



Complaints Procedure

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HARBOROUGH DISTRICT COUNCIL
CORPORATE COMPLAINTS PROCEDURE

CONTENTS

	PAGE
PART 1 1. Introduction	3
2. Why have a complaints procedure?	3
3. Definition of a complaint	3
4. Main principles	4
5. Categories of complaints	4
6. Exclusions	5
PART 2 7. Monitoring of complaints	6
8. Role of the Monitoring Officer	6
PART 3 9. The Complaints Procedure:	7
Stage 1 - Complaints received for the first time	7
Stage 2 - Formal complaints	8
Stage 3 – Further investigations	9
10. General points on formal complaints	10
11. Complaints from Members and MPs	11
12. Complaints about Members/ Directors/ Service Managers	11
13. Complaints via the Local Ombudsman	12
14. Training	12
PART 4 15. Dealing with informal complaints	13
PART 5 16. Good investigative Practice	16
PART 6 17. Help & Advice	16

PART ONE

1. INTRODUCTION

Handling complaints properly is an important part of our 'Customer First' initiative. It shows that we –

- Listen to our customers
- Learn from our mistakes
- Continually try to improve our service

Information from complaints is a free feedback service. This is the best form of market research you can get.

2. WHY HAVE A COMPLAINTS PROCEDURE?

Every organisation gets complaints. The main benefits of having a council complaint procedure are –

- **A system is better for our customers.** Everyone knows how to complain and the way their complaint will be handled.
- **A system is better for staff.** We can be confident about what to do when a complaint is received.
- **A system is fairer.** Everyone is treated fairer.
- **A system helps the Council to improve its services.** When all complaints are going through one system we can easily analyse these and then see how to make services better and more responsive.

3. DEFINITION OF A COMPLAINT

A complaint is 'any expression of dissatisfaction that needs a response.

It is when we have been told that our customers that they are not happy with –

- our standards of service
- our failure to do something that we had agreed the Council would do
- the way our customers have been treated

If the person contacting the council thinks it is a complaint, then it is, whatever you may think. On the other hand, someone making a comment on a service you could improve may not call it a complaint.

The important thing is to record it, and take the opportunity to improve the service.

4. MAIN PRINCIPLES

4.1 The complaints procedure is a key element of the Council's overall approach to the 'customer first' approach. By following the procedure we can help maintain and improve the level and quality of service the Council provides to its customers and the people in Harborough District. We can identify where mistakes have been made and genuine grievances have arisen to ensure that these are rectified to the satisfaction of the customer and that similar circumstances do not recur.

4.2 The principles set out below are important and should be kept in mind when following the procedure:

- (a) The procedure must be kept accessible, conspicuous and simple to customers.
- (b) The procedure will be essentially decentralised, recognising that Departments and individual officers of the Council are the source of decision making and, therefore, represent the proper location for achieving the resolution of complaints.
- (c) Complaints should be dealt with promptly, efficiently and courteously within time limits, confidentiality will be respected.
- (d) The complainant and/or those acting on his/her behalf will be kept informed of the progress and outcome of the complaint.
- (e) Complaints will be recorded and monitored periodically with the aim of improving effectiveness of service provision.
- (f) Service Managers be responsible for ensuring agreed response targets are adhered to.

5. CATEGORIES OF COMPLAINT

5.1 The following are categories of complaints, which indicate in general terms the range of complaints, which fall within the Procedure. These categories will also be used as a basis for recording and monitoring complaints received.

- (a) Dissatisfaction with the way Council policies are carried out.

- (b) Failure to consider relevant matters in coming to a decision, or, with action taken in implementing that decision.
- (c) Complaints regarding employee attitudes and the actions of individual employees.
- (d) Delays in responding or, complaints about the administrative process.
- (e) Failure to provide a service.
- (f) Failure to achieve standards/quality of service.
- (g) Failure to fulfil statutory responsibilities.
- (h) Bias or unfair discrimination.

6. EXCLUSIONS

6.1 The following types of complaint are excluded from the procedure:

- (a) Complaints which are essentially criticisms or disagreements of Council policies or decisions in themselves, rather than the way they have been carried out.
- (b) Complaints against individual employees which arise directly from the customer's dissatisfaction with a Council policy or decision, and where no other basis for the complaint exists.
- (c) Any matter, (such as a planning or development control matter or, housing benefit or homelessness matter) where a right of appeal exists, unless the complaint relates specifically to the way the matter has been administered.
- (d) A decision of the Council where regulatory powers are being exercised unless the complaint relates specifically to the way the matter has been administered.
- (e) A matter which is, or could reasonably be, expected to be the subject of court or tribunal proceedings, or which is in the hands of the Council's insurers.
- (f) Complaints which constitute a disagreement with or refusal to accept a rule of law which the Council is applying unless the complaint relates specifically to the way the matter has been administered.

