

# Customer Feedback and Complaints Policy

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<b>Author:</b>	Director of Resources
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## **Policy Statement**

The Council is committed to delivering efficient and effective services; however, we acknowledge that sometimes we do not meet customer expectations. When this happens we welcome the opportunity to put things right. The aim of this policy is to provide a fair, consistent and structured procedure for our customers when they are dissatisfied with a service they have received. The service concerned will place emphasis on resolving complaints as quickly as possible.

Our complaints handling procedure reflects our commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints. Complaints provide valuable information we can use to improve customer satisfaction.

Our complaints handling procedure aims to address customer dissatisfaction and also prevent the same problems that led to the complaint from happening again. Handled well, complaints can give our customers a form of redress when things go wrong, and can also help us continuously improve our services. The formal procedure is summarised in **Appendix 1**.

## **Compliments, comments and suggestions**

If we have done something well we appreciate customers taking the time to tell us. Everyone likes to know that their work is appreciated and it helps us to know what our customers think is important. Compliments will be passed onto the person concerned and their Manager.

## **Accessibility**

The Council is committed to equal opportunities and our aim is to make this procedure easy to use and accessible to all of our customers.

## **Service failures**

Most service issues can be dealt with quickly and satisfactorily by the front-line staff that provides the service. This is the first opportunity for a service to resolve a customer's dissatisfaction; an informal stage. The member of staff who receives the initial complaint, will ensure that all reasonable steps are taken to resolve the customers' issue at this point.

If it is not possible to resolve the issue informally then the customer may lodge a formal complaint. This informal stage is not mandatory as some issues merit an immediate formal complaint.

## **Confidentiality and freedom of information**

All feedback or complaints received will be dealt with in accordance with the requirements of the data protection regulations, and the Freedom of Information Act 2000.

## **What is a complaint?**

We define a complaint as: an expression of dissatisfaction by a customer about the Council's action or lack of action, or about the standard of service provided by or on behalf of the Council.

A complaint may relate to:

- failure to provide a service;
- inadequate standard of service;
- treatment by or attitude of a member of staff;
- the local authority's failure to follow the appropriate administrative process.

A complaint is not:

- a routine first time request for a service;
- a request for compensation;
- issues that are in court or have already been heard by a court or a tribunal;
- disagreement with a decision where a statutory right of appeal exists, for example in relation to housing benefit or planning;
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

**Appendix 2** contains a non-exclusive listing of what is not dealt with through the complaints procedure.

## **Handling anonymous complaints**

All complaints, including anonymous complaints, are taken seriously and we will consider them further, wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further.

Any decision not to pursue an anonymous complaint will be logged.

If an anonymous complaint makes serious allegations, we will refer it to the relevant Senior Manager immediately. If we pursue an anonymous complaint further, we will record the issues as an anonymous complaint on the complaints system. This will help to ensure the completeness of the complaints data we record and allow us to take corrective action where appropriate.

## **Who can make a complaint?**

Anyone who receives, requests or is affected by our services can make a complaint. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the customer has given their personal consent.

## **The complaints handling process**

Our complaints handling procedure aims to provide a quick, simple and streamlined process for resolving complaints early of the complaints process. Our complaints process provides two opportunities to formally resolve complaints internally; investigation and appeal.

### **What happens when a complaint is received?**

Complaints are administered by the Democratic Services Department and should be sent to:

Democratic Services Officer  
Democratic Services  
Barrow Borough Council  
Town Hall  
Duke Street  
Barrow-in-Furness  
Cumbria  
LA14 2LD

There is also a form on our website at: [www.barrowbc.gov.uk](http://www.barrowbc.gov.uk)

An initial decision will be taken to decide whether the issue can indeed be defined as a complaint; the four key questions are:

- What exactly is the customer's complaint?
- What does the customer want to achieve by complaining?
- Can this be achieved, or can we explain why not?
- Who is the right Service Manager to deal with the investigation?

