



Pembroke County Council

Complaints and Compliments

Policy

Document Revision History

Version No.	Comments	Author	Date of Issue	Status
1.0	New Policy	Laurence Harding	April 2012	To be Reviewed
1.1	Amendments to Wording of Policy	Emily Sheen	October 2014	Final version
1.2	Amendments to Contact Details	Nia Evans	March 2017	To be Reviewed – May 2018
1.3	Merge of Corporate & Social Services policies, and update.	Alison Evans	September 2019	To be reviewed Sept 2020

Contents

- 1. Introduction**
- 2. Our Commitment**
- 3. When to use this policy**
- 4. Compliments and Suggestions**
- 5. Making a complaint – who can complain?**
- 6. What can people complaint about?**
- 7. What is a not a complaint under this policy?**
- 8. Acceptable timescales for making a complaint**
- 9. How to make a complaint**
- 10. Making a complaint on behalf of another person**
- 11. The Complaints process**
- 12. The outcome of your complaint**
- 13. Learning Lessons**
- 14. Public Services Ombudsman for Wales**
- 15. Confidentiality and protecting information**
- 16. How you can help us**

1. Introduction

Pembrokeshire County Council is committed to dealing effectively with and learning from any concerns, complaints or compliments you may have about our Services.

Our aim is to listen to the voice of the service user through complaints, compliments and suggestions and to use this feedback to improve our services and outcomes for our customers.

This policy replaces the separate Social Services Complaints and Corporate Complaints procedures into **one policy document**. This is intended to provide an overarching policy on complaints handling for the authority as a whole.

In relation to Social Service Complaints this policy reflects the Social Services Complaints Procedure (Wales) Regulations 2014 and The Representations Procedure (Wales) Regulations 2014. The above regulations are made under the Social Services and Well-being (Wales) Act 2014.

In relation to all other complaints, this policy is based on the Public Service Ombudsman for Wales's guidance on complaint handling.

2. Our Commitment

Our key objectives when dealing with complaints and compliments are to:

- Resolve complaints to your satisfaction as quickly as possible.
- Learn from our mistakes and any positive feedback you give to continually improve our services.
- Where possible, put right any mistakes we have made.
- Give you an explanation where there may have been a misunderstanding or a breakdown in communication.
- Provide any service to which you are entitled to which we have failed to deliver. Apologise if we get something wrong, and where possible try to put things right. Deal with you in an open and honest way.
- Tell staff and their managers if they are doing something well so we can look at using that way of working elsewhere.
- Give you full assurance that your dealings with us in the future won't be affected because you have raised a concern or made a complaint.

3. When to use this policy

When you express your concerns or complain to us, we will usually respond in the way we explain below. However, sometimes you may have a statutory right of appeal e.g charging for residential care, council tax so, rather than investigate your concern, we will explain to you how you can appeal (please see section 7 for more detail).

Sometimes, you might be concerned about matters that are not decided by us **(for examples Policy decisions made by 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 the following areas and in this circumstance, you should contact:-

Freedom of Information — Freedom of Information Officer

Tel: 01437 775380

E-mail: FOI@pembrokeshire.gov.uk

Data Protection – Data Protection Officer

Tel: 01437 775644

E-mail: DataProtection@pembrokeshire.gov.uk

Schools - the Headteacher of the relevant school. Complaints about schools must be dealt with by the school concerned, following their own procedure. The school would need to be contacted directly.

Local Members/County Councillors — Claire Jones, Monitoring Officer

Tel: 01437 776564

E-mail: Claire.Jones@pembrokeshire.gov.uk

Welsh Language — Nicky Edwards, Technical Support Officer

Tel: 0147 775856

Email: Nicky.Edwards@pembrokeshire.gov.uk

Have you asked us yet?

If you are approaching us for a service for the first time e.g. a first request for service or the reporting of a fault, this policy does not apply. If you make a request for service and then are unhappy with our response or the service provided, you can then make a complaint.

4. Compliments and suggestions

If you are pleased with a service you have received from us or the way that we have dealt with you, then please let us know to enable us to learn from this and share best practice.

Any compliments can be sent to:

**Information Governance and Complaints Team,
Pembrokeshire County Council,
Haverfordwest,
SA61 1TP**

or E-mail to: compliments@pembrokeshire.gov.uk

All compliments are recorded centrally, and shared with the appropriate managers to feedback to the staff and the service concerned.

There may be occasions where we place compliments on our website, any personal details will be removed unless you give permission for them to be included.

If you have any ideas or suggestions for how we can do things better, then please tell a member of staff. This suggestion will then be sent on to the service area manager for

consideration.

5. Making a complaint – who can complain?

Complaints can be received from:-

- individual members of the public,
- individuals acting on behalf of the complainant with their consent

A representative can make a complaint on a person's behalf where that person:

- Is a child; or
- Has requested that a representative act on their behalf; or
- Lacks capacity within the meaning of the Mental Capacity Act 2005; or
- Is deceased.

