

Public Document Pack

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A meeting of **Corporate Governance & Audit Committee** will be held in Committee Room 1 - EPH on **Tuesday 29 September 2015 at 9.30 am**

MEMBERS: Mrs P Tull (Chairman), Mr G Hicks (Vice-Chairman), Mr G Barrett, Mr I Curbishley, Mr T Dempster, Mrs N Graves, Mrs P Hardwick, Mr F Hobbs, Mr P Jarvis and Mr S Morley

SUPPLEMENT TO AGENDA

- 9 **Formal Complaints, FOI requests and subject access analysis 2014/15**
(Pages 1 - 28)
To consider and note this annual report and to make any appropriate recommendations as to future monitoring arrangements to identify business improvement.

Chichester District Council

Guidance Notes

Procedure for dealing with requests for information made under the Freedom of Information Act 2000 & Environmental Information Regulations 2004

1. Introduction

The way in which the council deals with requests for information made under the Freedom of Information Act (FOIA) and the Environmental Information Regulations (EIR) has been reviewed. The aim of these guidance notes is to set out the new procedures for services to follow to ensure the council complies with its statutory obligations.

The guidance notes are not designed to be a detailed training manual on FOIs and EIRs, although Appendix 3 provides links to supporting information which you should refer to. If additional training is required, please identify this need with your manager.

2. Scope

The council has a statutory obligation for dealing with requests for information (RFI). If the information requested is held by the council and is not already publically available, it must be provided **within 20 working days** unless a statutory FOI exemption or EIR exception applies. These provisions are governed by the FOIA and EIR and further information is available in the [Information Commissioner's Handbook](#) (see also Appendix 3). Please note the 20 days excludes the day we receive the request and bank holidays.

3. Responsibility for dealing with Requests for Information

The responsibility for administering and responding to RFI has been devolved to services. The Customer Service Centre is the central point for receiving RFI and will direct each request received to the appropriate service.

Each service has a nominated Service Information Officer who will act on behalf of each Head of Service and will be responsible for making an initial assessment against the RFI; responding as appropriate. Each Service Information Officer will be supported by a deputy (see Appendix 1).

4. Procedure for dealing with Requests for Information

RFI are frequently made to the council by, for example, individual members of the public, companies, MPs, students and journalists.

RFI can be submitted via letter, fax, email, eform, text or twitter. The email address is foi@chichester.gov.uk. We encourage RFI to be made via email, preferably using the online Eform. However, EIR requests do not have to be in writing and it is advised that a written record is kept of any verbal EIR requests received.

A process map of the procedure is included in Appendix 2.

4.1 Receiving and logging the request

The Customer Service Centre will receive the RFI; make an assessment as to which service the request should be assigned to; and save the request in the relevant service folder on the x drive under FOI_EIR Requests. The case details will be logged on the Customer Relationship Management System (CRM). The following information will be recorded:

- The requester's contact details.
- The date the request was received.
- The date that the request must be responded to.
- A brief summary of the request
- The Service Team assigned the request

4.2 Contact the Service Information Officer

Once the request has been logged, the Customer Service Centre will contact the assigned Service Information Officer and deputy by email advising them of the request. A hyperlink to the request saved on the x drive will be included in the email and the notification will also be sent to a Directorate specific email account. A sample email is available under Appendix 4.

The Customer Service Centre will send the notification as soon as possible, but in any event, within 2 working days of it having been received.

4.3 Assess the request and obtain the information

The Service Information Officer should make an immediate assessment of the RFI and raise any initial concerns with their Head of Service. Most importantly, the Service Information Officer must establish whether the RFI is a request under the FOIA or the EIR because the two differ. Further information can be found below and in the [Information Commissioner's Handbook](#) (see also Appendix 3).

If required, advice from Head of Business Improvement or the Customer Contact Centre Manager (for complex enquiries) or Public Relations (for media related enquiries) should be sought immediately to ensure that a response can be provided within 20 working days. Please note support from these services cannot be guaranteed if they are contacted at the last minute. Additional points to consider are:

a) Is it clear – do you understand what is being requested and what it relates to?

