will provide any service you are entitled to which we have failed to deliver; if we got something wrong, we will apologise and where possible we will try to put things right. We also aim to learn from our mistakes and use the information we gain to improve our services.

## 2 - When to use this policy:

- 2.1 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 a statutory appeal board e.g. a school admission or exclusion appeal, an insurance claim, dog fouling etc.*) 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 (this may be under the legal framework of the NHS and Community Care Act, 1990 and the Children Act, 1989 or certain types of representations made in respect of Social Care functions which could be the subject of separate procedures); we will then advise you about how to make your concerns known.
- 2.2 Also, this policy does not apply if the matter relates to a Freedom of Information or Data Protection issue. In this circumstance, you should contact [foi@wrexham.gov.uk](mailto:foi@wrexham.gov.uk).
- 2.3 **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 this policy does not 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.

## 3 - Informal resolution of concerns:

- 3.1 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. He or she will try to resolve it for you there and then. If there are any lessons to learn from addressing your concern then the member of staff will draw them to our attention. If the member of staff cannot help, they will explain why and you can then ask for a formal investigation.

#### 4 - How to complain formally:

- 4.1 You can express your complaint in any of the ways below:
- You can ask for a copy of our form from the person with whom you are already in contact. Tell them that you want us to deal with your complaint formally.
  - You can get in touch with our Central Complaints Team on 01978 292087 if you want to make your complaint over the phone.
  - You can use the form on our website at [www.wrexham.gov.uk](http://www.wrexham.gov.uk)
  - You can e-mail us at [complaints@wrexham.gov.uk](mailto:complaints@wrexham.gov.uk)
  - You can write a letter to us at the following address Customer & Corporate Services, Lord Street, Wrexham LL11 1AY
- 4.2 We will provide complaint forms at all of our service outlets and public areas such as libraries, Housing Estates Offices and at Contact Wrexham.
- 4.3 Copies of this policy and the complaint form are available in Welsh and other languages and formats e.g. audio and Braille, and can be arranged on request.

#### 5 - Dealing with your complaint:

- 5.1 We will formally acknowledge your complaint within **5 working days** and let you know how we intend to deal with it.
- We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements – for example, if you have a disability.
  - We will deal with your complaint 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 made a complaint.
- 5.2 Normally, we will only be able to look at your complaint if you tell us about them within **6 months**. This is because it's better to look into your concerns while the issues are still fresh in everyone's mind.
- 5.3 We may exceptionally be able to look at complaints 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 except where these apply to statutory issues such as Child or Adult Protection.
- 5.4 If you're making a complaint on behalf of somebody else, we'll need their agreement to you acting on their behalf. If your complaint covers more than one body we will usually work with them to decide who should take the lead. You will then be given the name of the person responsible for communicating with you while we consider your complaint.

- 5.6 If the complaint is about a body working on our behalf (e.g. repair contractors) you may wish to raise the matter informally with them first. However, if you want to express your complaint formally, we will look into these ourselves and respond to you.

## 6 – Investigation

- 6.1 We will tell you who we have asked to look into your complaint. If your complaint 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 or in certain cases, including those concerning social services where a statutory procedure applies, we may appoint an independent investigator.
- 6.2 We will set out to you our understanding of your complaint and ask you to confirm that we've got it right. We'll also ask you to tell us what outcome you're hoping for.
- 6.3 The person looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, it's important that you tell us.
- 6.4 If there is a simple solution to your problem, we may ask you if you're happy to accept this. For example, where you asked for a service and we see straight away that you should have had it; we will offer to provide the service rather than investigate and produce a report.
- 6.5 We will aim to resolve complaints as quickly as possible and expect to deal with the vast majority within **20 working days**. If your complaint is more complex, we will:
- let you know within this time why we think it may take longer to investigate
  - tell you how long we expect it to take.
  - let you know where we have reached with the investigation, and give you regular updates, including telling you whether any developments might change our original estimate.
- 6.6 The person who is investigating your concerns will aim first to establish the facts. The extent of this investigation will depend on how complex and how serious the issues you have raised are. In complex cases, we will draw up an investigation plan.
- 6.7 In some instances, we may ask to meet you to discuss your concerns. Occasionally, we might suggest mediation or another method to try to resolve disputes.
- 6.8 We'll look at relevant evidence. This could include files, notes of conversations, letters, e-mails or whatever may be relevant to your particular complaint. If necessary, we'll talk to the staff or others involved and look at our policies and any legal entitlement and guidance.