The relevant Service Manager is identified and the complaint is logged and assigned for a response. The Service Manager assigned the complaint should be familiar with the issues or area of service involved. It is important to be clear about exactly what the customer is complaining about and clarity of the outcome the customer wants. If the expected outcome is achievable by providing an apology or explanation as to why it cannot be achieved, the Service Manager will do this as soon as possible.

### **Timelines**

The following deadlines are appropriate to cases at the investigation stage:

- complaints must be acknowledged within 5 working days
- a full response to the complaint as soon as possible but not later than 10 working days from the time we received the complaint for investigation.

The following deadlines must be met at the appeal stage:

- appeals must be acknowledged within 5 working days
- a full response to the complaint as soon as possible but not later than 20 working days from the time we received the appeal for review.

### **Extension to the timeline**

In exceptional circumstances, where there are clear and justifiable reasons for doing so, we may agree an extension of no more than 5 working days with the customer. We will tell the customer about the reasons for the delay, and when they can expect a response. If the customer does not agree to an extension but it is unavoidable and reasonable, this must be agreed with a member of Management Board. We will tell the customer about the delay and explain the reason for the decision to grant the extension. It is important that such extensions do not become the norm.

### **Escalation to the appeal stage**

A complaint escalates to the appeal stage when a customer is not satisfied with the investigation response and in essence, requests a review of the disputed aspect of the investigation outcome. The appeal must set out the aspect of the investigation outcome that remains unsatisfactory and why; the appeal is not a second investigation and is only concerned with the aspect of the investigation outcome which did not meet the customers' expectations.

Appeals must be lodged within 30 days of the written response to the investigation stage.

### **Time limit for making complaints**

The complaints handling procedure sets a time limit of 12 months from when the customer first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time. This mirrors the Local Government Ombudsman time limit.

### **Stage one: Investigation**

The investigation aims to quickly resolve customer complaints after investigation by the relevant Service Manager or Team Leader. The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible.

An apology will be given as appropriate, an explanation of why the issue occurred and, where possible, what will be done to stop this happening again. We will also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future.

### **Investigation**

Complaints handled at the investigation stage of the complaints handling procedure typically require a detailed examination before we can state our position. The investigation will establish all the facts relevant to the points made in the complaint and to give the customer a full, objective and proportionate response. It is important to be clear from the start of the investigation exactly what is being investigated, and to ensure that both the customer and the service understand the investigation's scope.

### Closing the complaint

The customer will be informed of the outcome of the investigation stage in writing. We will ensure that our response to the complaint addresses all areas that we are responsible for and explains the reasons for our decision. Service Managers and Team Leaders dealing with complaints will liaise with Democratic Services when responding, to ensure that the complaints are logged and recorded throughout the process.

### **Stage two: Appeal**

Where the complainant remains dissatisfied they may appeal against a specific aspect of the investigation outcome and an Assistant Director, the Revenues & Benefits Manager or a Senior Manager, will review the particular aspect that where resolution is disputed. Customers may not introduce a new line of complaint into the appeal; new issues need to be logged as a new complaint in order to be investigated. The senior officer assigned, will review the particulars, consult with the officer that handled the investigation if required, and provide our final response.

### Closing the complaint

The customer will be informed of the outcome of the appeal in writing. We must ensure that our response to the complaint addresses the aspect of the investigation outcome that was disputed. Those dealing with complaint appeals will liaise with Democratic Services when responding, to ensure that these are logged and recorded throughout the process.

### **Learning from complaints**

At the earliest opportunity after the closure of the complaint, the complaint handler will make sure that the staff of the department involved in the investigation understand the findings of the investigation and any recommendations made.

### **External review**

With the exception of housing management issues, after the appeal stage, unsatisfied customers may refer their complaint to the Local Government Ombudsman.

