

North East Derbyshire District Council

1 August 2018

Review of the Compliments, Comments and Complaints Policy

Report of Councillor R Smith, Portfolio Holder for Corporate Governance

This report is public

Purpose of the Report

- To approve the revised Joint Compliments, Comments and Complaints Policy.
- To meet legal requirements and national guidance.

1 Report Details

- 1.1 Over three years ago, the decision was made to develop a joint Compliments, Comments and Complaints Policy to enable Officers working across both Councils to be able to do so within one set of standards and criteria. This also ensured a consistent approach for customers of both Councils. As a consequence the Joint Compliments, Comments and Complaints (CCC) Policy (and supporting procedure) is now embedded at each authority.
- 1.2 Both Councils have the Customer Service Excellence accreditation. The robust management of complaints corporately forms part of this accreditation. The Joint CCC Policy (and supporting procedure) have been reviewed and amended to reflect updated reporting practices. The procedure includes a formalised procedure for correspondence with Members of Parliament.
- 1.3 In order to be confident our practices are appropriate to the needs of our customers and are still fit for purpose, we have consulted with Officers at both Councils, with the Citizens' Panel, with customers during National Customer Service Week, run website surveys and consulted with equality consultation groups at both Councils.
- 1.4 Internal officers who deal with complaints at both Councils report that the system is working well. No major changes were requested.
- 1.5 Citizens' Panel surveys run at both Councils indicated 10 working days was a reasonable time to respond to a formal complaint -151 people at North East Derbyshire District Council and 245 at Bolsover District Council. During 2016/17 NEDDC responded to 74% of all formal complaints (both complex and straightforward) within 10 working days. At BDC the average time for straightforward (direct from department) complaint responses was 9 working days, however a significant number of those took more than 10 working days to respond to (44%).
- 1.6 As the in-house compliments, comments and complaints system will need to be further developed to accommodate a new timescale, and there is currently a six

month waiting period for development work, both Councils would be unable to adopt a new timescale without this developmental work.

- 1.7 As such it is proposed that the 15 working day response time for all Formal Investigation complaints is retained for a further year and that monitoring continues from 1 April 2018 at both Councils to establish if a 10 working day target for straightforward Formal Investigation complaints (stage 2) is achievable. It is also recommended that the 15 working day timescale for complex Formal Investigation complaints (those crosscutting departments or presenting reputational damage) is retained to allow sufficient time for a full and thorough investigation. It is noted that the Local Government and Social Care Ombudsman recognises that 20 working days is a reasonable timescale to respond to complex matters.
- 1.8 Please note: If it is decided to proceed to a 10 working day response time for straightforward Formal Investigation complaints (stage 2), a new target will then need to be set for performance monitoring purposes.
- 1.9 The joint procedure has been amended to support this policy.
- 1.10 The adoption of the reviewed Joint Compliments, Comments and Complaints Policy and Procedure will rescind the existing Joint Compliments, Comments and Complaints Policy and Procedure at both Councils.

2 Conclusions and Reasons for Recommendation

- 2.1 The policy meets amended external drivers and compliance requirements.
- 2.2 Support will be given to officers dealing with compliments, comments and complaints and training is delivered more widely to all new appointees to both Councils within the mandatory Customer Services training.
- 2.3 Publicity will be carried out at both Councils to raise awareness that the Policy has been reviewed.

3 Consultation and Equality Impact

- 3.1 The policy was initially developed by a number of officers in the Customer Service Department to ensure that it is fit for purpose. Consultation with some key officers has also fed into the review of the policy. The Policy was also circulated to officers and members on Improvement Group (both Councils).
- 3.2 An Equality Impact Assessment on the policy is not necessary as it is legislation and national guidance led. However the policy recognises equality requirements and an Equality Impact Assessment has been carried out on the supporting procedure to ensure that there are no barriers to the service and support is given to those customers who require it. Bolsover District Council's Equality Panel has been consulted and they are happy that there are no adverse impacts to any protected group.

4 Alternative Options and Reasons for Rejection

- 4.1 In reviewing the policy, consideration has been given to how best the required actions can be achieved within existing resources. Therefore no alternative options are proposed.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 Both Councils are at risk of recommendations or decisions by the Local Government & Social Care Ombudsman and the Housing Ombudsman if complaints are not handled well.
- 5.1.2 In cases of maladministration, financial penalties can be imposed by the Local Government Ombudsman or the Housing Ombudsman.
- 5.1.3 In the case of complaints about Freedom of Information, Data Protection and Environmental Information requests, the Information Commissioner's Office can issue decision notices and impose significant fines.

