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



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1.0 Introduction

1.1. Our Commitment

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

1.2. Development of the Policy

The Policy and Guidance published by the Public Services Ombudsman for Wales under Section 36 of the Public Services Ombudsman (Wales) Act 2019 www.legislation.gov.uk was used as a basis for this policy.

This policy is for the information of customers, including people under the age of 18, council staff, councillors and staff in the council's partner organisations.

This policy covers complaints about all services provided by the council. Some of the special arrangements for complaints handling are set out below.

1.3. Principles

Newport City Council aims to follow six principles when dealing with complaints:

- Focus on the complainant at the centre of the complaint process
- Provide a clear and simple process for complainants
- Treat complainants fairly, equally and with dignity
- Respond promptly to complaints with a thorough reply
- Be honest and clear in responses to complaints
- Use feedback from residents to make improvements to services and decisions.

2. What Is Not A Complaint

The examples below would not progress through our formal complaints process: -

- The first reporting of a fault, for example if you are approaching the Council reporting a faulty streetlight
- An initial service request, for example, request collection of large household items. The Council will register your request, and this will be dealt with by the relevant service area.
- A first request for information, or explanation of the council's policies or decisions
- A means to seek change to legislation or a 'properly made' decision (when laws or policies have been correctly applied, e.g, the setting of rent payments).
- A means for lobbying groups/organisations to seek to promote a cause
- A request under the Freedom of Information Act 2000. More information about this can be found at [Freedom of information | Newport City Council](#)
- A complaint which has previously been investigated under this or the former complaints procedure.
- A complaint which is being or has been investigated by the Public Services Ombudsman for Wales.

3. Out of Scope of this Policy

1.1. Complaints That Are Not The Responsibility Of The Council

For example those that are for other organisations such as Health Boards are not dealt with by the Council.

1.1. 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
- the process for bidding for accommodation through Home Options
- decisions about Housing Benefits and The Council Tax Reduction Scheme.

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

3.3. Complaints About Councillors

These are not covered by this policy. Complaints against councillors can be made directly to the Public Services Ombudsman (Wales). The relevant contact details can be found at the end of this document.

3.4. Complaints Involving Other Legal or Disciplinary Proceedings

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 or Court of Protection proceedings or enforcement notices
- The council is considering the complaint should be investigated under conduct procedures and/or proposing disciplinary proceedings against a staff member
- A prosecuting authority, for example, the police or the Care Inspectorate Wales, is investigating with a view to criminal prosecution
- If a complaint investigation may compromise any adult or child safeguarding process.

If any of these circumstances apply, it may be necessary to put the investigation of a complaint "on hold" until the conclusion of those other proceedings. In circumstances where a legal judgement has already been decided, you may be directed back to the Courts. You may come back to us when court proceedings have concluded.

3.5. Welsh Language and Equalities

The Equality Act 2010 makes it unlawful to discriminate against someone because of one or more protected characteristics. These are: - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

If you feel that you have been treated unfairly or disadvantaged in any way by a service, or by a lack of service from the council, we would like to hear from you so that we can put it right. However, the Council's complaints procedure would not be able to conclude if any discrimination has occurred under the Equality Act 2010.

If you think your complaint involves the Council not meeting its duties under the Equality Act 2010, you can seek support and advice from [Citizens Advice](#)

The Council cannot investigate itself for allegations of discrimination.

The Council takes allegations of discrimination very seriously. If you feel, you are being discriminated against, the Council advises you to seek independent legal representation. You can seek support regarding this particular issue by making contact with the Newport Citizens Advice Bureau via phone: 01633 222622, online: <https://www.newportca.org.uk/> or by mail: 8 Corn Street, Newport, NP20 1DJ.

If you wish to seek legal representation, your solicitors will need to contact our Legal Team to take this matter forward. They can be contacted in writing: Law and Standards, Newport City Council, Civic Centre, Newport, NP20 4UR.

[The Welsh Language Measure 2011](#) and [the Equalities Act 2010](#) require the Council to record, respond to, monitor and report on complaints on Welsh language and equality matters. Further information on Equalities and the Welsh Language can be found [here](#)

The Council maintains records on complaints received. We report annually on equalities and Welsh language.

The Council will respond to complaints made in Welsh in the same language, and to the same timescales and quality as an English language complaint. If you wish to discuss a concern with a member of staff, you can do so in Welsh. If a Welsh speaking member of staff is unavailable, 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 dissatisfied with the standard of the Welsh language service received. A complaint can also be made directly to the [Welsh Language Commissioner](#). The Commissioner's contact details can be found in the Ombudsman and Welsh Language Commissioner's section. The Welsh Language Commissioner expects such complaints to be made within 12 months of you becoming aware of the problem.

3.6. Safeguarding Complaints

Complaints regarding safeguarding are subject to specific procedures. If the nature of your complaint is subject to the [Gwent Safeguarding Board](http://www.gwentsafeguarding.org) Complaints Procedure www.gwentsafeguarding.org we will advise you of this and refer your concerns to the Board.

