



Cyngor Cymuned Ynysybwl & Coed Y Cwm Community Council

COMPLAINTS POLICY AND PROCEDURE

Preamble

This document sets out the Complaints Policy and Procedure for Ynysybwl and Coed -Y - Cwm Community Council (hereafter "the Council"). It has been developed with reference to guidance from One Voice Wales and the Public Services Ombudsman for Wales.

1.0 Introduction

1.1 Our Commitment

The Council is dedicated to providing high-quality services to the community and to handling any concerns or complaints regarding its services or actions in an effective, fair, and transparent manner.

1.2 The Process

The process of collating, analysing, and resolving complaints is regarded as a fundamental component of the Council's efficient administration. Complaints are viewed not as threats, but as valuable feedback, offering an opportunity to measure the effectiveness of the services provided and to identify areas for enhancement. A defensive or obstructive stance towards complainants is counterproductive and projects a poor image of the Council; instead, a constructive approach is embraced. The Council's objectives in managing complaints are to clarify any issues about which individuals may be unsure, to rectify any mistakes that may have been made, and to ensure the provision of any service to which an individual is entitled but which has not been delivered. Where wrongdoing is identified, an apology will be offered, and, where feasible, steps will be taken to remedy the situation for the affected party. Crucially, the information and insights gained from complaints will be utilized to learn from past errors and to foster continuous improvement in the Council's services and administrative functions. This commitment reflects an understanding that addressing individual grievances also contributes to a broader strategic goal of enhancing overall performance and public accountability.



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1.3 Purpose of this Policy

The purpose of this policy is multifaceted. It aims to provide a clear, straightforward, and accessible procedure for any individual who wishes to make a complaint concerning the Council's services, its actions (or lack thereof), or the standard of service delivered by the Council itself or by any person or body acting on its behalf. It is designed to ensure that all complaints are managed with consistency, fairness, and in a timely fashion.

Furthermore, this policy outlines the methodology the Council will employ to investigate complaints and clarifies what complainants can expect throughout this process. It also delineates the distinct procedure for addressing complaints related to the conduct of individual Councillors, which operates under a separate framework. Ultimately, a core objective is to guarantee that the Council learns from every complaint, using this knowledge to refine its services, improve its governance, and better serve the community.

1.4 Scope of this Policy

This policy encompasses complaints pertaining to the Council's actions or its failure to act, as well as dissatisfaction with the standard of a service provided directly by the Council or by any person or body acting on its behalf. It applies comprehensively to all services for which the Council holds responsibility.

While the scope is intentionally broad to capture a wide range of grievances related to Council services, it is important to distinguish these from other types of issues. The policy clearly defines matters that fall outside its remit to ensure individuals are directed to the correct channels for specific concerns, such as Freedom of Information requests or complaints about Councillor conduct, thereby preventing procedural confusion and facilitating efficient handling. This distinction maintains the integrity of various procedural pathways and ensures the Council addresses different types of feedback appropriately.



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2.0 What is a Complaint?

2.1 Definition of a Complaint

For the purposes of this policy, a complaint is defined as: "An expression of dissatisfaction by one or more members of the public about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or by a person or body acting on behalf of the council". This definition is adopted from the Public Services Ombudsman for Wales to ensure consistency and a shared understanding of what constitutes a complaint within the public sector in Wales.

2.2 What is Not Covered by this Policy

It is important to clarify that certain matters are not considered complaints under this specific policy. These exclusions are vital for managing expectations and directing individuals to the most appropriate channels for their concerns, thus avoiding misdirection of Council resources and preventing delays for the individual. The following are not regarded as complaints for the purpose of this procedure:

- An initial request for a service, such as reporting a faulty street light for the first time or requesting a Council document. However, if such a request is made and the individual is subsequently dissatisfied with the Council's response, or lack of response, this dissatisfaction can then form the basis of a complaint under this policy. This distinction ensures that normal operational tasks are not prematurely escalated into a formal complaint process.
- Complaints about third parties for whom the Council bears no responsibility, for instance, issues concerning a community group that is not acting on behalf of, or under the instruction of, the Council.
- A request for an explanation of a Council decision, unless the request pertains to an alleged failure in service delivery or a procedural error in arriving at that decision.
- A representation concerning a major policy decision made by the Council, such as the setting of the annual precept. While the Council values and welcomes feedback on such strategic matters, these are typically addressed through other democratic and consultative channels rather than this complaints policy.



