

Blackwell Parish Council

Compliments, Comments and Complaints Policy



Approval Date:

Review Date:

1. Introduction

1.1 This policy reflects both Councils' commitment to valuing compliments, comments and complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigation of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

1.2 This policy is intended to represent a practical means by which the Councils can demonstrate its determination to manage the compliments, comments and complaints process effectively for the benefit of the customer and both Bolsover District Council (BDC) and North East Derbyshire District Council (NEDDC), and Blackwell Parish Council hereafter referred to as 'the Councils'.

1.3 The joint policy is to enable Officers working across Councils to be able to do so within one set of standards and criteria, which will ensure a consistent approach for customers of the Councils, in line with the principles of the Strategic Alliance which aims to share expertise and deliver savings.

1.4 It is important that the policy is 'owned' by Elected Members as their role as leaders in the community brings them into frequent contact with residents who make compliments, comments and complaints to the Councils.

1.5 The policy determines a standardised and centralised approach to handling complaints which aims to help us 'get it right first time'. It demonstrates a clear escalation process and ensures that complaints are investigated by Officers other than those involved in the original complaint, avoiding any conflicts of interest. We want quicker, simpler and more streamlined compliments, comments and complaints handling process with local, early resolution by capable, well-trained Officers, which is managed by the Department/Person responsible for managing complaints.

1.6 This policy sets out the framework for handling compliments, comments and complaints that:

- Sets out a definition for compliments, comments and complaints that can be clearly communicated to both customers and employees.
- Establishes clear minimum service standards that are capable of being monitored and reported.
- Is responsive to the needs of our customers.
- Is transparent and easy to understand for both employees and customers.
- Reflects best practice.
- Helps the Councils to learn from customer feedback to improve services.

It does not include the operational aspects for handling compliments, comments and complaints, this will be covered in the supporting procedure.

2. Scope

2.1 This policy applies to all Council employees.

2.2 The policy applies to all customers of Blackwell Parish Council.

Certain types of complaints fall outside the scope of this policy, these are listed under section 4.8.

3. Principles of the Policy

Definitions

3.1 For the purpose of this policy the following definitions will be used:

A **compliment** is an expression of satisfaction concerning a function or service provided by the Council.

A **comment** is a suggestion or idea about how a function or service provided by the Council could be improved.

A **complaint** is any expression of dissatisfaction, by one or more members of the public about the organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation, that needs a response.

3.2 Anyone who receives, requests or is affected by our services can make a compliment, comment or complaint. If a customer is 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 express personal consent.

3.3 The Councils' approach to receiving compliments, comments and complaints is designed to be as inclusive as possible. Although the policy has been developed to meet our statutory requirements, an Equality Impact Assessment has been carried out on the procedure, to ensure there are no barriers for anyone making a compliment, comment or complaint because of race, colour, ethnicity or national origins, religion and belief, gender, sexual orientation or marital status and disability or age. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the procedure. We will make reasonable adjustments to our service and provide appropriate support to those customers who require it, including providing a response to customers in the format they require, for instance, large print, audio recordings etc.

3.4 Complaints give us valuable information we can use to improve customer satisfaction. Our complaints handling procedure will enable us to address a customer's dissatisfaction and may also prevent the same problems that led to the complaint from happening again. For our staff, compliments, comments and complaints provide a first-hand account of the customer's views and experience, and can highlight concerns we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong, and can also help us continuously improve our services.

3.5 Front line employees play a crucial role in resolving complaints early and creates better customer relations. Sorting them out as close to the point of service delivery as possible means we can deal with them locally and quickly, so they are less likely to escalate to the next stage of the procedure. Complaints that we do not resolve swiftly can greatly add to our workload.

3.6 The procedure supporting this policy will ensure that the Councils are able to gain meaningful information from the analysis of issues raised through compliments, comments and complaints. Information for monitoring purposes will be monitored and reported to the appropriate Officer and Elected Member and customers on a regular basis.

3.7 The effectiveness of the policy and its application will be reviewed through internal and external satisfaction surveys and reported to the appropriate Officer and Elected Member groups. Liaison with other local authorities and the Ombudsman Services will help ensure that current best practice continues to be reflected within the policy and supporting procedures

4. Statement

FRAMEWORK FOR MANAGING COMPLIMENTS, COMMENTS AND COMPLAINTS

A form has been developed to capture compliments, comments and complaints, although they can also be submitted by other means.

COMPLIMENTS

A **compliment** is an expression of satisfaction concerning a function or service provided by the Council.

In addition to the form, customers may also make their compliment verbally or in writing by letter, e-mail.

