



**Corporate Complaints, Comments and  
Compliments Policy 2008**

**Revised November 2011**

## **1. Introduction**

**1.1** The Council recognises the right of its customers to complain and indeed welcomes complaints as a valuable form of feedback about its services. Newcastle-under-Lyme Borough Council is committed to using information gained from complaints to help drive forward improvements to services and to better meet the needs of customers

**1.2** The procedure is intended to allow the Council to formally manage corporate complaints, comments and compliments through the Customer Relations Officer.

**1.3** The Council's Head of Customer and ICT Services champions this area of work for the Authority whilst the Customer Relations Officer is responsible for overseeing the implementation of corporate procedures for complaints resolution, and that the deadlines for responses detailed in this document are met.

**1.4** This procedure defines the process for complaints, how the Customer Relations Officer is kept informed, the timeline for dealing with complaints and corporate ownership of the procedure.

**1.5** The importance of a robust complaints procedure should be seen as an important mechanism by all Council staff to help drive through and deliver the Improvement Programme which underpins this Council's commitment to Putting People First and its priority of Achieving Excellence.

**1.6** Details of the procedure will be made available and publicised on the Council's Intranet, the Internet, at the induction process for Members and staff, in the Employees' Handbook and through leaflets available at Council points of contact with the public.

**1.7** The Council understands that many complaints will be dealt with informally at the time they are first raised to the satisfaction of the person complaining. If the customer is not satisfied, the procedure then gives an opportunity for the complaint to be fully investigated.

**1.8** The procedure does not prejudice the customer's right to refer a complaint to the Local Government Ombudsman for further investigation if not satisfied with the resolution offered by the Council

## **2. Corporate Complaints**

2.1 A complaint, for the purpose of this policy, is defined as:

***“an expression of dissatisfaction, however made, about the standards of service, actions or lack of action by the Council, their staff or contractors, affecting an individual customer or group of customers.”***

2.2 It is important to remember that reporting a fault or a problem is not necessarily a complaint, but may be simply a request for service. An example of this would be reporting a faulty street light. (In most cases, the customer will accept that street lights occasionally develop faults and would only be dissatisfied if the light was not repaired after being reported, or if it had been faulty for a long time with no action.)

2.3 Complaints may be made orally or in writing, in person, by telephone, e-mail, fax or letter. Obstacles should not be put in the way of a potential complainant by insisting that the complaint be put in writing, or that a particular form be used.

2.4 Lack of action might include the Council failing to do something which it has been asked to do or the Council failing to do something which the customer thinks it should have done.

2.5 The Council must be given a reasonable opportunity to put things right before a customer's complaint is formally recorded under this procedure.

## **3. Aims of the procedure**

3.1 The aims of the complaints procedure are to make sure that:-

- It is as simple and straightforward as possible for customers to make complaints about Council services.
- The customer feels that their complaint is being treated seriously, even if the resolution is not to their complete satisfaction.
- The customer is kept informed of the progress of their complaint.
- The Council responds to complaints within a reasonable time and in a courteous and professional manner.
- The customer is told how to take the complaint further if they are not satisfied with the resolution
- The Council learns from complaints and takes appropriate action to improve the quality of its services.

## **4. Scope of the procedure**

4.1 The Complaints procedure will generally **include**:-

- Failure to provide a service at the level or standard expected by the Council
- The unhelpful attitude of a Council employee
- Neglect, or delay in answering a query or responding to a request for a service.
- Failure to follow the Council's agreed policies, rules or procedures, including the Council's recruitment procedure.
- Failure to consider all relevant information in coming to a decision.
- Malice, bias or unfair discrimination, in particular discrimination or harassment on the grounds of age, disability, gender, race or sexual orientation.

**4.2** The Complaints procedure will generally **exclude**:-

- Complaints that amount to a disagreement with the Council about its decisions or policies rather than the way decisions have been made, for example, the level of Council Tax.
- A planning or development control matter where a right of objection exists, unless the complaint is about the way the matter has been administered.
- A Council decision using regulatory powers, for example, licences or certain environmental health functions, or when the decision is governed by other regulations such as benefit assessments or Council Tax recovery unless the complaint is about how the matter has been administered.
- A complaint that is, or could reasonably be expected to be, the subject of court or tribunal proceedings.
- Complaints that amount to a disagreement with, or refusal to accept, a rule of law which the Council is applying.
- Complaints about action taken in relation to dismissals, or decisions not to employ an applicant
- Requests for information or an explanation of a Council policy
- Complaints concerning matters of a democratic nature which are best addressed to your local councillor.

