

Our Complaints Policy and Procedure

This section sets out Galway County Council’s policy on complaint handling and sets out the complaints procedure of Galway County Council including the complaints recording system.

- An effective complaint handling system provides significant benefits to any organisation. It resolves issues in a timely and cost-effective way.
- It provides safeguards for employees operating in public settings where incidents may occur.
- It provides valuable information that can lead to service improvement, and it can improve the reputation of and strengthen confidence in, an organisation.
- Staff at every level in Galway County Council are equipped with the appropriate skills and resources to deal with a complaint and have a full understanding of the Galway County Council complaints procedure including the complaints recording system. All staff shall direct persons who wish to make a complaint to the relevant Officer when appropriate. The complaint handling procedure forms part of the induction programme for staff joining Galway County Council.
- Appropriate training is provided for staff who may have to deal with persons who are vulnerable or who have particular needs.

Complaint Definition and Duty of Galway County Council to Give Reasonable Assistance

- **A complaint is** defined as “An expression of dissatisfaction by one or more members of the public about an organisation’s action or lack of action or about the standard of service or communication provided by or on behalf of the organisation”.
- It could be about anything, including:
 - When we do not deliver a satisfactory service.
 - When we provide incorrect information.
 - When you receive a poor quality or below-standard service.
 - When you are unhappy with the quality of service provided by a member of staff.

What is not a complaint:

- An initial service request is not a complaint, for example reporting a pothole – this can transition into a complaint if, for example, there is an undue delay in dealing with the matter.
- Complaints about matters that are outside of the Council’s remit to examine/deal with – However Galway County Council will assist the person by directing them to the relevant organisation if we can do so.
- Complaints about reserved functions of the elected members of Council – the executive of the Council cannot examine such decisions from members of the public.
- Complaints about breaches of Ethics legislation should be referred in the first instance to the Council’s Ethics Registrar at ethics@galwaycoco.ie. If the complainant is not satisfied with the outcome, they may contact the Standards in Public Office Commission (SIPO),

which will carry out its own independent investigation. SIPO can be contacted at info@sipo.ie.

- Complaints about planning decisions as there is a right of appeal to An Coimisiún Pleanála (formally An Bord Pleanála). – Galway County Council can however examine complaints about the administration of the planning process and those relating to planning enforcement. (bord@pleanala.ie / planning@galwaycoco.ie / enforcements@galwaycoco.ie).
- Complaints about alleged data protection breaches should be directed to the Data Protection Officer (dpo@galwaycoco.ie) or the Data Protection Commission (info@dataprotection.ie).
- A Complaint made under the Disability Act must be investigated by our Access Officer in accordance with Section 39 of the Disability Act and where the complainant is not satisfied, they can seek review by the Ombudsman. (accessofficer@galwaycoco.ie / complaints@ombudsman.ie).
- Protected disclosures (whistleblowing or ‘reporting wrongdoing in the workplace’) should be directed to the Chief Executive/Protected Disclosures Officer (protecteddisclosures@galwaycoco.ie). Further information is available on our website <https://www.galway.ie/en/governance-administration/governance/protected-disclosures> or on the website of The Protected Disclosures Commissioner <https://www.opdc.ie/en/publication/3a25c-what-a-protected-disclosure-is/>.
- Decisions based on the Freedom of Information Act or Access to Information under the Environment Regulations. Queries can be directed to foi@galwaycoco.ie or aie@galwaycoco.ie. More information is available on our website <https://www.galway.ie/en/governance-administration/governance/freedom-information> or <https://www.galway.ie/en/governance-administration/governance/access-information-environment-aie>.

Section 4A of the Ombudsman Act 1980 (as amended) outlines the duty to give reasonable assistance and guidance to persons in any dealings with the “reviewable agency” (in this case Galway County Council).

Reasonable assistance includes dealing with persons in a timely manner and providing information on any rights of appeal or review. It also includes informing the public about their right to complain to the Ombudsman in the complaint decision letter.

Giving reasonable assistance to a person making a complaint might also include providing assistance or support to making/formulating a complaint and/or teasing out an implied complaint. Complaints received by the Ombudsman will be investigated against these criteria.

