

COMPLAINTS
(Report by the Head of Legal and Democratic Services)

1. INTRODUCTION

- 1.1 The purpose of this report is to provide Members with information on internal complaints and a summary of complaints determined by the Local Government Ombudsman. It also proposes some amendments to the Council feedback policy.

2. SUMMARY OF INTERNAL COMPLAINTS

- 2.1 The Council's internal complaints system summarises complaints into six categories as follows:-

- ◆ action of employee;
- ◆ council policy;
- ◆ council procedures;
- ◆ equality of service;
- ◆ failure to respond; and
- ◆ service delivery.

- 2.2 The table attached at Appendix A provides an analysis of complaints by complaint reason, the Division involved and results compared with the previous two years.
- 2.3 The Council captures information relating to verbal complaints. These complaints predominantly relate to the Operations Division and, for the period 2011/12, 284 (350) complaints were received out of 42,630 (41,791) service requests, which represents a complaint rate of 0.7% (0.8%). The figures in parenthesis are for 2010/11.

3. SUMMARY OF OMBUDSMAN COMPLAINTS

- 3.1 The Local Government Ombudsman Service has published its provisional statistics for enquiries and complaints dealt with in relation to the District Council in the year 1st April 2011 to 31st March 2012. The Ombudsman received a total of 19 enquiries and complaints in 2011/12, which represents a decrease on the 24 received in the previous year. The Ombudsman will not normally consider a complaint unless a Council has had the opportunity to deal with the complaint itself. So, if someone complains to the Ombudsman without having taken the matter up with a Council, the Ombudsman will usually refer it back to the Council as a '*premature complaint*' to see if the Council can itself resolve the matter. Of the 19 enquiries, 11 were deemed to be premature, two resulted only in advice being given and six were forwarded to the Investigative Team (three were re-submitted premature complaints and three were new complaints). Last year 14 new complaints were forwarded to the investigative team to pursue.
- 3.2 The following table provides a summary of the decisions reached by the Ombudsman during the year compared with previous years.

Decisions	2009/10	2010/11	2011/12
Report	0	0	0
Injustice remedied during enquiries	0	2	2
No or minor injustice and Other	0	0	2
Not enough evidence of fault	0	10	1
Investigation not justified and Other	2	0	2
No reason to use exceptional power to investigate	4	3	0
No power to investigate	1	3	0
Total	7	18	7

3.3 This table refers only to decisions reached and includes complaints received before the start of the year. Equally, some of the complaints received as set out in paragraph 3.1, will appear in the Ombudsman’s report next year.

3.4 The Ombudsman’s report indicates that two complaints have been settled locally. However, both of them refer to the same matter; that is, the complaint was referred to the Ombudsman by two separate individuals. The Ombudsman found that the Council had delayed seeking legal advice and had not passed on concerns about antisocial behaviour. It was recommended that the Council should pay the complainants compensation for the time and trouble they had taken to submit the complaint and to chase it and to reflect their distress that their complaints were not being listened to. With the approval of the Chairman of the Corporate Governance Panel compensation has been paid to the complainants.

4. LESSONS LEARNED AND EQUALITY AND DIVERSITY

4.1 The Council recently has been the subject of two external assessments. Both have concluded that the Council might make more use of the feedback it receives to maintain and improve services. The Customer Service Excellence assessment states:

“There remains limited evidence that the corporate reporting of complaints sets out publicly the lessons learned...Whilst there have been no complaints, there remains limited evidence within the corporate procedures to demonstrate that there is a process in place that where complaints are upheld, the organisation ensures that the outcome is satisfactory for them.”

In order to demonstrate that the Council does learn from feedback, it is suggested that, in future, the annual report to the Corporate Governance Panel will contain a summary of each complaint together with the lessons that have been learned from it and the action that has been taken.

4.2 Similarly, the Equality Framework assessment has suggested that the Council might “consider looking at customer complaints as an additional data set; monitor in comparison to demographic data to ensure that particular groups are not disproportionately impacted.”

