

## Customer and Registration Services

### Corporate Complaints, Compliments & Comments Policy & Procedure

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## 1. Policy Statement

This policy and procedure on complaints, compliments and comments applies to corporate feedback outside of any statutory processes.

- Users of any service provided on or behalf of Telford & Wrekin Council should have access to a simple, well-publicised procedure common to all services
- Complaints will be responded to within defined timescales, and will be investigated thoroughly. Where the Council is at fault it will provide appropriate redress, including an apology
- The Council will keep customers informed of the progress and outcome of investigations into complaints
- Compliments, Comments and Complaints will be systematically monitored, and the lessons learned from them applied to improve and develop services
- Complaints will be treated confidentially, while ensuring fairness to all concerned, and people will not be treated adversely as a result of making a complaint. **Data protection** - information provided in feedback will be utilised by Telford and Wrekin Council to progress and respond to comments in the most appropriate manner. In line with the Data Protection Act we must inform customers that this information will be shared with the Customer Relationship Team and employees involved in ensuring you receive a response to your comments.
- The Compliments, Comments and Complaints procedure will be operated in accordance with the Council's equalities policy
- Compliments, comments and complaints will be dealt with in the most appropriate manner.

## 2. What is a complaint?

We define a complaint as:

**'an expression of dissatisfaction, however made, about the standards of service, action or lack of action or decisions taken by the Council, or the way in which the council employees carry out their duties'**

In other words, people can complain where the Council has:

- Done something wrong
- Done something it should not have done
- Failed to do something it should have done
- Behaved unfairly or discourteously
- Not carried out a service to a recognised standard

It is recognised that this definition does not cover every scenario and that complaints can range from major grievances to minor annoyances.

## **Exclusions to the Complaints Procedure**

The procedure will **not** apply where it is a:

- request for service
- request for information
- complaint about policy decisions made by members

The corporate complaints procedure specifically excludes certain matters.

These are:

**Legal matters** – issues that involve a legal action by or against, the Council

**Insurance matters** – issues that involve an insurance claim against the Council or its insurers

**Statutory, regulatory or other procedures** including:

Admissions to schools

Complaints about decision to place a child on the Child Protection Register

Childcare matters such as court decisions and care proceedings

Childminders and residential care and nursing homes – decisions on appeals against failure to register and against decisions to deregister

Social services complaints

- Children & Young People
- Adults and vulnerable people

Objections to planning applications

Council tax and housing benefit determinations

Complaints about Councillors

Enforcement procedures for which there is a right of appeal

Licensing and registration – appeals against refusals, revocations or conditions attached

Parking fines

Planning decisions, applicant's right of appeal

Right to Buy Valuation re-determinations

Special Educational Needs

Staff matters covered by the grievance, disciplinary and recruitment and selection procedures

Statutory Landlord and Tenant matters

Any complaint which contains an allegation or suspicion of fraud, corruption or financial irregularity, whether allegedly carried out by an employee or third party against the Council, will be reported immediately to Audit Services for investigation.

## **Complaints made 12 months after the date you learned that something went wrong**

Though not exclusive, we may accept your complaint for one or more of the following reasons:

- You are a vulnerable adult or child and did not complain because you were worried about what might happen.

- If there has been regular ongoing problems or there has been regular formal or informal contact between the council and the complainant about the same issue or problem.
- We believe that there would be a benefit to you in looking into your complaint.
- There is likely to be enough information available from the time the incident happened to enable an effective and fair investigation to be carried out.
- There are enough people available from the time the incident happened to enable an effective and fair investigation to be carried out.
- Where action needs to be taken in light of human rights based legislation

### 3. Who can complain under this procedure?

This procedure is open to everyone who lives, works or visits the Telford & Wrekin area or uses Telford and Wrekin Council services

### 4. How the process works

There are two stages in the procedure, allowing for the initial response by the service concerned (usually the Service Delivery Manager or Team Leader) and a second stage investigation by an investigator independent of the service being complained about.