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- Complaints specifically concerning the conduct of individual Councillors and alleging a breach of the Members' Code of Conduct. These are subject to a distinct, legally defined pathway involving the Monitoring Officer of the relevant Unitary Authority (Rhondda Cynon Taf County Borough Council) and the Public Services Ombudsman for Wales. This policy respects and signposts this separate procedure, as detailed in Section 5.
- Matters for which a statutory right of appeal exists, such as appeals against the refusal of planning permission or decisions regarding school placements (though these examples are more typical of Unitary Authority functions, the principle applies to any Community Council service where such a right might exist). If a statutory appeal route is available, the Council will provide information on how to pursue that appeal rather than investigating the matter under this complaints policy.
- Requests made under the Freedom of Information Act 2000 or data access requests made under data protection legislation. These are governed by separate statutory procedures, and individuals should contact the Clerk for information on how to make such requests.

This detailed list of exclusions is fundamental to the policy's effectiveness, ensuring it integrates correctly within the broader governance landscape and respects the interconnectedness of various public administration processes.

3. Making a Complaint about Council Services or Actions

3.1 Who Can Complain?

Any member of the public who is dissatisfied with the Council's actions, its lack of action, or the standard of service provided by or on behalf of the Council is entitled to make a complaint. A complaint can also be made by someone acting on behalf of an individual, provided that the individual has given their explicit consent for the representative to act for them. If a complaint is submitted on behalf of another person, the Council will require confirmation of this agreement. The Council's official complaint form (see Appendix A) includes a section for this purpose.



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3.2 How to Make a Complaint

The Council aims to make its complaints process accessible. Complaints can be submitted through several channels:

- Verbally to the Clerk. If a complaint is made verbally to a Councillor, that Councillor will direct it to the Clerk for formal logging and processing under this procedure.
- By completing the Council's official Complaint Form (provided in Appendix A of this document). The completed form can be submitted:
 - By email to: Clerk@ynysybwllcc.gov.uk
 - By post to: The Clerk, Ynysybwl and Coed Y Cwm Community Council, The Old Police Station, Paget St, Ynysybwl RCT CF373LF
- In writing, either as a letter or an email, providing comprehensive details of the complaint to the address outlined above.

Complaint forms will be made available on the Council's official website ynysybwllandcoedycwm.org and can also be obtained directly from the Clerk. While multiple channels are offered for accessibility, it is important that all formal complaints are ultimately routed through the Clerk. This centralisation is key for consistent recording in a standard format, systematic tracking, and ensuring that the established procedure is correctly followed for every complaint, which is essential for effective operationalization of this policy within a small organization.

3.3 Assistance in Making a Complaint

The Council is committed to ensuring its complaints process is accessible to everyone. If an individual requires assistance to make their complaint, for example, due to a disability, language barriers, or other specific needs, they are encouraged to contact the Clerk. The Clerk will discuss their requirements and explore how the Council can provide appropriate support. Copies of this policy document and the official complaint form can be made available in alternative formats, such as large print, upon request to the Clerk.

Individuals under the age of 18 are also entitled to use this complaints policy. If they require assistance or support in making a complaint, they can contact the Meic Helpline (Phone: 0808 802 3456, Website: www.meiccymru.org) or the Children's Commissioner for Wales for advice and advocacy.



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3.4 Time Limit for Making a Complaint

Ordinarily, a complaint should be brought to the Council's attention within 6 months of the complainant becoming aware of the problem or issue. This timeframe is recommended because investigating concerns is generally more effective and reliable when the events are still recent and fresh in the minds of all involved parties. The Council recognises that there may be exceptional circumstances preventing a timely submission. Therefore, the Council may, at its discretion, consider complaints brought to its attention later than the 6-month period. In such cases, the complainant will be required to provide a clear explanation for the delay, and the Council will need to be satisfied that sufficient information about the issue remains available to allow for a proper and fair consideration of the complaint.

Notwithstanding this flexibility for exceptional circumstances, the Council will not, under any circumstances, consider concerns or complaints about matters that took place more than three years prior to the complaint being lodged. This tiered approach – a normal 6-month limit, provision for exceptional consideration beyond that, and an absolute three-year cut-off – establishes a practical framework. It encourages prompt reporting, which aids effective investigation, while acknowledging that legitimate reasons for delay can exist. The absolute limit serves to protect the Council from the impracticality of investigating historical events where evidence may be lost, unreliable, or memories faded, thus ensuring a fair and manageable process.

4. Our Complaints Handling Process (Services and Actions)

This section details the procedure for handling complaints specifically related to Council services or actions. It does not apply to complaints concerning the conduct of individual Councillors, which are addressed in Section 5. The Council adopts a process that typically involves an opportunity for informal resolution, followed by a two-stage formal procedure. This structure is adapted from the three-stage system recommended by One Voice Wales, with modifications to reflect the operational realities of many Community Councils where the Clerk is the primary administrative officer and often the initial point of contact for complaints, potentially fulfilling the roles of both frontline staff and initial investigator.