If the request is unclear, the Service Information Officer should promptly respond to the customer and ask for clarification. Once clarification of the request is received the 20 working day period will commence. When seeking clarification it is often helpful to explain what information is readily available. – **Standard Letter 1.1 Further Information required**

b) Is the information held by CDC?

If we do not hold the information, the Service Information Officer should promptly respond to the customer to explain that the information is not held by the council. If you know who does, for example West Sussex County Council, you may wish to note this in your response. But remember, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it.

c) Is the information already available on the council's website?

If the information is already available on our website, the Service Information Officer should promptly respond and include the link to the appropriate web page. **Standard letter 1.2 – information accessible by other means**

d) Do any exemptions apply?

Careful consideration should be given as to whether any exemptions or exceptions apply to withhold the information. Full details of what circumstances allow for the request to be refused are provided in the [Information Commissioner's Handbook](#) (see also Appendix 3). One key exemption to remember is that the FOI Act does not give people access to personal or sensitive data. If a member of the public wants to see information that the council holds about them, they should make a request under the Data Protection Act 1998.

The Service Information Officer should discuss any exemptions or exceptions with their Head of Service to approve. Advice from the Head of Business Improvement Services or Legal may also be required for complex cases. A clear explanation of why the information is being withheld must be sent to the customer within 20 working days.

e) Does a charge apply?

We cannot charge for an FOI until the time taken to respond amounts to over £450. This is the equivalent of 18 hours of time based on a charge of £25 per hour. The Service Information Officer should estimate whether the time taken to identify, retrieve and search for the information requested is likely to exceed this limit. The time taken to extract the information from the document containing it can also be included, but not the time associated with deciding whether the information should be released or not. If the request falls under this limit, you can charge for disbursements (photocopying, printing or posting) if the information requested is voluminous.

If a charge applies, the Service Information Officer should discuss this with their Head of Service and give the applicant notice in writing, referred to as a fees notice. The customer should also be encouraged and assisted to narrow the scope of the request. The FOI budget code is held by the Finance Team.

Under EIRs there is no cost limit for dealing with requests but requests that cost a disproportionate amount can be refused on the basis that they are unreasonable, subject to a public interest test.

4.4 Compile the reply and send to the requester

The Service Information Officer should collate the relevant information required and check to see if any sections of a document are exempt and therefore need to be redacted (removed by cutting out). Service Information Officers should take care when information has to be redacted and more information can be found in the [Information Commissioner's Handbook](#) (see also Appendix 3).

It is up to the individual service area to decide whether a senior officer needs to undertake a second review of the information before it is released.

Either way, the Service Information Officer must respond to the customer within **20 working days**. For EIRs this can be extended to 40 working days for complex and voluminous requests once the customer has been informed. The Public Relations Team have produced template letters to help you respond to any FOI enquiries you may have (see Appendix 5).

4.5 Case management

Each service area is responsible for keeping records of what was released; all correspondence with the customer; and the full and redacted versions of any information disclosed. This will provide an audit trail of the decision making process

Customer Services will record all key actions for each RFI. They will provide a report for FOI Officers Managers, Heads of Service, and Directors to assess whether RFI are being handled within 20 working days.

This report will also allow the Service Information Officers to establish trends for the types of requests received. If there are trends, it is worth considering whether the information should be placed on the council's website.

5. Complaints

If the council refuses a request under the Freedom of Information Act or Environmental Information Regulations, the requester can ask for an internal review of the decision. EIR requests for internal reviews must be made within 40 working days of the date of the refusal letter. Reviews will be carried out by the Reviewing Officer (the Executive Director of Support Services and the Economy). All requesters will receive an acknowledgement to their request within 3 working days and a full response within 20 working days of their request.

If the person requesting the information is still unhappy with the response they receive, then they can appeal to the Information Commissioner. If the Information Commissioner agrees with the person requesting the information, then the council can be ordered to disclose the information.

6. Roles and Responsibilities

6.1 Corporate Management Team

- Will support the implementation of the revised procedure and each Director will raise any issues which relate to their service areas by exception (e.g. 20 working day deadline repeatedly not being met).