Appendix A

Complaint Reason	Division involved 2009/10 and action	Division involved 2010/11 and action	Division involved 2011/12 and action
Action of Employee	2 Council Tax (NAT) 4 Development Mgt (3 NAT, 1 SI) 6 Benefits (2 NAT, 2 SI, 2 FT) 1 Operations (CIS) 1 Env & Comm Health (NAT) 3 Leisure (3 NAT)	1 Council Tax (CIS) 1 Development Mgt (NAT) 4 Benefits (4 NAT) 5 Cust Servs (3 NAT, 2 SI) 1 Env Mgt (CIS) 2 One Leisure (NAT, SI) 2 Dem & Central Servs (NAT)	1 Council Tax (1 NAT) 1 Development Mgt (1 NAT) 3 Benefits (1 NAT, 1 FT, 1 CIS)
Council Policy	1 Council Tax (NAT) 3 Benefits (NAT))	1 Operations (CIS) 1 Cust Servs (NAT) 5 Housing (NAT) 1 Dem & Central Servs (NAT)	1 Operations (1 NAT) 1 Council Tax (1 NAT) 1 Dem & Central Servs (1 NAT) 1 Env & Comm Health (1 NAT)
Council Procedures	4 Development Mgt (3 NAT, 1CIP) 3 Benefits (2 NAT, 1 CIP) 1 Council Tax (NAT) 2 Operations (NAT) 1 Env & Comm Health (NAT)	4 Development Mgt (NAT) 1 Dem & Central Servs (CIP) 2 Council Tax (CIS, NAT) 3 Cust Servs (2 NAT, CIS) 1 Operations (NAT)	6 Development Mgt (5 NAT, 1 CIP) 1 Housing (1 NAT) 2 Council Tax (2 NAT) 2 Benefits / Doc Centre(1 NAT, 1 SI) 1 Operations (1 NAT)
Equality of Service	1 Council Tax (NAT) 1 Development Mgt (SI)	1 Council Tax (NAT) 1 Development Mgt (NAT) 1 Benefits (NAT)	1 Development Mgt (1 NAT)
Failure to Respond	3 Development Mgt (2 CIS, 1 NAT) 1 Planning Policy (NAT) 1 Dev Mgt + CI Tax ((NAT) 1 Env & Comm Health (NAT)	3 Development Mgt (NAT) 1 Housing (NAT)	1 Development Mgt (1 CIS)
Service Delivery	6 Development Mgt (4 NAT, 1 CIS, 1 SI) 6 Council Tax (4 NAT, 2 CIS) 3 Benefits (3 NAT) 3 Housing (2 NAT, 1 CIS) 5 Operations (4 NAT, 1 CIS) 3 Env & Comm Health (3 NAT) 1 Building Control (NAT)	6 Development Mgt (8 NAT, 1 CIS) 2 Dem & Central Servs (CIP) 1 Benefits (CIS) 4 Housing (2 NAT, 1 CIS, 1 CIP) 2 Env Mgt (2 NAT) 1 Building Control (NAT)	11 Development Mgt (9 NAT, 1 CIP, 1 CIS) 2 Benefits (1 CIS, 1 NAT) 2 Council Tax (2 CIS) 1 Env & Comm Health (1 NAT) 1 Benefits / Doc Centre (1 NAT)
Total	67	58	40

KEY:

NAT	No Action Taken	RTC	Referral to Contractor
CIP	Change in Procedures	CIS	Change in Service
SI	Staff Instruction	FT	Formal Training

Compliments, Complaints and Lessons Learned

Customer Feedback Policy

Compliments, Complaints and Lessons Learned

Our Customer Feedback Policy

1. INTRODUCTION

The District Council is committed to a constant review of and improvements to the delivery of the Council's services for all of our customers. We value customer feedback to help us maintain and improve our services. This note sets out the Council's Customer Feedback Policy for compliments and complaints and how the Council will learn from the feedback it receives.

2. AIMS

All compliments and complaints will be recorded to help us analyse feedback. Customers will be encouraged to provide feedback in person, in writing, by e-mail, by fax, by telephone or via the website. Customers will be advised of our response targets for responding to feedback.

3. PUBLICITY

Customers will be encouraged to provide feedback and information on how they can do this will be publicised:-

- In the Council's Customer Service Centre and customer service outlets, including leisure centres
- In libraries
- In Citizens Advice Bureaux
- On our website

4. DEFINITIONS

What is a compliment?