5.2 Legal Implications including Data Protection

- 5.2.1 The policy allows compliance with the Local Government Act 1974 and guidance set out by the Local Government & Social Care Ombudsman and the Housing Ombudsman. It is also in line with the requirements of the Data Protection Act 1998, Freedom of Information Act 2000, Environmental Information Regulations 2004 and General Data Protection Regulation (2018).

5.3 Human Resources Implications

- 5.3.1 Once approved, the joint policy and supporting procedure will be made available on the intranet to raise awareness across both Councils. Support (to manage the minor changes) will be provided to managers and those departmental contacts dealing with compliments, comments and complaints.

6 Recommendations

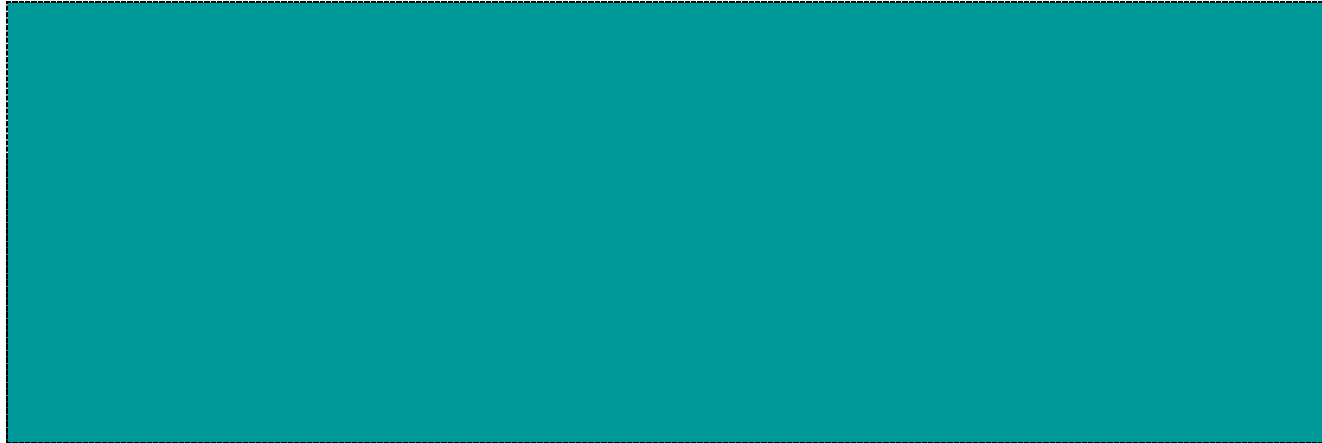
- 6.1 To continue to monitor the timescale for straightforward complaints to see if it can be reduced from 15 working days to 10 working days.
- 6.2 That Cabinet approves the revised Joint Compliments, Comments and Complaints Policy.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes/No
<p>District Wards Affected</p>	N/A
<p>Links to Corporate Plan priorities or Policy Framework</p>	Providing our Customers with Excellent Service Transforming our Organisation

8 Document Information

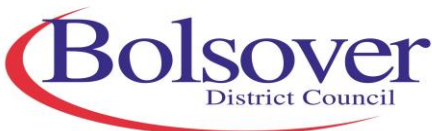
Appendix No	Title
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
Ann Bedford Customer Standards and Complaints Officer (BDC)	2353



Compliments, Comments and Complaints Policy



April 2018



CONTROL SHEET FOR Compliments, Comments and Complaints Policy

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Compliments, Comments and Complaints Policy
Current status – i.e. first draft, version 2 or final version	Final
Policy author	Customer Standards and Complaints Officer (BDC)
Location of policy – i.e. L-drive, shared drive	Internet and Intranet
Member route for approval	Executive (BDC)/ Cabinet (NEDDC)
Cabinet Member (if applicable)	Portfolio Holder for Neighbourhood Services (BDC)/ Cabinet Member for Customer Services (NEDDC)
Equality Impact Assessment approval date	To be carried out on the procedure, the policy has been reviewed to comply with legislation

Partnership involvement (if applicable)

Final policy approval route i.e. Executive/
Council /Planning Committee

Executive (BDC)/ Cabinet
(NEDDC)

Date policy approved

Date policy due for review (maximum
three years)

March 2021

Date policy forwarded to include on
Intranet and Internet if applicable to the
public

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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), hereafter referred to as 'the Councils'.