6.2 Executive Director of Support Services and the Economy

- Is the Reviewing Officer responsible for dealing with any appeals against the council's decision not to provide information requested unless the appeal relates to a service that falls within the Support Services and the Economy Directorate. Where this is the case, the review must be carried out by a different Director.
- Is the Lead Information Officer who has overall responsibility for the process and will be supported by a nominated officer as required.

6.3 Head of Service

- Has overall responsibility for managing the process within their service areas and ensuring RFI are forwarded to an appropriate and available officer.
- Will provide support and guidance to the Service Information Officer as required.
- Will report any issues by exception to the relevant Director.
- Has access to a Directorate specific email account where all RFI will be sent to via the Customer Service Centre. Head of Service should check this inbox on occasions where both the Service Information Officer and deputy are absent (see Appendix 3).
- Is responsible for ensuring any changes to their nominated Service Information Officer and deputy are reported to the Customer Service Centre to ensure notifications are assigned to the correct officer at all times.

6.4 Customer Service Centre

- Will ensure all RFI are saved electronically on the x drive under X:\FOI_EIR Requests.
- Assign a Service Information Officer and deputy to each RFI. Where the request covers more than one service, the Customer Service Centre will assign the most appropriate service to collate a response on behalf of all the relevant services.
- Will not coordinate responses on behalf of services or provide advice on how to deal with the RFI.
- Will send a reminder alerts to the Service Information Officer and Head of Service at 15 working days if the FOI/EIR request remains as an open case
- Will contact the relevant Service Information Officer and deputy by email if a requester makes an enquiry about an RFI already submitted.
- Will maintain a record and capture all key actions for RFI
- Will make a report available to all required officers
- Will report FOI's in Covalent.

6.5 Service Information Officer

- Will inform the Customer Service Centre immediately if they are not the correct service to receive the request.
- Will inform the Customer Service Centre if they have asked for clarification of a RFI
- Will manage all RFI assigned by the Customer Service Centre including any enquiries about an RFI already submitted.
- Will maintain records for each RFI and update the excel spread sheet for their Directorate saved on the x drive for each case handled.
- Will obtain information from other Service Information Officers if assigned a multi-service request.
- Will seek advice promptly from the relevant Head of Service, Lead Information Officer (for complex enquiries), Legal Services (for complex enquiries) or Public Relations (for media related enquiries) as required. A work instruction will be required for Legal Services and sufficient time allowed for the work to be undertaken within the 20 working day timescale.
- Will inform the relevant Head of Service if the 20 working day timescale is not met.
- Will inform Customer Service Centre if the 20 working day timescale is not met and the reason why
- Will send a link to the file for final RFI response and inform Customer Services type of response given to the customer
- Advise if the response was sent within the statutory time period.
- If late by how many days
- Why the Response was late
- If there was a charge
- Any additional comments

Also has access to a Directorate specific email account where all RFI will be sent to via the Customer Service Centre.

- Will be supported by a nominated deputy.

6.6 Deputy Service Information Officer

- Will support the Service Information Officer as required.
- Will undertake the role of the Service Information Officer when absent.

6.7 Legal Services

- Will provide Legal advice for complex RFI, particularly in relation to the use of exemptions or exceptions.
- Will require a work instruction from service areas if advice is sought.

6.8 Public Relations

- Will provide advice for RFI that relate to media enquiries or are received from the media

7. Procedure Review

This procedure will be reviewed by the Lead Information Officer three months following implementation. An annual review by SLT will take place thereafter.

