

# OADBY & WIGSTON BOROUGH COUNCIL COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY AND PROCEDURE JULY 2014

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**Appendix A – Compliments, Comments and Complaints form**

**Appendix B – Flow chart for handling complaints**

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## PART 1: Introduction

Oadby and Wigston Borough Council (“the Council”) is committed to providing a quality service for the benefit of its customers. As such this policy and procedure provides a framework for dealing with situations in which residents are satisfied and/or dissatisfied with the service that they have received and what the Council will do to resolve such issues. It also affords an opportunity for residents to offer feedback and comments on the service that they have received.

This policy and procedure sets out the Council’s method for dealing with compliments, comments and complaints received from any members of the public or their representatives (including MPs and Elected Members), Council Officers, businesses and public and voluntary bodies. This will ordinarily relate to the conduct, whether by act or omission, of the Council and of its Officers.

It is also important to recognise the good work and professional service that the Council and its Officers deliver and compliments afford the opportunity for residents to do this. It will ensure that the Council is able to recognise those circumstances where an Officer or service area has gone above and beyond in undertaking their role.

The Council welcomes comments as to the way in which it operates and delivers its services, as it will allow the Council to continually evolve and provide services to residents in the most effective and efficient ways.

Complaints offer a valuable insight into the Council’s delivery of services and the aim of this policy and procedure is to deal with complaints in a fair, consistent and structured manner and provide an efficient and streamlined framework for doing so. It will also ensure that the Council can learn from complaints and develop an enhanced, more beneficial and improved service for customers.

Emphasis is placed on resolving complaints as quickly and efficiently as possible to ensure a satisfactory outcome for those involved. All staff will be equipped with the necessary understanding and training to enable them to identify complaints and to refer matters accordingly.

## PART 2: Scope

This policy and procedure is intended to deal with any representation made which is identifiable as a compliment, a comment or a complaint. It is encouraged that the form attached at **Appendix A** is completed to record any compliments, comments or complaints.

The procedure for handling complaints should be followed by all Officers when a complaint is received so as to ensure that they are dealt with in a consistent, efficient, fair and timely manner.

## PART 3: Equal Opportunities

The Equality Act 2010 provides the legal framework to combat unlawful discrimination and provides Public Authorities with general and specific duties relating to equality. The Council will do its utmost to uphold these duties and will always have due regard for the requirement to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is

- prohibited by or under the Equality Act.
- Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it;
- Foster good relations between persons who share a protected characteristic and persons who do not share it.

The Council is committed to having a dignified and respectful working environment which includes and encourages all staff to develop and make progress.

This policy and procedure enhances the Council's approach to equality by ensuring openness and transparency.

## PART 4: Roles and Responsibilities

<p><b>Employees</b></p>	<p>Employees should assist their Line Manager or Head of Service in a review of a service offered by the Council as a result of comments received.</p> <p>Employees should ensure that they do not behave in such a way as to give rise to a complaint. Where a complaint has been made, they should make themselves available to assist the relevant Line Manager or Head of Service with the investigation of the complaint and should not in any way hinder the same or provide information which is untruthful or dishonest. If an employee fails to cooperate or provides dishonest or untruthful information, their conduct may give rise to a separate investigation in accordance with the Council's <u>Disciplinary policy and procedure</u>.</p>
<p><b>Officers</b></p>	<p>Line Managers and Heads of Service are responsible for dealing with compliments and comments as set out in this policy and procedure.</p> <p>They are also responsible for handling those Level 1 and Level 2 complaints as set out at <b>Appendix B</b>.</p> <p>When handling a complaint, they should gather the appropriate evidence and determine a reasonable outcome within the timescales set out in this policy and procedure.</p>
<p><b>Senior Management Team</b></p>	<p>The Director or the Chief Executive will be responsible for dealing with those Level 1 and Level 2 complaints as set out at <b>Appendix B</b>.</p>
<p><b>Elected Members</b></p>	<p>Complaints about Members will be dealt with separately by the Members Code of Conduct.</p>
<p><b>Corporate Resources (Compliance)</b></p>	<p>Corporate Resources shall be responsible for maintaining an up-to-date Compliments, Comments and Complaints Register and for implementing any relevant training in relation to this policy and procedure.</p> <p>They will also be responsible for providing guidance in relation to compliments, comments or complaints, as and when required.</p>

Please see the flow chart for handling complaints at **Appendix B**, for an overview of which Officers will deal with complaints at which stage.

