

Classification: NULBC UNCLASSIFIED

**SMALL GRANTS – REPORT TO GRANTS ASSESSMENT PANEL Monday
16th September 2013 – Appendix 3.**



Corporate Complaints, Comments and Compliments Policy 2008

**Revised May 2012
V.6**

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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

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to the complainant and inform the Customer Relations Officer in order for it to be logged.

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.

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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

9. Unreasonable Complaints and Unreasonable Complainant Behaviour

9.1 This element of the policy covers both unreasonable complainant behaviour (which may include one or two isolated incidents) and unreasonably persistent behaviour (usually an accumulation of incidents or behaviour over a longer period). Unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their complaints or other people's complaints.

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9.2 The Local Government Ombudsman has highlighted the following examples of unreasonable actions and behaviours which can be time consuming to manage and can interfere with proper consideration of the complaint.

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to co-operate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a late stage.
- Raising numerous, detailed but unimportant questions; insisting that they are answered.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with a variety of other organisations.
- Making excessive demands on the time and resources of staff with lengthy telephone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

These, and similar actions, which detract from the Council's ability to properly consider a complaint, will be deemed by Newcastle under Lyme Borough Council as unreasonable actions and behaviours and will be considered 'trigger' actions or behaviours which may cause the elements of this policy as set out in section 9.4 below to be invoked.

9.3 Before any of these actions are invoked the complaint will be advised of this policy and warned that restrictive actions may need to be applied if their behaviour continues. If a decision is taken to apply restricted access, the Council will write to the complainant to explain:

- why the decision has been taken.
- what it means for his or her contacts with the organisation.
- how long any restrictions will last.
- what the complainant can do to have the decision reviewed.

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Any review requested by the complainant of the Council's actions or proposed actions under section 9 of this policy will be undertaken by the Head of Customer and ICT Services. The complainant will be informed of the outcome of that review.

9.4 Where an Executive Director, Head of Service or the Customer Relations Officer identifies unreasonable actions and behaviours, the Customer & ICT Business Manager will review the volume of work being generated, the behaviour of the complainant, their expectations of the Council, and the nature of complaints made and responses received. Where the Customer & ICT Business Manager considers that the complainant is acting or behaving unreasonably as indicated in section 9.2 above, one or more of the following procedures may be adopted to bring the matter to a swift conclusion without further distractions:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for any necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email etc).
- Requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness, and in a suitable location.
- Refusing to register and process further complaints about the same matter.
- Advising the complainant, after a decision on the complaint has been made, that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information.
- Inviting the complainant to meet the Customer & ICT Business Manager or other senior officer to discuss the complaint/correspondence nature and/or volume and its impact with a view to agreeing a more manageable approach to addressing the complainant's concerns.

Decisions made and actions taken will be proportionate to the nature and frequency of the complainant's current contacts. Decisions will take the complainant's behaviour and individual circumstances fully into account. The Council's policies on equal opportunities, health and safety, and all other relevant policies will also be taken into account. In particular, the Customer & ICT Business Manager will ensure help is offered to find a suitable independent advocate, if the complainant has different needs.

9.5 Where the Council's consideration of the complaint is concluded, the Council may end all communication with the complainant on the issue and, where appropriate, refer the complainant to the Local Government Ombudsman. Before this action is taken the Head of Customer and ICT Services will review the handling of the complaint to ensure:

- the complaint has been investigated properly;

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- any decision reached on it is the right one;
- communications with the complainant have been adequate;
- the complainant is not now providing any significant new information that might affect the organisation's view on the complaint.

9.6 In exceptional circumstances, where the Council considers there may be nothing to gain from following through all stages of its complaints procedure, the Local Government Ombudsman may be asked by the Council to consider the matter before its own complaints procedure has been exhausted. The complainant will be notified of this request.

9.7 The Customer & ICT Business Manager will ensure a coordinated response is made where any cross-departmental issues are involved and ensure a single, coordinated response to the complainant.

9.8 The Customer & ICT Business Manager will keep adequate records to show when decisions are taken in pursuance of section 9 of this policy. The Customer & ICT Business Manager will also ensure any further communications from the complainant are checked to identify any significant new information. When complaints about new issues are made, these will be treated on their individual merits. Any restrictions previously applied may or may not be considered to be still appropriate or necessary. The Customer & ICT Business Manager will keep the application of any restrictions under review. These restrictions will be lifted and relationships returned to normal unless there are good grounds to extend the restrictions. Where appropriate, the complainant will be advised when restrictions will be reviewed and advised of the outcome of any review and the reasons for any decision.

9.9 Should the Customer & ICT Business Manager be the subject of the complaint, another senior officer, not connected to the service, will be appointed by the Head of Customer and ICT Services to undertake the responsibilities of the Customer & ICT Business Manager in applying this Policy.

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.

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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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