8. Appendices

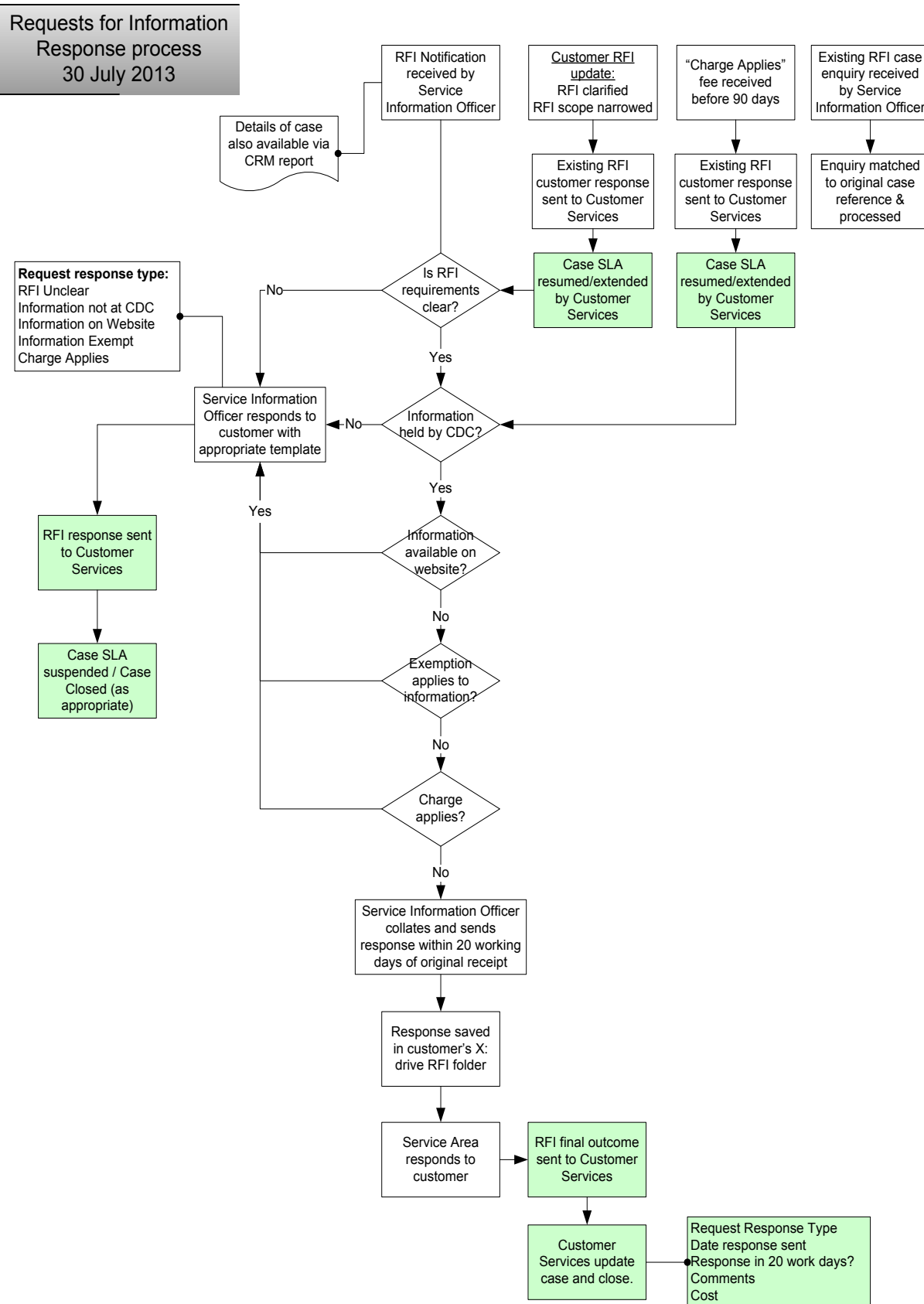
- 8.1** Appendix 1 - List of nominated Service Information Officers and deputies by service area.
- 8.2** Appendix 2 - Process map for Service Information Officers dealing with requests for information.
- 8.3** Appendix 3 - Supporting Information.
- 8.4** Appendix 4 - Making the link between email alert and the case management report.
- 8.5** Appendix 5 - Template letters.