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4.1 Informal Resolution (Frontline Resolution)

The Council believes that, where possible, it is beneficial to address and resolve concerns immediately and directly. If an individual has a concern about a Council service or action, they are encouraged to raise it in the first instance with the person they are dealing with, which will typically be the Clerk. The Clerk will attempt to resolve the issue informally and promptly at this initial stage. This approach facilitates a quick and efficient resolution for many straightforward matters.

Even if a matter is resolved informally, the Clerk will make a record of the concern and its resolution. This practice is important for the Council's commitment to learning from all feedback, ensuring that patterns or recurring issues are not missed, even if they are resolved quickly at an informal stage. This linkage between informal resolution and systemic learning is vital for continuous improvement.

If the Clerk is unable to resolve the concern to the complainant's satisfaction at this informal stage, or if the complainant remains dissatisfied with the informal outcome, the Clerk will explain the reasons why a more formal approach may be necessary. The complainant will then be advised of their right to request that their complaint be dealt with formally under Stage One of the procedure detailed below.

4.2 Formal Complaint Stages

4.2.1 Stage One: Investigation by the Clerk (or designated alternative if Clerk is subject of complaint or unavailable)

Acknowledgement:

Upon receipt of a formal complaint, the Council will issue a formal acknowledgement in writing (or via the complainant's preferred method of communication) within 5 working days. This acknowledgement will confirm receipt of the complaint, outline how the Council intends to deal with it, and identify the person responsible for handling it, which will usually be the Clerk. The Council will also take this opportunity to ask the complainant about their preferred communication methods and to establish if they have any particular requirements, such as needing documents in large print.



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Investigation:

The Clerk (or the designated alternative) will conduct a thorough investigation into the complaint. This process will involve establishing the facts of the case, carefully reviewing all relevant documents, correspondence, and Council records, and, where necessary, speaking with any individuals who may have information pertinent to the complaint. The investigator will set out their understanding of the concerns raised by the complainant and ask for confirmation that this understanding is accurate. The complainant will also be asked to articulate what outcome they are hoping to achieve through the complaints process. The investigation will be conducted in a manner that is fair, objective, and sensitive to the needs of the complainant.

A crucial aspect of maintaining impartiality is ensuring that the investigator is, and is perceived to be, objective. If the complaint is directly about the Clerk, or if the Clerk has had such significant prior involvement in the matter being complained about that their objectivity could reasonably be questioned, they will not conduct the Stage One investigation. In such circumstances, the Council will appoint a designated Councillor (or a panel of Councillors not previously involved) or, if necessary and appropriate, an external individual to undertake the Stage One investigation. This provision is vital for upholding the fairness and integrity of the process, particularly in a small organization where roles may overlap, and addresses potential conflicts of interest. This foresight is critical for maintaining trust in the complaints procedure.

Response:

The Council aims to provide a full written response to the complaint within 20 working days from the date of the acknowledgement.

If the complaint proves to be particularly complex, or if unforeseen delays occur that prevent adherence to this timescale, the Council will contact the complainant within the original 20-working-day period. This communication will explain why a longer investigation period is anticipated, provide an estimate of how long it is expected to take, and commit to providing regular updates on the progress of the investigation. The Stage One response will be comprehensive, detailing the findings of



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the investigation, the conclusions reached based on the evidence, and clear reasons supporting those conclusions. If the investigation reveals that the Council made a mistake or that its service fell below an acceptable standard, the response will include an explanation of what happened and why. Crucially, the Council will offer a sincere apology for any errors made and will outline what actions will be taken to put things right (as detailed in Section 4.4). The response will also clearly inform the complainant of their right to request a Stage Two review if they are dissatisfied with the outcome of the Stage One investigation.

4.2.2 Stage Two: Review by a Panel of Councillors (or Full Council)

Requesting a Review:

If a complainant is dissatisfied with the formal response received at the conclusion of Stage One, they have the right to request a Stage Two review of their complaint. Such a request must be made in writing to the Clerk within 15 working days of the date of the Stage One response. The request should clearly state the reasons for the complainant's dissatisfaction with the Stage One outcome and why they believe a review is warranted.

Review Process:

The Stage Two review will be conducted by a panel comprising at least three Councillors. These Councillors will be selected on the basis that they have had no prior involvement in the Stage One investigation or in the specific matter that is the subject of the complaint, ensuring a fresh and impartial perspective. In a smaller council setting like Ynysybwl and Coed Y Cwm, or depending on the nature and complexity of the complaint, the Full Council may undertake the review. In such cases, any Councillor who was directly involved in the matter under complaint, or who is the subject of the complaint (if applicable, though this section primarily deals with service complaints), will be excluded from participating in the review deliberations and decision-making.