Any disciplinary, or other such actions, taken with regard to a Council employee, on foot of complaints made to a Council, are dealt with in the context of Employment Legislation and the Council’s HR policies and procedures. No details of this process will be disclosed to a complainant.

Decisions/Actions Where Galway County Council has Exercised Discretion

- Administrative decisions by their nature sometimes include the exercise of discretion where a decision maker has the power to make a choice about whether or not to take action or whether to approve an application or not (either fully or with conditions).
- In such cases the role of the decision maker is to make a judgement taking into account all relevant information and the particular circumstances of the case.
- Where such discretion is exercised, in as far as possible, a record will be kept showing the pertinent issues that were taken into account by the decision maker and why; the weight given to these issues; and reasons for the decisions made.
- This information is key when investigating a complaint about a decision as it shows how the decision was arrived at. Good reasons supporting the decision taken should be provided to the complainant. Galway County Council recognises the importance of strong record keeping, especially where a decision is not covered by an express policy or legislative provision or in line with the terms of a particular scheme etc.

How to Make a Complaint

- Galway County Council ensures there is a culture and environment in the local authority that encourages people who are dissatisfied with a service to make a complaint. Making a complaint will not adversely affect a person's interaction with Galway County Council.
- The process for making a complaint is user centred, simple to access and easy to use. It is flexible depending on the complaint and the complainant and supports the early resolution of complaints. Complaints are accepted in a number of accessible ways including online, in person, over the phone and in writing:
 - **By Post:** to the relevant section (you may use our Complaint Form see appendix 2)
 - **By email:** to customerservices@galwaycoco.ie
 - **Online:** by using our Customer Comment System on our website <https://www.galway.ie/en/contact>
 - **By Phone:** 091-509000
- It is easy for a person to find out how to make a complaint and it is simple and convenient to do so. **Galway County Council:**
Ensures that all service users have access to simple and clear information about how to make a complaint as set out here or available on our website at:
English: www.galway.ie/en/governance-administration/your-county-council/customer-service
Irish: www.galway.ie/ga/rialachas-agus-riarachan/do-chomhairle-chontae/seirbhís-do-chustaiméirí
 - Information about our complaint's procedure is clearly signposted to service users on our website, social media and on signs and posters in our local authority offices.
 - Takes account of service users with particular requirements, such as those with intellectual or physical disabilities. Galway County Council Access Officer is familiar with the complaints process and information on how to contact the Access Officer is included with information on how to make a complaint. (accessofficer@galwaycoco.ie).

- Some people may find it challenging to make a complaint or may have literacy issues or difficulties putting their complaint in writing. Galway County Council will utilise support resources at our disposal, if necessary, to assist a person making a complaint.
 - Where such issues are identified Galway County Council will take the complaint over the phone/in person or, ask the person if they wish to nominate a friend, family member or advocacy service as an advocate. Citizen Information Centres can also assist such individuals subject to GDPR requirements. Where a complaint is taken verbally in person a note of the discussion will be agreed by both parties and signed by both parties where possible.
- Takes account of persons for whom English or Irish is not their first language and notes that if a person is able to articulate their complaint in their first language that this will ensure that the salient points are not lost. Galway County Council will aim to accommodate in as far as possible a translation service noting that this may extend the timeframe for responding to the complaint.
- Accepts complaints brought by a representative of the complainant, provided the appropriate written consent has been obtained from the complainant.
- Makes information about the complaints procedure and policy easily accessible at all times, not just when a person wishes to complain. This information will be available at all public reception areas and any areas which the public may use.
- Information about the complaints procedure and policy will be notified in all decision letters/emails.

Support from Citizen Information Centres and Advocacy Agencies

Galway County Council is committed to ensuring that all customers have access to independent advice and support when making a complaint. In addition to the Council's own procedures, customers may seek assistance from the following agencies:

Citizen Information Centres

Citizen Information Centres provide free, confidential and impartial information, advice and advocacy on public services and entitlements. They can help individuals understand the complaints process, prepare documentation and access further supports.

