



Complaints, Comments and Compliments Procedure

August 2013

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Why We Have A Complaints Procedure

Craven District Council is committed to providing the highest level of service to all our customers. Unfortunately, we don't get it right every time. The purpose of the Complaints Procedure is to make sure we "right the wrongs" and continually improve our services.

The Procedure is designed to ensure that

- ★ Making a complaint is as easy as possible.
- ★ Complaints are treated seriously, however they are received.
- ★ Complaints are dealt with promptly and efficiently.
- ★ Every effort is made to resolve complaints.
- ★ The Council learns from complaints, taking appropriate steps to improve service provision.

The aim of the procedure is not to apportion blame amongst employees, but to provide an early, satisfactory solution. Individuals or groups making a complaint will in no way suffer as a result of making their complaint.

We need to accept that, generally, everyone who complains feels that they have a reason to do so. When we deal with a complaint, we will remember that every case is different and will treat each person in a professional, respectful and courteous manner.

What is a Complaint?

We define a complaint as:-

"An expression of dissatisfaction about Council Services that requires a response"

In practice, complaints will be dealt with under the Procedure when we are notified that the Council has:-

- ★ Done something badly or in the wrong way.
- ★ Done something we should not have done.
- ★ Failed to do something we should have done.
- ★ Acted unfairly or impolitely.
- ★ Not responded to a request for service
- ★ Acted contrary to the Council's policies and procedures.

Where there is any doubt, the Chief Executive will decide whether or not a matter comes under the Council's definition of a complaint.

Most of the contacts we have with members of the public are enquiries or requests for a service, rather than complaints.

The Complaints Procedure does not cover:-

- ★ Requests for a service.
- ★ Requests for information.
- ★ Requests for an explanation of a decision made in line with Regulations or Council policy.
- ★ Provision of information about an issue or problem.
- ★ Appeals against Council decisions using established procedures or Regulations.
- ★ Investigating matters of employee discipline.

- ★ Complaints which need to be referred to the Council's insurers (e.g. where the complaint seeks payment of compensation for personal injury, or for loss of or physical damage to property).

Procedures for dealing with some types of complaints and appeals are already in place, and may be dealt with under specific legislation. Examples include:-

- ★ Environmental health
- ★ Council tax, housing & council tax benefit appeals or queries
- ★ Car parks and car parking
- ★ Planning applications
- ★ Decisions made by the Council, a committee, sub-committee or an employee, where an appeal process is in place or a remedy is available by appealing to a committee, tribunal, Minister of the Crown, or by proceedings in a court of law.
- ★ Issues affecting all, or most, of the people in an area.
- ★ Issues relating to equality and diversity
- ★ Conduct of an employee or Councillor

Where a complaint cannot be dealt with under the Complaints Procedure the complainant will be advised of any alternative procedures to use, and, provided with appropriate information and guidance.

If, on investigation, there appears to have been an error or omission on the part of the Council, or where financial compensation is requested, the matter must be referred to Legal Services and, if appropriate, the Insurance Section, for comment. Employees should ensure that liability is not admitted at this initial stage.

Who Can Complain?

- ★ Anyone who is not satisfied with any service provided by the Council
- ★ Anyone who has been affected by any error or omission in service provision.
- ★ Anyone who claims to have suffered an injustice as a result of action taken, or not taken, by or on behalf of the Council.

Complaints can be made on behalf of a relative or friend, providing that appropriate consent has been provided.

The Council will not usually deal with anonymous complaints. However, a complainant may request that a complaint be dealt with in confidence and we may decide that it is appropriate to do so.

Who To Contact

Complaints may be made to Customer Services who will see if they can resolve the matter in the first instance. If this is not possible the complaint will be referred to the Service Manager for the appropriate service. If the complainant prefers, complaint may be made to the Service Manager direct.

Ideally the complaint will be made immediately, or as soon as possible after the complaint arises. This will allow for a speedy resolution and may well prevent the complaint from escalating into a bigger problem. Where this is not possible, or has not happened, complaints must be made within twelve months of the event, or within 12 months of becoming aware of the need to complain.

This may be waived in exceptional circumstances, with the agreement of the Chief Executive.

How Complaints Can Be Made

We will accept complaints in whichever format the customer prefers:

- ★ **In Person** – Either at the time of the event complained of, or after visiting one of our Reception points.
- ★ **By Telephone** – to Customer Services or the appropriate Service.
- ★ **Via our website** – cravencd.gov.uk
- ★ **In Writing** – on a Complaints form, by letter, email or fax. All written complaints will be responded to in writing.
- ★ **Via a Councillor** or other local representative.