### 5. Stage 1

- ◆ All new complaints, whether received in person, by letter, telephone, e-mail or other route should be passed immediately to the Customer Relationship Team. If a customer sends in or hands in a form, a letter or any other information relating to their complaint, this should also be passed to the Customer Relationship Team. Complaint correspondence should be scanned and emailed to [customer.quality@telford.gov.uk](mailto:customer.quality@telford.gov.uk). The internal post should not be used.
- ◆ Before recording and taking action on the complaint ensure it is less than twelve months old. A flexible approach should be adopted if there have been ongoing problems or issues or where there has been regular informal or formal contact between the council and the complainant about the same issue or problem.
- ◆ The details of the complaint should then be entered onto the Council's computerised complaints system (Respond Centrepoint) by the Customer Relationship Team, who will then notify the appropriate investigating officer
- ◆ All complaints should be acknowledged by the Customer Relationship Team within 24 hours of receipt. The acknowledgement letter should clearly state the reference number, name and contact details of the investigating officer, which will normally be the Service Delivery Manager or Team Leader responsible for the service in question.
- ◆ A full response should be sent within 15 working days of the complaint and should advise the customer of their right of appeal, to request to take the complaint to

Stage 2 of the corporate complaints procedure. This request should be made by the customer within 20 working days of receiving the response to their concerns.

- ◆ Where an investigation is unlikely to be completed within 15 working days, the investigating officer should request an extension from the Customer Relationship Team giving a reason for the extension. The Customer Relationship Team will send an update informing the complainant of the extended response date which should then be completed within 20 working days.
- ◆ On completion, the investigating officer should pass a copy of the full response to the Customer Relationship Team so that they can record the action taken on the complaints system and monitor any outstanding or follow up actions.

## 6. Stage 2

- Where the customer is dissatisfied with the outcome of a complaint investigation a request can be made to progress their concerns to Stage 2 by completion of a Stage 2 escalation proforma. This records the reason for escalation and the outcome required by the customer.
- The Customer Relationship Team and the Service Delivery Manager will review the Stage 1 response before deciding whether to escalate to Stage 2. If a decision is taken to escalate the complaint, details are passed to an independent investigator by the Customer Relationship Team. If a decision is taken not to escalate to Stage 2 the customer will be informed of the decision, the reasons why and their right of appeal to the Local Government Ombudsman.
- If the investigation is to be pursued the independent investigator will compile a full response within 25 working days. If this deadline is not met an interim reply will be sent to the customer detailing progress, with a copy to the Customer Relationship Team. The investigation should then be completed within a maximum of 65 working days.
- On completion of the investigation the recommendations will be passed to the Director to agree any recommendations / service improvements resulting from the investigation. The investigation report will then be forwarded to the customer and will include information on their right to appeal to the Local Government Ombudsman if they continue to remain dissatisfied.

## SPECIAL CASES

In certain cases, the general rules regarding who investigates complaints will not apply. These cases will be as follows:

- ◆ At Stage 1, if the complaint relates to the actions of the Service Delivery Manager/ Team Manager who would normally act as investigating officer, it should be referred to the appropriate Director for action

- ◆ Any complaint against an Director should be referred to the Managing Director for action
- ◆ There is a separate procedure for investigating complaints about Elected Members of the Council, which should be referred to the Director of Law, Democracy & Public Protection as the Council's Monitoring Officer. The Monitoring Officer's contact telephone number is 01952 383200.

### **Complaints covering more than one service**

Where a Stage 1 or Stage 2 complaint involves more than one service, then the relevant investigating officers should liaise so that whenever possible a single co-ordinated response is sent to the complainant. The Customer Relationship Team may at times co-ordinate such a response.

## **7. The Local Government Ombudsman (LGO)**

If the customer is not happy with how the Council has dealt with their complaint, they can also complain to the Local Government Ombudsman.