- **Galway Citizens Information Centre**
 Augustine House, St Augustine Street, Galway, H91 Y7XH
 Tel: 0818 07 7600
 Email: galway@citinfo.ie
 Website: <https://www.citizensinformation.ie/en>

Other Relevant Advocacy Agencies

- **Galway Advocacy Council (Brothers of Charity Services West Region):**
 Supports people with disabilities in Galway city and county, ensuring their voices are heard and acted on.
 Website: <https://west.brothersofcharity.ie/advocacy/galway-advocacy/>

- Galway County Public Participation Network (PPN):**
 Provides support and representation for community and voluntary groups and offers a complaints procedure for issues related to public participation.
 Tel: 091 509 310
 Email: administrator@galwaycountypn.ie
 Website: <https://www.galwaycountypn.ie>
- Office of the Ombudsman:**
 Independent body investigating complaints about public services, including local authorities.
 Tel: 01 636 5600
 Website: <https://www.ombudsman.ie>
- Threshold Galway:**
 Provides free, confidential advice and advocacy to tenants experiencing housing problems and works to prevent homelessness by helping tenants remain in their homes.
Tel: 1800 454 454 or (091) 563 080
Email: advicegalway@threshold.ie
Website: <https://www.threshold.ie>

NOTE: If the Ombudsman receives a complaint where the person has not been advised of the complaints procedure and policy in the decision communication, the complaint will be dealt with once it is deemed within remit. In such circumstances the Ombudsman may not advise the person to engage with Galway County Council’s complaints procedure. The Ombudsman may take Galway County Council’s failure to notify about the complaints procedure and policy into consideration when deciding whether to uphold that aspect of the complaint.

Confidential Complaints

- In some cases, a person may wish to keep their complaint confidential (particularly if a complaint is being made about a specific person in respect of Anti-Social Behaviour where there is a fear of reprisal). In such circumstances Galway County Council may allow a person to keep details of their complaint confidential. However, if information received from the complainant, or if the complaint itself, would tend to identify a complainant who requests confidentiality then they will be made aware of this and asked if they wish an investigation to proceed. The provisions of the FOI Act also apply when processing any request for information from the person against whom the complaint is made. There may be situations where the public interest outweighs the right to privacy of the individuals to whom the information relates. In cases where the public interest factors favour withholding the records the following should be taken into account:

 - The public interest in protecting the right to privacy of individuals in relation to making complaints.
 - The public interest in individuals being able to communicate in confidence with the Council and without fear of disclosure in relation to personal or sensitive matters.

- The public interest in the Council as a public body being able to perform their function in relation to complaints from members of the public effectively.
- The need to preserve confidentiality having regard to the subject matter and the circumstances of the communications.

Anonymous Complaints

- Galway County Council will not deal with anonymous complaints unless there is a risk of injury to person or property and substantial information that warrants investigation – e.g. Galway County Council will not investigate trivial, frivolous or complaints without substance.

Resolving Complaints

- On receipt of a complaint Galway County Council will clarify exactly what the person is complaining about.
- The person may be asked for more information to get a full understanding of the complaint, the outcome they are seeking and how they believe the complaint can be resolved.
- If aspects of the complaint are outside Galway County Council’s remit to investigate (for example if the complaint concerns the actions of third parties that are not under the remit or contracted to act on behalf of Galway County Council) this will be clearly communicated to the person at the outset. Galway County Council will advise the person of their right to contact the Ombudsman if they do not agree with the decision not to deal with the issue as a complaint.