The review panel (or Full Council) will examine all documentation related to the Stage One investigation, the complainant's written reasons for dissatisfaction, and any other relevant information. The panel may, at its discretion, choose to speak with the complainant or the Clerk (or original



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investigator) to clarify any points. The objective of this stage is to provide a definitive internal appeal mechanism, ensuring democratic oversight by elected members before any potential escalation to external bodies like the Ombudsman. This demonstrates that the Council has made every reasonable internal effort to resolve the complaint.

The Council aims to complete the Stage Two review and issue a final Council response within **20 working days** of receiving the request for review. If this timeframe cannot be met due to the complexity of the review or other unavoidable reasons, the complainant will be informed of the delay and the reasons for it, along with an estimated new timescale.

Final Council Response:

Following the completion of the Stage Two review, the Clerk will issue a formal written response to the complainant. This letter will convey the final decision of the Council, clearly explaining the findings of the review panel (or Full Council) and the reasons underpinning the decision. This response represents the Council's ultimate position on the complaint. It will also explicitly inform the complainant of their right to refer their complaint to the Public Services Ombudsman for Wales if they remain dissatisfied with the Council's final decision.¹ While a complainant has the right to approach the Ombudsman after a formal Stage One response, the Council offers this Stage Two review as an important additional internal step to ensure thoroughness and fairness.

4.3 Principles of Investigation

All investigations conducted under this complaints policy, whether at Stage One or Stage Two, will adhere to the following core principles:

- **Fairness:** Ensuring that all parties involved have a reasonable opportunity to present their case and that the investigation is conducted impartially, without favouring any particular party.
- **Objectivity:** Considering all available information and evidence dispassionately and without preconceived bias, focusing on the facts of the case.
- **Thoroughness:** Taking all reasonable steps to gather and meticulously examine all relevant information and evidence pertinent to the complaint.



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- **Timeliness:** Aiming to resolve complaints with the minimum possible delay, while ensuring that this does not compromise the thoroughness and quality of the investigation.¹ Complainants will be kept informed of progress, especially if delays are unavoidable.
- **Confidentiality:** Treating all information related to the complaint with appropriate sensitivity and in strict accordance with data protection principles, as detailed further in Section 7 of this policy.

In situations where a complaint might touch upon matters that could lead to disciplinary procedures against Council staff, careful measures will be taken to separate the process of resolving the complaint from any internal disciplinary processes that may arise. The complaints procedure focuses on addressing the complainant's grievance, while disciplinary matters follow a distinct internal HR process.

4.4 Outcomes and Putting Things Right

If, following an investigation, the Council finds that a mistake was made in its actions or service delivery, or that the standard of service provided fell below an acceptable level, it is committed to taking appropriate steps to remedy the situation. This multifaceted approach to "putting things right" is aimed at addressing the impact of the Council's error on the individual and restoring their position as far as reasonably possible, thereby demonstrating accountability and helping to rebuild trust. The actions taken may include one or more of the following:

Apology: The Council will always offer a sincere and unreserved apology for any identified failings or mistakes.

Explanation: A clear explanation will be provided to the complainant detailing what happened and, where possible, why it happened.

Rectify the Service: If the Council failed to provide a service to which the complainant was entitled, it will aim to provide that service without further delay, if still possible and appropriate. If a service was delivered poorly, the Council will aim to rectify the shortcomings.

Consider Financial Remedy: If the complainant has incurred a demonstrable financial loss as a direct result of a mistake on the Council's part, the Council will consider measures to try and restore them to the financial position they



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would have been in had the mistake not occurred. This could include, for example, refunding costs if the complainant had to pay for a service themselves which the Council should have provided at its own expense.

Learn Lessons: Beyond addressing the individual complaint, the Council will identify any underlying faults in its systems, policies, or procedures that may have contributed to the problem. It will then develop and implement a plan to make necessary changes to prevent similar issues from recurring in the future (as further detailed in Section 9).

5. Complaints About the Conduct of a Councillor

This section specifically addresses complaints that allege a Councillor of Ynysybwl and Coed Y Cwm Community Council has breached the statutory Code of Conduct applicable to Members. It is fundamentally important to understand that such complaints are handled through a different process than those concerning Council services or administrative actions. The distinction between complaints about maladministration (service/action issues) and complaints about councillor misconduct is a cornerstone of the ethical and standards framework in Welsh local government. Maladministration complaints are primarily handled internally by the Council in the first instance, whereas councillor misconduct allegations fall under a statutory framework that involves the Monitoring Officer of the principal local authority (Rhondda Cynon Taf County Borough Council) and the Public Services Ombudsman for Wales. The Council's role in conduct complaints is primarily to direct complainants to the correct authorities and, in very limited and specific circumstances, to facilitate a local resolution process if a matter is referred back by the Ombudsman or is deemed appropriate for such internal facilitation under strict criteria.

