



Corporate Complaints and Compliments Policy

September 2013

"Allerdale – a great place to live, work and visit"

1. Introduction

We believe that the needs of our customers are our top priority and we are committed to providing our customers with quality services in the most effective and efficient way possible. Allerdale Borough Council values feedback about its services and recognises the right of all its customers to complain, compliment or make a suggestion. The Council is committed to ensuring that it uses customer feedback to help improve services and to focus on the needs of all our customers.

COMMENTS

How will we deal with a comment?

- We will record details of the comment and acknowledge receipt within 10 working days.

How will we respond to a comment?

- We will either explain how we will implement your suggestion or explain why we are unable to.
- We will thank you for helping us to improve Council services

COMPLIMENTS

How will we deal with a compliment?

- We will log details locally within departments and acknowledge receipt of your compliment within 10 working days.

How will we respond to a compliment?

- We will thank you for taking the time to let us know that we are providing a good service

COMPLAINTS

However, we realise that, even in the best run organisations, there may be times when things go wrong and our customers may not be happy with the service they receive.

If this happens then they can let us know - we will do all we can to investigate and solve problems as quickly as possible. In the first instance, if possible we will see if we can get things sorted informally and immediately.

But there will be times when the customer may still want to put in a formal complaint. The guidance below spells out how this can be done. (Process Appendix 1)

2. What is a complaint?

We think a complaint is **“an expression of dissatisfaction about the action taken by the council, or where the council has not taken any action, that affects a customer”**

This simple and clear definition allows a complaint to be defined from the customer’s perspective rather than the Council’s.

A complaint could be for example in relation to:

- A delay in taking action without good reason
- A failure to provide a service
- Mistakes in the way a decision has been taken
- Not following the law or the Council's own policies
- Giving incorrect or misleading information
- Bias or unfair discrimination
- Rude, unhelpful or inappropriate behaviour by staff
- Poor/ lack of communication
- The conduct of staff when delivering the service

Therefore, a complaint can fall broadly into one of three categories:

- Complaints about a service
- Complaints about a member of staff
- Complaints about a policy

A service or staff complaint will be logged and monitored on a monthly basis by the Senior Management Team.

The following exceptions cannot be covered by this complaint policy and procedures:

Exceptions

Certain types of issues and complaints fall outside of the Council's corporate complaints policy and procedure because there are other processes more suitable for dealing with them, or because they are outside of the Council's control. These include:

- Matters of law or central government policy
- Complaints from staff about HR issues; including appointments, dismissals, pay, pensions and discipline. These are dealt with separately under the Council's HR policies and procedures;
- Commercial or contractual matters, for example contracts for the supply of goods and services to the Council. However, complaints about the negotiation of council leases, or the disposal of Council land should be dealt with through this policy and procedure, as such complaints are within the jurisdiction of the LGO
- Complaints where a customer or the Council has **started** legal proceedings but not where a customer has only threatened legal action
- Complaints that have already been decided by a court or independent tribunal should not be accepted but complaints about the implementation of a court or tribunal's decision should be investigated, for example the recovery of Council Tax after a Liability Order has been obtained
- Services for which there are alternative statutory appeal or tribunal processes, including:
- Appeals against the refusal of planning permission or planning enforcement

- Appeals against statutory notices Parking appeals and Housing benefit appeals
- Complaints about the response to FOI or DPA requests

Where a customer is unhappy about the outcomes of their appeal or tribunal decision these have separate review procedures that remain outside of the Council's complaint policy and procedure.

However, when a customer is unhappy about **the way that an appeal was handled**, for example a delay in preparing the Council's submission to the Housing Benefit Appeals Services, this should be dealt with under the Council's complaint policy and procedure.

If in doubt, the complaint should be recorded and investigated as a complaint. If it is decided not to accept the complaint, a customer should be given a clear explanation as to why and if possible, an alternative route should be given.

- A judgement needs to be made on a case by case basis as to whether to look into the substance of anonymous complaints. When an anonymous complaint is made it will obviously not be possible for a response to be provided back to that customer.

Customers can make a complaint in the way that best suits them. The Council encourages any customer who has a concern or suggestion about a particular service to make contact with us straight away, where the aim will be to resolve the issue quickly at the first point of contact. Whether the complaint is completed informally at the first point of contact it should be recorded so the Council has greater visibility of customer issues.

Contact can be made via:

- The Council's website (on-line complaint form);
- By email;
- By telephone
- By letter;
- Made in person at a Customer Service Centre

3. Corporate complaint procedures

The Council has a two stage procedure that is designed to support the effective management of complaints.