A customer gives a compliment when he/she provides us with feedback about how well we deliver a service or how helpful an employee has been to them.

What is a complaint?

A complaint should not be defined too narrowly. It is an expression of dissatisfaction about the Council's action or lack of action or about the standard of a service, whether justified or not and whether the action or service was taken or provided by the Council itself or a person or body acting on behalf of the Council.

The definition could include any one of the following situations for our customers:-

- A delay in providing a service
- Failure to provide a service, achieve the Council's published service standards or fulfil statutory responsibilities
- A poor quality service or a mistake has been made
- An inappropriate service
- A service has been removed or withdrawn

- An inappropriate cost has been charged for a service
- An employee's behaviour causes upset
- A policy unreasonably disadvantages one or more members of the public
- Unfair or bias discrimination

Comments which are criticisms or disagreements with Council policies rather than the way they have been carried out should not be regarded as a complaint.

5. HOW TO DEAL WITH A COMPLIMENT

Details of the feedback should be logged by the relevant service who should acknowledge receipt of the customer's comments within five working days.

Head of Service/Activity Manager will write to the team or employee to advise them of the compliment and thank them for providing a high quality service to the customer.

6. HOW TO DEAL WITH A COMPLAINT

The principles that underpin the complaints procedure are that:

- The customer is the most important person in any transaction and has a right to decent, agreed standards of service and care;
- Customers should have easy access to clear information;
- Both the customer and the Council should have a clear understanding of what is expected from each other;
- Systems of redress and compensation should be clearly explained and understood; and
- Services should learn from the complaints received and make sure that this learning influences delivery next time.

The employee or service provider who receives the complaint initially should make every effort to resolve the problem straight away. If a complainant remains dissatisfied, or feels that his/her problem has not been looked at properly, or not been fully understood, they will often want someone else to investigate it further. In this situation, the customer should be informed that the matter they have raised can be treated as a formal complaint.

A separate procedure exists for Call Centre employees and the complaint is covered by the Ops Service Alert system. In this case a Formal Complaint Service Request should be raised. The Call Centre has its own guide to dealing with complaints via the Customer Relationship Management system.

The identity of the person making a complaint should be made known only to those who need to consider the complaint; and should not be revealed to any other person or made public. Care should be taken to maintain confidentiality where particular circumstances demand it.

Formal Complaint Stage 1 – Service Investigation

If a customer says he/she wishes to make a formal complaint the employee should give the customer the options of:

- a. making the complaint in writing – send the customer the Council's Suggestions, Compliments and Complaints feedback pack;
- b. submitting the complaint electronically via:
<https://applications.huntsdc.gov.uk/forms/complaints/complaints.htm>
- c. Making the complaint via fax; or
- d. taking details of the complaint in person or over the telephone.

If d. is chosen, employees should take down the following information:

- a. complainant's details;
- b. complaint details;
- c. what action the customer has already taken;
- d. what resolution the customer is expecting; and
- e. in what form the customer would prefer the response.

In all cases the information should then be forwarded to the Scrutiny and Review Manager in the Legal and Democratic Services Division, who will initiate the formal complaints procedure.

Who?

This should be dealt with by a Head of Service or investigating officer nominated by the Head of Service in the service area that the complaint is within. Generally, it should be a senior manager who was not involved in attempting to resolve the matter within the service.

Complaints relating to the Leisure Centres should be forwarded to the Genral Manager, One Leisure who will refer matters to the relevant Centre Manager as appropriate.

How?

- Pass details of the complaint to your Departmental Feedback Officer. He/she will enter the complaint onto the corporate complaints system.
- Acknowledge the complaint as soon as possible and in any event within five working days. Advise the complainant that unless there are exceptional circumstances, he/she will receive a written response within twenty working days. The acknowledgement letter will seek equalities and diversity information. When this information is returned it should be forwarded to the Scrutiny and Review Manager for monitoring purposes.
- Investigate the complaint, consider your response including any remedy and write to the complainant within the maximum of twenty working days. If after appropriate investigation you consider that the complaint is not justified inform the complaint accordingly. At this stage advise the complainant that he/she should write to or contact the Scrutiny and Review Manager if they wish to pursue the complaint further.
- If you are unable to meet this timescale write to the complainant and tell them why, what action you are taking and when you expect to provide a substantive response.