The Local Government Ombudsman is an independent and impartial organisation and its role is to investigate complaints of maladministration by Local Authorities. Maladministration means that there has been a fault in the way the Council has or has not done something, such as a failure to follow its own procedures or the law.

Before the Ombudsman can investigate a complaint, the Council must have had a chance to answer it. If complaints are "premature" and are still being dealt with by the Council the LGO Advice Team will take information from the customer and make the referral to the Council. The investigation may be terminated at any point where it becomes clear that there is no maladministration or where the Council agrees to settle with the customer.

However, if the customer is still dissatisfied and wishes to go to the Ombudsman, every assistance should be given in supplying necessary contact details or one of the Ombudsman's own leaflets.

Further information on the Local Government Ombudsman is available via their Advice line on 0300 061 0614 or on their website, [www.lgo.org.uk](http://www.lgo.org.uk).

Leaflets are available from Customer Relationship Team (Tel: 382006), and within the Council. All Ombudsman complaints are co-ordinated by Audit & Information Governance Services (Contact: Audit & IG on 01952 382537), who will be happy to provide advice.

## 8. Summary of timescales and required actions within the Complaints procedure

	Action	Timescale	Responsibility
	<b>Stage 1</b>		
1.	To notify the Customer Relationship Team of any complaint which has been received elsewhere in the Council	Immediately, by phone, fax or email	All members of staff
2.	To send a formal acknowledgement to the customer that the complaint has been received and registered.	The same or the next working day, following receipt	Customer Relationship Team
3.	To pass the complaint to the relevant Service Delivery Manager	The same or the next working day, following receipt	Customer Relationship Team
4.	To undertake whatever activity is required to resolve the complaint informally at Stage 1 to the customer's satisfaction. The findings should be communicated in writing to the customer	15 working days (extendable by 5 more working days if the complaint is complex)	Relevant Service Delivery Manager
	<b>Stage 2</b>		
1.	To appoint an Investigator to undertake a Stage 2 Investigation	Within 5 working days of confirmed escalation to Stage 2 or agreed complaint statement	Customer Relationship Team
2.	To complete the investigation and submit the draft Stage 2 report to the appropriate Director for approval of the recommendations / service improvements resulting from the complaint investigation. A copy of this report will also be sent to the Customer Relationship Team	Within 25 working days of complaint statement being signed (unless extension agreed with complainant in which case this period is extended to 65 working days maximum.)	Investigator
3.	To notify the complainant where appropriate the reasons for necessary extension past 25 working days and to specify a new completion date	Within 25 working days of the complaint statement being signed	Customer Relationship Team
4.	To provide the complainant with a formal Stage 2 response.	Within 5 working days of receiving the final reports and in all cases, within 65 working days of the complaint statement being agreed & signed	Customer Relationship Team
5.	To convene a Learning Opportunity Meeting to prepare a Service Action Plan to monitor any service improvements.	Within 25 working days of complaint response having been sent to the customer	Customer Relationship Team

## **9. Learning from complaints**

- We are committed to ensuring that all possible lessons are learnt from the complaints we deal with, that our services improve as a result and that any mistakes that are identified are not repeated. For this reason, we have put in place ways of maximising the learning opportunities which arise from complaints.
- Most complaints prove capable of being resolved with relative informality at the first stage. It is nevertheless crucial that the issues and themes which arise from these complaints are considered carefully and comprehensively so that any poor practice or structural difficulties are identified and addressed. The number and type of complaints about each service area are reported on a 3, 5, 8 and 12 monthly basis to the Service Delivery Management Team with a summary of comments, recommendations and any emerging themes.
- Complaints which are handled at Stage 2 invariably raise important issues for the Council and the Investigator's report provides an invaluable independent perspective on the service provided and on the matters which resulted in the complaint.
- A summary of learning points and changes made arising from complaints will be included in the annual report on complaints.