The target time for a response, for either stage, is **10 working days** from the receipt of the complaint.

When a customer cannot be provided with a full response within the time-scale the customer will be notified immediately and given a revised time-scale as to when they can expect a full response to their complaint.

Stage one complaints

The service manager the complaint has been made about will be responsible for investigating and responding to the complaint.

Customers should detail what they are unhappy about and what they would like the Council to do as a result of their complaint.

An investigating officer will be assigned by the relevant service.

The maximum amount of time given for responding to a stage one complaint is **10 working days**. The complaint must be acknowledged within 3 working days and dealt with in the remaining time left.

In the event that a complaint takes longer than the **10 working days**, the investigating officer will set and agree a reasonable and appropriate revised timescale and regularly keep the customer up to date on its progress.

A complaint may be upheld, partly upheld or not upheld. It is important that the customer is told of the outcome of each element of their complaint and the reasons for that outcome.

Where complaints are upheld or partly upheld, the remedy needs to be appropriate to the complaint, taking into account the customer's desired outcome. The Local Government Ombudsman (LGO) offers this general principle for guidance that,

“Where we find that an injustice has been caused by maladministration, we seek a remedy that would, so far as possible, put the complainant back into the position he or she would have been in but for the fault”.

The aim is to ensure as far as possible that broadly similar complaints, if justified, should receive broadly comparable remedies. There will be circumstances where the local authority is unable to put the customer back into the position he or she would have been in because of the amount of time lapsed or due to other events which may since have occurred. In such cases, financial compensation may be the most appropriate approach.

If a customer is unhappy with the response to their complaint at stage one, they can ask for the complaint to be escalated to the second stage. In doing so, the customer should clearly detail why they believe their complaint was not addressed in the first stage.

Complaints should be escalated to stage two where the response at stage one is considered to be unclear, unhelpful or incomplete.

Stage two complaints

All stage two complaints will be investigated by the Head of Service who is responsibility for that service.

The Head of Service is responsible for investigating and providing a detailed response to the customer.

The maximum amount of time given for responding to a stage two complaint in full is **10 working days**, with a customer receiving an acknowledgement within the first three days of this time-frame.

If a complaint is complicated and likely to take longer to resolve the investigating officer will set and agree a reasonable and appropriate revised timescale and keep the customer updated on its progress.

The response sent will inform a customer that if they remain dissatisfied with how the complaint has been handled that they can complain to the Local Government Ombudsman.

Local Government Ombudsman (LGO) complaints

If, after a stage two investigation, a customer is still not satisfied then they have the right to refer their complaint to the LGO.

Although a customer can take their complaint to the LGO at any stage, customers are expected to give the Council the opportunity to investigate the complaint in the first instance.

If the LGO does become involved, initial contact is made through the Customer Services team who will co-ordinate with the service area/senior manager.

The Council must submit a response to the LGO within **28 calendar days** of receipt.

When the Council receives a complaint from the LGO these cases are highlighted to the corporate director to ensure they have visibility of these issues and appropriate action is taken to resolve them.

3. Action that can be taken to put things right when a corporate complaint is justified

- If feasible, practical action should be taken to put things right
- Try to put the customer back to the position that they would have been in but for our mistake
- Decide that one or more of the following can be done to put things right:
 - Apologise to the customer
 - Provide a service to the customer
 - Provide information to the customer
 - Review customer information (leaflets, posters, etc)
 - Review our working procedures

- Request members to review a policy
- Arrange training or guidance for employees
- Employee action (such as standards setting or change of key worker)

4. Complaints about the conduct of Councillors

A complaint about the conduct of a Member of Allerdale Borough Council will be dealt with via the “arrangements” for dealing with standards allegations under the Localism Act 2011.

The complaint must be submitted in writing, via our web on-line form, a letter or email, to The Monitoring Officer.

The Monitoring Officer will review every complaint received where a Member has alleged to have breached the Code of Conduct and, after consultation with the Independent Person and Chair of the Council’s Standards Committee, take a decision as to whether it merits formal investigation.

5. Complaints made from other Council Officers

Officers working for the Council, at some time, may need to make a complaint as a customer of the Council. Officers making a formal complaint still need to comply with this policy.

Officers handling staff complaints need to deal with the complaint like any other complaint received from members of the public, by following this policy.