Service Information Officers and Deputies

Directorate	Service Area	Service Information Officer	Deputy
Chief Executive Office	Chief Executive	Jane Polden	Joe Mildred
	Accountancy Services	Dave Cooper	Helen Belenger
	Audit		
	Health and Safety		
	Legal Services		
	Electoral Services		
Corporate Policy Advice	Joe Mildred	Amie Huggett	
Environment	Health Protection and Environmental Management	Shelley Tanner	Joanne Haskins
	Chichester Contract Services	Libby Cornwall	Lou Hill
	Development Management and Building Control	Sam Carter	Liz Pulley
Home & Community	Community Services	Jenny Jones	Steve Hansford
	Housing	Rob Dunmall	Linda Grange
	Planning Policy		Karen Dower
	The Grange/Westgate/Novium)	Richard Minton Cathy Hakes	Mike Boyce Stuart Mills
	Leisure and Wellbeing, Sports Development and the Foreshores Service.	Sam Miles	Jenny Jones
	Commissioning	Angela Reeve-Hurndall	
Support Services & the Economy	ICT	Karen Parsons	Ray Witham
	Estates	Peter Legood	David Lilley
	Building and Facilities	John Bacon	Sarah Hobbs
	Customer Services	Fiona Delahunty	Louise Kent Mary Forbes
	Economic Development	Kim Pellett	Alison Thompson Anna Heyward-Strange
	Car Parks	Darren Bradfield	Caroline Jardine

	Council Tax and Business rates/NDR	Paula Robinson	Chris Christie Diane Kirkham
	Benefits	Chris Dring	Marlene Wescott Diane Kirkham
	Member Services	Philip Coleman	Graham Thrussell
	Public Relations	Sarah Parker	
	Personnel	Hanna Woods	Cathy Green

Process Map for Service Information Officers dealing with Requests for Information



Supporting Information

Useful Documents and Information	Source
<p>Information Commissioner's Handbook: Hints for Practitioners handling FOI/EIR requests. Includes: What information is subject to the FOI Act and EIRs. Exemptions and Exceptions. Key Do's and Don'ts.</p>	<p>http://www.ico.org.uk/~media/documents/library/Freedom_of_Information/Practical_application/FOI_HINTS_FOR_PRACTITIONERS_HANDLING_FOI_AND_EIR_REQUESTS_2008_FINAL.ashx</p>
<p>Frequently Asked Questions – includes a related document which explains what information is protected.</p>	<p>http://intranet.chichester.gov.uk/index.cfm?articleid=10868</p>
<p>CDC Publication Scheme – this lists the type of information which the council routinely publishes and where to obtain it from. The information being requested may already be included in the publication scheme.</p>	<p>http://www.chichester.gov.uk/index.cfm?articleid=6472</p>
<p>CDC's FOI and EIR webpages - includes Eforms.</p>	<p>http://www.chichester.gov.uk/index.cfm?articleid=6472</p> <p>http://www.chichester.gov.uk/index.cfm?articleid=14629</p>
<p>Directorate email accounts for receiving RFI via the Customer Service Centre (access is restricted to assigned users only). Please note that in addition to RFI being sent directly to the nominated Service Information Officer and deputy, the request will also be sent to the relevant Directorate email account. This email account is to act as a safety net for Heads of Service to access when necessary. Any Service Information Officer or deputy from the same Directorate can also access the account.</p>	<p>Chief Executive Office: FOIChiefExecutiveOffice@chichester.gov.uk</p> <p>Environment: FOIEnvironment@chichester.gov.uk</p> <p>Home and Community: FOIHomeandCommunity@chichester.gov.uk</p> <p>Support Services and the Economy: FOISupportServicesandEconomy@chichester.gov.uk</p> <p>Access is via Microsoft Outlook: File/Open/Open Other User's Folder/Name [Search for the appropriate Directorate email account as above]/select ok.</p>

Appendix 4 Making the link between email alerts and the case management report

As referenced in the procedure notes (see section 4.2), the Customer Service Centre will email the assigned Service Information Officer and deputy once a request for information (RFI) has been received. The email will be generated from the Customer Relationship Management system and will be in a set format. A sample email is included below.