PART TWO

7. MONITORING OF COMPLAINTS

- 7.1 Customer Services will keep a record of the numbers and nature of 1st stage (informal) complaints and information necessary to ensure that response times are met. Details of complaints received by staff can be sent to Customer Services via Email. The Chief Executive's Office will keep similar records for the second stage onwards.
- 7.2 The Customer Services Manager will present a monitoring report on a quarterly basis. This will be presented to the Councils Corporate Management Team for it to have strategic overview of complaints. The report will highlight trends, which may suggest improvements in areas of service provision or practices. Any improvements identified will be discussed with the appropriate Service Manager.

8. ROLE OF THE MONITORING OFFICER

- 8.1 The Head of Legal Services is designated as the Council's Monitoring Officer under the Local Government and Housing Act 1989. He has a statutory duty to take certain action under the Act to deal with any proposal, decision or omission by the Council which has given, or is likely to give, rise to maladministration or which is in contravention of any code of practice or rule of law. In operating the Corporate Complaints Procedure, officers will have regard to the Monitoring Officer's duties under this Act, including that Officer's duty to formally report to Council should this be necessary.

PART THREE

9. THE COMPLAINTS PROCEDURE

Complaints Received for the First Time – Stage 1

- 9.1 The total time allowed for resolving a complaint at Stage 1 is seven days.
- 9.2 Officers of the Council who provide services to the customer will deal with initial approaches by customers and attempt to resolve their concerns. Such approaches are likely to be made in person or by telephone, and less frequently in writing.
- 9.3 Often such an approach is not a complaint but a request for action, information or reporting a problem. When identified as such, it should be actioned in the normal way or referred to the relevant Officer within the Council for action to be taken.
- 9.4 It may well be possible to provide information or arrange action, which will satisfy the customer. At this stage the emphasis will be on resolving the complaint wherever possible, at the point of service delivery. The customer will be encouraged to take up the matter with the Officer directly responsible and will be provided with the name and designation of the Officer dealing with the matter.
- 9.5 A complaint which is brought to the attention of the appropriate Officer for the first time by a Member of the Council on behalf of a customer, will be resolved wherever possible at this initial stage. In such cases, the Member or person acting on behalf of the customer will be kept fully informed of the outcome.
- 9.6 Customers who remain dissatisfied with the Council's response will be advised that a procedure exists to make a formal complaint. He/she will be provided with a copy of the Council's Complaints Leaflet which explains the procedure and how to go about making a complaint. This leaflet is available from Customer Services. Details are also available 'on line'. The customer must be given help in understanding the Procedure if this is required.
- 9.7 Assistance will be given to our Customers who have difficulty in writing down their complaint or who may be reluctant to do so.
- 9.8 Customers will also be informed of the name and address of their local Councillors so that they may, if they do wish, take the matter

up with them. He/she will also be informed of their right to refer the matter to the Local Ombudsman.

- 9.9 The procedure for recording complaints received at this 1st stage must be adhered to. As a minimum a brief note about the complaint and the outcome and the time taken to deal with it should be made so that this can be referred to if the matter is taken up formally.

Formal Complaints – Stage 2

- 9.10 The total time normally allowed for resolving a complaint at this stage is twenty-eight days.
- 9.11 This stage will come into operation when the customer clearly indicates that he/she remains dissatisfied with the Council's stage one response. The stage two complaints need not be in writing.
- 9.12 All formal complaints will be addressed to the Customer Services Manager. On receipt of the formal complaint, he/she will record details for monitoring purposes and then carry out a preliminary review with the Service Manager in which the complaint relates.
- 9.13 If the complaint can be dealt with without further investigation it will be passed to the Service Manager for an immediate reply. If the complaint requires further investigation the receipt of a formal complaint will be acknowledged within seven days by the Customer Services Manager and then passed to the Service Manager for a written reply within twenty-eight days. The reply will inform the Customer of his/her right to refer the matter to the Local Ombudsman.
- 9.14 If a full reply is not possible within the specified time, the complainant will be informed as to when a response can be expected.
- 9.15 In the reply the complainant will be asked to clearly indicate whether he/she is satisfied with the response or whether he/she wishes to register continued dissatisfaction and if so, the reason for such dissatisfaction.
- 9.16 The Service Manager (or the nominated representative) will act as the "Complaints Officer" for the receipt of a formal complaint. They will also ensure that all such complaints are then processed in accordance with the complaint procedure and within the time scales prescribed.