4.1 A central record of written compliments will be maintained by the Officer responsible for the management of complaints for monitoring purposes.

4.2 Whilst pleasing to receive, compliments will not receive an acknowledgement in writing. An electronic copy of the compliment will be forwarded by the Officer responsible for the management of complaints to the relevant departmental contact for their information and use, for example, team meetings, appraisals, service planning.

4.3 Information on written compliments will be reported on a regular basis for monitoring and review purposes.

The compliments handling process

Compliment

Description	Satisfaction concerning a function or service provided by the Council verbally or in writing
Who by	A customer to any member of staff or Elected Member
Action	To be passed to the Officer responsible for the management of complaints for administration, monitoring and reporting purposes

COMMENTS

A **comment** is a suggestion or idea about how a function or service provided by the Council could be improved.

In addition to the form, customers may also make their comment in writing, by letter, e-mail or social media.

4.4 A central record of written comments will be maintained by the Clerk for the management of complaints for monitoring purposes.

4.5 All written comments will receive a written acknowledgement within three working days thanking the customer and advising that their suggestion has been forwarded to the relevant person for their information and consideration. The Clerk may choose to contact the customer further with feedback, if appropriate.

The comments handling process

Comment

Description	A suggestion or idea about how a function or service provided by the Council could be improved
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Who by	A customer to any member of staff
Action	To be passed to the Clerk for the management of complaints for administration, monitoring and reporting purposes

COMPLAINTS

A **complaint** is any expression of dissatisfaction, by one or more members of the public about the organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation, that needs a response.

In addition to the form, customers may make their complaint in writing, by letter or email. Customers wishing to make a complaint via social media, e.g. Facebook, Twitter, Web Chat etc., will be signposted to the electronic complaint form, as most complaints received via social media are unstructured and contain too little detail to enable them to be processed fully.

A complaint may relate to:

- Failure to provide a service
- Inadequate standard of service
- Treatment by or attitude of a member of staff
- Disagreement with the way a decision has been administered, though not the decision itself, where the customer cannot use another procedure (for example an appeal) to resolve the matter
- The organisation's failure to follow the appropriate administrative process.

4.6 Certain types of complaint fall outside of the scope of this policy and need to be dealt with through other mechanisms; these include:

(1) Grievances by existing, or former, employees about their employment. These need to be referred to the Council to consider under their policies and procedures.

(2) Matters, which are or could reasonably be expected to be the subject of court or tribunal proceedings.

(3) Complaints which amount to a disagreement with or refusal to accept a rule of law which the Council is applying.

(4) Complaints about Elected Member's conduct. These are handled by the Monitoring Officer.

(5) Complaints which constitute an allegation of fraud and/or corruption will need to be dealt with under the Whistle Blowers Policy, these are handled by the Monitoring Officer.

(6) Complaints naming officers need to be assessed by the Officer responsible for the management of complaints for action and may be directed to the Human Resources Department to consider whether they need to be dealt with under their procedures or dealt with within the complaints procedure.

(7) Complaints which have been investigated and been through the complaints system fully.

(8) Compensation claims. These are handled by the Council's Finance Department and the Council's Insurers, however complaints about how the claim has been handled by staff will fall within the scope of the policy.

4.9 The Council will adopt a three stage complaint process as follows:

Informal – Frontline Resolution within **3 working days**

Formal – Investigation within **15 working days**

Internal Review – Investigation within **20 working days**

Complaints about responses to Freedom of Information requests will be reviewed in line with the Internal Review (Stage three of the complaint process) - **20 working days**.

4.10 The process, managed centrally from the investigation stage onwards by the Person responsible for managing complaints, will provide a clear complaints system for both customers and employees. As well as providing clarity, it will ensure that all written complaints are handled by one person ensuring a consistent approach to customer service and efficient working practices through the removal of duplication e.g. customer sending in multiple letters regarding the same complaint and/or customer receiving more than one letter from the Council.

The complaints handling process

The process aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff. It provides three opportunities to resolve complaints internally:

- frontline resolution, and
- investigation – formal investigation and internal review.

Stage	Stage One Frontline Resolution	Stage Two Formal Investigation	Stage Three Internal Review	Ombudsman Investigation
	Internal			External
Description	For straightforward issues that are easily resolved, requiring little or no investigation	Written complaint – for issues that have not been solved at stage one or are complex	Written complaint – for issues that have not been resolved at stage two and require an internal review or for the internal review of Freedom of Information (FOI) responses	Written complaint to Ombudsman – for issues that remain unresolved by the Council
Who by	Any member of staff	By the Clerk	By the Clerk and reviewed by Council. FOI internal reviews will be reviewed by Council members	By the Clerk and Council members
Action	'On the spot' apology, explanation or other action to resolve the complaint quickly within three working days	A written response to be sent to the complainant addressing all the issues within 15 working days	A written response to be sent to the complainant addressing all the issues within 20 working days	A written response to be sent to the Ombudsman addressing all the issues within the complaint within the Ombudsman's statutory timescale

Remedies for a complaint

4.11 There are two important reasons for having an effective complaints system – to provide a remedy and to improve services.