The Local Government Ombudsman's contact details are:

The Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH  
Telephone: 03000 610 614

Councillors or the local MP may act as an advocate for constituents where this is requested and written consent is given; those acting as an advocate will be informed of progress and outcomes where consent has been given by the customer.

For housing management issues only; tenants have the right to appoint a Designated Person; this may be an MP, a local councillor or the Tenant's Complaints Panel. A Designated Person will help resolve the complaint in one of two ways; try and resolve the complaint themselves or refer the complaint straight to the Ombudsman. If they refuse to do either the tenant can contact the Ombudsman directly. If the Designated Person cannot help or achieve resolution they can refer a complaint to the Ombudsman. Complaints to the Ombudsman do not have to be referred by a designated person but if they are, there must be **at least 8 weeks** from the end of the Council's Complaints Procedure before the Ombudsman can consider the case.

The Housing Ombudsman's contact details are:

Housing Ombudsman Service  
Exchange Tower  
Harbour Exchange Square  
London  
E14 9GE  
Telephone: 03001 113 000

### **Recording and reporting**

Complaints provide valuable customer feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across the Council. All complaints are recorded in a systematic way so that we can use the complaints data for analysis and management reporting. By recording and using complaints information in this way, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

#### **Recording complaints**

To collect suitable data it is essential to record all complaints as follows:

- the customer's name and address;
- the date the complaint was received;
- the nature of the complaint;
- how the complaint was received;
- the service the complaint refers to;
- the date the complaint was closed at the investigation stage;
- action taken at the investigation stage;
- the date the complaint was escalated to the appeal stage;
- the date the complaint was closed at the appeal stage (where appropriate);
- the outcome of the complaint at each stage;
- the underlying cause of the complaint and any remedial action taken.

Democratic Services are responsible for administering the complaints process. All complaints data will be held securely and only used to handle the customer's complaint. We will also record the referral of complaints to the Ombudsman.

## Reporting of complaints

Complaint details are analysed for trend information to ensure we identify service failures and take appropriate action. Management Board receives reports from Democratic Services analysing complaints information which helps to inform where services need to improve. These reports will comprise a range of complaints data including numbers upheld or not upheld, and breakdown by service area.

## Outcomes

Service Managers will review the information gathered from handling complaints and consider whether services can be improved or policies and procedures updated.

As a minimum, we will:

- use complaints data to identify the root cause of complaints;
- take action to reduce the risk of recurrence;
- record the details of corrective action in the complaints system/file; and
- systematically review complaints performance reports to improve service delivery.

Where we have identified the need for service improvement:

- the action needed to improve services must be authorised;
- an officer (or team) will be designated the 'owner' of the issue, with responsibility for ensuring the action is taken;
- a target date must be set for the action to be taken;
- the designated individual must follow up to ensure that the action is taken within the agreed timescale;
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

## Managing unacceptable behaviour

People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the customer acting in an unacceptable way. Customers who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance. A customer's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we will treat all complaints seriously and properly assess them. However, we also recognise that the actions of customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from customers. Where we decide to restrict access to a customer due to unacceptable behaviour or unreasonable persistence, that decision must be notified to the customer in writing. The Council has an Unacceptable Behaviour Policy which provides clarity to our customers and support to our staff where circumstances such as these arise. The Council's Policy on vexatious customers is included as **Appendix 3**.



