



LLANHARAN COMMUNITY COUNCIL COMPLAINTS PROCEDURE

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1. Introduction

Llanharan Community Council is committed to providing a quality service for the benefit of its residents, visitors and others.

This procedure covers complaints from individual members of the public regarding the Council's own activities relating to:

- a) Council actions or inaction.¹
- b) The quality or standard of service provided by it or on its behalf.
- c) Administrative failures.
- d) Failure to follow its own policies and procedures.
- e) Council staff or contractors working on its behalf.

The policy is limited to considering complaints relating to issues that have

¹ The appropriate time for influencing council decision making is by raising your concerns before the council debates and votes on a matter. Council resolutions cannot usually be reversed within 6 months of a decision except under certain circumstances. Contact the Clerk for further details.



occurred within the past 6 calendar months only.²

2. Limitations

This procedure does not apply to:

- a) Ordinarily, complaints relating to events over 6 calendar months ago.²
- b) Complaints regarding a different authority, group or individual.

(Unless a complainant has given written authority for a third party to act on behalf of them where reasonable adjustments require a representative to act for them).

- c) Complaints by one council employee against another council employee, or between a council employee and the council as employer.

These matters are covered by the council's grievance procedures.

- d) Complaints against councillors.

Complaints against councillors are not considered by the Council, rather they are covered by the Councillor's Code of Conduct and ultimately directed to the Public Service Ombudsman for Wales (PSOW). Further information on the process of dealing with complaints against councillors and to discuss whether your complaint is likely to meet the threshold to be considered by PSOW can be provided by RCTCBC's Monitoring Officer³. It is recommended that members of the public contact the Monitoring Officer in the first instance when wishing to make a complaint against a Councillor

² Complaints should normally be made within six calendar months of the matter. The Council reserves the right to consider complaints received outside this period where there are exceptional circumstances **or where there are reasonable grounds for the delay**, this will be decided on a case-by-case basis by the person dealing with the complaint and use the same processes.

³ Director of Legal Services & Monitoring Officer. Legal Services, 2 Llys Cadwyn, Taff Street, Pontypridd, CF37 4TH



although you may contact the PSOW directly should you wish.⁴

- e) Anonymous complaints (See 3b)

3. How to make a formal complaint

- a) Complaints should be sent in writing or via email to the Clerk at 2a Chapel Road, Llanharan CF72 9QA or at Clerk@Llanharan-cc.gov.wales. However, complaints may be made verbally, either in person or via the telephone where the complainant has a disability or other condition which may affect their ability to do so in writing. Where this is the case, the complainant must make it clear that they are making a formal complaint that it wishes the Council to formally investigate. Council may prepare a written record of the complaint and ask the complainant to confirm its accuracy where practicable. Complaints made via other messaging platforms or on social media will not be considered as formal complaints.
- b) You must provide your full name, full postal address and email address (if applicable). Anonymous complaints will not normally be investigated; . However, the council reserves the right to investigate matters raised anonymously where the issue appears to be sufficiently serious (Eg involves matters of safeguarding, fraud corruption or health and safety concerns). Part of the consideration will be whether there is sufficient information or evidence provided to allow a meaningful investigation. The decision will rest with the person dealing with the complaint.
- We may contact you to obtain further details if necessary.
- c) Please inform us of your preferred method of communication (all formal correspondence from the Council will also be sent to you in writing or via email) and whether you have any particular requirements, such as a relevant disability.
- d) Should your complaint be in relation to the actions or omissions of the Clerk to the Council, should you prefer to do so then your complaint may be made directly to the Chair of the Council providing all other

⁴ <https://www.ombudsman.wales/fact-sheets/what-we-do-when-we-get-your-complaint-about-the-conduct-of-a-local-councillor> or Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ



provisions of this policy are adhered to.⁵

- e) Your complaint should contain as much detail as possible. Be as specific as possible as to what or who your complaint relates to. Include times, dates, locations, details of any witnesses or other affected parties (provided you have their express permission) if relevant and as much information as is required.
- f) Your complaint should outline what course of action you would like to see considered as a result of your complaint. (i.e. Ideally what do you want the council to do).

4. Process and outcomes

- a) We will formally acknowledge your complaint within 5 working days and tell you how we intend to deal with it.
- b) The council aims to respond to all complaints within 20 working days. Should it be necessary to extend this period then we will tell you within the 20 working days along with an explanation as to why we need more time.
- c) Unless the complaint relates to the actions or omissions of the Clerk to the Council then the Clerk will endeavour to deal with your complaint as quickly as possible. The Clerk will formally respond to your complaint together with any outcome. (The Clerk may delegate this to another member of staff).
- d) Where this is not possible or appropriate (for example if the complaint is sensitive in nature, complex, or requires further investigation) then the Clerk will carry out an investigation. (Or the Chair if your complaint relates to the Clerk).
- e) Except in cases where a complaint relates to a member of staff or where it is otherwise deemed inappropriate by the Clerk then the Council may report anonymised details, trends or outcomes of complaints where it considers it appropriate to do so. Publicly available documents will always be redacted so as not to identify

⁵ The contact details for the Chair of the Council can be found on our website: <https://llanharan-cc.gov.wales/people/> or you may obtain their details from the Clerk.



complainants.

- f) Where a complaint relates to the Clerk of the Council then the matter will be dealt with by the Chair of the Council. All other elements of this policy shall apply.
- g) Where a complaint relates to an employee of the council then any investigation and subsequent action shall be in line with the council's disciplinary policy. In these cases, no record shall be published, and the outcome shall be necessarily vague in line with the council's disciplinary policy and data protection legislation and employment confidentiality requirements.

5. Appeals

- a) If you are dissatisfied with the response to your complaint, in the first instance you may write to the Clerk of the Council to appeal against the outcome of your complaint. (Should your original complaint be in relation to the actions or omissions of the Clerk to the Council, should you prefer to do so then your appeal may be made directly to the Chair of the Council. In any case the Clerk will take no part in the consideration of the complaint other than providing information if requested).
- b) Appeals must be submitted in writing within 1 calendar month of receipt of notice of the outcome of your original complaint.
- c) Should you do so you **must** state specifically why you are dissatisfied with the outcome **and what alternative course of action you wish to see considered.** Failure to do so may result in your appeal not being considered.
- d) The appeal letter will be made available to councillors (excepting 4g and 5e) for consideration at the next appropriate meeting of the Council. Depending on the nature and details of the complaint, appeals involving confidential, or legally privileged matters or matters where disclosure thereof would be prejudicial to the public interest by reason of the confidential nature of the complaint or its details may be considered in private session where



permitted by law. Members will have the opportunity to review the original complaint, the outcome and your appeal letter. They may choose to uphold the outcome or approve some other course of action

- e) Complaints involving council employees will be directed to the HR Committee only.

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- f) If you are still dissatisfied with the outcome you may refer the matter to the Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ (0300 790 0203) ask@ombudsman.wales

6. **Complaints flowchart**

See following page.