## PART 5: Compliments

Compliments are easily identifiable and will ordinarily relate to a particular Officer, team or service area within the Council. A compliment is defined as “*a polite expression of praise or admiration*” and residents may make a compliment in recognition of an Officer, team or service area going above and beyond their ordinary duties to provide an exceptionally high standard of work or support to that individual.

In the event that a compliment about a particular Officer is received, it should be referred to that Officer’s Line Manager. The Line Manager may wish to congratulate the Officer in person and they should also record the fact that the compliment has been received in the Officer’s next 121 meeting.

Where the compliment relates to a particular team or service area then the compliment should be referred to the Head of Service of that service area. The Head of Service should email all members of the team or service area to advise them of the receipt of the compliment and to congratulate them.

In the event that the individual who submitted the compliment choose to leave their contact details, the Line Manager or Head of Service should also write to that individual in order to acknowledge and thank them for the compliment.

## PART 6: Comments

Comments can take several forms, but will usually relate to the way in which the Council offers its services to residents. Residents may wish to suggest possible improvements or efficiency savings to services or they may wish to comment that a particular service, whether it be a new or existing service, offered by the Council is working well.

When a comment is received it should be passed to the Head of Service for the service area to which it relates. The Head of Service should review the contents of the comment and may choose to one of the following:

- Take no further action – once the comment has been considered it may be that the contents of it cannot be justified or will not in fact result in any betterment of the services offered by the Council. In this case, it is reasonable for the Council to take no further action other than to make a record of the comments in the Compliments, Comments and Complaints Register (see Part 10 of this policy and procedure).
- Consider a review of the service – part of the outcome of a comment may be to review the effectiveness and efficiency of a service that is being provided by the Council and consider whether the comments can be incorporated in order to better the service.
- Make changes to the service – if it is found upon investigation of the comments that they do in fact identify a better or more efficient way of working then it may be prudent to actually make the suggested changes to the service offered by the Council. This will of course depend on the nature of the comments, the business needs, the cost of implementing such change and the extent of the improvement that any changes are likely to result in.

Please note that this list is not exhaustive and there may be other outcomes depending on the nature of the comments made.

Comments must be given genuine consideration on their own individual merits, as it is recognised that individuals have taken the time and effort to make these comments and it is proper for the Council to consider the comments of its residents and customers.

Again, in the event that the individual who submitted the comment choose to leave their contact details, the Line Manager or Head of Service should also write to that individual in order to acknowledge and thank them for their comment.

## PART 7: Complaints

### **Identifying a complaint**

There is no set form for complaints and they may be received in several different formats, so it is important for Officers to be able to identify a complaint, particularly in cases where it may not be obvious.

The Local Government Ombudsman defines a complaint as follows:-

*“A complaint is an expression of dissatisfaction, by one or more members of the public, about the Council’s action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council”.*

In any event, the following shall not constitute a complaint, as they are more appropriately dealt with by other means:-

- An initial service request (e.g. a telephone call regarding the collection of missed refuse bags, a request to consider an alleged noise nuisance, etc);
- A basic request for information or explanation of a Council policy (e.g. why Council Tax is set at a particular rate);
- Complaints which are subject to legal proceedings;
- Complaints which are deemed to be aggressive, abusive, obsessive and/or vexatious (see part 10, below);
- Matters which are subject to a formal appeals process (e.g. payment of Council Tax);
- Matters which are determined by legislation or the policies of central Government or other agencies, over which the Council has no control;
- Complaints regarding safeguarding and protection from abuse arrangements for children and vulnerable adults (which should be dealt with in accordance with the Council’s procedure for safeguarding);
- Criminal matters; and
- Any other matter which is covered by another Council policy or better dealt with by another Council policy.