In relation to Social Services' complaints, adults and children may have a right to receive assistance from an independent advocate when making a complaint. We will advise those who meet the criteria about the advocacy service and how to make contact or, make this contact on your behalf if you prefer.

There may be circumstances when a representative is making a complaint on another person's behalf without their express consent. These types of complaints will be considered on a case by case basis and the Complaints Contact Officer will determine the eligibility of a person to act as a representative where express consent has not been given by the service user.

6. What can people complain about?

We take all complaints seriously. If, as a customer, you are dissatisfied with the way you have been dealt with, we want you to tell us so that we can, where possible try to put things right.

What is a complaint?

- An expression of dissatisfaction or concern,
- Either written or spoken or made by any other communication method
- By one or more members of the public
- About the Council's actions or lack of action;
- About the standard of service provided

7. What is not a complaint under this policy?

If we consider a concern you have raised with us is **not a complaint** then we will write to you and tell you why. If there is another process through which you can raise your concern(s) then we will advise you how to do this wherever possible.

The following will not be dealt with as a complaint under this policy:

- A first request for service or the reporting of a fault. This is because you should give the service a chance to respond to your request.
- A request for a formal review or appeal against a decision or determination where

there is another procedure for bringing this request forward.

- A means to seek a change to legislation or policy and/or a complaint about a decision that has been made in-line with a published policy, procedure and/or legislation.
- A means for lobbying groups/organisations to seek or promote a cause.
- A complaint that has already been considered under this or a former procedure.
- A complaint which is being or has been investigated by the Public Services Ombudsman for Wales.
- Where your complaint is about issues which arose over 12 months ago and there is no justification for the delay in you making your complaint to us.
- A complaint made from an organisation or individual that is not receiving a service from the Council and is not acting on behalf of a service user.
- Where your complaint maybe or has been fully considered by a court of law.
- If safeguarding issues have been highlighted, staff members have a duty to follow child protection procedures.

Appeals

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 Benefit and Council Tax
- reductions in provision of care
- care charges

When this is the case, we will explain the appropriate process to you.

Complaints about Child Protection Conferences

• Conference Process

If you wish to complain about the process of a Child Protection Conference then you would need to raise your complaint directly with the Chair. This may include the reports, minutes and the conference itself. If you remain dissatisfied with the chair's decision you will need to raise your concerns with CYSUR Regional Safeguarding Children's Board directly.

• Conference Outcome

If you want to complain about the outcome of a Child Protection Conference i.e. the decision to register or not to register a child, you need to first raise your complaint with the chair of the conference. If your complaint cannot be resolved by the Chair, it will be referred to the CYSUR who will set up an appeals panel.

• CYSUR panel

The panel will review the conference decision and can make a decision to re-hold a conference with a different chair, however they cannot decide whether to remove or include a child on the Child Protection Register.

If you are not happy with the outcome of the panel then you can appeal the decision with CYSUR.

If you are unsure who to refer your complaint to or would like further information then the Complaints Officer will be happy to advise you.

Concurrent Investigations

If there are other matters subject to consideration at the same time you make your complaint, the Local Authority will not consider your complaint under this policy if this would prejudice the conduct of these proceedings or investigations.

These matters include:

- If you have indicated that you are taking or intend to start legal proceedings;
- If the Local Authority is considering legal proceedings, for example, care proceedings or Court of Protection proceedings;
- The Local Authority is taking or planning to take disciplinary proceedings against a staff member;
- The Local Authority is aware that a prosecuting authority – for example the police, or any independent regulatory body is investigating with a view to a criminal prosecution.

Should we decide not to consider your complaint for any of the above reasons we will notify you in writing. We will explain the reason for our decision

You are able to re-submit your complaint no later than six months after the concurrent investigation has been completed. In certain circumstances we may notify you if we are aware that the concurrent investigation has been completed. You can contact us as soon as the concurrent investigation has concluded and we can then investigate your concerns.

8. Acceptable timescales for making a complaint

Normally, we will only be able to look at your complaint if you tell us about it within 12 months of the issue occurring. We feel it is more beneficial to address concerns whilst the issues are still current and or recent.

In exceptional circumstances we may be able to look at concerns which are brought to our attention later than 12 months. However, you will have to provide details as to why you have been unable to bring it to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it.

9. How to make a complaint

You can make a complaint in the following ways:

Contacting the Complaints Officers for the relevant services, this information is available on

our website and Factsheet - <https://www.pembrokeshire.gov.uk/complaints/complaint-contact-officers>

If your complaint relates to Social Services you can email us at:
SocialCareComplaints@pembrokeshire.gov.uk

If your complaint relates to any other service, you can email us at:
corporatecomplaints@pembrokeshire.gov.uk

Or you can write to us at:
Information Governance and Complaints Team
County Hall
Haverfordwest
SA61 1TP

10. Making a complaint on behalf of another person

If you are making a complaint on behalf of someone else then we will need their written permission for you to do so or documentation to evidence that you can act on their behalf (for example Power of Attorney).

