



Corporate Complaints Policy

1. Introduction

- 1.1 The City and County of Swansea (The Authority) is committed to dealing effectively with any concerns or complaints you may have about our service. In this document, the term “complaint” refers to a concern or a complaint.
- 1.2 We aim to clarify any issues about which you are not sure. We will provide any service to which you’re entitled where we have failed to do so previously without good reason. We will apologise if we get something wrong, and where possible 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 The Council will use this Policy in a way which is supportive, so you know how and who to contact and the timescales at each stage of the process. In most cases, this Policy may be used to determine whether or not correct advice has been given, or that a service to which a person is entitled has not been provided, or not provided properly. Circumstances where this Policy may not apply include complaints relating to issues that would either be dealt with by another forum or have their own separate appeal mechanism. The assigned Officer will advise you if this is the case once they have studied your complaint.
- 2.3 The final decision as to whether or not a complaint should be dealt with under this policy will be made by the Standards Officer. In the event of a disagreement, challenges to the decision of the Standards Officer should be referred to the Public Services Ombudsman for Wales.
- 2.4 When you express 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. against a refusal to grant you planning permission, or the decision not to give your child a place in a particular school) so, rather than investigate your complaint, we will explain to you how you can appeal.
- 2.5 Sometimes you might be concerned about matters that are not decided by us and in such cases we will advise you how to make your complaint known.
- 2.6 The role of the Complaints Officer is to investigate a complaint and determine whether or not the relevant Service Department has acted in accordance with legislative requirements, or in line with approved policies and procedures. It

is not the role of the Complaints Officer to overturn any properly made decisions.

3. When to Approach the Relevant Service Department

- 3.1 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 doesn't apply. You should first give the relevant Service Department a chance to respond to your request for service.
- 3.2 If you make a request for a service and then are not happy with the Service Department's response to that request, you will be able to make your complaint known as set out below.

4. Stage 1 Complaint: Informal Resolution

- 4.1 Where possible, we try to deal with things straight away rather than sort them out later. If you have a complaint, raise it with the person you're dealing with. S/He will try to resolve it for you there and then.
- 4.2 If the person you are dealing with is unable to resolve the issue at the point of contact, the matter may be referred to a senior person within the appropriate Service Department to provide a response. Depending on the nature of the complaint, the matter may be resolved over the telephone or in writing including email. Where an issue is resolved by way of a telephone call you will receive a letter or email as confirmation of the outcome of the conversation.
- 4.3 If there are any lessons to learn from addressing your complaint, appropriate action will be taken where possible to put those lessons learned into practice.
- 4.4 The Service Department will provide a substantive response to your complaint within 10 clear working days. If the complaint is not resolved to everyone's satisfaction by then it will be escalated to stage 2.
- 4.5 Where your complaint has been referred to the relevant Service Department and you are dissatisfied with their response, you can then ask for a formal investigation.
- 4.6 Depending on circumstances, the Authority reserves the right to escalate a complaint directly to Stage 2 of the Complaints Policy.

5. Stage 2 Complaint: Formal Investigation

- 5.1 The Council aims to resolve complaints quickly and informally wherever possible. However, you can take your complaint to Stage 2 of the complaints process for investigation by the Complaints Team. Here are some examples where stage 2 may apply:
 - a) Where a Service Department has had adequate opportunity to address your complaints and has not provided you with a response in accordance with the requirements outlined in paragraph 4.4 above;

- b) If you do not consider that your complaint has received adequate or proper consideration;
 - c) If you have received a response and you remain aggrieved or dissatisfied with the decision of the Service Department.
- 5.2 Should you wish to take your complaint to Stage 2, the investigating officer will ask you for more information to understand what went wrong and your desired outcome to resolve the matter.
- 5.3 Upon receipt of a Stage 2 complaint, the details will be logged and an acknowledgement of receipt will be sent by the Complaints Team within 5 clear working days.
- 5.4 In most cases, the Complaints Team will provide a substantive response to your complaint within 20 clear working days. Where this is not possible you will be informed in writing of the reason for the delay before the response deadline, together with the date you can expect to receive a full response.
- 5.5 Occasionally, the specific issues that a complainant wants investigated may require clarification. In these circumstances, the Complaints Officer will write to the complainant with a summary of the issues to be investigated as they understand it, asking the complainant to agree that the issues identified are comprehensive and correct, or to provide further clarification.
- 5.7 When this course of action is required, the 20 clear working day timescale for the investigation will begin when the specific issues to be investigated have been agreed by both parties. Where no response has been received from the complainant within 28 working days of a request for clarification, the complaint will be closed.