It is important to ascertain early on in the complaints process what outcome the customer is looking for i.e. what would be a suitable remedy. Whilst the proposed remedy may not always be reasonable and/or achievable it ensures that the Council knows early on what would be a satisfactory outcome for the customer. (This is included in the compliments, comments and complaints form).

Remedies can include:

- An apology which would normally be appropriate and adequate, but not in all circumstances. Other remedies will be considered where appropriate in addition to an apology.
- An explanation as to why a situation arose and to help the customer understand.
- An assurance that the same thing will not happen again (and monitored to make sure that it does not).
- Action that can be taken to put things right and where appropriate a change of procedure will be implemented to prevent further difficulties of a similar kind either for the individual customer or for customers generally.
- Financial compensation should always be an option, even though it may only be relevant in a few cases. Financial compensation should not be seen as an alternative to putting things right.

The guiding principle must be that as far as possible the customer is put in the position that he/she would have been in had things not gone wrong.

Where a complaint is found to be justified after investigation, at any stage, the process which has caused the complaint needs to be reviewed by the relevant person.

For Frontline Resolution complaints (stage one) the above remedies except financial compensation could be used singularly or in combination depending on the complaint. It is important that employees handling informal complaints are aware of which remedies to offer and when.

For Formal Investigation complaints (stage two) a consideration of appropriate remedies will be requested from the relevant staff member as part of the complaint investigation process.

For Internal Review complaints (stage three) a consideration of appropriate remedies will be undertaken by the Clerk, with a recommendation to the Chairman, and then full Council for approval.

The Role of the Ombudsman

4.12 Customers choosing to make a complaint to the Ombudsman, after going through the Council's complaint process, will be investigated as an 'ordinary' complaint. A copy of the complaint will also be sent to the Monitoring Officer.

4.13 The Ombudsman will notify the Council in writing of its findings when it has concluded its investigation. Any financial recommendations requiring a decision will be made by the Full Council.

4.14 Where the Ombudsman records a decision of maladministration and/or injustice then the necessary arrangements will be made in accordance with the Ombudsman's instructions.

4.15 The definition of 'maladministration' is very wide and can include:

- Delay
- Incorrect action or failure to take any action
- Failure to follow procedures or the law
- Failure to provide information
- Inadequate record-keeping
- Failure to investigate
- Failure to reply
- Misleading or inaccurate statements
- Inadequate liaison
- Inadequate consultation
- Broken promises

4.16 There is no fixed definition of injustice, but it can include:
Hurt feelings, distress, worry, or inconvenience
Loss of right or amenity
Not receiving a service
Financial loss or unnecessary expense
Time and trouble in pursuing a justified complaint

4.17 In cases of maladministration the Council should try to identify all those affected and offer a suitable remedy. There may be a few cases where identifying others who may have suffered would be such an enormous task that it would affect the Council's day-to-day operation or the Council's ability to put right a failure that was the main cause of the maladministration. In these cases it would be better to improve the service and to stop the maladministration happening again.

4.18 The Council should always consider whether maladministration or failing to meet a standard has caused worry and distress to the service user and whether this needs to be taken into account when deciding on the right remedy. The Council should also provide a remedy if the complaint has been handled in a way that is itself maladministration.

4.19 Supporting procedures will explain fully the operational matters concerning complaints from the Ombudsman.

The Regulators Code and complaints about local authority regulatory services

The new Regulators Code came into force on 6th April 2014. Local authorities and fire authorities are under a statutory duty to have regard to the Code in developing the principles and policies which guide their regulatory activities.

The Regulators' Code aims to improve the way regulation is delivered at the front line. It sets out a clear framework for transparent and accountable regulatory delivery and establishes clear principles for how local authorities should interact with those they are regulating. The Code is underpinned by the statutory principles of good regulation, which provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.

Anonymous Complaints

4.20 Some customers may elect to remain anonymous when reporting complaints. For verbal complaint reporting (Frontline Resolution – Stage one) the employee dealing with the telephone call or face-to-face contact needs to explain the restrictions this may cause in trying to resolve the matter as we will be unable to provide feedback, provide a service or request further information at a later date.