5.1 Initial Reporting and General Principle

If an individual wishes to make a complaint alleging that an Ynysybwl and Coed Y Cwm Community Councillor has breached the Members' Code of Conduct, the complaint should be reported directly to:

The Monitoring Officer, Rhondda Cynon Taf County Borough Council,
Head of Legal Services & Monitoring Officer, Rhondda Cynon Taf County
Borough Council, The Pavilions, Cambrian Park, Clydach Vale, CF40 2XX



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- Alternatively, a complaint about a Councillor's conduct can be made directly to the Public Services Ombudsman for Wales (contact details are provided in Section 6 of this policy).

The Monitoring Officer is responsible for providing advice on the procedure for handling such complaints, which may include referral to the Public Services Ombudsman for Wales for investigation.¹ It must be unequivocally understood that Ynysybwl and Coed Y Cwm Community Council itself has no legal authority to independently investigate or make formal findings on whether a breach of the Code of Conduct has occurred. Such investigations are the sole statutory responsibility of the Public Services Ombudsman for Wales, and any subsequent adjudications are made by Standards Committees or the Adjudication Panel for Wales.

5.2 Local Resolution Protocol (for specific low-level inter-member/officer issues)

In certain, very specific circumstances, the Public Services Ombudsman for Wales may decide to refer some low-level complaints concerning Member conduct back to the Community Council for an attempt at local resolution. Additionally, the Council may, with caution and adherence to strict guidelines, utilize this protocol for minor internal disputes between Members, or between an officer (excluding the Clerk) and a Member, if this is deemed appropriate by the Clerk and the Chair/Vice-Chair of the Council. This Local Resolution Protocol has been adopted by Ynysybwl and Coed Y Cwm Community Council and is based on the model protocol provided by One Voice Wales.

5.2.1 Scope of Local Resolution

This local resolution process is strictly intended for a narrow range of issues:

Low-level complaints about Members, including minor complaints from one Member about another Member, or minor complaints from Council Officers (excluding the Clerk/Proper Officer) about a Member.

Allegations that Members have not shown due respect and consideration for others, either verbally or in written communications.

This process **is explicitly NOT** to be used for the following types of complaints, which must be directed to the Monitoring Officer or the Public Services Ombudsman for Wales:



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- Complaints instigated by a member of the public regarding a Councillor's conduct.
- Serious complaints, including but not limited to: alleged significant breaches of the Code of Conduct, failure to declare relevant interests, bullying or harassment, abuse of position or trust, or repeated instances of minor breaches.
- Complaints made by the Clerk/Proper Officer against a Member; best practice dictates these should be forwarded directly to the Ombudsman.
- Complaints that are deemed to be vexatious, malicious, frivolous, or constitute repetitive low-level complaints that may indicate a pattern of behaviour.

The following table provides a clear distinction between issues that may be considered under the Local Resolution Protocol and those that fall outside its scope and must be referred externally. This clarity is essential to ensure that the Council operates within its remit and that serious matters are appropriately escalated.

Table: Issues Suitable/Unsuitable for the Local Resolution Protocol for Councillor Conduct

Issues Potentially Suitable for Local Resolution	Issues NOT Suitable for Local Resolution (Must be referred to Monitoring Officer/Ombudsman)
Minor complaints from Members about Members (e.g., isolated instance of disrespectful language in an internal meeting).	Complaints instigated by a member of the public.
Minor complaints from Officers (excluding the Clerk) about Members (e.g., a specific instance of a Member not showing consideration to an officer in a minor operational matter).	Serious complaints, including: Breaches of the Code of Conduct, Failure to disclose interests, Bullying, Abuse of position or trust, Repeated breaches.
Members alleged to have not shown respect and consideration for others – either verbally	Complaints made by the Clerk/Proper Officer



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or in writing – in a low-level, isolated context.	against a Member.
	Vexatious, malicious, or frivolous complaints.
	Repetitive low-level complaints that may indicate a pattern.
	Members' complaints about officers (these should be dealt with using the Council's internal complaints/grievance process for staff issues).

* **5.2.2 Process for Local Resolution**

If a complaint is received that appears potentially suitable for local resolution, it should be sent to the Clerk. The Clerk will undertake an initial sift to determine if the complaint genuinely falls within the limited scope of this protocol or if it is a matter that must be directed to the Monitoring Officer or Ombudsman. The Clerk may, as a preliminary step, attempt informal liaison with the individuals concerned to see if a swift resolution is possible. It is a fundamental principle of natural justice that the 'accused' Member must be provided with full details of the complaint made against them so they are in a position to prepare their response.