6. How to Make a Complaint

6.1 You can make a Complaint in any of the ways below.

- Online Complaint Form – Available at www.swansea.gov.uk/complaints
- e-mail – Contact us at complaints@swansea.gov.uk
- Letter – Write to: The Complaints Team, Civic Centre, Oystermouth Road, Swansea SA1 3SN
- Pre Printed Complaint Form – Available from the Complaints Team or our Service outlets.
- Customer Services staff can help you complete the form online by calling (01792) 636000
- Telephone – Contact Complaints Team on (01792) 637345

- 6.2 We aim to have complaint forms and fact sheets available in hardcopy at all City & County of Swansea public offices. Alternatively Customer Services staff can help you complete the form online. Copies of the Complaint Policy and the complaint form are available in English and Welsh and can also be made available in other languages. Formats such as Audio, Braille or Large Print can also be provided if required.

7. Dealing with Your Complaint

- 7.1 Acknowledgement of your complaint will be sent within 5 clear working days. We will usually respond to you in the same way as you communicated with us (e.g. if you complained by email in Welsh, we would respond to you by email in Welsh) unless you inform us that you have particular requirements.
- 7.2 We will deal with your complaint in an open and honest way and will make sure that your dealings with us in the future do not suffer just because you have made a complaint.
- 7.3 Normally, we will only be able to look at your complaints if you tell us about them within 12 months. This is because it's better to look into your complaint while the issues are still fresh in everyone's mind.
- 7.4 In exceptional circumstances we may 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. The final decision whether to investigate after 12 months rests with the Standards Officer.
- 7.5 If you're expressing a concern on behalf of somebody else, we'll require a copy of their written agreement to you acting on their behalf. A written agreement form may be obtained online at www.swansea.gov.uk/complaints.

8. When There Is More Than One Body Involved

- 8.1 If your complaint covers more than one body (e.g. a Housing Association and The Authority re: noise nuisance) we will usually work with the other body to decide who should take a lead in dealing with your concerns. You will then be given the name of the person responsible for communicating with you while we consider your complaint.
- 8.2 If the complaint is about a body working on our behalf (e.g. a specialist company contracted by The Authority) 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 the matter ourselves and respond to you.

9. Investigating your Complaint

- 9.1 We will usually discuss your complaint with the Service Department in question and get back to you. In certain cases (i.e. cases concerning Social Services

where a statutory procedure applies) we may appoint an independent investigator.

- 9.2 We will set out to you our understanding of your concerns and ask you to confirm that we've got it right. We will also ask you to tell us what outcome you're hoping for.
- 9.3 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 at the time you make your complaint.
- 9.4 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.
- 9.5 We will aim to resolve concerns as quickly as possible and expect to deal with the vast majority within 20 clear working days. If your complaint is more complex, we will:
 - 9.5.1 Let you know within this time why we think it may take longer to investigate;
 - 9.5.2 Tell you how long we expect the investigation to take; and
 - 9.5.3 Give you periodic updates, including telling you whether any developments might change our original estimate.
- 9.6 The person who is investigating your concerns will aim first to establish the facts. The extent of this investigation will depend on the complexity of the issues you have raised. 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.
- 9.7 We will 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 will talk to the staff or others involved and look at our policies and any legal entitlement and guidance.

10. Outcome of your Complaint

- 10.1 If we formally investigate your complaint, we will let you know what we have found in keeping with your preferred form of communication. This could be by letter or e-mail, for example. If necessary, we will produce a longer report.
- 10.2 We will explain how and why we came to our conclusions. If we find that the Service Department got it wrong, we will tell you what went wrong and why it happened. We will show how the mistake affected you.
- 10.3 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.

11. Putting Things Right

- 11.1 If we didn't provide a service you should have had, we will aim to provide it as soon as practicable. If we didn't do something well, we will aim to put it right. If you have lost out due to a mistake on our part, we will usually aim to put you back in the position you would have been in if we had got it right.
- 11.2 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.
- 11.3 If you are complaining about a failure that has resulted in personal injury, loss of or damage to property, any associated compensation claim you wish to make will be handled separately by the Insurance Section and will not be dealt with under the complaints process.

12. Public Services Ombudsman for Wales

- 12.1 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 Public bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:
- 12.1.1 Have been treated unfairly or received a bad service through some failure on the part of the body providing it; or
- 12.1.2 Have been disadvantaged personally by a service failure or have been treated unfairly.
- 12.2 The Ombudsman expects you to bring your concerns to our attention first and to give us a chance to put things right.
- 12.3 You can contact the Ombudsman in the following ways:
- By Telephone: 0300 790 0203
 - By e-mail: ask@ombudsman.wales
 - Via the website: www.ombudsman.wales
 - In writing to: Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

13. Welsh Language Complaints

- 13.1 The Welsh Language (Wales) Measure 2011 established a legal framework to impose duties on certain organisations to comply with standards in relation to the Welsh language by way of sub-legislation (Welsh Language Regulation Standards).