Learning from Feedback and Training for Employees

4.21 It is important that customers and other stakeholders are aware of the compliments, comments and complaints process and how to use it. Council will review the information gathered from complaints regularly and consider whether our services could be improved or internal policies and procedures updated.

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 file, and
- 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
- The Clerk should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- A target date will 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
- Performance in the service area should be monitored to ensure that the issue has been resolved
- We will ensure that staff learn from complaints.

Maintaining confidentiality is important in complaints handling. It includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind Data Protection legislation/ General Data Protection Regulations, as well as internal policies on confidentiality and the use of customers' information

Habitual or Vexatious Complainants

4.22 For the purpose of this policy the following definition will be used:

The repeated and/or obsessive pursuit of

- Unreasonable complaints and/or unrealistic outcomes
- Reasonable complaints in an unreasonable manner.

Where complaints have been identified as habitual or vexatious in accordance with the criteria below, the person responsible for complaints management, following discussions with Council to seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken for an appropriate length of time, usually twelve months but this is not prescriptive, before being reviewed. Operational aspects for handling habitual or vexatious complainants will be covered in the supporting procedures.

Where individuals, or individuals acting on behalf of another individual or group, are submitting multiple or lengthy requests for information or complaints in relation to the same subject matter to the Clerk, who will take a report to Council using the evidence collated.

The person responsible for complaints management or their representative will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken.

Once a complainant has been determined to be habitual or vexatious, their status will be kept under review and monitored by the Council Members who are responsible for complaints management. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

Our experience has shown that the behaviour of some customers considered vexatious can fluctuate greatly. Following any decision that has determined a customer as habitual or vexatious Council may confer delegated powers to the Clerk for complaints management or their representative, in cases to amend the conditions in the interest of the service where prompt action may be required at short notice. In such cases the person responsible for complaints management will put monitoring measures in place and make a decision in line with this policy.

Once the 'appropriate length of time' has expired, normal contact with the customer can be resumed. However, should the customer revert to their previous behaviour, the Council reserves the right to determine their behaviour as vexatious again without the need for further monitoring or submission of a report to Council.

Criteria for Determining Habitual or Vexatious Complainants

Complainants or anyone deemed to be acting on their behalf may be considered to be vexatious or persistent if one or more of the following applies where previous or current contact with them shows that they meet two or more of the following criteria:

Where complainants are:

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to co-operate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a late stage.
- Raising numerous, detailed but unimportant questions; insisting that they are answered.
- Acting individually or on behalf of a group, submitting numerous or lengthy requests for information or complaints in relation to the same subject or where the Council has received similar complaints or requests for information from the complainant themselves previously on the same issue.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach, pursuing parallel complaints on the same issue with a variety of other organisations.
- Making excessive demands on the time and resources of staff with lengthy telephone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints.
- Refusing to accept the decision, repeatedly arguing points with no new evidence.
- Harassing verbally or otherwise seeking to intimidate employees dealing with their complaint, including the use of foul, abusive or racist language, which will be reported to the appropriate authority.
- Threatening or using physical violence towards employees.
- Insisting on pursuing unjustified complaints and/or unrealistic outcomes to legitimate complaints or taking actions that are out of proportion to the nature of the complaint, even when the complaints procedure has been exhausted.
- Demonstrating behaviour which has a significant and disproportionate adverse effect on the Councils resources.

The Habitual/ Vexatious complaints handling process

Options for Dealing with Habitual or Vexatious Complainants

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by e-mail or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.
4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints and this may lead to legal action being taken against the complainant as the Council has a duty to protect both the Council's reputation and its' employees.

5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from its solicitor.

6. In cases of threats of verbal or physical abuse, always recommend the complainant is added to the Employee Protection Register.

Habitual/ Vexatious complaint

Description	Multiple complaints or requests for information about the same* issue (s) which have previously been investigated or answered fully
Who by	A customer to any member of staff
Action	To be passed to the Officer responsible for the management of complaints for administration, monitoring and reporting purposes

*Please note: Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints.

5. Responsibility for Implementation

The Person responsible for complaints management The Clerk will be responsible for complaints management will oversee the implementation of this policy on behalf of the Members of Blackwell Parish Council who has overall responsibility for the policy.

All staff:

A compliment, comment or complaint may be made to any member of staff within the organisation. All staff must be aware of the Compliments, Comments and Complaints Policy and procedure and how to handle complaints at the frontline stage. They should also be aware of who they should refer a complaint to, in case they are not able to personally handle the matter.



This policy is fully supported by the members of Blackwell Parish Council

Signed by the Chair of Blackwell Parish Council: _____

Date: _____