There are **potentially two stages** involved in resolving complaints:

- **Frontline Resolution**, or where this is not successful then;
- **Investigation Resolution.**

Frontline Resolution

- Galway County Council will seek to resolve a customer’s queries and complaints as early as possible and, ideally, at the first point of contact.
- Dealing with customers in a fair, reasonable and timely manner through an informal process will minimise complaints being escalated to a formal complaint investigation.
- Frontline resolution occurs where the staff member can achieve the expected complaint outcome quickly and effectively either by phone, in person or in writing.
- Complaints resolved through the frontline process will be recorded on the complaints record system. Details recorded will include the category or nature of the complaint; the outcome; any action taken and whether the person making the complaint was satisfied with the outcome.
- Persons making a complaint **should be given a unique reference number** concerning their complaint to quote on any future correspondence. The same reference number should be used if the complaint proceeds to investigation.
- Decisions on time critical complaints, Galway County Council will advise the complainant to contact the Office of the Ombudsman directly for urgent review, skipping the investigation. In these cases, the Council will consider its complaint process closed unless and until the Ombudsman engages further.

- Where complaints relate to an immediate negative consequence i.e. the issue is urgent, the Ombudsman will consider a complaint in those circumstances.

Investigation Resolution

- Where a complaint is not resolved through the frontline resolution process set out above, it will be referred to the **Customer Services Officer for that unit** immediately for formal investigation.
- The aim is to resolve the complaint where possible, or to give the person making a complaint a full, objective and proportionate response that represents the final position.
- Whenever possible, complaints will be investigated by a manager not involved with the issue complained of. It is important to be realistic and clear with the person making the complaint about timeframes and to advise them early if it will not be possible to meet the timeframes set out below:
- The following deadlines apply to complaint investigations cases (counting day one as the day of receipt for investigation, or the next working day if the complaint was received on a weekend or public holiday):
 - A complaint will be **acknowledged within 5 working days**, and all reasonable means will be applied to resolve the issue. The acknowledgement should issue in a format which is accessible to the person, taking into account their preferred method of contact.
 - Managing expectations of complaint outcomes and clarifying the scope of the investigation at the outset are essential to complaint handling efficiency and effectiveness.
 - The complaint should be investigated with the issues raised considered afresh at the outset and without relying on any previous assumptions or conclusions made. The Customer Services Officer or person assigned to investigate the complaint should:
 - Ensure they have access to all necessary communications and evidence – this could include records of phone calls or meetings, work requests, recollections of staff members and internal emails;
 - Examine what happened;
 - Consider what should have happened – this should include any relevant policies or procedures that apply including the Local Authority’s Public Sector Equality and Human Rights Duty;
 - Contact or meet with the complainant, if necessary to fully understand the complaint being made. If such contact takes place, complete a written record of same; and
 - At all stages in the investigation process the Customer Services Officer should seek opportunities to resolve the matter amicably. In forming his or her final view, having taken the above and any other relevant matters into consideration, the investigator should simply decide if there is a difference between what happened and what should have happened.

- Where the relationship with the person making the complaint has broken down or the complaint relates to serious/high-risk/high profile issues the complaint will **be investigated at a suitable level** as required.
- In some cases, it may not be possible to agree the points of complaint. It may be that the person expects more than can be provided or has unrealistic or unreasonable expectations about the scope of the investigation. Such matters should be clarified for the person as soon as possible in order to manage expectations at the outset.
- Galway County Council will ensure that any party assigned to carry out the investigation of a complaint shall be independent of the content of the complaint and **not have a direct reporting relationship with any person under investigation as a result of that complaint.**

Dealing with Multiple Complaints/Unreasonable or unrealistic complaints

- Galway County Council is not expected to accept an unreasonable burden on its complaints processes produced by an organised campaign or multiple versions of the same complaint.
- In such circumstances Galway County Council may either issue a single ‘form’ response or may ask the group to nominate a single person to receive Galway County Council’s response. For this to apply it would be necessary to be clear that all of the complaints being brought to Galway County Council are the same and to clearly set out what issues are being considered under the complaint.
- Any other additional or separate concerns that a person (making a complaint as part of that campaign) may raise would need to be handled as a separate complaint and addressed in the normal manner. These types of complaints are distinct to persistent complaints which involve repeated correspondence about the same issue previously decided on by Galway County Council.

Outcome of the Complaint

The outcome and response to the complaint will be signed off by the **Customer Services Officer** and recorded on the complaints record system. Where service failings have been identified, Galway County Council will in so far as possible rectify the matter give an explanation and/or apologise.