Staff should ensure:

- Letters are sent to the staff member’s home address
- Email contact is to their private email address
- Meetings are arranged in a proper manner
- Complaint updates must not take place, in passing, in the corridor
- Progress chasing should be made using the proper channels and not by using your own or colleagues access to databases

6. Complaints monitoring

Customer services will monitor performance by departments on an on-going quarterly basis and produce reports for management and councillors as required.

7. Abusive persistent vexatious complainants

In a minority of cases some complainants pursue their cases in a way that can impede the investigation of their complaint or have significant resource issues for us.

We do not expect council staff to spend a lot of time on dealing with unreasonable complainants. Nor do we expect staff to tolerate threatening or

abusive behaviour by complainants and we will take action to protect staff from such behaviour.

7a Definitions

We have adopted the Local Government Ombudsman's (LGO) definition of ***“unreasonable complainant behaviour”*** and ***“unreasonable persistent complaints”***

We define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the council, hinder our services to other customers. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.

The corporate director will make the final decision on defining someone who is vexatious. The decision should be recorded and reason noted behind it.

Features of an unreasonably persistent and/or vexatious complainant are as Appendix 1 the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category.

7b Imposing restrictions

We will ensure that the complaint is being, or has been, investigated properly according to the formal corporate complaints procedure.

In the first instance the Head of Service will issue a warning to the complainant. The Head of Service will contact the complainant either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. The Head of Service will explain the actions that the council may take if the behaviour does not change.

If the disruptive behaviour continues, the Head of Service will issue a letter to the complainant advising them that the way in which they will be allowed to contact us in future will be restricted. The Head of Service will make this decision in conjunction with Customer Services and inform the complainant in writing of what procedures have been put in place and for what period. Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for.

Restrictions will be tailored to deal with the individual circumstances of the complainant. Appendix 2 lists examples of possible restrictions, the list is not exhaustive.

When the decision has been taken to apply this policy to a complainant, the Head of Service will contact the complainant in writing (and/or as appropriate) to explain:

- why we have taken the decision
- what action we are taking
- the duration of that action
- the review process of this policy, and
- the right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as a vexatious/persistent complainant

The Head of Service will enclose a copy of this policy with the letter to the complainant.

Where a complainant continues to behave in a way which is unacceptable, the Head of Service, in consultation with a Corporate Director/ Monitoring Officer, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

7c New complaints from complainants who are treated as abusive, vexatious or persistent

New complaints from people who have come under this policy will be treated on their merits. The Head of Service will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We do not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.

The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on our contact with him or her, will be recorded and notified to those who need to know within the council.

7d Review

The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Head of Service as deemed reasonable in each circumstance, during which the policy is to apply.

The complainant will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

7e Referring unreasonably persistent or vexatious complainants to the Local Government Ombudsmen

In some cases, relations between councils and unreasonably persistent or vexatious complainants break down completely while complaints are under

investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the formal complaints procedure. Where this occurs the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

7f Record keeping

Adequate records will be retained by the appropriate Head of Service. The details of the case, the action that has been taken are to be recorded onto the formal complaints system. The Head of Service will also inform Customer Services and all appropriate departments of:

- The name and address of each customer who is treated as abusive, vexatious or persistent
- When the restriction came into force and ends
- What the restrictions are
- When the customer was advised