- 9.17 The Chief Executive (or his nominated representative) will follow the procedure where the complaint concerns services provided by his/ her own team.
- 9.18 Where the response to a complaint requires input from more than one service area the Service Manager to whom the complaint substantially relates will act as lead officer and secure the relevant input from other Managers as appropriate. The provision of such information must within the overall timescales laid down in the procedure for a response to be made to the complainant.
- 9.19 In relation to complaints about the Chief Executive's service area, the Chief Executive will ensure that the complaint is dealt with by a Manager who was not the Service Manager who originally responded to the complainant's representations. This Manager will inform the Service Manager of the action/decision taken and whether the complainant is satisfied with the response. A copy of the response will be forwarded to the Chief Executive at the same time it is sent to the complainant.

Further Investigation – Stage 3

- 9.20 The total time normally allowed for resolving a complaint at this stage is twenty-eight days.
- 9.21 Where the complainant remains dissatisfied then the Chief Executive will review the matter and decide what further action needs to be taken to resolve the complaint.
- 9.22 The Chief Executive will acknowledge the complaint within seven days. A response will be sent out to the complainant within twenty-eight days of the complainant registering continued dissatisfaction. A copy of the response will be forwarded to the appropriate Service Manager at the same time.
- 9.23 Where, after reviewing the complaint, it appears that a further investigation is required, the Chief Executive may nominate an appropriate officer who will carry out the investigations. The Officer will have access to relevant papers and records of the service area(s) concerned and may interview any member of staff in connection with the complaint. The Officer may also, in certain circumstances, interview the complainant or the complainant's representative in the course of the investigation.

- 9.24 The Officer will prepare a report for the Chief Executive outlining options for the resolution of the complaint.
- 9.25 The complainant will be kept informed of the progress of the complaint and the actions the Chief Executive proposes to take to achieve a satisfactory conclusion. The reply will also inform the customer of his/her right to refer the matter to the Local Ombudsman.
- 9.26 The complainant will be asked to clearly indicate whether he/she is satisfied with this response or remains dissatisfied and if so, the reason for such dissatisfaction.

10. GENERAL POINTS ON FORMAL COMPLAINTS

- 10.1 Where the complainant has also taken up the matter with his/her local elected representative and the Member concerned has made representations on the complainant's behalf, the Member will be kept fully informed during all stages of the procedure.
- 10.2 Where the nature of the complaint being processed within a service area involves some actual or potential contravention of any rule of law or code of practice (or maladministration or an alleged injustice) then the Service Manager will inform the Chief Executive. The notification will include progress and proposed action and seek appropriate advice should the complainant remain dissatisfied.
- 10.3 Complaints of financial impropriety will need to be referred to the Director of Resources so that he/ she or a senior member of staff may assist in the investigation.
- 10.4 Preliminary investigations of the complaint may reveal circumstances, which require disciplinary action to be considered, in such cases the Personnel Manager will need to be consulted as soon as this possibility becomes apparent. The complaint will need to be investigated (though not necessarily to its conclusion) before disciplinary action is considered. Disciplinary action will need to be quite separate from the investigation of the complaint.
- 10.5 Service Managers will inform the Chief Executive as to when the complaint has been successfully resolved and the actions, which were eventually taken to achieve a solution.
- 10.6 Officers who originally responded to the complainant's representations at the initial stage will be informed by their Manager of the outcome of any complaint which is subsequently processed

under the Complaints Procedure and any actions taken to resolve the complaint.

- 10.7 It is not the intention of the Procedure that an investigation of a complaint leads to negative criticism or discipline of any staff where this is clearly inappropriate.
- 10.8 The Council will use complaints positively to see where systems, procedures and training can be improved to reduce the possibilities of errors and mistakes happening again.

11 COMPLAINTS FROM MEMBERS AND M.P.s

- 11.1 Members are encouraged to use the Procedure and should aim to resolve complaints with Stage 1 of the Procedure wherever possible. However it is recognised that there may be times when members would wish to raise a matter direct with the Chief Executive.
- 11.2 Complaints received direct by the Chief Executive from a Member of M.P., or made by a Member/M.P. on behalf of a constituent (or other person) will be processed as a formal complaint provided it has not previously been through that process.
- 11.3 If the complaint cannot be answered immediately, the Chief Executive will inform the Member/M.P. by way of acknowledgement, that it has been passed to the appropriate Service Manager who will then process the complaint. The Service Manager concerned will keep the Member/M.P. and the Chief Executive informed of the progress of the complaint and action proposed.
- 11.4 Complaints received by the Chief Executive via a Member/M.P., which have previously been directed to and responded to by the appropriate Service Manager will be investigated by the Chief Executive or a nominated officer. This also applies when a Member/M.P. considers it necessary to bring a complaint to the personal attention of the Chief Executive.