## **7 - Outcome:**

- 7.1 If we formally investigate your complaint, we will let you know what we have found in keeping with your preferred form of communication. If necessary, we will produce a longer report. We'll explain how and why we came to our conclusions.
- 7.2 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.
- 7.3 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.
- 7.4 If we got it wrong, we will always apologise.

## **8 - Putting Things Right:**

- 8.1 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.
- 8.2 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.

## **9 - Ombudsman:**

- 9.1 If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:
  - have been treated unfairly or received a bad service through some failure on the part of the body providing it
  - have been disadvantaged personally by a service failure or have been treated unfairly.
- 9.2 The Ombudsman expects you to bring your concerns to our attention first and to give us a chance to put things right.
- 9.3 You can contact the Ombudsman by phone on 0845 601 0987, by e-mail [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk), the website is [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk) or by writing to Public Services Ombudsman for Wales at 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ.
- 9.4 There are also other organisations that consider complaints. For example, the Welsh Language Board about services in Welsh. We can advise you about such organisations.

## **10 - Learning lessons:**

- 10.1 We take your concerns and complaints seriously and try to learn from any mistakes we've made. Our Senior Management Team considers a summary of all complaints quarterly as well as details of any serious complaints. Members within our Scrutiny Committee also consider our response to complaints at least twice a year.
- 10.2 Where there is a need for change, we will develop an action plan setting out what we will do, who will do it and when we plan to do it by. We will let you know when changes we've promised have been made.

## **11 - What if I need help?**

- 11.1 Our staff will aim to help you make your concerns known to us. If you need extra assistance, we will try to put you in touch with someone who can help. You may wish to contact CHC advocacy services, Age Concern, Shelter etc. who may be able to assist you.
- 11.2 You can also use this policy if you are someone under the age of 18. If you need help, you can speak to someone on the Meic Helpline (phone 080880 23456, [www.meiccymru.org](http://www.meiccymru.org)) or contact the Children's Commissioner for Wales. Contact details are; by phone 01492 523333 (North Wales), by email [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk) or by writing to them at Penrhos Manor Oak Drive, Colwyn Bay, Conwy LL29 7YW.

## **12 - What we expect from you:**

- 12.1 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. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the office or unacceptable behaviour towards Council employees.
- 12.2 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 and have set out how we manage situations where we find that someone's actions are unacceptable.

## **13 - Unacceptable Actions by Complainants:**

13.1 This is to set out the Council's approach to the relatively few complainants whose actions or behaviour is considered unacceptable and which puts unnecessary pressure and demands on staff and resources to the disadvantage of other complainants or functions. The term complainant includes anyone acting on behalf of a complainant or who contacts Wrexham County Borough Council in connection with a complaint.

13.2 The Council aims to:

- To be open and clear in their dealings with complainants.
- To deal fairly, honestly, equitably, consistently and appropriately with all complainants, including those whose actions are considered unacceptable.
- To provide a service that is accessible to all complainants.
- To ensure that other complainants and Council employees do not suffer any disadvantage from complainants who act in an unacceptable manner.

13.3 Defining Unacceptable Actions by Complainants:

- Aggressive or abusive behaviour or language including derogatory remarks, inflammatory or unsubstantiated comments.
- Unreasonable demands in terms of the amount of information sought; the nature and scale of the service expected or the number of approaches made to the Council. It also includes repeatedly changing or adding to the complaint.
- Unreasonable persistence or refusal to accept a decision made in relation to a complaint, or refusal to accept explanations on what the Council is able to do.

13.4 When complainant's actions are considered unacceptable the Council will:

- Restrict their contact with the Council; this may be in person, by telephone, fax, and letter or electronically or by any combination of these. In extreme cases there may be "no personal contact"; only by written communication or through a third party.
- If physical violence, verbal abuse or harassment towards employees is experienced this is likely to end all direct contact with the Council and will in some cases be reported to the police.
- Staff will, and have the right to end phone calls if the caller is considered aggressive, abusive or offensive.
- For unreasonably persistent behaviour where complainants have exhausted all internal mechanisms but still continue to dispute the decision of the Council they will be advised that no further contact on the matter will be accepted unless significant new information relating to the complaint becomes available.



### 13.5 Deciding to Restrict Complainant Contact:

- Council staff 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 policy.
- With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Council are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give a complainant 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.

This policy incorporates the Public Services Ombudsman of Wales Model for handling Concerns and Complaints and their Policy on Unacceptable Behaviour by Complainants.