The procedure notes (see section 6.4) also explain that the Customer Service Centre will contact the relevant Service Information Officer and deputy by email if a requester makes an enquiry about an RFI already submitted. A sample email is also included below – please note two case IDs will appear in the enquiry email, the sample highlights which ID to use. This note also makes reference to e-mail alerts which will be sent at 15 days to remind the Service Information Officer, Deputies and Heads of Service of the 20 day target date (see appendix 4)

Sample of Customer Service Centre Report

Freedom of Information Requests - (01/08/2014 - 31/08/2014)

Cases:

Case Reference	FOI Request Type	SLA	Case Created Date	Request Is EIR	Customer Name	Associated Docs	Date Received	Received By
☐ Support Services & the Economy								
FL-101000750259	New Freedom of Information (FOI) Request - Council Tax and Business rates/NDR	28/08/13	01/08/13	N/A	Fiona Delahunty	X:\FOI_EIR Requests\Support Services and Economy\Council Tax and Business Rates\Requests 2013\Tattersall	30/07/13	Email

Appendix 4

Sample email – request for information:

(Please note this is a sample email based on an FOI request, the same applies for requests made under the EIR).

```

////////////////////////////////////
// New FOI Request
////////////////////////////////////
Subject: New FOI Request received by Customer Services: FL-101000750259

```

Message:

A new Freedom of Information (FOI) request has been received for your Service Area.

The request case details are listed below:

Case Details:

Case ID: FL-101000750259

Classification: Requests for Information>>Support Services & the Economy>>FOI - Customer Services

Title: New Freedom of Information (FOI) Request - Customer Services

Associated With: Delahunty, Fiona (Mrs)

SLA: 07/06/13

Allocation: RFI - Customer Services

Status: Opened

Priority: 0

Severity: 0

Created: 10/05/2013 [dfinch]

Customer Address: East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY

Date Received: 10/05/13

Associated Document(s): X:\FOI_EIR Requests\Support Services & the Economy\Customer Services\anEmail.txt

Further Description: Any description entered by Customer Services.

Associated Individual's Contact Details:

Delahunty, Fiona (Mrs)

East Pallant House, 1, East Pallant

Phone: 01243 785166 (Work)

Email: fdelahunty@chichester.gov.uk (Work)

Sample email - enquiry:

(This is a sample enquiry email based on an original FOI request made. The same applies for requests made under the EIR. Please also note that two case IDs are generated, please refer to the case ID highlighted in red as this refers to the original case received).

////////////////////////////////////
// Existing FOI Enquiry
////////////////////////////////////
Subject: New FOI Enquiry received by Customer Services

Message:

An enquiry regarding the existing Freedom of Information (FOI) case referenced below has been received for your Service Area.

The enquiry case details are listed below:

Case Details:

Case ID: FL-101000750259

Classification: Requests for Information>>Support Services & the Economy>>FOIEnq - Customer Services

Title: New Freedom of Information (FOI) Enquiry - Customer Services

Associated With: Delahunty, Fiona (Mrs)

SLA:

Allocation: RFI - Customer Services

Status: Opened

Priority: 0

Severity: 0

Created: 10/05/2013 [dfinch]

Customer Address: East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY

Regarding FOI/EIR Case Ref: FL-101000750229

Associated document(s) included?: No

Further Description: Any description entered by Customer Services.

Associated Individual's Contact Details:

Delahunty, Fiona (Mrs)
East Pallant House, 1, East Pallant
Phone: 01243 785166 (Work)
Email: fdelahunty@chichester.gov.uk (Work)

Sample alert e-mail

(This is a sample of the e-mail alert that will sent at 15 days to remind Officers of response date for Request for Information)

Subject: Reminder FOI Response is due in 5 Working Days

Message:

The response to this FOI/EIR is due in 5 working days please ensure a link to your reply with other information that is required is sent to Customer Services. If you are unable to meet the target date please discuss this with your Head of Service

████████████████████

Freedom of Information – template letters

The Public Relations Team have produced these template letters to help you answer any Freedom of Information enquiries you have.

1.1 Standard response – further information required

Name

Address

Ref No:

Date

Dear (applicant's name),

Thank you for your letter / email / fax (delete as appropriate) of (date of correspondence) where you requested information about (subject).

From our preliminary assessment, it is clear that we will not be able to answer your request without further clarification.

The (name of department) requires further information in order to identify and locate the information you have asked for (include an explanation of why this is the case, if this is appropriate). In particular, it would be useful to know (give the applicant an indication of the sort of information you require in order to proceed with the request).

Once you have clarified your request, I will be able to process your request. If I do not receive clarification within three months, your request will be considered to have lapsed. (Under section 1(3) of the Freedom of Information Act (FOIA), a public authority need not comply with a request unless any further information reasonably required to locate the information is supplied).