12. COMPLAINTS ABOUT MEMBERS, DIRECTORS & SERVICE MANAGERS

- 12.1 All complaints made specifically about the acts/omissions of a Member and/or Director/ Service Manager should be forwarded to the Chief Executive.

- 12.2 The Chief Executive (or nominated Officer) will process the complaint and the Member/Director/ Service Manager concerned will be invited by the Chief Executive to comment on the complaint as part of the investigation.
- 12.3 Any complaint made specifically about the acts/omissions of the Chief Executive will be referred to the Political Group Leaders to determine how they wish to proceed and the format of investigation.

13. COMPLAINTS VIA THE LOCAL OMBUDSMAN

- 13.1 Complainants who express a wish, at any stage during the Corporate Complaint's Procedure, to make a formal complaint to the Local Ombudsman must be advised of their right to do so, and provided with a copy of the Local Ombudsman's leaflet (available from Customer Services). However, complainants must be made aware that the Local Ombudsman has to give the Council an opportunity to seek a local solution to the complaint within a reasonable time period.
- 13.2 Occasionally, elected Members will receive a complaint where the complainant states his/her intention of approaching the Local Ombudsman. This discretion of elected Members to deal with such complaints is not affected nor faltered by this procedure but the procedure assumes that Members will wish to achieve a local solution and encourages the referral of such complaints to the Chief Executive in the first instance. Complaints of this nature received by Service Managers are covered by this procedure and shall be referred to the Chief Executive.
- 13.3 Formal complaints received from the Local Ombudsman will continue to be handled centrally by Chief Executive. Details of such complaints received and the findings of any investigations will be reported for consideration as necessary.

14. TRAINING

- 14.1 All staff are provided with customer care training. There will be emphasis on the operation of the complaints system. Staff will be able to listen sympathetically, recognise that complaints are important, understand the benefits of complaints and welcome complaints to put things right and improve services.
- 14.2 Training leaflets are available to all staff on handling complaints. Information is also on line on the Council Intranet.

PART FOUR

15 DEALING WITH INFORMAL COMPLAINTS

DEFINITION

An informal complaint is an initial approach by a customer to the Council outlining dissatisfaction with some aspect of the Council's service or actions. Such approaches are likely to be made in person or by telephone and less frequently in writing.

INFORMAL COMPLAINTS MADE IN PERSON OR BY TELEPHONE

15.1 INTRODUCE YOURSELF

Give your name and department and ask 'How can I help you'. Make sure you take a note of the customer's name and address and then address the customer by his/her name.

15.2. BE POSITIVE

If you are defensive or continually challenge the customer's perception of the problem, then you will reinforce the impression that you are not interested in his/her point of view or the substance of the complaint.

15.3. DEFUSE A DIFFICULT SITUATION

Never respond to aggression with aggression. The customer's anger may be a result of past problems with the Council or an expectation that the Council will not do anything. Stay calm, show that you accept there is a problem and that you are prepared to listen to what the customer has to say.

15.4 ESTABLISH THE FACTS

Establish the key points of the problem with the customer and the main reason for his/her dissatisfaction. If the customer is particularly scathing about the Council or its service, try to find out why he/she thinks that. Make a note of the facts of the complaint.

15.5 IDENTIFY WITH THE CUSTOMER

Indicate that you understand why the customer is dissatisfied. If the problem results from a mistake or genuine misunderstanding on

the customer's part, explain the situation without blaming the customer for the misunderstanding.

15.6 ATTEMPT TO SOLVE THE PROBLEM

You may well be able to provide information or arrange action which will satisfy the customer there and then. If you are unable to do this or have no authority to do so, then involve your supervisor or another officer who you know will be able to help.

15.7 DON'T JUST PASS THE CUSTOMER ON

Don't pass the customer onto another officer or department without first checking that they will be able to take action or provide information. If necessary, make an appointment for the customer. If you are unable to provide an answer immediately or do not know the answer then say so and arrange to get in touch with the customer later the same day or the following day. Make sure that the customer has your name, job title and telephone number.