If the matter proceeds to the formal local resolution process, the Clerk/Proper Officer will act as a facilitator, not an adjudicator. The process typically involves the Clerk and the Chair of the Council (or the Vice-Chair if the Chair is the subject of, or party to, the complaint) meeting individually with the complainant and the Member who is the subject of the complaint. The objective of these meetings is to explore the issues and attempt to guide the parties towards a mutually agreeable and amicable resolution. It is imperative that any meetings held as part of this process are, at the



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very least, minuted. This creates a record of discussions and any agreements reached, which is valuable if matters break down and need to be referred to the Ombudsman, or as evidence in the event of further similar conduct issues.

* **5.2.3 Potential Outcomes of Local Resolution**

The aim of the local resolution process is to reach an agreement. If such an agreement is achieved between the Members and/or officers involved, then no further action is required regarding that specific complaint. Examples of agreements might include the issuance of a letter of apology, a written undertaking or commitment from a Member not to breach the Code of Conduct in a similar manner in the future, a commitment by a Member to undertake relevant training, or a mutual agreement that, based on the evidence and discussion, no further action should be taken and the matter be formally closed.

If, however, an agreement cannot be reached through this facilitated process, the aggrieved Member or officer retains the right to refer the matter to the Public Services Ombudsman for Wales. Furthermore, if there is a demonstrable lack of co-operation from the Member concerned, or if the local resolution process breaks down entirely, the default position should be that the matter is referred to the Ombudsman. The precise and limited role of the Council in conduct matters, focusing on facilitation rather than adjudication, must be maintained to avoid overstepping its legal authority.

5.3 Referral to the Public Services Ombudsman for Wales (for Councillor Conduct)

As emphasized throughout this section, any serious complaints regarding a Councillor's conduct, any unresolved issues from an attempted local resolution, or any complaints made by members of the public concerning Councillor conduct should be directed to the Monitoring Officer of Rhondda Cynon Taf County Borough Council or directly to the Public Services Ombudsman for Wales.



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6. The Public Services Ombudsman for Wales

6.1 Your Right to Complain to the Ombudsman

If a complainant remains dissatisfied with the Council's final response to their complaint about Council services or actions (i.e., after the conclusion of the Stage Two review, or after the Stage One response if the complainant chooses not to utilize the Stage Two review process), or if the Council has failed to deal with their complaint within a reasonable timeframe as outlined in this policy, they have the right to refer their complaint to the Public Services Ombudsman for Wales (PSOW).

The Public Services Ombudsman for Wales is an independent body, entirely separate from all government bodies including community councils, and provides a free service to the public. It is important to note that the Ombudsman normally expects complainants to have first brought their concerns to the attention of the Council and to have allowed the Council a reasonable opportunity to investigate and attempt to put things right through its internal complaints procedure.¹ The Council acknowledges its duty to inform complainants of their right to approach the Ombudsman when providing its formal responses to complaints.

6.2 When the Ombudsman May Investigate

The Ombudsman has discretion in deciding which complaints to investigate.

Generally, the Ombudsman may investigate a complaint if satisfied that two conditions have been met:

- The matter has been brought to the attention of the Council, AND
- The Council has been given a reasonable opportunity to investigate and respond to it. This test is usually considered met once the Council has issued its final formal response to the complaint. However, the Ombudsman also has the discretion to investigate a complaint even if this test has not been fully met, if there are particular circumstances that make it reasonable to do so in that specific case. The Ombudsman can look into complaints where an individual believes that they personally, or the person on whose behalf they are complaining, has:
 - i) Been treated unfairly or received a bad service through some failure on the part of the Council (maladministration).
 - ii) Been disadvantaged personally by a service failure or have been treated unfairly.



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The following table, adapted from guidance provided by One Voice Wales, outlines the Ombudsman's likely involvement depending on the stage reached in the Council's internal complaints procedure for service or action complaints. This provides clarity for both the complainant and the Council on when the Ombudsman is likely to intervene and underscores the importance of exhausting the Council's internal procedure in most instances.

Table: Ombudsman's Likely Involvement Based on Stage Reached in Council's Procedure (for Service/Action Complaints)

Stage reached in council's complaints procedure when complaint made to Ombudsman	Ombudsman's likely involvement
Complainant has not raised matter with council at all.	Ombudsman will not accept complaint save in exceptional circumstances.
Complainant has raised matter with council but it has not been recognised and dealt with as a complaint.	Ombudsman likely to intervene, especially if matter appears serious.
Authority still dealing with complaint at Stage 1 (informal/frontline).	Ombudsman unlikely to intervene unless authority apparently dealing inappropriately with serious complaint or taking too long.
Complainant not satisfied with authority's response at Stage 1.	Ombudsman likely to refer most complaints back to authority for consideration under a formal stage of its procedure if Stage 1 has been dealt with properly and promptly.
Authority still dealing with complaint at first formal stage of its procedure (Council's Stage One).	Ombudsman unlikely to intervene unless authority apparently dealing inappropriately with complaint or taking too long.
Complainant not satisfied with outcome at any	Ombudsman will normally accept complaint for



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formal stage (e.g., Council's Stage One or Stage Two response).

consideration (not necessarily leading to an investigation).