**4.3** This procedure will:

- ensure that customer feedback (comments, compliments and formal complaints - 3Cs) are recorded, investigated and reported on in a consistent and timely manner.
- deliver customer satisfaction, improve performance through feedback, corrective and preventative action, and highlight examples of good practice.
- compliment existing corporate customer systems for logging and progressing customer service requests.
- ensure that ,wherever possible, services can take immediate action to resolve a customer's problem so that they do not have to raise a formal complaint to get the matter resolved.
- ensure that on the rare occasion that complainants (and/or anyone acting on their behalf) are identified as vexatious (habitual, persistent or aggressive) based on previous or current contact are managed appropriately.

**4.4** This procedure is not for:

- addressing complaints about a Councillor; these are the responsibility of the Council's Standards Committee.
- addressing a complaint where a statutory right of appeal already exists such as planning decisions.

**4.5** The Council is only able to progress formal complaints that are valid and follows the Local Government Ombudsman's standard for determining valid complaints. A statement of a point of view or personal opinion cannot be regarded as a valid complaint.

## **5. Time Limit on Investigations**

**5.1** The Council follows the same protocol as the Local Government Ombudsman relating to the time limit after which complaints will be investigated. Under the 12-month rule as described by the Local Government Ombudsman, the Council:

'will not normally entertain a complaint unless it is made to the Council or Councillor within 12 months of the day on which the complainant first became aware of the complaint.'

Depending upon the nature of the complaint and its impact, the Council may decide that this limitation is inappropriate. The Customer Relations Officer is available to give advice on the use of this limitation.

## **6. Roles and Responsibilities**

The Head of Customer and ICT Services will:

- oversee and ensure the corporate complaints system complies with best practice, quality and efficiency standards
- ensure that where improvements are recommended they are implemented
- provide regular progress reports to Executive Management Team and Councillors

The Customer Relations Officer will:

- develop, co-ordinate and monitor the authority's complaints procedures to ensure that all members of the public who wish to complain receive a similar, high level of service
- re-direct to relevant departments any complaints received centrally
- collect and collate quarterly returns from departments
- report complaints performance to the Head of Customer and ICT Services
- train staff and advise on corporate complaints matters
- co-ordinate the authority's responses to complaints being investigated by the Local Government Ombudsman
- monitor complainants' satisfaction with how their complaints are dealt with.
- collect related equality monitoring data

## **7. Complaints procedure**

Anyone who wishes to make a complaint may do so in person, by telephone, in writing (by letter, fax or e-mail.) or via the Council's website. Complaints need not be made to the actual service that is the subject of the complaint. Any member of staff will be able to accept a complaint in the first instance. A complainant can also request to speak to the officer or service concerned. Complaints of any type can also be made via a local Councillor.

## **Stage 1 Review & Response**

**7.1** The officer who takes the contact will either deal with the complaint on the spot or refer it to the appropriate department for action, and relate this information to the complainant

**7.2** The department will respond to the complainant in writing within **THREE** working days setting out their complaint to ensure that we have recorded the detail of your complaint correctly. If the complaint cannot be resolved straight away, such as in cases where further investigation is required, they may need to send a holding reply telling the customer when they can expect a full reply.

**7.3** It is important at this stage that the complainant be reassured that their complaint will be treated as confidential, their identity will not be made public, they will not receive adverse treatment from the Council because of the complaint and the complaint is being taken seriously

**7.4** If the complaint cannot be resolved within **TWENTY** working days of the original complaint, the complainant will be informed of the reasons in writing and the complainant will be offered the opportunity to progress to Stage 2. We will regard this as a formal complaint under the Complaints Procedure and the contact should be referred immediately to the Customer Relations Officer.

## **Stage 2 Independent Internal Appeal**

**7.5** The Customer Relations Officer will normally be the single point of contact used to deal with all Stage 2 customer complaints. The promotion of a single point of contact will prove beneficial for both customers and the Council as it will provide a coordinated approach to complaints handling.

**7.6** The purpose of Stage 2 is to formally investigate the concern or complaint, consider the findings and make a decision about the outcome. Complaints will be escalated to Stage 2 where the response at Stage 1 is considered to be incomplete, unclear or unhelpful. An appeal will be considered within ten working days of our reply to Stage 1.

**7.7** Should the Customer Relations Officer be in any way considered to be part of the complaint, we will appoint a senior officer not connected to the service you are complaining about to investigate the case. The officer will investigate any outstanding issues and produce a report on your case.

**7.8** In requesting escalation, the customer should identify which elements of their complaint they feel have not been adequately addressed.

**7.9** The Customer Relations Officer will:

- Formally record the complaint details
- Summarise the main issues to be resolved, and agree these with the customer
- Investigate the complaint
- Provide a detailed response to the customer setting out the findings and the reasons for the findings

**7.10** The Customer Relations Officer will normally require the co-operation of staff

from his/her own service and possibly other services to help investigate and resolve the complaint. Any requested information must be provided to the investigating officer within **FIVE** working days.