- A full response to the person making the complaint will be provided as soon as possible, but not later than **30 working days** from the time the complaint was received.
- If this **timeframe cannot be met, extensions will be agreed by both parties.** This will be carried out on a case-by-case basis with the circumstances fully explained and will only occur in exceptional circumstances.
- If the **extension date cannot be met the timeframe for provision of response** may be further extended by agreement of both parties and to a specified date.
- If the person has not received an investigation decision **after 30 working days or the agreed date of extension**, they should be informed that they **can complain to the Ombudsman.**

It is noted that extended delays may increase the dissatisfaction felt by the complainant.

Complaint Response

The complaint response is very **important** and will:

- Be clear and easy to understand
- Where possible, share the information informing the investigation outcome with the person so they can understand the findings. Galway County Council will ensure that any legislation/policy/guidelines relied upon are explained in a way that makes it easy to understand the decision that has been reached.
- Avoid technical terms and if these must be used provide an explanation of the term(s) being used.
- All issues agreed/ identified at the outset of complaint should be addressed to demonstrate a fair and fully considered decision.
- Where a failure on **Galway County Council's** part is identified and Galway County Council proposes to take action to resolve the issue, the response will include details of what will be done and when.
- Where administrative failings have been identified include an apology.
- Highlight any area of disagreement and explain why no further action can be taken.
- Indicate a named member of staff, for example the Customer Services Officer, who is available to discuss/clarify any aspect of the response. If the complainant is still dissatisfied with the response or does not accept the **Galway County Council** decision, explain that they have been given Galway County Council's final decision/response on the matter and **inform them they may seek a review by the Ombudsman.**

Record Keeping and Reporting

Record Keeping

- A cornerstone of dealing with a complaint in a timely and effective manner is good record keeping. **Galway County Council** has a suitable system in place which will capture and record complaint data and which is capable of producing complaint insights.
- **Galway County Council** maintains a complaint file containing complete and accurate records of all contact regarding a complaint and ensures that this information is easily accessible.

Reporting

- Senior management will be provided with periodic updates on the number and type of complaints received, timeline for response and where appropriate, matters arising and actions required. Actions required to improve service delivery shall be noted by senior management.
- Annual reporting of the number of complaints processed by service area should be facilitated within the Chief Executives Report to include any changes to services resulting from issues raised.

Our Appeals Procedure

Appeals Process

If you are satisfied with the service provided by Galway County Council but unhappy with a decision made, you may submit an appeal. Appeals are distinct from complaints and relate specifically to decisions made regarding service provision or entitlements.

Before submitting an appeal, we recommend reviewing the Complaint Definition section of our Complaints Policy & Procedure. It outlines where appeals concerning legislative or regulatory matters should be directed.

Sanctions and Appeals

Where sanctions have been imposed under Galway County Council's Customer Code of Conduct, customers have the right to seek an appeal. Customers may appeal any decision to withhold or suspend a service through Galway County Council's formal Appeals Procedure. Please note that entitlement to the service will remain suspended pending the outcome of the appeal.

Submitting an Appeal

Appeals can be submitted in a variety of accessible formats:

- **By Post:** To the relevant section (you may use our Complaint Form – see Appendix 2)
- **By Email:** customerservices@galwaycoco.ie
- **Online:** Via our <https://www.galway.ie/en/contact>
- **By Phone:** 091-509000

Your appeal will be referred to the Customer Services Officer for the relevant unit. It will be investigated at an appropriate level by someone **not involved in the original decision**. The appeal will follow the same standards and timelines outlined our Complaints Policy & Procedures on Resolution, Multiple Complaints, Unreasonable Complaints, Outcome and Response, but applied specifically to the appeal context.

Further Review by the Office of the Ombudsman

If a complainant remains dissatisfied with the outcome of an appeal, they will be informed of their right to seek a review by the Office of the Ombudsman. At this point, the case will be deemed closed by Galway County Council unless and until the Ombudsman contacts the Council to engage further on the matter.

Office of the Ombudsman:

Tel: 01 636 5600

Website: <https://www.ombudsman.ie>