Provided that the complaint does not fall within one of the above categories, it will be dealt with by this policy and procedure.

### **Making a complaint:**

Any member of the public or their representatives (including MPs and Elected Members), Council Officer, business, public or voluntary body can make a complaint to the Council.

A complaint can be verbal or written, but wherever possible, the complainant should be encouraged to make their complaint in writing so as to ensure that the matter can be properly dealt with.

If a complainant is unable or unwilling to make a written complaint but still wishes to have their verbal complaint dealt with then the Officer receiving the complaint should make a detailed note of it and this will form the basis of the investigation of the complaint.

Officers will be able to provide information on the Council's Complaints policy and procedure to customers who wish to make a complaint. This will include providing customers with information as to whether their complaint is valid (or falls within one of the excluded categories), how the complaint will be dealt with and when they can expect to receive a response, as well as providing support in making a complaint / noting a complaint, where appropriate.

### **Anonymous complaints:**

Anonymous complaints will be accepted and acted upon even though it will not be possible to provide replies directly to those customers.

Anonymous complaints will still be formally recorded and investigated by the service area involved in order to identify possible areas for service improvement.

When taking details of a complaint, customers should be encouraged to provide their identity in order for their complaint to be effectively processed and responded to and they should be advised that all personal information will be dealt with confidentiality, in accordance with Part 8 of this policy and procedure.

### **Aggressive, abusive, obsessive and/or vexatious complaints:**

All complaints will be processed in accordance with this policy and procedure. However, during this process, staff may have contact with unreasonable complainant behaviour and unreasonably persistent complainants.

The Ombudsman defines unreasonably persistent complainants as:

*“Those who, because of the frequency or nature of their contact with an authority, hinder the authority’s consideration of their or other people’s complaints.”*

Where complaints are made in an aggressive, abusive, obsessive and/or vexatious manner and where they are deemed to be unreasonable by the Council, the Head of Service for the service area from which the complaint originated will write to the customer to inform them that their behaviour is considered unacceptable and that further complaints from the customer in respect of matters the Council believes it has already reasonably dealt with will not be discussed further.

### **Complaints about Council contractors and other bodies:**

The Council will accept complaints regarding the Council's contractors, and any organisation contracted to work for the Council, and will seek to resolve such complaints in accordance with this policy and procedure. However, in some instances the Council may have specified in contracts that suppliers will be expected to deal with Level 1 complaints made against them in the first instance, in which case the complaint will be forwarded to the contractor or other organisation and they will be expected to deal with the complaint accordingly.

The Council will also forward complaints received in respect of other organisations, including the County Council, to that organisation. It will inform the customer that their complaint has been referred to another body to resolve and will inform the complainant where the complaint was directed.

### **Complaints made through third parties:**

Complainants may wish to have a third party act on their behalf when making their complaint. A third party is any person or organisation acting on behalf of or making enquiries for the complainant. Customer representatives may include:

- advice organisations;
- professionals such as social workers, community psychiatric nurses or doctors and solicitors;
- family members or friends; and
- MPs and elected Members of the Council.

Where a third party is helping a complainant with a particular complaint the Council should ensure that a written consent is held on file from the customer as this will ensure compliance with Data Protection legislation. Where such a notice is held all responses made in respect of the complaint will be copied to the customer's representative. The customer may withdraw this permission at any time.

Where a customer has contacted an MP or locally Elected Member, Officers can assume that consent to act and share information has been given where the MP or locally Elected Member has been formally approached by the customer. Before disclosure of any information officers must satisfy themselves that such an approach has been made to that elected official.