## **10. Unacceptable behaviour and unreasonably persistent complainants**

- We are committed to providing an inclusive, responsive and easily accessible complaints process. It will generally not therefore impose restrictions upon the way in which customers are able to contact or communicate with staff members.
- Under the authority's duty of care, staff are however entitled to protection from customers whose behaviour is abusive, offensive or threatening. In such cases the Service Delivery Manager for the service concerned or the Customer Quality Manager will inform the customer why his/her behaviour is considered unacceptable and ask him/her to change it. If this has no effect, possible ways forward will be discussed at a minuted meeting, convened and chaired by the Customer Quality Manager. Decisions and action in such cases must be consistent, proportionate to the concerns raised, time-limited and subject to review
- Among the possible measures available in such cases are:
  - Restriction of access to Council sites
  - Routing of all contact with the person through a named staff member
  - Requiring contact with the person to be by letter only
  - Proposing a formal agreement with the customer about his/her behaviour
  - Accessing legal advice about applying for an injunction
  - Notification to the police
  - Registration on the Council's Personal Safety Precautions Register



- Whilst no single definition of a unreasonably persistent complainant exists, unreasonably persistent behaviour may include some or each of the following:
  - Repetition of identical or similar complaints, but failure to accept any proposed outcome
  - Unwillingness to accept the terms of the complaints procedure
  - Disproportionate focus on the complaints process as opposed to the desired outcome
  - Focus on unrealistic and unachievable outcomes
  - Unreasonably persistent and repetitious contact with the Council
  - Tendency to approach different parts of the organisation in the apparent hope of eliciting different responses
  - Aggressiveness, personal abuse and or a threatening manner
  
- Subject to any considerations about unacceptable behaviour, it is crucial to ensure that the substance of any complaint which seems to be being pursued unreasonably is considered and investigated with the same rigour as any other complaint, as far as possible. Only on this basis could the Council justify any later course of action which had the effect of treating the customer differently from others.
  
- The basis on which an unreasonably persistent complainant might be treated differently from any other customer stems from the authority's obligation to deploy its resources as fairly as possible. This means avoiding using resources disproportionately and unproductively in respect of some individuals. Dealing with unreasonably persistent complaints can be stressful to the staff involved. The authority's duty of care implies an obligation to protect its' staff from individuals whose behaviour is unreasonable and unacceptable.
  
- As in the case of unacceptable behaviour, the manner in which the Council deals with unreasonably persistent complainants must be agreed at a minuted strategy meeting. The actions agreed which may include any or several of those listed must be consistent, proportionate to the concerns, time-limited and subject to review.
  
- Any consideration of unacceptable behaviour or unreasonably persistent behaviour must achieve a fair balance between the rights of customers to have their concerns properly handled and the entitlement of staff members to work safely in an environment where their dignity is respected.

## **11 Compliments and comments**

All comments or compliments, whether received in person, by telephone, in writing or by e-mail should also be passed to the Customer Relationship Team as soon as possible i.e. by fax, e-mail or telephone for acknowledging.

If a comment requires further action or a response, this should be passed to the Team Leader or Service Delivery Manager responsible for the service concerned. The Manager should aim to deal with the comment within the same time scale as

a complaint and should notify the Customer Relationship Team of the action taken.

## **12 Performance Reports**

A report on complaints activity is produced for the Service Delivery Management Team on a 3, 5, 8 and 12 monthly basis. This will incorporate statistical details as well as information about trends. The outcome of any Learning Opportunity Meetings (see 10.3) is also reported.

An annual report on the operation of the Complaints, Compliments and Comments Procedure is prepared relating to the past business year. The annual report is shared with the council's Senior Management Team and elected members. The final report is published on the Council's website with hard-copies being freely available on request from the Customer Relationship Team.

## **13 Further information about the complaints, comments & compliments procedure**

- Complaints leaflet
- Complaints practice guidance for staff
- Unreasonably persistent complainants procedure