1.3 The joint policy is to enable Officers working across both 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 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 the Councils, with the exception of:

BCN Building Control Consultancy (both Councils) and Chesterfield Borough Council.

Audit (both Councils) and Chesterfield Borough Council.

Rykneld Housing (North East Derbyshire District Council).

These organisations operate their own complaints policies and procedures.

Organisations contracted to provide any services, for example waste services, debt collection services, emergency repairs services etc., on behalf of the Councils will be required to comply with this policy. This includes recording and responding to complaints, providing Council Officers with information as requested and providing assistance in connection with further investigations as appropriate. It will be the responsibility of each Manager to ensure that this is agreed as part of contractual arrangements and included in the contract.

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 groups 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

<p>A compliment is an expression of satisfaction concerning a function or service provided by the Council.</p>

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

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 Officer responsible for the management of complaints for monitoring purposes.

4.5 An electronic copy of the comment 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.

4.6 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 department for their information and consideration. The department may choose to contact the customer further with feedback, if appropriate.

4.7 Information on written comments will be reported on a regular basis for monitoring and review purposes.

The comments handling process

Comment	
Description	A suggestion or idea about how a function or service provided by the Council could be improved
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

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, 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.

4.8 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 Human Resources Department to consider under their policies and procedures.

(2) Issues for which statutory appeal bodies or tribunals have been established, for example, The Appeals Service (for Benefit appeals), The Planning Inspectorate (for Planning appeals).

(3) Complaints which amount to a disagreement with the Council about its decision rather than the way the decision has been administered (e.g. the level of the Council Tax, allocating council properties in accordance with its policy).

(4) Complaints regarding a decision made by the Council when exercising its regulatory powers (e.g. licensing, serving notices) or undertaking its statutory duties (e.g. making a decision on a homelessness claim) unless the complaint relates to the way the matter has been administered.

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

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

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

(8) Complaints which amount to a request for service e.g. noise nuisance, flytipping Head of Service unless it relates to how the Council is administering the request for service.

(9) Complaints which constitute an allegation of fraud and/or corruption will need to be dealt with under Whistle Blowers Policy.

(10) Complaints which constitute a racist incident will need to be dealt with under the procedures covering the reporting of racial incidents.

(11) 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.

(12) Dissatisfaction with the organisation's policy. Although both Councils recognise that service users make complaints that are disagreements with local or national policies, these will be dealt with as 'comments'.

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

(14) Complaints which are being or have been dealt with by the Local Government & Social Care Ombudsman or Housing Ombudsman.

(15) Complaints which amount to a petition. Whilst both Councils welcome petitions, these are handled by the Council's Governance Section under the Councils' Petition Schemes.

(16) Complaints about the conduct of an election, which is the responsibility of the Returning Officer, rather than an administrative function of the Council. Some elements of District Council elections may fall within scope of the policy. Complaints about these need to be assessed by the Customer Service and Improvement Department and the Monitoring Officer for the relevant action.

(17) 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 Department 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 department 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 as their complaint related to more than one department.

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 resolved 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, Contact Centre or referral to the appropriate point for frontline resolution	By Departmental Managers (using the response template provided and a copy to the Officer responsible for managing complaints to enable random quality checking) or by the Officer responsible for the management of complaints in complex or crosscutting cases*.	By the Officer responsible for managing complaints/ Head of Service and reviewed by a Director or the Chief Executive Officer in complex or crosscutting cases*. FOI internal reviews will be reviewed by the Head of Service or representative responsible for this function	By the Officer responsible for the management of complaints on behalf of the Chief Executive Officer
Action	'On the spot' apology, explanation or other action to resolve the complaint	A written response to be sent to the complainant addressing all the issues within the	A written response** to be sent to the complainant addressing all the issues within the	A written response to be sent to the Ombudsman addressing all the issues within the

	quickly within 3 working days	complaint within 15 working days	complaint within 20 working days	complaint within the Ombudsman's statutory timescale
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* In complex or contentious cases, i.e. those which cut across departments, present reputational implications or are high risk, these will be centrally managed and responded to by the Officer responsible for the management of complaints and dealt with by the Chief Executive Officer at the Internal Review stage.

** Please note it is **mandatory** for responses to refer customers to the Local Government & Social Care Ombudsman/ Housing Ombudsman's Service for those wishing to escalate their complaint.

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.

