



Complaints Scheme

V5.0

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| 21..02.2013 | Assistant Director of Support Services | | |
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5.0 Complaints Scheme

Introduction - Our Aims and Standards

We are committed to providing high quality services with our customers at the heart of everything we do. We do our best to make sure your contact with us is professional, courteous and goes beyond your expectations. However, we do accept that sometimes things can go wrong and at these times we need to listen to your views and put things back on the right track and take action to prevent similar occurrences in the future.

There are times when 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 and what is it required to do.

Who can complain and how?

Our complaints procedure is available to anyone who uses or receives any of our services.

The procedure is also available to any individual/company/agent acting on behalf of and with the consent of the complainant e.g. a nominated friend or relation, professional advisor or Member of Parliament. Where somebody acts on behalf of somebody else we will usually need their permission to be recorded in writing to ensure that there is a clear record that the Council can share relevant information.

We want to make our complaints procedure accessible to everyone and easy to use.

A complaint can be written or oral and customers can complain;

- By using the online form on our Website
- By email
- By phone
- In writing
- In person
- By fax or minicom
- By social media

We do not insist that complaints are put in writing however 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.

We will also do our best to help customers who do not speak English or want a complaints leaflet in another format.

Anonymous Complaints

Anonymous complaints about the Council have less value as evidence than complaints where the complainant is identified. Because of this the Council cannot normally investigate anonymous complaints or otherwise take action and at best the anonymous complaint will be passed to an officer for awareness. Please note that different rules apply for anonymous complaints about Councillors, these should be referred to the Council's Monitoring Officer.

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; the Council expects all officers to provide such information freely and to enable our residents to understand the work of the Council.

For the purposes of this policy complaints are approaches to the Council about the way in which their application or case has been handled, about procedures followed, or about officer conduct or service provision.

In the first instance,

Complaints may arise where the Council has;

- Failed to do something it should have done
- Failed to meet our targets or a delay in providing the service
- Used an informal response which has failed to resolve the issue
- Treated someone unfairly or rudely
- Failed to provide an Officer in a customer facing role with a good standard of spoken English
- Partner organisations have not acted fairly – for example private companies who act as our Bailiffs

What is not a complaint?

- Appeals about housing benefit awards or parking fines (penalty charge notices)
- Request for service provision (e.g. the bin men did not collect my bin)
- Where there is a legal form of redress
- Criticisms of a policy adopted
- Level of council tax charges (e.g. charges on empty homes)
- A decision regarding a planning application
- A complaint about an Officer’s accent, dialect, origin or nationality
- Insurance claims- damage to property or people
- Complaints about Councillors which should be directed through the Code of Conduct for members processes to the Monitoring Officer (see below)

Customers do have other options open to them when they wish to appeal a penalty charge notice, housing benefit awards, a decision on homelessness or a decision regarding a planning application, therefore these enquiries should be referred to the relevant service teams, who will be able to advise on how to appeal.

Complaints Stages

There are three stages of the Council's complaints procedure.

Stage 1 Complaints

When a complaint is received, it is dealt with by the relevant Service Manager or Senior Officer.

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 at 7 working days.

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.

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 Service Manager/Senior Officer to resolve the case at Stage 1 level.

Reports show that the vast majority of complaints are resolved at Stage 1 level.

Stage 2 Complaints

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 by a Divisional Manager/Director. The review should be requested within 1 months of the Stage 1 investigation.

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 Divisional Manager/Director, 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 Service 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 15 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 Divisional Manager/ Director 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 Complaints – The Local Government Ombudsman

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.

If during the complaints procedure if an injustice is found, the Council will review its procedures and put measures in place to prevent a re-occurrence.

Divisional Managers in conjunction with the Divisional Manager for Finance, 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.

Racial, Officer and Councillor Complaints

Racial Complaints

Complaints of a racial nature will be investigated by the Divisional Manager of Communities if however they have been involved or involve them directly they will be investigated by the Director of Housing and Communities.

Councillor Conduct Complaints

Complaints concerning the conduct of a Councillor should be referred directly to the Council’s Monitoring Office who will investigate the complaint in accordance with the Members Code of Conduct and Standards Committee. The Divisional Manager of Democratic Services is the Council’s Monitoring Officer.

Senior Officer Complaints

A complaint concerning the conduct of the Chief Executive or a Director will be investigated at Stage 2 of the Council’s complaints procedure by another Director who has not been involved in the original complaint

Roles and Responsibilities

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| Chief Executive | Has overall responsibility for the management of the Council's complaints system and procedures. |
| Service Complaints Administrators/ Service Managers | Register Complaints with Customer Services. Acknowledge within 3 days Track to ensure response is sent within 10 days or send an update within 7 days. Advise Customer Services when response sent. |
| Divisional Manager Customer Services/ Customer Services | Act as a point of contact for complaints. Register and create complaints reports. Look for trends and remedies. Acknowledge complaints should Administrator/Service Manager unavailable. .Act as Link Officer for Ombudsman. Prepare a report and present to Corporate Governance. Compliments will also be registered |
| Corporate Governance and Audit Committee | Look for opportunities to improve the handling of complaints. Ensure actions required to effect an improvement are followed through. Analyse trends and act upon them to make improvements. Ensure the Cabinet are fully aware of the situation on complaints |
| Divisional Manager Financial Services | Divisional Manager for Finance, 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 |
| Divisional Manager Communities | Complaints of a racial nature will be investigated by Divisional Manager of Communities if however they have been involved or involve them directly they will be investigated by the Director of Housing and Community Services |
| Role of 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 the Divisional Manager of Financial Services wishes to make a payment to the customer by way of compensation |
| Role of Standards Committee | This Committee will consider reports from the Monitoring Officer concerning complaints about the conduct of Members |

Unreasonable Persistent Complainants

A very small minority of customers makes or pursues complaints in a persistent way which can either slow down the investigation of their complaint or can have significant resource issues for us. To ensure unreasonable and unreasonably persistent complainants are dealt

with fairly. The Council have a policy which sets out clearly for staff and complainants what is expected of them, what they can do, and who can authorise actions. It will help us assess and monitor how we deal with and respond to unreasonable and unreasonably persistent complainants. Full details of the policy can be viewed [{insert link}](#)