Additionally, complaints may be referred to us from another organisation who has received a complaint about a service provided by the Council.

We will help customers to make their complaints if they wish us to; complaints should not be suppressed and all feedback should be encouraged in order to allow us to develop our services.

We will record all complaints on a central complaints database. This will allow us to learn from our mistakes, to identify training requirements and to ascertain whether improvements have been made. Information from the complaints database will be analysed and presented to Corporate Management Team on a quarterly basis.

We will record:

- ★ The name and address of the person making the complaint
- ★ A contact telephone number where possible
- ★ The details of the complaint
- ★ What the complainant feels the Council can do to put things right
- ★ The name of the person dealing with the complaint and the response made

Initial Assessment

Most complaints are straightforward and require little more than an assurance of remedial action either immediately, or within 5 working days. In these cases we will provide an apology on behalf of the Council for any inconvenience caused and inform the customer of the action the Council proposes to take at the time of receiving the complaint.

We will make every attempt to resolve any complaint as quickly as possible. This may include telephoning the person making the complaint or arranging a meeting in an attempt to resolve any outstanding issues. Local Government Ombudsman best practice states that discussion with the complainant, particularly at an early stage is a useful strategy in clarifying the problem and preventing further misunderstanding.

If we cannot resolve the complaint within 5 days the matter will be passed to the appropriate Service Manager for a more detailed response.

If the complaint is referred, a letter will be sent to the person who made the complaint, ensuring that the next steps are made clear, and that the person has been provided with the name of the officer who will be dealing with the complaint.

Investigation by the Service Manager

The Service Manager, (or designated Complaints Officer) for a particular Service will deal with:

- ★ Complaints which he or she receives direct.
- ★ Complaints which cannot be resolved within the initial 5 days
- ★ A written complaint about a serious or complex matter, or in which the complainant requests the complaint be dealt with in writing.
- ★ A complaint which outlines dissatisfaction with the local resolution.

If an acknowledgement has not already been issued, we will acknowledge the complaint in writing (or by telephone or email if the customer prefers) and summarise what we believe to be the main issues.

We will deal with complaints at this stage within 10 days, and where we are unable to do so we will keep the complainant informed of progress and let him or her know when a response will be ready.

We will explain what the customer should do if not satisfied with our response at this stage, providing details of how to take the complaint to the next stage

The Service Manager has responsibility for all complaints about his or her service at this stage and will ensure that all complaints are dealt with fairly and efficiently.

Review by Chief Executive

If the complainant is still not satisfied by the Council's response, the final stage of the procedure allows the right to appeal to the Chief Executive and / or the Council's Standards Committee.

All referrals to the Chief Executive must include the reasons for the referral, and details of how the customer believes the complaint should be resolved.

Where a complaint is addressed to the Chief Executive in the first instance, it will not usually be accepted by the Chief Executive where it has not been investigated by the appropriate Service Manager. The complaint will usually be referred to the Service Manager for further investigation and a response. This is, however, at the Chief Executive's discretion.

Complaints made direct to Councillors will be reported to the Chief Executive. The complaint may again be referred to the appropriate Service for investigation, in which case both the Chief Executive and Councillor concerned will be kept informed of progress. The Chief Executive, in consultation with the appropriate Councillor(s) will determine the most appropriate person to respond in this case.

At the Review stage the Chief Executive may carry out any investigation personally, or may nominate a member of Corporate Leadership Team, independent of the Service complained of, to carry out the investigation. The response, in the name of the Chief Executive, will:-

- ★ Thank the complainant for raising the issue(s).
- ★ Address the issue(s) raised.
- ★ Explain the nature of any further investigation.
- ★ Explain any further action taken or proposed and within what time-scales. Where this is not necessary, explain why.

- ★ Explain the option of referral to the Ombudsman if the complainant is not satisfied with the response, enclosing a leaflet.

We aim to respond within 10 working days, and where we are unable to do so we will let the customer know and keep him / her informed of progress.

The Standards Committee

Due to the complexity, seriousness, or legal implications of some complaints, it may be necessary for the Chief Executive to refer the complaint to the Standards Committee for a final stage hearing. This will be at the discretion of the Chief Executive, in discussion with the Chairman of the Standards Committee.

Any complaint referred to Committee will be written in report format and include details of:-

- ★ The original complaint.
- ★ The investigations undertaken.
- ★ Action taken to address the issues raised.
- ★ The remaining outstanding issues.
- ★ Details of the action requested by the complainant.
- ★ Recommendations for next steps and reasons for this.

The Committee may call upon any employee(s) involved to attend a meeting to answer questions.