**7.11** Stage 2 complaints may involve a meeting between the customer and the Customer Relations Officer. The complainant can also choose to discuss the matter with the Customer Relations Officer by email or telephone. The Customer Relations Officer will aim to respond fully to stage 2 complaints within **TWENTY** working days. If this is not possible, a response will be sent to inform the complainant of what is being done to deal with the complaint, and when you can expect the full reply.

## **8. Local Government Ombudsman investigation**

**8.1** Newcastle-under-Lyme Borough Council hopes to resolve most complaints internally, but if you are not satisfied with the Stage 2 response, or if we do not give you an answer within a reasonable time, you can ask the Local Government Ombudsman to investigate your complaint. In closing a Stage 2 appeal, the Council will make it clear to the customer that they may have a further right to independent appeal through the Local Government Ombudsman. The Ombudsman is independent and impartial and investigates complaints where the Council has failed to follow its own procedures. It does not investigate complaints just because the complainant disagrees with a Council decision. The Council's Head of Central Services is the Local Government Ombudsman link officer who monitors and coordinates responses to complaints that are under investigation by the Local Government Ombudsman.

**8.2** The Ombudsman may ask you about what efforts, if any, you have made to resolve your concerns personally and locally with us and will encourage and assist you to make this effort.

**8.3** Although you can approach the Ombudsman at any time (in writing, by email, telephone or text), it must be stressed that that before making a complaint at this level, you should have given the Council a proper chance to deal with it.

If residents wish to contact the Local Government Ombudsman, they can write to:-  
The Local Government Ombudsman,  
The Oaks No 2,  
Westwood Way,  
Westwood Business Park,  
Coventry  
CV4 8JB

Alternatively, they can telephone 024 7682 0000; fax 024 7682 0001 or e-mail: enquiries@lgo.org.uk.

The Local Government Ombudsman also has an LGO Advice Team on 0300 061 0614 or 0845 602 1983 and the web site address is [www.lgo.org.uk](http://www.lgo.org.uk)

## **9. Vexatious, Professional and Hobby Complainants**

**9.1** It is possible for a small number of customers to generate a level of complaint workload which risks compromising either service delivery in the service being

complained about or the Council's ability to respond to complaints received. These instances may involve:

- High volume of complaints submitted, often with a reluctance to accept resolution being offered.
- High volume of complaints, with complaints submitted simultaneously to various Officers.
- Extensive correspondence on individual complaints, with complaints being re-interpreted or extended.

**9.2** Such complaints need to be managed appropriately to:

- Avoid genuine, well founded complaints made by frequent complainants becoming 'lost' within the overall volume of that customer's correspondence.
- Avoid such complaints from having a negative impact on service delivery or general complaint management.

**9.3** The 2 Stage complaint process will minimise the negative impact of such complainants through avoiding engagement in lengthy exchanges of communications. However, where an Executive Director, Head of Service or the Customer Relations Officer becomes concerned that an individual complainant is generating a workload which risks compromising other areas of work, the Customer Relations Officer will review the volume of work being generated, the customer's expectations of the Council, and the nature of complaints made and responses received. Where the Customer Relations Officer judges that the complainant is generating excessive workload, the complainant will be invited to meet him/her to discuss the complaint/correspondence volume and the impact this is having with a view to agreeing a more manageable approach to addressing the customer's concerns.

**9.4** The Council will not engage in communication once an individual complaint is deemed to have been effectively dealt with through the complaint process.

## **10. Customer Comments and Suggestions**

**10.1** Newcastle-under-Lyme Borough Council positively welcomes comments and suggestions from its customers. These can play an important part in improving service delivery. It is therefore important that those comments and suggestions received by the Council can be monitored and retained by the organisation. The Customer Relations Officer will co-ordinate all comments and suggestions on behalf of the Authority

Comments and suggestions might include:-

- Comments on the services provided i.e. NOT a complaint.
- Comments on how a service could be improved.
- Suggestions for new or changed services.
- Comments on procedures or service levels.

**10.2** The Council will not respond to comments and suggestions unless we have your contact details and need to clarify something with you.

**10.3** Comments and suggestions received directly to departments must be forwarded to the Customer Relations Officer within **FIVE** working days and must include all the relevant information required to action the item



**10.4** All comments and suggestions will be included in the reports provided by the Head of Customer & ICT Services to Executive Management Team and Members

## **11. Compliments**

**11.1** Compliments from customer can play an important part in staff morale and in evidence of customer satisfaction. It is therefore important that all compliments received by the Council can be monitored and retained by the organisation. The Customer Relations Officer will co-ordinate all comments and suggestions on behalf of the Authority

Compliments might include:-

- Compliments on service provision.
- Compliments on overall standards.
- Compliments about staff.
- Compliments on the environment.
- Compliments on policy and procedure.

**11.2** Compliments received directly by departments must be forwarded to the Customer Relations Officer within **FIVE** working days and must include all the relevant information required to action the item.

**11.3** All compliments will be included in the reports given to the Head of Customer and ICT Services and to Executive Management Team and Members

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