Customers need to know what remedies to a complaint are available and this is covered generally in publicity material for the compliments, comments and complaints system.

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 officer.

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 departmental contact as part of the complaint investigation process.

For Internal Review complaints (stage three) a consideration of appropriate remedies will be undertaken by the Head of Service responsible for Customer Service, or their representative, with the relevant Head of Service, or equivalent, with a recommendation to the Chief Executive Officer, or Strategic Director, for approval.

Section 92 of the Local Government Act 2000 confirms that councils are empowered to remedy injustice arising from maladministration where the complaint is made only to the Council and not to the Local Government & Social Care Ombudsman.

In cases where the Council's own investigations find maladministration and injustice, this will be reported in the annual report to Executive (BDC) or Cabinet (NEDDC) and in cases where the Council's own investigations recommend a compensation payment as a remedy to a complaint then a report recommending this action will need to be taken to Executive (BDC) or Cabinet (NEDDC). Any financial recommendations requiring a decision will be made by the Chief Executive Officer under delegated powers following consultation with the Leader, Deputy Leader and Chief Finance Officer up to a maximum of £5,000 per recommendation. A report for information will be presented in the annual report to Executive (BDC) or Cabinet (NEDDC). For amounts in excess of £5,000 a decision will be required by Executive (BDC) or Cabinet (NEDDC).

The Role of the Ombudsman

4.12 The Local Government & Social Care Ombudsman (LG & SCO) was created by Part III of the Local Government Act 1974 to provide independent, impartial and prompt investigation and resolution of complaints of injustice caused through maladministration. Both Councils are within the jurisdiction of the Commission for Local Administration, which is also known as the Local Government & Social Care Ombudsman.

4.13 Additionally, Bolsover District Council is within the jurisdiction of the Housing Ombudsman (HO), which was set up by law on 1st April 2013 and which covers all housing associations and local authorities. The Housing Ombudsman considers complaints about **leasehold services, moving to a property** (transfer applications that are outside [Housing Act 1996 Part 6](#)), rent and service charges, occupancy rights, tenant behaviour and estate management.

4.14 In most cases, before the LG & SCO will investigate a complaint, the Council will be given an opportunity to respond to the complaint in accordance with its procedures. In the case of the HO, they will only investigate a complaint after 8 weeks has elapsed from the end of the Council's procedure, in order to allow a 'designated person' to try to bring about a resolution. Any 'premature' complaints received from either Ombudsman will be handled by the Officer responsible for the management of complaints and will commence the process at the formal investigation stage (stage two).

4.15 Customers choosing to make a complaint to either 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. All correspondence to and from the LG & SCO or HO will be handled by the Council's Link Officer on behalf of the Chief Executive Officer.

4.16 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 Chief Executive Officer under delegated powers following consultation with the Leader, Deputy Leader and Chief Finance Officer up to a maximum of £5,000 per recommendation. A report for information will be presented to Executive (BDC) or Cabinet (NEDDC) annually. For amounts in excess of £5,000 a decision will be required by Executive (BDC) or Cabinet (NEDDC).

4.17 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.

4.18 The Monitoring Officer has a duty to make a statutory report to Executive (BDC) or Cabinet (NEDDC) annually in respect of maladministration where the Ombudsman has investigated and found maladministration and injustice on the part of the authority.

4.19 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

4.20 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

4.21 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.

4.22 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.

4.23 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.

The Better Regulation Delivery Office (BRDO) and Local Government & Social Care Ombudsman are encouraging those delivering local regulatory services and managing corporate complaints to co-operate in ensuring their processes are transparent and easier for businesses.

Guidelines in the Regulators' Code state that:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
- Regulators should base their regulatory activities on risk
- Regulators should share information about compliance and risk
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- Regulators should ensure that their approach to their regulatory activities is transparent

Anonymous Complaints

4.24 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.

4.25 Anonymous complaints received in writing (Formal Investigation - Stage two) will be managed centrally by the Customer Standards and Complaints Officer (BDC)/ Customer Service Co-ordinator (NEDDC) and sent to the Departmental contact to administer.

M.P. letters

All letters coming in from a Member of Parliament need to be recorded by the Customer Standards and Complaints Officer (BDC)/ Customer Service Co-ordinator (NEDDC) on behalf of the Chief Executive Officer. If it is a complaint or service request, these will be responded to by the Officer responsible for the management of complaints. Responses to requests for information, from a Member of Parliament, under the Freedom of Information Act 2000, Environmental Information Regulations 2004 or Data Protection Act 1998 will be approved by the Chief Executive Officer prior to sending out, and a copy sent to the Customer Standards and Complaints Officer (BDC)/ Customer Service Co-ordinator (NEDDC).