- The complaint remains open for a period of 30 days to make sure that the customer is satisfied with the response. Advise the complainant that they have 30 days from receipt of the response to take the complaint to the next stage. Following this timescale the complaint will be closed.
- Letter templates for each stage of communication are available on the corporate complaints system.

Formal Complaint Stage 2 – Independent Review

If a complaint has been investigated at the first stage in the process and the customer remains dissatisfied with the response he/she has received, the matter will be referred to the final stage in the complaints process, which is for it to be investigated by an Officer who is independent of the service that is the subject of the complaint.

Who?

This should be investigated by the Scrutiny and Review Manager or a Senior Officer who is independent of the service area to which the complaint relates.

How?

- Acknowledge the complaint within five working days and advise the complainant that, unless there are exceptional circumstances, he/she will receive a written response within twenty working days.
- Investigate and consider the response to the complainant including any remedy and write to the complainant within twenty working days.
- If you are unable to meet this timescale write to the complainant and tell them why, what action you are taking and when you expect to make a substantive response.
- When responding the customer will be advised of their right to complain to the Local Government Ombudsman or to obtain their own independent legal advice if they remain dissatisfied with our response.
- Letter templates for each stage of communication are available on the corporate complaints system.
- Pass details of the complaint to the Departmental Feedback Officer who will enter the information on the corporate complaints system.

7. LOCAL GOVERNMENT OMBUDSMAN

The Ombudsman will not usually investigate a complaint until the Council has had an opportunity to investigate and answer it first.

Complaints involving the Ombudsman will be dealt with by the Scrutiny and Review Manager. Any correspondence from the Ombudsman or concerning a complaint referred to the Ombudsman should be sent immediately to the Scrutiny and Review Manager.

8. UNREASONABLE COMPLAINANT BEHAVIOUR

We will respond sympathetically and patiently to the needs of all complainants, but sometimes we may be unable to do any more to assist them, or to resolve a real or perceived problem. If a complainant is persistently contacting the Council with regard to a complaint, long after the point where a conclusion can be reached to the complainants' satisfaction or the complainant's behaviour becomes unreasonable, you should refer to the Policy on the Management of Unreasonable Complainant Behaviour.

The two stages of the complaints procedure will need to have been completed before the Policy on the Management of Unreasonable Complainant Behaviour is invoked. Further advice should be sought from the Scrutiny and Review Manager.

10. REMEDIES

Where a complaint is found to be justified consideration needs to be given to an appropriate remedy to the complaint. We will try to take some practical action to put things right and will always, so far as possible, put the customer back to the position that he/she would have been in but for our mistake.

One or more of the following may need to be done to put things right:-

- Apologise to the customer
- Provide an explanation and information to the customer
- Provide a service desired by the customer
- Review customer information (leaflets, posters etc)
- Review of working procedures
- Request to review a policy
- Arrange training or guidance for employees
- Financial compensation in exceptional circumstances

In reaching a decision on a remedy for a complaint regard will be had to the Local Government Ombudsman's Guidance on Good Practice 6 – Remedies.

11. DEPARTMENTAL FEEDBACK OFFICER

The Compliments, Complaints and Lessons Learned Procedure requires the designation in each Department of a Feedback Officer. The Departmental Feedback Officers' role will be to record all compliments and complaints and ensure all information is entered on to the corporate complaints system for corporate monitoring.

12. MONITORING

We will monitor trends and performance in our handling of customer feedback and produce reports to the Corporate Governance Panel on an annual basis. Only formal complaints will be reported to the Panel.

To ensure the Council learns from the feedback it receives from its customers the annual report will identify for each complaint what lessons have been learned and what action has been taken.

The Council recognises the need to provide an equal and fair service to all members of the public. One way of helping the Council to check that no-one is receiving less of a service or is less satisfied with it is by monitoring customer compliments and complaints in terms of their implications for equalities and diversity.

13. SOFTWARE SYSTEM

The Council operates a corporate complaints management system. All action in relation to formal complaints should be entered on to the system.