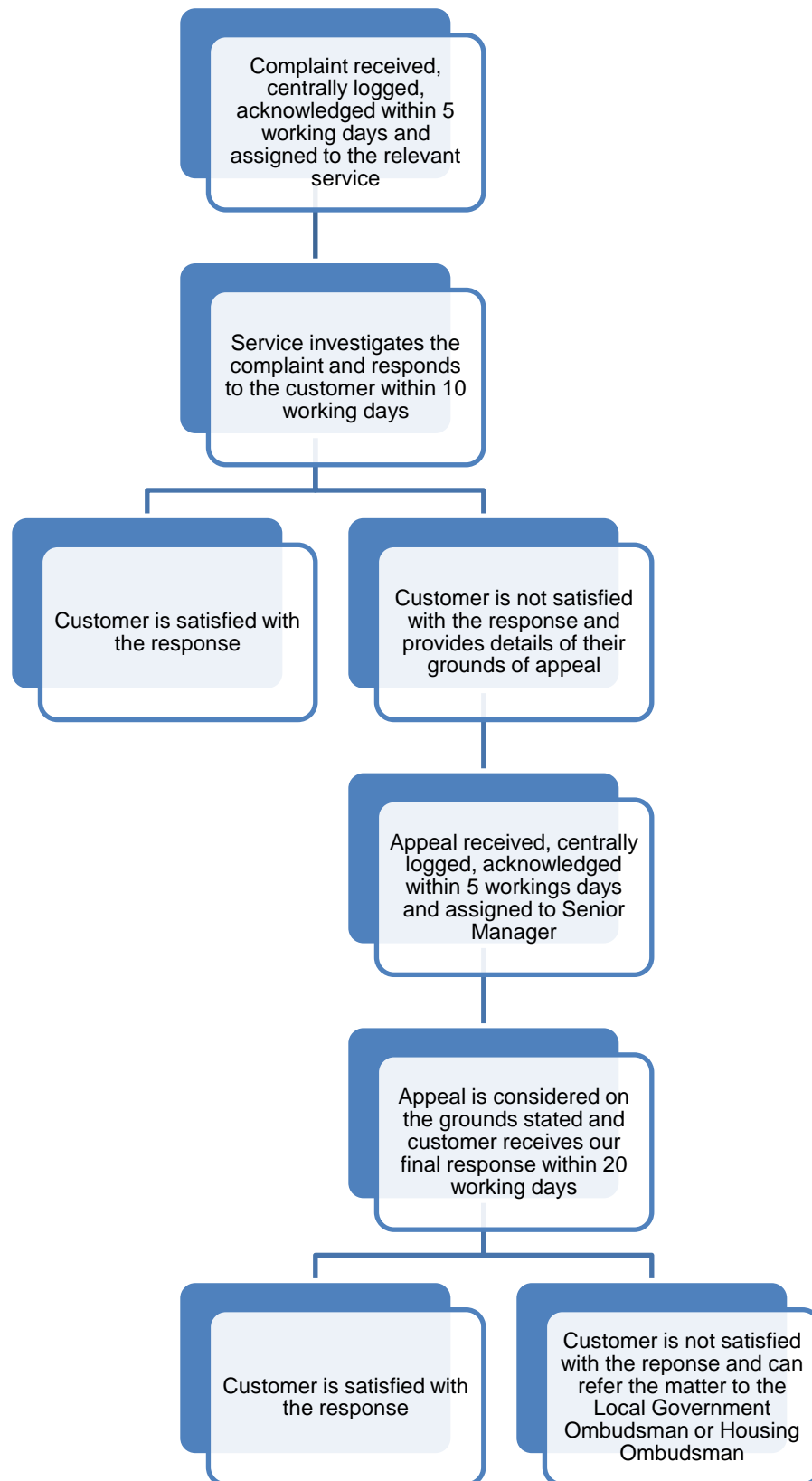
## **Governance**

Overall responsibility and accountability for the management of complaints lies with the Executive Director and Management Board.

Complaints at the investigation stage will be handled by Service Managers and appeals handled by Assistant Directors and other Senior Managers. The main exception to the Assistant Directors is the Revenues and Benefits Department where the investigation will be carried out within the relevant service area and the Head of Service or other Senior Manager will handle appeals. Appeals will always be dealt with by an officer senior to the investigation stage, within the same service area, to provide accountability for the decisions and reassurance to customers that their concerns have been taken seriously.

A complaint may be made to any member of staff in the Council so all staff must be aware of the complaints handling procedure and the timelines involved.