If the Council agrees that an individual does not have capacity to give their consent or permission, then we may accept the complaint from another person on their behalf. However, the Council must be satisfied that this person is acting in the best interests of the individual. Whether we accept a complaint in these circumstances is at the Council's discretion.

We will assist a service user to access the support of an advocate to help progress their complaint if appropriate.

11. The Complaints Process

We believe it is best to try to resolve complaints as quickly as possible. If you have a complaint, raise it with the person you are dealing with. He or she will make every effort to resolve it for you there and then.

If the complaint involves more than one organisation, a decision will be made as to who is best to investigate and communicate with you. In some instances there may be different procedures and timeframes that organisations comply with which will require consideration.

If the complaint is about a body working on our behalf e.g. contractors or care providers then you should raise matters informally with them first. If you wish to express your complaint formally we will look into this ourselves and respond to you.

Set out in the tables below are the Social Service Complaints process and following it is the process for all other corporate complaints. The reason for this separation is that Social Services has set government guidelines and timescales which are slightly different to corporate complaints.

Social Services Complaints	
Stage 1 Local Resolution	<ul style="list-style-type: none"> • We will acknowledge your complaint within 2 working days and tell you who we have asked to look into your complaint. We will agree the scope of your complaint and desired outcomes. • We will offer you the opportunity to discuss your complaint with an appropriate manager from Social Services, within 10 working days of receiving your complaint. We will then confirm the outcome of this discussion with you in writing, usually within a further 5 working days. • If it is not possible to provide you with a full response within 15 working days, we will contact you to discuss the reason for the delay.
Stage 2 Formal Complaints	<ul style="list-style-type: none"> • If your complaint has been considered at the Local Resolution Stage of the complaints process and you remain dissatisfied with the outcome, you may ask for the complaint to be investigated by a person who is independent of the Council. • Whilst it is recommended that you try to resolve your complaint through the Local Resolution Stage at first, you have the right to ask for a complaint to be considered at this formal stage from the outset. • We will compile a written record of your complaint and the outcomes you are seeking and send this to you for your agreement within 5 working days of receiving your complaint or your complaint moving to the formal investigation stage. We will also send you a consent form asking for you to agree to share your personal information with the Independent Investigator. • You will need to sign and agree your areas of complaint and consent form and return by post or e-mail to the Information Governance and Complaints Team – relevant contact details will be given to you together with the above forms. It is important to be clear on the scope from the outset and we wish to avoid added additional items during the investigation. • We will commission someone from outside the Council to conduct the investigation. This person is referred to as an Independent Investigator. The complaints officer will source this person, who will be chosen by the skill set required. • The Independent Investigator will interview all parties and produce a report of their findings. The findings from the report will be provided to the person making the complaint. As a consequence of this report the head of the service concerned will provide the complainant with a written response to the report which will include their summary and details of any action to be taken. • In the case of a child, an independent person is also appointed to take part in the formal consideration and any discussion about the action the Council should take (in accordance with the Children' Act 1989). The Independent Person's role is to oversee the handling of the complaint. This person may be an employee of the Council but must not be associated with Social Services in any way. • If you are a child or young person making a complaint we will offer to put you in touch with an advocate to help make your complaint known to us. An advocate is a person who is independent to the Council. They can help put forward your complaint, wishes and feelings to the Council and support you to get things resolved.

	<ul style="list-style-type: none"> • The date on which the content of the complaint and outcomes is agreed by both the Council and the complainant will be the start date for the complaint • A response to a Stage 2 complaint should be issued within 25 working days of the start date. If this is not possible, we will inform you and explain why, giving you an indication when you can expect to receive a response. In any event, a response to your complaint must be provided within 6 months.
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Corporate Complaints	
Stage 1 Local Resolution	<ul style="list-style-type: none"> • The Contact Officer will acknowledge your complaint within 5 working days. If they have taken your complaint over the telephone it is good practice to follow this up in writing to confirm the issues raised. • The local resolution stage should be carried out as quickly as practicable and wherever possible within 10 working days of the complaint being notified to the staff member or Contact Officer. • If the member of staff needs more than 10 working days to try and resolve your complaint then they will agree this with you as soon as possible and agree an extension.
Stage 2 Formal Complaints	<ul style="list-style-type: none"> • Once we receive your complaint we will acknowledge your complaint within 5 working days; advise you who we have appointed to look into your complaint as this will be someone outside of the service concerned, but another officer within Pembrokeshire County Council. • In certain cases, we will appoint an independent external investigator if we feel this is appropriate. • We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements. • We will direct you to any advocacy services where appropriate to help you make your complaint known to us. • We will set out to you our understanding of your complaint and the outcomes you are looking for and confirm this in writing or in person with you. • The officer or independent investigator looking at your complaint will usually need to see information we hold relating it. This will only be for the purpose of investigating the complaint. • We will aim to resolve complaints as quickly as possible within 20 working days from the date we have agreed the complaint issues and outcomes with you. If your complaint is more complex, we will let you know within 20 working days that it may take longer to investigate and we will agree an extension with you and give you regular updates on your progress of your complaint. • In some instances, the investigator may ask to meet with you to discuss your concerns. Occasionally, we might suggest mediation or another method to try to resolve disputes. • The investigator will look at relevant evidence. This could include files, notes of conversations, letters, e-mails or whatever may be relevant to your particular concern. They will talk to the staff or others involved and look at our policies and any legal entitlement and guidance. • An appropriate manager or the Head of Service will write to you with a response to the complaint investigation within 10 working days, stating whether they agree with the findings and confirming any actions and/or service improvements that will be put in place.