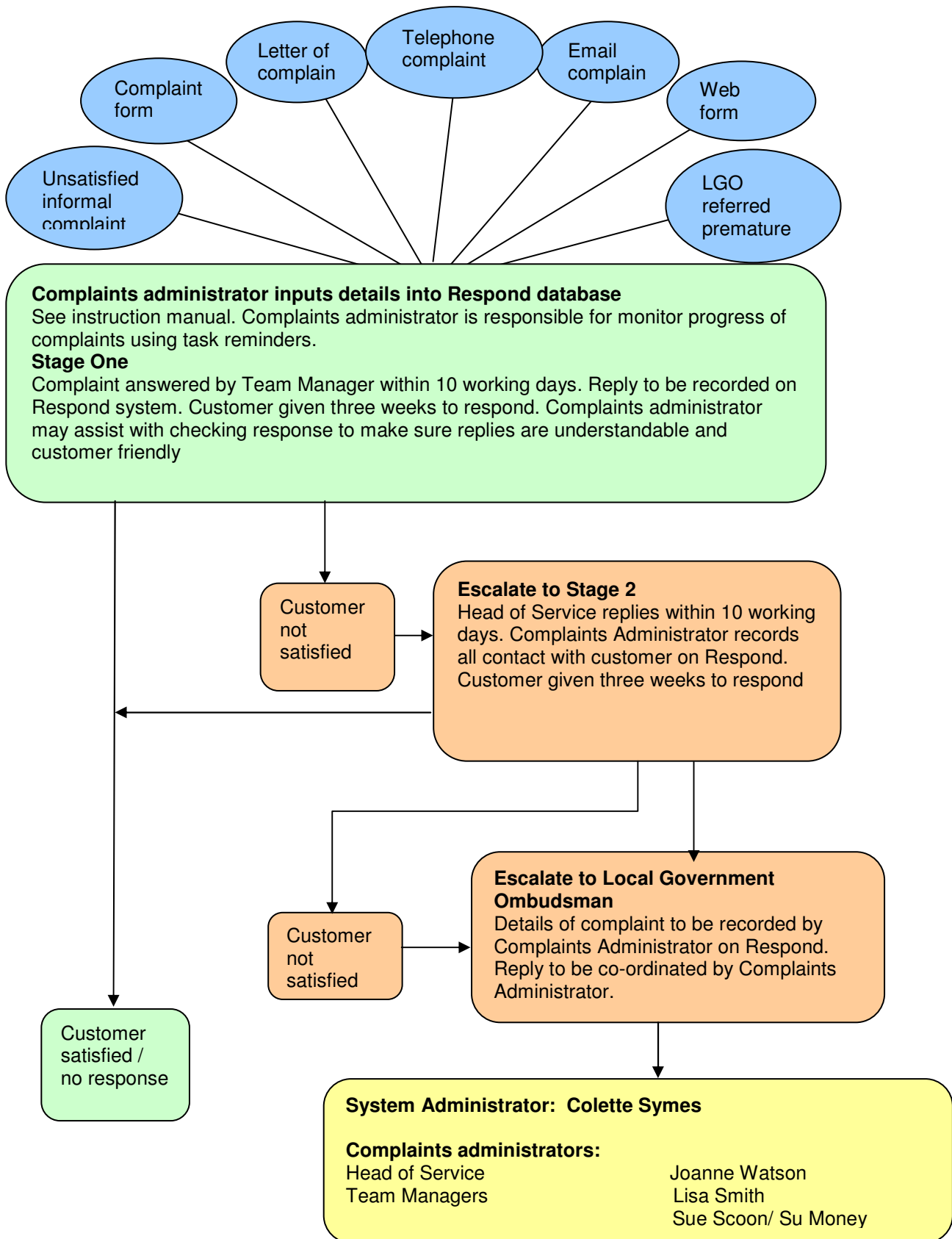
8 Equality and diversity policy statement

The Council is committed to eliminating discrimination in service delivery, procurement and employment on the grounds of race, gender, pregnancy, disability, sexual orientation, age, religion and belief.

The Council will monitor its activity to make sure this happens and take decisive action against those found to be in breach of the equality scheme.

- We are committed to ensuring that all people are given full and equal access to this policy
- We will monitor customer feedback to make sure all individuals and community groups have easy access to the policy and associated procedures and an appropriate resolution
- We will ensure that all complaints received (regardless of stage) involving a racist incident are investigated and monitored.

Appendix 1: Complaints Procedure



Appendix 2

The following lists aspects of an unreasonable persistent and/or vexatious complainant (this list is not exhausted).

Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)

- Refuse to specify the grounds of a complaint despite offers of assistance.
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuse to accept the issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope and policy and procedures eg parking tickets/planning appeals)
- Refuse to accept the issues are not within the power of the council to investigate, change or influence (complaint about a private car park or something that is the responsibility of another organisation)
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or good practise (insisting there must not be any written record of the complaint)
- Make what appears to be groundless complaints about staff dealing with the complaint and seek to have them dismissed or replaced.
- Make an unreasonable number of contacts with us, by any means in relation to specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous frequent and/or complex letters, faxes, telephone calls or emails).
- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, by the use of foul, inappropriate, offensive and racist language.

Appendix 3

The following is a list of restrictions which may be imposed on the complainant (this list is not exhausted)

- Banning the complainant from making contact by telephone except through the third party eg solicitors/councillor/ friend acting on their behalf
- Banning the complainant from sending emails to individual and/or all council officers and insisting they only correspond by letter
- Banning the complainant from using any of the council services eg leisure centres
- Banning the complainant from accessing any council building except by appointment
- Restricting telephone calls to specified days/times/duration
- Requiring any personal contact to take place in the presence of an appropriate witness
- Requiring contact to take place with one named member of staff only
- Letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)