Furthermore, officers must ensure that extra regard is given to the disclosure of any sensitive or restricted information relating to the customer. This could include but is not restricted to financial information, details about children or information about health: In all cases where doubt exists over what may be disclosed then formal written consent from the customer should be obtained.

## **PART 8: The complaints process**

All complaints should be formally recorded. It is not appropriate for formal complaints to be dealt with informally and in a manner inconsistent with this policy and procedure.

There are three different levels of complaint and the complainant should be made aware that it is advisable to seek to have the complaint dealt with at each level before escalating the matter to the next.

A 'quick glance' flow chart is shown at **Appendix C** of this policy and procedure.

The timescales given for handling complaints in this policy and procedure should be complied with, where possible, at all times; however, it is recognised that there are circumstances, particularly where the complaint is complex, involves large volumes of



information and/or relevant Officers are on pre-booked annual leave, where it will be impossible to give a full response to the complaint and where an extension of time is appropriate. If this is the case, an appropriate hierarchical senior Officer will handle the complaint shall advise the complainant that it is likely to take longer to respond to the complaint, give reasons for the delay, suggest a revised timescale within which to provide a response and should keep them apprised of progress.

In all cases of a complaint being received, irrespective of the level of the complaint, the Officer dealing with the complaint must ensure that details of the complaint, including the name and details of the complainant and a brief summary of the nature of the complaint, are forwarded to Corporate Resources (Compliance) such that the register of complaints can be updated.

### **Informal:**

If an individual wishes to make a complaint against a Council Officer or service area then they should first be afforded the opportunity to meet with an appropriate Officer (i.e. at Line Manager or Head of Service level depending upon the nature of their complaint and which Officer or service area it is made against).

The purpose of the meeting will be to listen to the complaint of the individual and consider whether it can be resolved informally without the need to move on to the formal procedure.

This informal meeting should be encouraged where possible to avoid the formal procedure being followed.

### **Level 1 complaint:**

When a complaint is initially received, it will be dealt with in the first instance by the service area to which it relates. When it is received by the Council, it should be marked for the attention of the Line Manager of the service area concerned.

Where the complaint relates to or involves the relevant Line Manager, the complaint should instead be dealt with by the Head of Service. If a complaint is made against a Head of Service, then this complaint should be dealt with independently by the Council's Director.

All Level 1 complaints should be acknowledged within 5 working days of receipt.

The relevant Officer should investigate the complaint in full and take into account all of the comments made in complaint. This may involve speaking to Employees, collecting evidence and determining whether or not the complaint is justified.

The complaint should be considered and, if appropriate, investigated, and a full and detailed response should be given to the complainant within 15 working days of receipt of the complaint.

### **Level 2 complaint:**

If the complainant is not satisfied with the response provided by the service area in relation to the Level 1 complaint and they wish to take the matter further, then they can escalate the matter to a Level 2 complaint.

A Level 2 complaint will ordinarily be investigated by the Head of Service for the service area from which the complaint originated, provided that they have had no previous involvement in the matter. If the Level 1 complaint was dealt with by the Head of Service for the service area from which the complaint originated (for example, where the complaint was about a Line Manager and as such the Head of Service was the appropriate person to deal with the Level 1 complaint), then the Level 2 complaint should be dealt with by the Director.

All Level 2 complaints should be acknowledged within 5 working days of receipt.

The appropriate Officer will consider the response given by the service area and any additional comments made by the complainant and shall determine whether or not the Level 1 complaint was dealt with appropriately and whether the outcome was correct.

The Officer will consider the information relied upon by the service area in dealing with the Level 1 complaint and can also rely on such other evidence as they deem appropriate. This may involve speaking to Employees who were not spoken to as part of the investigation into the Level 1 complaint and collecting further evidence and it is important that the service area involved in the Level 1 complaint assists in this process as required.

Once the Officer has considered the complaint, a full and detailed response should be given to the complainant within 15 working days of receipt of the Level 2 complaint.