We will normally communicate with you in the same way you have contacted us, unless you say differently or we have good reason not to do so. Please let us know if you have any particular requirements – for example, if you have a disability, hearing impairment or language preference.

Anonymous Complaints

When we receive anonymous complaints we will record them and make the appropriate department aware.

We aim to resolve all complaints at the Local Resolution Stage wherever possible.

12. The outcome of your complaint

Following the investigation of your complaint, we will let you know the findings. For all formal investigations a report will be produced which is shared in full with you along with a departmental response.

If we find that we have got something wrong, we will advise you of this, apologise and explain how it happened and how we intend to put it right.

Recommendations and follow-ups are formalised into an action plan which is monitored. These action plans will look at how we can improve services to make sure as far as possible, that a similar issue does not happen again.

13. Learning Lessons

We take your concerns and complaints seriously and try to learn from any recommendations made.

In respect of Social Services complaints, in line with guidance, we produce an Annual Report which is approved by Cabinet. Copies of Social Services Annual Reports are also published on our website at www.pembrokeshire.gov.uk/complaints.

In respect of corporate complaints, these are monitored by the appropriate directorate.

14. Public Services Ombudsman for Wales

We make every effort to resolve your complaint to your satisfaction. However there may be instances when you remain dissatisfied with outcome following our complaints procedure. In these instances we would signpost you to the Public Services Ombudsman for Wales for them to consider your complaint. The Ombudsman is independent of all government bodies and can consider a complaint once our process has been exhausted.

For information on the Public Services Ombudsman please visit:
<https://www.ombudsman.wales/>

15. Confidentiality and protecting information

All complaint information is processed in line with the Data Protection Act 2018. If you would like to access your complaint records then please contact accesstorecords@pembroekshire.gov.uk

Information held and processed as part of the Council's complaints process will only be shared with parties within the Council subject to, directly involved with or who have a professional interest in the outcome of the complaint. If an independent investigator has been appointed then we will need to share information with them to allow them to investigate your complaint. We have a fair processing notice that covers how information is stored and shared.

If we need to share details of your complaint with persons or organisations outside of the Council, then we will always ask your permission before doing this unless we are required to make a disclosure by law or we have to share the information with other bodies responsible for auditing or regulatory purposes. For example, this could include the Public Service Ombudsman for Wales, The Older Person's Commissioner and the Children's' Commissioner.

The Council operates an IT security policy which covers any communications via email. If we communicate during the complaints process this may involve the sharing of personal information and therefore we will always use secure encrypted emails to protect the data within it.

Complaint details and records will be stored in-line with the Council's Retention Schedule. See link below for more information

<https://www.pembroekshire.gov.uk/privacy-promise/how-long-do-we-keep-hold-of-your-information>

16. How you can help us

We understand that it is frustrating when we do not meet your expectations. We will do everything we can to resolve your complaint to your satisfaction.

In return, we ask that you:

- treat our staff with respect
- do not use abusive language or behaviour when dealing with us
- comply with all reasonable requests made in an effort to resolve your concerns

How we manage unreasonable complaint behaviour

On the rare occasion when a customer makes a complaint in an unreasonable way: repeatedly, obsessively or aggressively, for example, we will write to them explaining what action we are taking to bring the matter to an end. This could include, but not be limited to, restricting the form of communication that a complainant can use, limiting contact to a named officer or managing the contact with the help of a named intermediary.

The decision to class a complainant as unreasonable will be made by the appropriate Head of Service and Information, Governance and Complaints Manager. They will write to the complainant to explain the reason for the decision. The Complaints Manager will record the details in a register and review the decision every six months. They will write to the complainant to tell them if they have been removed from the register or if they will remain on it for a further six months, when a further review will be carried out.