**Complaints Process: Flow Chart**



### **Further Information: What is not a complaint**

A concern may not necessarily be a complaint. For example, a customer might make a routine first time request for a service which is not delivered; this is not automatically a complaint, but the issue may escalate into a complaint if the it is not handled effectively and the customer has to keep on asking for service. A customer may also be concerned about various Council decisions. These decisions may have their own specific review or appeal procedures, and, where appropriate, customers must be directed to the relevant procedure.

The following list provides examples of the types of issues or concerns that must not be handled through the complaints handling procedure. This is not an exclusive list:

- Complaints about matters for which the Council is not responsible;
- Complaints about service where an appeals procedure already exists, including:
  - Housing Benefit/Council Tax Support appeals.
  - Planning Appeals. If the Council refuses a planning application the applicant may appeal to the Secretary of State.
  - Job Applications. If a job applicant is unhappy with the way that their application has been dealt with.
  - Licensing issues are dealt with by the Licensing Sub-Committee.
  - Decisions about homelessness and suitability of accommodation.
  - Parking enforcement notices.
- Complaints that are being considered by the Local Government Ombudsman;
- Complaints that are being considered by the Housing Ombudsman;
- Freedom of Information complaints that are being considered by the Information Commissioner;
- Allegations of personal misconduct by employees or Councillors. The Council's disciplinary procedures or Monitoring Officer will deal with such allegations respectively;
- Complaints made under the Whistleblowing Policy;
- Complaints made by staff under the Grievance Procedure;
- Comments and views about Council Policy that has been agreed democratically, in accordance with the Council's Constitution;
- Reporting everyday problems (such as missed bins, neighbour harassment, nuisance, noise, complaints about food etc.) should be dealt with under existing procedures directly by the appropriate department. The complaints procedure would only be utilised if a customer felt that the Council's response was inadequate;
- Complaints in which legal action is threatened as well as underway or are being referred to the Council's insurers.

### **Vexatious and persistent complainants**

A complainant may be considered to be vexatious and/or persistent where they:

- Persist in pursuing a complaint where the complaints procedures have been fully and properly implemented and exhausted;
- Change the emphasis of a complaint or continually raise additional issues or seek to prolong contact by continually raising further concerns or questions upon receipt of a response;
- Are unwilling to accept documented evidence as being factual in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed;
- Do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns, and/or where the concerns identified are not within the remit of the Council to investigate;
- Focus on a trivial matter to the extent that this is out of proportion to its significance and continue to focus on this point;
- Adopt a regular 'scattergun' approach by pursuing a complaint through a variety of sources simultaneously e.g. MP, Councillor, Ombudsman etc.;
- Make unreasonable demands on staff time with excessive telephone calls, e-mails, or letters and expecting an immediate response;

Determination of a vexatious complainant will be agreed in consultation with the Council's Monitoring Officer and Corporate Support Manager. Once a complainant is considered to be vexatious they will be written to confirming the decision and asking them not to enter into any further correspondence regarding the matter. They will also record the details on the Council's central register. If the complainant still continues to correspond without raising any significant new matters or presenting any new information then it should simply be filed with no acknowledgment sent.

A complaint to the Council does not have to be made in writing. However, if a complainant keeps telephoning either to discuss an existing complaint or to make a new complaint, and this is proving time consuming and disruptive, it may be reasonable to ask them to put their concerns in writing and to discontinue the call. If the problem persists, it may be reasonable to tell the complainant that the Council will, for a set period, not accept telephone calls and only deal with the complainant in writing.

If the complainant is told that the Council will only deal with his or her concerns in writing, a letter should be sent to the complainant to confirm the reasons for this. This approach will only relate to the existing complaint.

Vexatious complainants often contact many different people within the Council, and can try and take advantage of the differing responses they may receive. It is important to try and ensure that a vexatious complainant has one main contact within the Council.