15.8 ADMIT A MISTAKE

If you find that we have made a genuine mistake then admit it and apologise to the customer for the error. Tell the customer what action you propose to take to put the matter right.

15.9 CHECK THAT THE COMPLAINT IS RESOLVED

Establish whether the customer is satisfied with the response and thank him/her for bringing the matter to the Council's attention. Advise your supervisor of the details of the complaint and how it was resolved and any necessary improvements in services or procedures which may have been highlighted by the complaint. Write a brief note for the file concerning the complaint and the outcome so that this can be referred to if the matter is taken up formally.

15.10 ADVISE ON THE COMPLAINTS PROCEDURE

If the customer remains dissatisfied, advise him/her that the Council has a procedure for investigating the matter further. Ask the customer whether he/she wishes to make a formal complaint. If the customer needs assistance, go through the explanatory leaflet and provide help if necessary in completing the Complaints Form attached to it. This should then be forwarded to the Chief Executive's Department.

15.11 VIOLENT SITUATIONS

Withdraw from any potentially violent situation and call on assistance from your Manager or other officers. If you experience any physical aggression or threat or abuse from contact with the public or are not confident of being able to handle a stressful situation, then contact your Line Manager. Please also note that Support Service Officers keep a Register of violent incidents and incidents involving threats/abuse and it is important that all incidents should be recorded.

PART FIVE

16 GOOD INVESTIGATIVE PRACTICE

The majority of complaints are likely to be capable of being dealt with speedily and simply. Where however, a more substantial inquiry is required, the following guidance may be helpful for investigating officers.

16.1 Check if any previous complaints from this person.

16.2 Contact the complainant to: -

- clarify the complaint
- Clarify the outcome sought.
- check whether he or she needs support of any kind, whether he or she has poor sight or hearing, or a language difficulty, check what he or she needs to understand the discussion properly
- Explain the investigation procedure, including how long it will take.

16.3 Brief yourself on the relevant legal and administrative background to the complaint.

16.4 Assess whether the complaint procedure is the most appropriate way of handling this complaint. Consider alternative procedures capable of providing the remedy sought and reasonable for the Complainant to be expected to use them.

Where appropriate, discuss alternatives with Complainant.

16.5 Consider whether the complaint could be resolved without further investigation.

16.6 If the complaint is about a proposed action by the Council consider whether the action should be deferred while the complaint is investigated.

16.7 Obtain all relevant documents (ensuring that you see the originals not copies). These may include files, log books and time sheets. Get copies of all documents you need.

16.8 Establish the relevant sequence of events from the files and also the names of the officers/members most directly involved in the matter complained of.

16.9 Prepare the line of questioning for each person to be interviewed:

- use open not leading questions
- do not express opinions in words or by your body language
- ask single not multiple questions.

- 16.10 Arrange the order of interviews so that where you need to establish what procedures are normally followed you do this first from more senior officers, and end with the officers most directly involved in the matter complained of.
- 16.11 Inform all those to be interviewed that they can be accompanied by a friend or union representative, provided the friend is not in a supervisory position over the interviewee. Explain the complaint clearly to them.
- 16.12 Consider whether you need a witness of a particularly difficult interview.
- 16.13 Interviews should be conducted in an informal and relaxed manner as possible, but persist in your questions if necessary. Don't be afraid to ask the same question twice. Make notes of each answer given.
- 16.14 Try to separate hearsay evidence from fact by asking interviewees how they know a particular fact.
- 16.15 Deal with conflicts of evidence by seeking corroborative evidence. If this is not available, then as an exceptional measure, consideration can be given to organising a confrontation between the conflicting witnesses.
- 16.16 At the end of the interview, summarise the main points covered by the interviewee and ask if he or she has anything to add.
- 16.17 Make a formal record of the interview from your written notes as soon as possible after the interview while your memory is fresh. Never leave it longer than the next day.
- 16.18 If appropriate, visit the establishment complained about unannounced to check normal practices.
- 16.19 Draft a report setting out the evidence obtained, preferably without including your own opinions, and circulate this for comment to all those interviewed, including the Complainant, unless there are special reasons not to do so.
- 16.20 Consider comments and amend the report as necessary, adding conclusions, and, if appropriate, a suggested remedy for the Complainant.

PART SIX

17. HELP AND ADVICE

If you require any help and advice on the handling of complaints please contact:

Peter Rowbotham
Customer Services Manager

Extension 1321

Telephone 01858 821321
Mobile 07976 275811
Fax 01858 821041
E Mail – p.rowbotham@harborough.gov.uk