Please remember to quote the reference number above in any future communications.

Yours sincerely,

Your name

1.2 Standard letter – information accessible by other means

Name

Address

Ref No:

Date

Dear (applicant's name),

Thank you for your letter / email / fax (delete as appropriate) of (date of correspondence) where you requested information about (subject).

I can confirm that the (name of department) holds this information. The information is exempt under Section 21 of the Freedom of Information Act (FOIA), because the information is accessible to you, as it is already in the public domain. (Enter the web addresses where the information can be found or other method of obtaining the information, including by payment of a fee).

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to Paul Over, Executive Director of Support Services and the Economy.

Yours sincerely,

Your name

1.3 Standard template – information is held because it is personal data

Name

Address

Ref No:

Date

Dear (applicant's name),

Thank you for your letter / email / fax (delete as appropriate) of (date of correspondence) where you requested information about (subject).

I can confirm (there may be instances where you cannot 'either confirm or deny' that the information is held) that the (name of department) holds this information. This information is exempt under section 40 (personal information) of the Freedom of Information Act (FOIA), as the information constitutes third party data. Section 40 (2) provides that personal data about third parties is exempt information if one of the conditions set out in section 40 (3) is satisfied. Under the FOI Act disclosure of this information would breach the fair processing principle contained in the Data Protection Act (DPA), where it would be unfair to that person / is confidential. (There may be other reasons why the DPA would be breached).

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to Paul Over, Executive Director of Support Services and the Economy.

Yours sincerely,

Your name

Director of Support Services and the Economy Investigation

Response to investigation##

Final Paragraph

If you are not content with the outcome of your complaint, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: The Information Commissioner's Officer, Wycliffe House, Water Lane, Wilmslow, Cheshire, SL9 5AF.

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 relevant Senior Manager. (See Appendix 1 for current list)

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 OEH

[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 using the [Formal Complaints\Acknowledgment Templates](#) 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

Appendix 1 provides a list of nominated Senior Managers and Complaints Administrators.

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.

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 District Treasurer 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.

APPENDIX 1

Senior Managers and Complaints Administrators

Central Complaints Administrator Customer Services

Fiona Delahunty

Finance and Governance Services

Head of Service: John Ward

Senior Managers:-

Helen Belenger, Diane Kirkham, Chris Dring, Chris Christie, Philip Coleman, Jo Timm, Warren Townsend, David Stewart

Complaints Administrators:-

Helen Belenger, Julie Price-Wickenden, Marlene Wescott, Paul Jobson, Philip Coleman, Jo Timm, Warren Townsend, Linda Goodall

Business Improvement Services

Head of Service: Jane Dodsworth

Senior Managers:-

Tim Radcliffe, John Bacon, Fiona Delahunty; Karen Parsons; Sarah Parker, Joe Mildred

Complaints Administrators:-

Fiona Delahunty

Planning Services

Head of Service: Andrew Frost

Senior Managers:-

Russell Pugh, John Saunders, Shona Archer, Jo Bell, Tony Whitty, Lone Le Vay, Mike Allgrove

Complaints Administrators:-

Sam Carter, Liz Pulley

Community Services

Head of Service: Steve Hansford

Senior Managers:-

Pam Bushby, Brenda Jackson, Elaine Thomas, David Hyland

Complaints Administrators:-

Jenny Jones

Contract Services

Head of Service: Rod Darton

Senior Managers:-

Bob Riley, Andrew Ifould, Andy Howard

Complaints Administrators:-

Emma Arnold

Housing and Environment Services

Head of Service: Louise Rudziak

Senior Managers:-

Laurence Foord, Ian Brightmore, Linda Grange, Rob Dunmall, Alison Stevens

Complaints Administrators:-

Shelley Tanner

Commercial Services

Head of Service: Jane Hotchkiss

Senior Managers:-

Peter Legood, Steve Oates, Kevin McCoy, Tania Murphy, Cathy Hakes

Complaints Administrators:-

Angela Reeve-Hurndall; Alison Thompson, Anna Hayward-Strange