Complaint investigations may be put on hold whilst safeguarding investigations are ongoing. However, we will explain this and advise you when your complaint can be considered, if appropriate, following the safeguarding investigations.

3.7. Service Providers and Partners

The council will at times ask other organisations to act on their behalf, or to provide a service to you. The council will ensure that any partners or providers providing services on our behalf of the council deal with your complaint appropriately. In the first instance, we will encourage the service provider to put right any concerns you may have. However, if you feel this has not been resolved we will work with the partner or service provider to consider your complaint.

How this is handled will be agreed between the council and service provider. Specific arrangements for each partner or service provider will be publicised in an appropriate way, for example, on the service provider's website. If you are not sure where your complaint should be directed, please contact the council for advice.

3.8. Schools

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 [here](#)

Newport City council is committed to ensuring that all schools comply with our statutory duties when dealing with your complaint. If you feel that the school have not handled your complaint in accordance with their complaints policy, you can ask us to look at this for you. This includes complaints about bullying. Please ask the school to share their Bullying Policy with you if you have any concerns regarding bullying.

More information can be found [here](#)

3.9. Coroner Service Complaints

The Coroner Service is subject to specific legal and complaints procedures, dependent on the nature of the complaint. You may choose to raise a complaint or concern regarding the service with the council. If we cannot deal with your complaint or concern, we will advise you of who can, and how you can contact them.

We would encourage any concerns about decisions made by the Coroner to be discussed with the Coroner or Coroner's Office in the first instance where your concerns and questions can be dealt with informally. If you feel you have exhausted this option then the [Guide to Coroner Services for Bereaved People \(publishing.service.gov.uk\)](http://publishing.service.gov.uk) will assist you further.

3.10. Civil Parking Enforcement Complaints

If you are dissatisfied with the service you received from a civil parking enforcement (CPE) officer or any other aspect of the CPE service, you can raise your concerns with the council. Where you wish to dispute or challenge a fine, you will need to direct your concerns to [South Wales Parking Group](#)

4. Definitions

4.1. Compliments

A compliment may be "an expression of praise concerning a high level of service delivery and/or customer care received"

Lessons learned as a result of compliments received are recorded and feedback provided, if appropriate, within 10 working days.

4.2. Comments

Comments may be "proposals to help the council improve its service delivery and/or aspects of customer care".

Comments and compliments will be recorded and monitored in line with arrangements set out below. If it is appropriate, a response will be provided within 10 working days.

4.3. Complaints

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

- An expression of dissatisfaction or concern
- Written or spoken or made by any other communication method
- Made by one or more members of the public
- About a public service provider's action, or lack of action, or the standard of service provided
- Something which requires a response.

5. Complaints Process

There are two variations on the complaints process, depending upon whether it is a corporate or Social Services complaint. Social Services Statutory Guidance outlines a legislative process. However, both of these processes can have up to 2 stages. There are also some differences in the time to respond to complaints.

4.1. Complaints Stages - Stage 1 Local Resolution & Stage 2 Investigation

There are two stages to the council's complaints process. This policy encompasses both corporate and social services complaints.

Corporate Complaints - Stage 1	Social Services Complaints - Stage 1
<p>We aim to acknowledge within 2-5 working days.</p> <p>Complaint response issued within timescale of ten working days of receipt of complaint.</p>	<p>Acknowledgement within two working days</p> <p>Complaint response issued within ten working days of receipt.</p> <p>(Additional five working days permitted if a meeting has taken place during the ten working days)</p>

Corporate Complaints - Stage 2	Social Services Complaints - Stage 2
<p>Confirmation of concerns and required outcome established by Complaint Resolution Officer and passed to relevant service manager</p> <p>Response timescale target is 20 working days from receipt of complaint.</p> <p>*Extension up to 65 days</p>	<p>Acknowledgement timescale two working days</p> <p>Confirmation of concerns and required outcome established by Complaint Resolution Officer and passed to Independent Investigator and/or Independent Person</p> <p>Response timescale 25 working days of appointment of Independent Investigator and/or Independent Person and agreement of complaints to be taken forward</p> <p>*Extension up to 65 days with agreement of director of Social Services</p>

In some instances, we may ask to meet you to discuss your concerns. Occasionally, we might suggest mediation to try to resolve matters.

A Stage 2 complaint may commence if:

- the seriousness of the complaint means that it is inappropriate to deal with at Stage 1
- the complainant remains dissatisfied at the end of the Stage 1
- the complainant can request that their complaint be progressed immediately to Stage 2 (without consideration at Stage 1).

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If you feel the complaint has not been properly considered or resolved, you can request a Stage 2 Investigation. Before a Stage 2 complaint can be considered, you may be asked to outline what you feel has not been properly considered or resolved at Stage 1.

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 don't want this to happen, it is important that you tell us.

Council officers and/or independent investigators assigned to investigate your complaint will 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, they will talk to staff or others involved and look at our policies and procedures, and any legal entitlement and guidance.