### **Level 3 complaint:**

If the complainant remains unhappy with the outcome of the Level 2 complaint then they have a right to escalate their complaint to a Level 3 complaint, which can be made to the Local Government Ombudsman (“the Ombudsman”).

The Ombudsman is an independent body which is separate from central Government and Local Authorities. The Ombudsman can order the production of information or evidence to carry out its investigation. The aim of the Ombudsman service is to provide impartial, confidential and free investigation of complaints about Local Authorities.

The Ombudsman has the authority to consider complaints of ‘maladministration’. This covers a range of matters, including circumstances in which the Council gives incorrect information, makes a decision without following the correct procedure, treats a person or group unfairly, does not follow its own rules or the law or takes too long to do something.

Before the Ombudsman can investigate a complaint, the complainant must give the Council must an opportunity to answer the complaint first. The Ombudsman therefore prefers to take up complaints that have been through the Council’s own complaints procedure. It is therefore recommended that any complainant follows the Council’s Level 1 and Level 2 complaints procedures prior to escalating the matter to the Ombudsman as a Level 3 complaint.

For more information as to how to contact the Ombudsman, which complaints they will consider and how complaints will be dealt with by the Ombudsman once received, complainants can contact the Ombudsman on 0300 061 0614 or can visit their website at [www.lgo.org.uk](http://www.lgo.org.uk).

### **Possible outcomes:**

The investigation of the complaint should establish a reasonable and fair outcome to the complaint.

In some cases, the complaint will not be upheld and the complainant will be advised accordingly. The response to the complainant should set out the outcome of the complaint, how the decision was reached, include copies of any relevant evidence which supports the decision and advising the complainant of their right to escalate the complaint if they do not agree with the outcome.

When a complaint is upheld, the Council will accept responsibility, explain what went wrong and why and give a proposal for what action is being taken by the Council to improve the service and to ensure that such issue giving rise to the complaint does not arise again in the future.

The action the Council takes in response to a complaint, needs to be proportionate and appropriate to the failure in service, and take into account what the complainant was looking for when they made their complaint. Where a complaint is upheld, the following action(s) may be necessary:

- a sincere and meaningful apology (explaining what happened and or what went wrong) – but please note that an apology is not an acceptance of liability
- remedial action (which may include reviewing or changing a decision on the service given to an individual complainant)
- deliver a service to the complainant (if required and appropriate)
- putting provision in place to ensure that such issue does not give rise to further complaints in the future (e.g. changing procedures to prevent future difficulties of a similar kind, either for the complainant or others)
- training or supervising Officers

It is important to ensure that lessons learnt from complaints to ensure that the circumstances giving rise to it are not repeated and the Council will aim to tackle the cause of such complaints so as to improve and enhance customer service.

## PART 9: Confidentiality

All compliments, comments and complaints will be treated with confidentiality in mind and will be processed and stored in accordance with the Data Protection Act 1998 as reflected in the Council's Data Protection Policy.

## PART 10: Monitoring compliments, comments and complaints

The Council will keep an up-to-date register of all compliments, comments and complaints which it has received ("the Compliments, Comments and Complaints Register") and this will be maintained by the Corporate Resources service area. Accordingly, all service areas should report all individual compliments, comments and complaints to the Compliance Officer, in Corporate Resources, such that the Compliments, Comments and Complaints Register can be kept and updated.

Training and support will be given to Officers on the use of this policy and procedure, as well as guidance as to how to deal with compliments, comments and complaints. Information obtained through monitoring our performance via the Compliments, Comments and Complaints Register will be fed back to Heads of Service to ensure that the Council learns from compliments, comments and complaints and uses them as a tool for improvement.

## PART 11: Review and Monitoring

This policy and procedure will be reviewed jointly by Trade Unions (on behalf of the employees) and management team on a biennial basis.

In the case of the named officers being changed following training and recruitment of employees within the Council, the Head of Corporate Resources shall have delegated authority to make such updated changes as are appropriate, without Trade Union consultation.