Learning from Feedback and Training for Employees

4.26 It is important that customers and other stakeholders are aware of the compliments, comments and complaints process and how to use it. Senior management 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
- An officer 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.

4.27 Publicity and complaints performance information

- Poster for display in Council buildings
- Compliments, comments and complaints forms
- Council's publication
- Information on the Council's website
- Information in service booklets.

We will also report on our performance in handling complaints regularly and publish this information on the Council's website.

4.28 It is also essential that the Council knows whether the compliments, comments and complaints system, especially the complaints element, is working. The Officer responsible for the management of complaints will undertake customer satisfaction surveys to establish the level of satisfaction.

It is also important that employees receive training regarding the procedure and ongoing training and development is available. Some people will need more support and employees will need to offer assistance in accordance with the Customer Service – Code of Practice and Standards.

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

4.29 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 Head of Service responsible for complaints management or their representative, following discussions with relevant Head of Service, will take a report to the Strategic Alliance Management Team (SAMT) 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 Council or across both Councils, the Head of Service of Customer Service and Improvement or representative will have the option to take a report to SAMT using the evidence collated from all the individuals involved, in order to prevent duplicating or prolonging the evidence gathering process.

The Head of Service 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.

Senior Managers will need to inform and seek advice from the Officer responsible for the management of complaints regarding potential habitual or vexatious complaints, which have not progressed on to the formal stage (stage two) of the complaints process and as such fall outside the control of, and therefore knowledge of, the Department responsible for managing complaints.

Once a complainant has been determined to be habitual or vexatious, their status will be kept under review and monitored by the Head of Service responsible for complaints management or their representative, with reports being taken to SAMT as required. 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 SAMT decision that has determined a customer as habitual or vexatious SAMT may confer delegated powers to the Head of Service responsible 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 Head of Service responsible for complaints management or their representative 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 SAMT.

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. The Employee Protection Policy (available on the Councils' Intranet) provides guidance and procedures on how to report such incidents.
- 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 or other relevant agencies, such as the Local Government & Social Care Ombudsman or External Auditor.

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 Head of Service responsible for complaints management

The Head of Service responsible for complaints management will oversee the implementation of this policy on behalf of the Chief Executive Officer who has overall responsibility for the policy. The Head of Service responsible for complaints management, with support from Customer Standards and Complaints Officer (BDC)/ Customer Service Co-ordinator (NEDDC) is responsible for establishing systems and procedures that support the implementation of this policy and for managing the compliments, comments and complaints system.

The Head of Service responsible for complaints management will in some cases, where it is considered by SAMT be given delegated powers to amend conditions associated with 'vexatiousness' if it is in the interest of the service and where prompt action may be required at short notice.

The Chief Executive Officer and Directors/ Heads of Service:

Responsible for reviewing Internal Review complaints, they should be satisfied that the investigation is complete and the response addresses all aspects of the complaint.

The Monitoring Officer

The Monitoring Officer has a duty to make a statutory report periodically, at least once a year, to Executive (BDC) or Cabinet (NEDDC) in respect of maladministration where the Local Government & Social Care Ombudsman has investigated and found maladministration and injustice on the part of the authority.

Senior Managers and Departmental Complaints Contacts:

Involved in the operational investigation and management of complaints handling. As senior officers they may be responsible for preparing and signing decision letters or submitting information to the Officer responsible for the management of complaints in complex or crosscutting cases), so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

Complaints Investigator:

The complaints investigator is responsible and accountable for the management of the investigation. This may be the Officer responsible for the management of complaints or someone in the service delivery team, and will be involved in the investigation and in co-ordinating all aspects of the response to the customer. This will include preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across the organisation.

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.

The Local Government & Social Care Ombudsman/ Housing Ombudsman Link Officer:

The Officer responsible for the management of complaints is also the Council's Link Officer for the Ombudsman. The Link Officer's role will include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to investigations, and confirming and verifying that recommendations have been implemented. Please note: the responsibility for the Housing Ombudsman Link Officer role for NEDDC is with Rykneld Housing.



We speak your language

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

Hablamos su idioma

Slovak

Rozprávame Vaším jazykom

Chinese

我们会说你的语言

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