4.2. Corporate Complaints

All complaints will that do not relate to Social Services (see following section) will be classed as Corporate Complaints

4.3. Social Services Including Fostering Services

We are committed to ensuring our services are of a high standard. If we have done something wrong or you want to tell us what we have done well, we want to hear from you.

This policy explains how you can share your compliment, comment or complaints about the service we have provided to you, or service you are entitled to receive.

You will be listened to and provided advice or support, where needed. We will tell you how we will look into your complaint or share your feedback.

We adhere to specific legislation and regulations to ensure we can meet specific standards and use feedback to improve services.

The Policy incorporates the legislation of Social Services Complaints Regulations (Wales) 2014 for all social services functions, in accordance with the Social Services and Wellbeing (Wales) Act 2014 www.legislation.gov.uk.

The Policy has considered the regulations as set out in the Code of Practice for the Local Authority Fostering Service (Wales) Regulations 2018 [Code of Practice](#) specifically regulation 39.

This Policy supports residential services to comply with the [Regulation and Inspection of Social Care \(RISCA\) \(Wales\) Act 2016](#) and comply with the [Social Services and Wellbeing Act 2014](#)

Services that are required to comply with the RISCA regulations are as follows:

- care home services
- secure accommodation services
- residential family centre services
- domiciliary support services

Further information on the council's regulated service can be found at www.newport.gov.uk, telephone [01633 656656](tel:01633656656) or email info@newport.gov.uk

4.4. How To Make a Complaint

- You can ask for a copy of our complaint form from the person with whom you are already in contact.
- You can use the form on our website at: www.newport.gov.uk/complaints
- You can e-mail us at: complaints@newport.gov.uk
- You can call on: 01633 656 656
- You can write a letter to us at the following address: Complaint Resolution Team, Newport City Council, Civic Centre, Godfrey Road, Newport NP20 4UR. Feedback is welcomed in Welsh, English or other languages.

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.

4.5. Timescales

We can only look at complaints if you inform us within 6 months for corporate complaints & 12 months for social services, unless there are exceptional circumstances. Depending on the nature of your concern, your complaint may be dealt with under another process, for example, where a person may be at risk. Any decision to investigate your concern under an alternative process will be discussed with you.

Anonymous compliments, comments and complaints are recorded but responses are not provided.

4.6. 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.

4.7. 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. We will pay particular regard to your personal circumstances.

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
- 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
- We will record your complaint within our recording system and provide you with a reference number.

4.8. 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
- When the local authority has a duty to provide an advocate
- The person they are representing lacks capacity as defined by the [Mental Capacity Act 2005](#)
- The person they are representing is ill or has died (in appropriate circumstances).
- Where [Power of Attorney](#) applies

If you are expressing a concern on behalf of someone else, we will need confirmation of their agreement to you acting on their behalf, we will ask you to complete a consent form, or provide a copy of power of attorney documentation.

The complaints resolution team will signpost to relevant advocacy services if needed.

If you are complaining as an organisation or group, we will ask that we have a sole point of contact who will represent the group.

4.9. Outcome & Putting Things Right

If we did not provide a service, you should have received, we will aim to provide it.

If we did not do something well, we will aim to put it right. If you have lost out as a result of a mistake on our part, we will try to put you back in the position you would have been in.

As a minimum standard we expect the response to:

1. Offer an apology where appropriate
2. Advise what action is to be taken to put things right
3. Identify any lessons learnt
4. Provide information on what to do if you remain dissatisfied

4.10. What If There Is More Than One Professional Body or Organisation Involved?

If your complaint covers more than one organisation, for example, Newport City Council and Gwent Police we will usually work with the other organisation 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.

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.

5.11 Learning Lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made. A summary of all feedback, including those received about the council's compliance against Welsh Language Standards, is shared annually with the Governance and Audit Committee. This includes any themes identified, and lessons learned.

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.

5.12 Performance Management

Comments, Compliments and Complaints are monitored and reported annually including comments, compliments and complaints data insight for all council areas.

5.13 Privacy Notice

Our [Privacy Notice](#) will provide you with information on how we use your data, and who we may need to consult with regarding your complaint, where appropriate.

If you do not wish for certain aspects of your information to be used or forwarded to others, you will need to let us know. However, please be advised that this may impact on an investigation, as we may not be able to consider all information.

Anonymised quarterly complaints data is shared with the Public Services Ombudsman for Wales.

The Council will provide a summary of complaints, responses and any subsequent action taken to Welsh Ministers within 28 days upon request.

5.14 What If I Am Still Not Satisfied? Role of Public Services Ombudsman for Wales

Should you remain dissatisfied after exhausting the council's formal complaints process, 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:

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- have been treated unfairly or received a bad service through some failure on the part of the organisation providing it
- have been disadvantaged personally by a service failure or have been treated unfairly.

The Public Services Ombudsman for Wales expects you to bring your concerns to the Council's attention first and to give us a chance to put things right. You can contact the Public Services Ombudsman by:

Phone	Email	Website	In Writing
0300 790 0203	ask@ombudsman.wales	Public Services Ombudsman for Wales	1 Ffordd yr Hen Gae Pencoed CF35 5LJ