

Chichester District Council – Complaints Procedure

Section 1 Introduction

Chichester District Council tries to make sure that the public always receive a first class service. We hope the public will never need to complain. Sometimes the Council may fail to meet the high standards that it sets for itself and that the public deserve. However, on occasion the Council is required to act in the wider public interest or is compelled to act in a prescribed manner by law - in which case the views of an individual may not coincide with those of the Council.

The Council recognises that sometimes things do go wrong. When they do, the Council wants to deal with the problem fairly and promptly and to take action to prevent similar occurrences in the future.

The Council is keen for the public to make their views known in order that investigations can be undertaken and service improvements made wherever required.

In the first instance, the Council expects issues to be resolved before the need for a formal complaint. Sensible discussion with the service concerned should be fully explored.

Section 2 What is a Complaint and what is not a Complaint?

It is important that we understand what exactly is meant by a complaint, in order that they are accurately recorded and that they can be dealt with in the appropriate way.

Many “complaints” by customers are in fact queries about the service, whereas others are genuine complaints about the way in which their application or case has been handled, about procedures followed, or about service provision.

Senior Manager in this scheme refers to a senior manager reporting directly to a Head of Service.

What is a Complaint?

A complaint may arise where the Council has:

- Failed to do something it should have done
- Done something it shouldn't have done
- Done something badly
- Treated someone unfairly, slowly or rudely
- Failed to satisfactorily investigate a complaint about an incident of a racist nature.

Examples:

“I believe that your officers have been biased against me in my application for Housing Benefits”, is a complaint.

“I think that the Council has behaved in an unprofessional way in dealing with my planning application”, is a complaint

“When the bin was returned to my drive way, I found that it had been damaged beyond repair by your bin men”, is a complaint

What is not a Complaint?

“I disagree with the amount of Housing Benefit I have been awarded, because.....” is not a complaint – but a further explanation of how the benefit was awarded should be supplied.

“I disagreed with your reasons for refusing my planning application” is not a complaint, but a further explanation of why the decision was made should be supplied.

“The bin men didn’t pick up my bin today” is not a complaint, but arrangements should be made to pick up the bin as soon as possible.

Comments, favourable or unfavourable, where the person concerned does not wish to take the matter further is not a complaint

Criticisms of a policy adopted by the Council is not a complaint

It is important to state that whether officers are dealing with a query about the service, or a genuine complaint, that the customer feels that he or she has been dealt with in a fair and professional manner, and that they are, as far as is possible, satisfied with the outcome. The Council advises staff to “Treat customers as you would wish to be treated”.

Section 3 Complaint Stages, 1, 2, and 3

A complaint may be received in written form, by letter, the “Complaints leaflet”, electronically, via email, the web site etc, or verbally. If the complaint is verbal, e.g. by phone, the customer should be encouraged to put it in writing, especially if the complaint involves a serious allegation about an officer, or council activity. It is also essential that a complaint, which may give rise to an insurance claim, be in writing for onwards transmission to the Council’s insurers.

Executive Directors in conjunction with the Head of Finance and Governance are able to make payments to the customer by way of compensation, but “without prejudice”, under section 92 of the Local Government Act 2000. Payments may be up to a

maximum of £500. The Chief Executive is responsible for making payments above this amount.

If injustice is found, the Council undertakes to review its procedures.

Stage 1

When a complaint is received, it is dealt with by the Senior Manager of the service team.

If the complaint is received by post or electronically, it should be acknowledged in writing within 3 working days, and within 10 working days the customer will be provided with a full explanation and details of how the situation will be resolved, or in complicated cases, a progress report.

If a customer completes a complaint form and hands it to an Officer, that Officer must record the date and time of receipt on the form, together with their name and job title and take a copy for the customer to retain before passing to the Central Complaints Administrator.

It is sometimes the case that a customer will write in directly to the Chief Executive with a complaint. In normal circumstances, (except in cases of serious charges against officers), the Chief Executive will pass the complaint to the Senior Manager to resolve the case at Stage 1 level.

When responding to a Stage 1 complaint with the outcome of the investigation the Senior Manager must advise the complainant of their option to request their complaint be dealt with at Stage 2 should they be dissatisfied with the Stage 1 investigation.

Stage 2

Where the customer is not satisfied with the explanations or the remedy offered following investigation at Stage 1 level, the customer can request the matter be reviewed. All stage 2 complaints should be forwarded to the relevant Head of Service who will investigate the complaint and respond to the customer.

The review within Stage 2 may involve more extensive investigations, interviews with relevant officers, the customer who made the complaint, other members of staff (as determined by the investigating Head of Service, and in some cases an on site visit.. In more serious cases, where for example, a serious complaint has been made about a member of staff e.g. a Senior Manager, the complaint handling process may bypass Stage 1, and move directly to Stage 2.

As with Stage 1, the complaint will be acknowledged within 3 working days, and within 10 working days the customer will be provided with a full explanation and details of how the situation will be resolved, or in complicated cases, a progress report stating when a full response may be expected.

When responding to a Stage 2 complaint with the outcome of the investigation the Head of Service must advise the complainant of their option to request an independent

investigation by the Local Government Ombudsman should they be dissatisfied with the Stage 2 investigation and must provide the Ombudsman's contact details.