All the information relating to Swansea Council's implementation of the standards and annual reports can be viewed online at:

<https://www.swansea.gov.uk/cymraeg>

- 13.2 With regard to a Welsh Language complaint, the Council will follow the same approach identified throughout this Policy. In addition, the investigating officers will consult with any relevant legislation, the Standards, Code of Practice and Commissioner's guidance before making a determination. Complaints or Concerns regarding the Welsh Language will follow the same timeframes and steps already highlighted in this policy.
- 13.3 As highlighted in section 4, the Council will aim to resolve a Welsh Language complaint quickly and informally first (stage 1) with the relevant service area and within 10 clear working days. How to make a complaint is covered in section 6. Stage 1 complaints will be allocated to the appropriate officer dealing with complaints for that particular service, and will be tracked and monitored.
- 13.4 Section 5 highlights escalating your complaint to stage 2.
- 13.5 Welsh Language stage 2 complaints will be investigated by the Standards Officer. An initial acknowledgement will be sent within 5 clear working days.
- 13.6 In most cases, the Standards Officer will provide a substantive response to your stage 2 complaint within 20 clear working days. Where this is not possible you will be informed in writing of the reason for the delay before the response deadline, together with the date you can expect to receive a full response.
- 13.7 Occasionally, the specific issues that a complainant wants investigated may require clarification. In these circumstances, the Standards Officer will write to the complainant with a summary of the issues to be investigated as they understand it, asking the complainant to agree that the issues identified are comprehensive and correct, or to provide further clarification.
- 13.8 When this course of action is required, the 20 clear working day timescale for the investigation will begin when the specific issues to be investigated have been agreed by both parties. Where no response has been received from the complainant within 28 working days of a request for clarification, the complaint will be closed.
- 13.9 In line with the 'Record Keeping' standards, the Standards Officer will log the Welsh Language complaint against the relevant category of standards, i.e. Service Delivery, Policy Making, or Operational Standards.
- 13.10 All Welsh Language complaints received directly by the Council are reviewed by the Standards Officer and reported in the Council's Annual Welsh Language Standards report.
- 13.11 Advice, handy guides and virtual training are available to staff on the intranet. Online training forms part of induction for new starters and existing staff are advised to undergo refresher training every two years.
- 13.12 The Council periodically runs campaigns on the intranet and through newsletters to raise staff awareness of the procedures and Welsh Language Standards. Support for Officers dealing with complaints can be found on the

Intranet and staff are able to seek further guidance from the Standards Officer.

- 13.13 The Council has all the material necessary for Officers to deal with the complaint on a central Sharepoint site.
- 13.14 There may be rare occasions where the requirement to comply with a standard has been postponed via a challenge or appeal. In this scenario the Standards Officer will provide advice.
- 13.15 There are also other organisations that consider complaints, for example, the Welsh Language Commissioner. Should you wish to complain about the lack of services in Welsh or that someone is interfering with your freedom to use Welsh, you can contact the Welsh Language Commissioner by:

Phone: 0345 6033 221

E-mail: post@cyg-wlc.wales

Writing to: The Welsh Language Commissioner, Market Chambers, 5-7 St Mary Street, Cardiff CF10 1AT

14. Learning Lessons

- 14.1 We take your concerns and complaints seriously and try to learn from any mistakes we may have made. Cabinet receives detailed Annual Complaints Reports which include recommendations for improved practice.
- 14.2 Where there is a need for change, Service Departments will develop an action plan setting out what they will do, who will do it and when they plan to do it by. They will let you know when changes we've promised have been made.

15. What Do We Expect From You?

- 15.1 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 complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.
- 15.2 We believe that all complainants should have the right to be heard, understood and respected. However, our staff also have the same rights. We therefore expect you to be polite and courteous in your dealings with us.
- 15.3 If a complainant is considered to be acting in an unreasonable manner, restrictions on contact may be implemented in accordance with our Unreasonable Customer Behaviour Policy, which can be viewed online at: www.swansea.gov.uk/behaviour .

16. If You Need Further Help

16.1 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.

16.2 **If you are under the age of 18** you can also complain using this policy. You can contact someone on:

The Meic Helpline

Telephone: 0808 802 3456

Website: www.meiccymru.org

The Children's Commissioner for Wales

Freephone: 0808 801 1000

e-mail: post@childcomwales.org.uk

Website: www.childcomwales.org.uk

16.3 **If you are over the age of 60**, you can also get help. Please contact:

The Older People's Commissioner for Wales

Cambrian Buildings, Mount Stuart Square, Butetown, Cardiff CF10 5FL

Telephone: 03442 640 670 or 02920 445030

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