- **Contact Details for the Public Services Ombudsman for Wales:**

- **Phone:** 0300 790 0203
- **Email:** ask@ombudsman.wales
- **Website:** www.ombudsman.wales
- **Post:** Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

7. Confidentiality and Data Protection

The Council is committed to handling all complaints with an appropriate level of confidentiality. Complainants should be aware, however, that in order to investigate a complaint thoroughly and fairly, it will likely be necessary for the investigator to make enquiries with relevant Council staff, Councillors (if applicable to the service issue), or any third parties acting on behalf of the Council who may have information pertinent to the complaint.

All personal information provided as part of a complaint will be handled securely and in strict accordance with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Information about complaints, including outcomes and any lessons learned, will be used for internal monitoring purposes and to contribute to the Council's commitment to service improvement. However, any information published or reported more widely (for example, in summaries to the Full Council or in public documents) will be anonymized to protect the identity of individuals involved. This balance between the need to share information for investigative purposes and the commitment to overall confidentiality and data protection is crucial for encouraging individuals to come forward with their concerns, trusting that their personal information will be handled responsibly.



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8. Managing Unreasonable Complainant Conduct

The Council firmly believes that all complainants have the right to be heard, understood, and treated with respect throughout the complaints process. Equally, the Council maintains that its staff (primarily the Clerk) and its elected Members are entitled to the same rights and to be treated with courtesy and respect in all their interactions.

The Council expects complainants to be polite and courteous in their dealings with Council representatives. Aggressive or abusive behaviour, unreasonable demands (such as those that are disproportionate to the issue at hand or impossible to meet), or unreasonable persistence (such as continuing to raise the same issues repeatedly after the complaints process has been exhausted) will not be tolerated.

The Council will adopt or refer to a separate policy or procedure specifically for managing situations where it finds that an individual's actions or behaviour are deemed unacceptable. If such behaviour occurs, the Council will inform the complainant of its concerns and of the actions it may take under that separate policy. This approach ensures that there is a formal and fair mechanism to address such conduct, rather than relying on ad-hoc reactions, thereby protecting the integrity and sustainability of the complaints process itself and safeguarding the well-being of those who administer it.

9. Learning from Complaints and Policy Review

A core tenet of this policy is the Council's unwavering commitment to learning from complaints to drive continuous improvement in its services, administrative procedures, and overall governance. To facilitate this, the Clerk will maintain a comprehensive record of all formal complaints received, detailing the issues raised, the investigation process, and the eventual outcomes.

Periodically (for example, on a quarterly or bi-annual basis), the Clerk, or a designated Councillor responsible for overseeing the effective operation of the complaints procedure, will prepare and present a summary report of complaints to the Full Council. This report will be anonymized to protect complainant confidentiality and will focus on identifying trends, highlighting areas where services could be



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improved, pinpointing potential staff development or training needs, and sharing lessons learned from the handling of complaints. This systematic analysis transforms individual complaint data into strategic intelligence for the Council.

Where the analysis of complaints indicates a need for significant change to policies, procedures, or service delivery methods, the Council will develop a corresponding action plan. This plan will specify what actions will be taken, who will be responsible for implementing them, and the target timescales for completion. Where appropriate and relevant to their original complaint, complainants may be informed when changes that were promised as a result of their feedback have been implemented.

This Complaints Policy and Procedure itself will be subject to periodic review by the Full Council. It will be reviewed at least every [e.g., two years], or more frequently if necessitated by changes in relevant legislation, updated guidance from bodies such as One Voice Wales or the Public Services Ombudsman for Wales, or as a result of lessons learned through its own operation.¹ This structured approach to learning and review ensures that the complaints system remains robust, effective, and fit for purpose.

10. Publicising this Policy

For this Complaints Policy and Procedure to be effective, it is essential that members of the public are aware of its existence and understand how to access it. Therefore, the Council will ensure that this document is readily available. It will be published on the Council's official website ynysybwlandcoedycwm.org. Hard copies of the policy and complaint forms can also be obtained directly from the Clerk.

Where appropriate, information about how to make a complaint will be included in Council newsletters, public notices, or other communications aimed at residents of Ynysybwl and Coed Y Cwm.

Internally, the Council will take steps to ensure that its staff (primarily the Clerk) and all Councillors are fully aware of this policy and understand their respective roles and responsibilities within it. Appropriate training or briefing sessions on the complaints handling procedure will be provided as needed to ensure that complaints are managed correctly, consistently, and in accordance with the principles outlined in this



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document. Proactive publicity and robust internal awareness are not afterthoughts but integral components for ensuring that the right to complain is meaningful and that those responsible for handling complaints do so effectively and fairly.