**Appendix A –**

**Compliments, Comments and Complaints form**

Name: .....

Address:  
(optional)  
.....  
.....  
.....  
.....

I wish to make a **compliment** / **comment** / **complaint** (*please circle*)

In relation to the following (*please state*):

- Officer: .....
  - Team: .....
  - Service Area: .....
  - Service offered by the Council: .....
- .....

Please give the details of your compliment / comment / complaint below (*if you require more space please securely attach any continuation sheets to this document*):

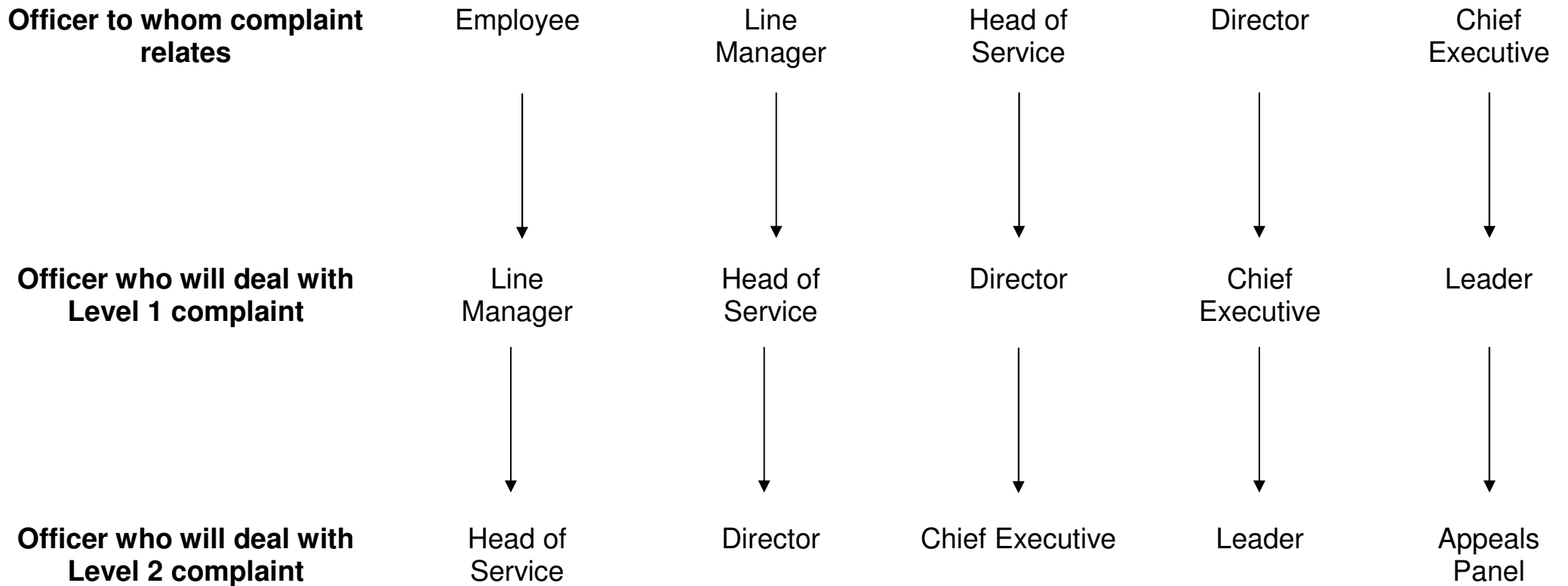
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Signed:

Date:

**Appendix B –**

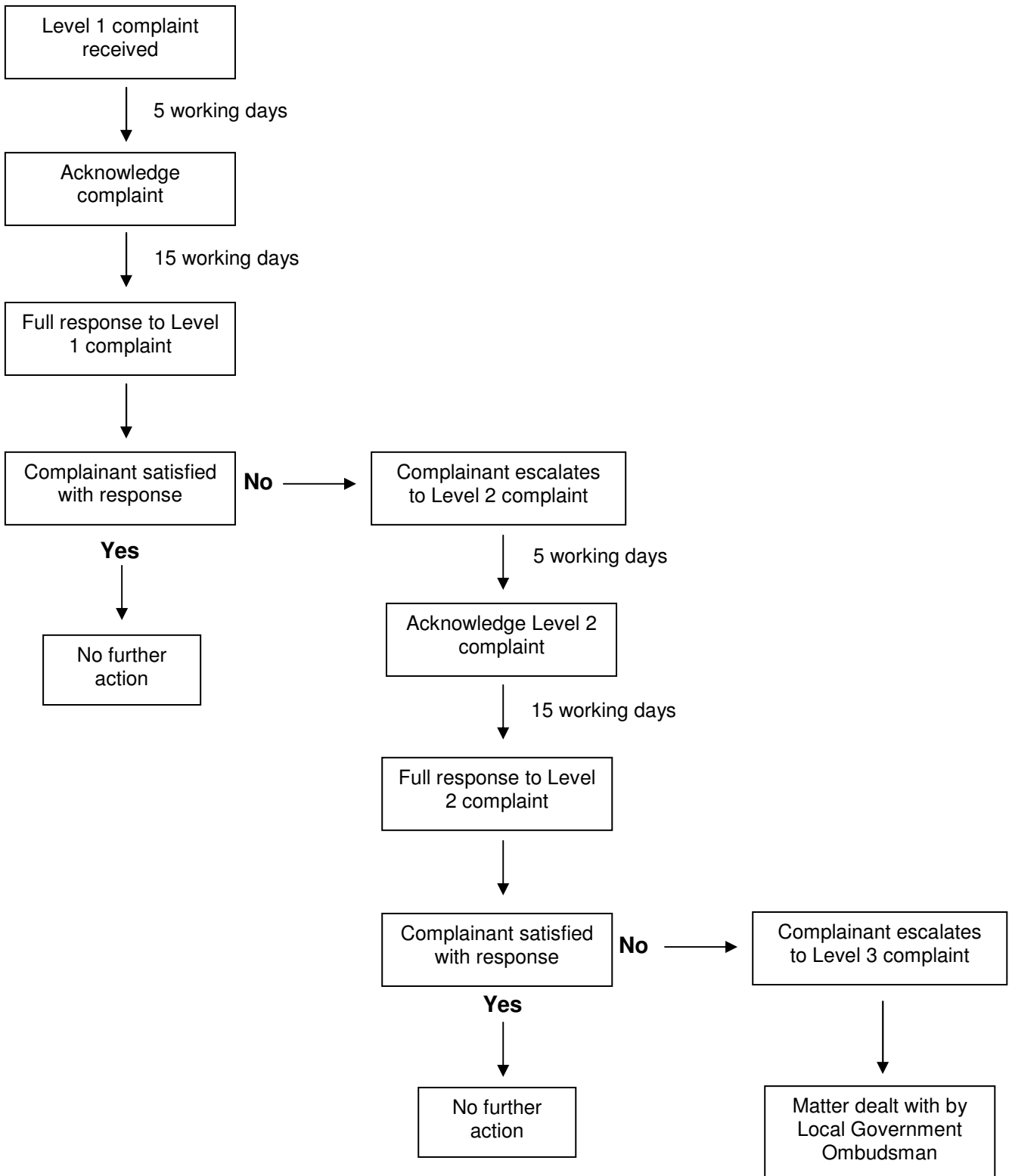
**Flow chart for handling complaints**



**Note: the Head of Corporate Resources has the authority to substitute appropriate personnel as required.**

## Appendix C –

### Complaints procedure chart



**PLEASE NOTE: this is intended as a basic overview only and is not a substitute for the detailed procedure to be followed. This Appendix should be read in conjunction with the Complaints policy and procedure in its entirety**