The Local Government Ombudsman

A complainant can be referred to the Ombudsman at any time, although normally the Ombudsman will not begin an investigation unless the Council has used its own procedures to resolve the complaint. We can provide a leaflet which explains how to complain to the Ombudsman.

The Ombudsman may be contacted direct at:

The Local Government Ombudsman
Commission for Local Administration in England
Beverley House
17 Shipton Road
YORK
Y030 5FZ
Tel: 01904 380200

Time Limits for the Council's Response

We will try to deal with complaints as quickly as possible, as failure to respond can make a problem worse and harder to resolve. However, it is important that we are thorough in our investigation of a complaint and this can sometimes mean that we are unable to respond as quickly as we would like. If this happens we will let the complainant know when the full response will be available and keep him or her informed of progress if the delay is a lengthy one.

- ★ If the complaint is of a simple nature we will offer an assurance of remedial action, or advise the customer that no action is required, within **5 working days**.
- ★ Written complaints, or those which cannot be resolved immediately, will be acknowledged, either by telephone or letter, within 5 working days. A full response will be provided by the Service Manager / nominated Complaints Officer within **10 working days** of first receiving the complaint.

- ★ If we are unable to respond fully within 10 working days, we will contact the customer, explaining the reason for the delay and providing an estimated date for provision of the full response. Where possible, this should not be more than **21 working days** of first receiving the complaint.
- ★ If the person making the complaint is dissatisfied with the response at any stage, a request can be made for an investigation under the terms of next stage. This should be made within **one calendar month** of receiving the Council's response, although complaints made outside this time may be accepted at the Chief Executive's discretion.

Monitoring, Review and Feedback

All complaints will be recorded on a central complaints system, maintained by the Business Support Team. Additionally we will record any other comments and compliments received by the Council. This will allow us to have a complete picture of all feedback received. We will use this information to determine best practice and identify areas in which we need to improve.

The Business Support Team will use the Complaints System to monitor progress on complaints and will advise Service Managers monthly of any complaints still outstanding within their teams. Additionally, reports will be issued to the Corporate Leadership Team on a quarterly basis. We will review the effectiveness of the Complaints Procedure and identify any trends in the complaints, comments and compliments. This information will form part of the decision-making process when new services and projects are considered.

All of the complaints that are referred to the Chief Executive will be reported, six monthly, to the Standards Committee. The reports will include brief details of the complaints and identify any trends.

Confidential Complaints

The Council may deal with a complaint confidentially, where this is requested, although information relevant to the complaint must be made available to enable an investigation to take place. Whether this is possible and appropriate will be considered by the officer responsible for dealing with the complaint. Where a complaint cannot be dealt with confidentially, the reasons for this will be explained to the customer at the same time as establishing whether the person making the complaint would like to proceed on this basis.

Irrespective of the decision, the complaint will be recorded, but will exclude all personal details.

If the customer would prefer to make a complaint to someone who has not been involved with the service to which the complaint refers, he or she may address the complaint to the Complaints Manager (Customer Service Manager).

Habitual or Vexatious Complainants

Habitual and / or vexatious complainants can cause undue stress for *everyone* and place a strain on the Council's time and resources. All staff should try to respond with patience and sympathy to the needs of all complainants but there are times when there is nothing further which can be reasonably done to assist them or to rectify a real or perceived problem.

In determining arrangements for handling such complaints, those staff involved need to:

- ★ Ensure that the complaints procedure has been correctly implemented so far as possible and that no material element of a complaint is overlooked or inadequately addressed and to appreciate that even habitual or vexatious complainants may have aspects which contain some substance. The need to ensure an equitable approach is crucial.
- ★ Identify the stage at which a complaint has become habitual or vexatious.

Implementation of this policy will only occur in **exceptional circumstances**. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding action to be taken in specific cases. This policy should only be used as a last resort and after all reasonable measures have been taken to try to resolve complaints following the general procedure, or another avenue, such as the Local Government Ombudsman. The relevant Strategic Manager or Corporate Head of Service should authorise implementation of this policy.