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Appendix A: Complaint Form

This form is for making a formal complaint about the services or actions of Ynysybwl and Coed Y Cwm Community Council. Please complete all relevant sections. If you need help filling in this form, please contact the Clerk.

Please Note: The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please complete Section B and ensure you have their permission to act for them.

A: Your details

Surname:	Forenames(s):	Title: Mr/Mrs/Miss/Ms/ (if other please state)
Address and postcode:		
Your email address:		
Daytime contact phone number:		

Please state how you would prefer us to contact you (e.g., email, post, phone):

Your requirements: If our usual way of dealing with complaints makes it difficult for you to use



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our service (e.g., if English or Welsh is not your first language, or you need documents in large print, or require engagement in a particular way), please tell us so that we can discuss how we might help you:

B: Making a complaint on behalf of someone else: Their details

(Please note: We have to be satisfied that you have the authority to act on behalf of the person who has experienced the problem. We may contact you for evidence of this.)

| Their name in full: | |

| :----- | :-----

----- |

| | |

| Address and postcode: | |

| | |

| What is your relationship to them? | |

| | |

| Why are you making a complaint on their behalf? | |

| | |

C: About your concern/complaint (Please continue your answers on a separate sheet(s) if necessary)

C.1 Name of the Council service, department, section, or aspect of Council work you are complaining about:

C.2 What do you think the Council did wrong, or failed to do? Please provide dates and as much detail as possible.



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C.3 Describe how you personally (or the person on whose behalf you are complaining) have suffered or have been affected by this:

C.4 What do you think the Council should do to put things right?

C.5 When did you first become aware of the problem? (Please give date if possible)

C.6 Have you already put your concern to the frontline staff responsible for delivering the service (e.g., the Clerk)? If so, please give brief details of how and when you did so:

C.7 If it is more than six months since you first became aware of the problem, please say why you have not complained before now (see Section 3.4 of the Complaints Policy):

If you have any documents to support your concern/complaint, please attach copies with this form.

Signature: _____ **Date:** _____

When you have completed this form, please send it to:

The Clerk

Ynysybwl and Coed Y Cwm Community Council

[Council Address to be inserted here]

[Council Clerk's Email Address to be inserted here]

[Council Phone Number to be inserted here, if applicable]



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Appendix B: Key Contact Details

This appendix provides key contact information relevant to the complaints process. Having these details centralized makes it easier for users of the policy to identify who to contact at each stage or for different types of complaints, demonstrating transparency and a commitment to helping individuals navigate the system effectively.

- **1. Ynysybwl and Coed Y Cwm Community Council (for complaints about Council services or actions):**
 - The Clerk
 - Address: [Council Full Postal Address to be inserted here]
 - Email: [Council Clerk's Official Email Address to be inserted here]
 - Phone: [Council Official Phone Number to be inserted here, if applicable]
 - Website: [Council Official Website Address to be inserted here, if applicable]
 - **2. Monitoring Officer (for complaints about the conduct of a Councillor):**
 - The Monitoring Officer
 - Rhondda Cynon Taf County Borough Council
 - Address:
 - Email:
 - Phone:
 - **3. Public Services Ombudsman for Wales (for unresolved complaints about Council services/actions OR complaints about Councillor conduct):**
 - Phone: 0300 790 0203
 - Email: ask@ombudsman.wales
 - Website: www.ombudsman.wales
 - Post: Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ ¹
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Conclusion

This Complaints Policy and Procedure document provides Ynysybwl and Coed Y Cwm Community Council with a comprehensive framework for managing complaints regarding its services and actions, and for directing complaints concerning Councillor conduct to the appropriate authorities. By clearly defining what constitutes a complaint, outlining accessible methods for submission, and establishing a structured, multi-stage handling process with defined timescales, the policy aims to ensure fairness, transparency, and efficiency.

The emphasis on informal resolution where possible, coupled with robust formal investigation stages, balances expediency with thoroughness. The distinct procedures for service complaints and Councillor conduct complaints reflect statutory requirements and best practice in Welsh local governance, ensuring that different types of grievances are addressed through the correct channels. The inclusion of a Local Resolution Protocol for specific low-level internal conduct issues, while emphasizing its limited scope and the Council's non-adjudicatory role, aligns with guidance aimed at resolving minor matters locally where appropriate.

Crucially, the policy embeds a commitment to learning from complaints. The requirements for recording, analysing, and reporting on complaints are designed to transform feedback into actionable insights for service improvement and enhanced governance. By adhering to the principles of fairness, objectivity, and timeliness, and by ensuring that outcomes are clearly communicated and remedies are provided where failings are identified, the Council can build public trust and demonstrate its accountability to the community it serves. Regular review of this policy will ensure its continued relevance and effectiveness in supporting the Council's commitment to high standards of public service.