Stage 3

Should a customer remain dissatisfied with the explanations or the remedy offered following investigation at Stage 2, they may have the right to submit a complaint to the Local Government Ombudsman, who is independent of the Council. The Ombudsman has the same powers as the High Court, and can order anyone to produce documents for their investigation.

It is sometimes the case that the Ombudsman will receive a complaint which has not previously been raised with the Council, and which we have not had an opportunity to comment on or resolve. In these circumstances, the Ombudsman will normally refer them back to the Council to seek resolution at local level. These will normally be referred to the Stage 1 process, except in the most serious allegations, where it would go straight to Stage 2.

Contact details for the Local Government Ombudsman Advice Team are:-

Tel: 0300 061 0614

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

[Submitting a Complaint to the Local Government Ombudsman](#)

Section 4 - Formal Complaints against Councillors or the Chief Executive

A complaint concerning the conduct of a Councillor should be referred directly to the Council's Monitoring Officer who will investigate the complaint in accordance with the Members Code of Conduct and Standards Committee.

A complaint concerning the conduct of the Chief Executive or an Executive Director should be made to the Chairman of the Council.

Section 5 The Role of the Service Complaints Administrators & Senior Managers

Each Head of Service should identify appropriate officers to administer complaints handling to be referred to in this scheme as a Complaints Administrator. The role is one of logging the complaint, sending an acknowledgement, passing the complaint to the Senior Manager for investigation, monitoring progress, and reporting the outcome of decisions to the Central Complaints Administrator (within Customer Services).

The Senior Manager should be an officer directly reporting to the Head of Service, with experience of the operations of the service to which the complaint relates.

The Senior Manager may be nominated by their Head of Service to fulfil both the role of Senior Manager and Complaints Administrator.

The Senior Manager should:-

- Investigate the complaint at the Stage 1 level
- Look at a complaint from a service point of view
- Communicate with the customer directly, including answering correspondence
- Ensure the Council's complaints response times are adhered to

The Service Complaints Administrator should:-

- Ensure the complaint is registered with the Central Complaints Administrator within Customer Services Acknowledge the complaint within 3 working days. Maintain a register of complaints and data for the Senior Manager and the central monitoring process
- Ensure the response is sent within 10 working days or if the complaint is likely to take longer a holding reply is sent at seven working days
- Ensure the Central Complaints Administrator is kept informed of progress of a complaint and such progress is recorded in the CRM

Section 6: The Role of the Central Complaints Administrator

The Central Complaints Administrator is one of the functions of the Head of Business Improvement Services and her role is to:

- Notify Service Complaints administrator of complaints received, target dates for acknowledgement, holding reply and response date.
- If the Service Complaints Administrator is unavailable acknowledge the complaint and forward to the relevant Service Manager for a response.
- Provide a monthly analysis of Compliments and Complaints
- Provide information, statistics and trends on Stages 1, 2 and 3 Level complaints to the Corporate Management Team, Corporate Governance and Audit Committee and Standards Committee as required.
- To be the central reference point for formal complaints.
- To be the Council's "Link Officer" with the Ombudsman, ensuring that Ombudsman cases are dealt with in a timely manner.
- To ensure that the list of Complaints Administrators and Senior Managers is up to date
- To ensure new staff are aware of the formal complaints procedure.
- Maintain and update the Council's Complaints procedure and public information as appropriate
- Attend meetings of the Corporate Governance and Audit Committee and Standards Committee as requested.

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Section 7: The Role of the Chief Executive

The Chief Executive has overall responsibility for the management of the Council's complaints system and procedures, and for ensuring that: -

- Through Senior Managers, Stage 1 complaints are resolved as appropriate.
- That Stage 2 complaints are thoroughly investigated by the appropriate Head of Service or herself (depending on the gravity of the complaint).
- That Ombudsman complaints are resolved as appropriate and are reported to the Corporate Governance and Audit Committee.

Section 8: The Role of the Standards Committee

This Committee will consider reports from the Monitoring Officer concerning complaints about the conduct of Members.

Section 9: The Role of the Corporate Governance and Audit Committee

The Corporate Governance and Audit Committee will receive reports from the Central Complaints Administrator on an annual basis. Its main functions are;

- To ensure that information / opportunities for improvement in the handling of complaints (and in preventing complaints) are shared.
- That actions required to effect an improvement are followed through.
- To analyse trends in a particular service or across services and act upon them.
- To ensure that Cabinet (through the Portfolio Holder) are fully aware of the situation on complaints.

Section 10: The Role of Other Officers of the Council in the Complaints Procedure

The Monitoring Officer

The Council's Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers on issues concerning Members, and make reports or recommendations in respect of them to the Council's Standards Committee.

The Monitoring Officer must be consulted if an Executive Director of the Treasurer wishes to make a payment to the customer by way of compensation

Head of Finance and Governance / Accountancy Services Manager

The Head of Finance and Governance and the Accountancy Services Manager, acting in their role as advisor to the Council on Insurance matters, must be kept fully informed of any complaints which may give rise to an insurance claim or possible liability issue.

It is important to remember that admitting liability can prejudice any defence which the Council or our insurance company may wish to make, and could lead to the insurance company refusing to meet any financial liabilities arising from such an admission.

The Head of Finance must be consulted if an Executive Director wishes to make a payment to the customer by way of compensation

The Head of Community Services

The Head of Community Services is responsible for investigating and recording complaints of a racial nature.