Definition of Habitual or Vexatious Complainants

Complainants (and / or anyone acting on their behalf) may be deemed habitual or vexatious complainants where previous or current contact with them shows that they meet **two or more** of the criteria listed below. Complainants:

- ★ **Persist in pursuing a complaint** where the complaints procedures have been fully and properly implemented and exhausted.
- ★ **Change the emphasis of** a complaint or continually raise additional issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. Care must be taken not to discard new issues, which are significantly different from the original complaint. These might need to be addressed as separate complaints.
- ★ **Are unwilling to accept documented evidence** as being factual in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
- ★ **Do not clearly identify the precise issues** which they wish to be investigated, despite reasonable efforts to help them specify their concerns, and / or where the concerns identified are not within the remit of the Council to investigate.
- ★ **Focus on a trivial matter** to the extent that this is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a 'trivial' matter is can be subjective and careful judgement must be used in applying this criterion.
- ★ **Have threatened or used actual physical violence** towards anyone involved in the complaint or investigation at any time – this may in itself cause personal contact with the complainant and / or their representatives to be discontinued and the complaint will, thereafter, only be pursued through written communication. All such incidents should be documented.
- ★ Have previously made a **'tit for tat'** complaint or a complaint which lacks any public benefit.

- ★ Have **harassed** or been personally **abusive or verbally aggressive** towards anyone dealing with their complaint. We should recognise that complainants may sometimes act out of character at times of stress, anxiety, or distress and make reasonable allowances for this. All incidents of harassment should be documented. The Council's Violence at Work Policy and associated guidance may need to be consulted where there have been threats, violence and / or harassment.)
- ★ Have, in the course of addressing a complaint, had an **excessive number of contacts** with the Council, placing unreasonable demands on the people dealing with the complaint. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case.
- ★ Have **recorded** meetings or conversations **without** the prior knowledge and consent of other parties involved.
- ★ Display **unreasonable demands** or **expectations** and fail to accept that these may be unreasonable (e.g. insist on responses to complaints or enquiries being provided more urgently than is reasonable or normal recognised practice).

Options for Dealing with Habitual or Vexatious Complainants

Where complainants have been identified as habitual or vexatious, in accordance with the criteria above, the relevant Strategic Manager or Corporate Head of Service will implement such action and will notify complainants, in writing, of

- ★ the reasons why vexatiousness is being considered **and**
- ★ the action to be taken

The complainant will be given the opportunity to respond. This notification may be copied for the information of others involved, e.g. Advocate, Councillor or Member of Parliament. A record must be kept for future reference of the reasons why a complainant has been classified as habitual or vexatious.

The Strategic Manager or Corporate Head of Service will also consider whether to:

- ★ Try to resolve matters before invoking this policy. This might be accomplished by drawing up a signed agreement with the complainant, which sets out a code of behaviour for the parties involved if the Council is to continue processing the complaint. If these terms are contravened, consideration would then be given to implementing other action.
- ★ Decline contact with the complainant either in person, or by email, telephone, letter, fax or any combination of these, provided that one form of contact is maintained.
- ★ Notify the complainant in writing that the Council has responded fully to the points raised and has tried to resolve the complaint, but there is nothing more to add and that continuing contact on the matter will serve no useful purpose. The complainants should also be notified that the correspondence is at an end and that any further letters on the matter will be neither acknowledged nor answered.

- ★ Inform the complainant that in extreme circumstances the matter will be referred to the Council's Monitoring Officer and/or the Police.
- ★ Temporarily suspend all contact with the complainant or investigation of a complaint whilst seeking legal advice.
- ★ Seek advice at any time from the Health and Safety Officer and/or the Monitoring Officer.

When considering the above in respect of complaints involving Members, under the Code of Conduct, officers may consult with the Independent Member

The measures detailed above should be limited in order from the least serious to the most.

Withdrawing Habitual or Vexatious Complainant Status

The Customer Services Manager will, from time to time, review the list of habitual or vexatious complainants and, where possible and reasonable, withdraw this status, subject to discussion with the relevant Corporate Head of Service. On the first declaration of vexatiousness the maximum period for being so certified will be 2 years.

In circumstances where a vexatious complainant makes a complaint, which appears to have merit, *through the allowed mode of communication*, the Monitoring Officer, in consultation with the Independent Member, may allow the pursuit of the complaint as would normally occur.

Refusing Complaints

Where the substance of a complaint is racist, sexist or otherwise abusive, the Council may refuse to accept the complaint.

Where the person making a complaint behaves in an abusive or threatening way, or makes racist or sexist remarks in lodging their complaint, the Council may refuse to accept the complaint.

Where a complaint is made about a service that is not controlled by Craven District Council the person making the complaint will be informed that this is the case. We will provide any useful details that are known to us, for example, details of the organisation to contact, including individual contact names where these are known. However, the Council will not act as an intermediary, or become involved in following up complaints relating to services for which we are not responsible.

If possible, complainants may be referred to other organisations that may be able to provide additional assistance.

DATA PROTECTION ACT 1998

Any information supplied in relation to complaints, comments or compliments will be held in a computerised form and will be passed to the relevant Service(s). Data may also be passed to Ward councillors where relevant.