

Sevenoaks District Council's

Complaints procedure

Guidance for staff



Contents

1. Introduction	p1
2 Complaints and their Resolution	p2
What is a complaint?	p2
Why worry about complaints	p2
Principles of a good complaints procedure	p3
Benefits of a centralised complaints procedure and the role of the complaints officers	p4
3. The Complaints procedure – some general guidance	p6
Complaint or enquiry	p6
Getting complaints to the right people	p7
Exemptions to the complaints procedure	p7
Complaints and legal proceedings	p8
Vexatious complaints	p8
4. The complaints procedure in practice	p9
Stage 1 complaints	p9
Stage 2 complaints	p12
5. Ombudsman investigations	p13
6. Good practice guidance for investigators	p14
7. Consideration of the implications of the Human Rights Act 1998	p14
8. Remedies	p15
Providing a remedy	p15
Compensation as a remedy	p15
9. Complaints Officer co-ordination of follow up action	p16
10. Departmental monitoring	p16
11. Complaints under the Freedom of Information Act	p16

Appendices

- A. [Specimen Letters/Memos](#)
- B. [Guidance on compensation payments](#)
- C. [How we deal with complaints: summary & flowcharts](#)

1. Introduction

The Council's complaints procedure aims to give our customers maximum opportunity to resolve any problems they may have with one or more of our services.

The purpose of this guide is to give staff the information they need to deal with complaints confidently and effectively.

The guide is divided into two sections, one giving general information on the nature of complaints and their resolution and the second giving more detailed information on the procedure for dealing with complaints which has been adopted by the Council.

2. Complaints and their resolution

2.1 What is a complaint?

A complaint as defined in the Council's complaints scheme is "*any expression of dissatisfaction with our services whether justified or not*". A complaint may arise when a customer considers that a service has not been delivered as advertised or as might reasonably have been expected. A complainant may consider that the service provider:

- failed to provide a service
- failed to deliver a service in the time promised
- delivered an inefficient or poor quality service
- provided an unfair service
- failed to act in the proper manner
- made a mistake.

An expression of dissatisfaction is a complaint, and remains so, whether or not the dissatisfaction appears justified to staff – it is the customer who is the judge of the quality of service received and of whether they wish to make a complaint.

2.2 Why worry about complaints?

The Council will always receive complaints owing to the complexity and scale of its services and the limitations on its resources. Although they can be time consuming to resolve, complaints should be viewed positively.

Our customers should receive quality services, delivered according to the standards and procedures we set. If we have failed our customers, we should do our utmost to try to resolve their complaint.

If customers tell us when things go wrong, we can learn from our mistakes and provide better services in the future. The existence of an effective complaints procedure is beneficial for the Council. It:

- demonstrates that the Council is prepared to listen and respond to customers as part of the customer care policy
- shows that the Council accepts responsibility for its actions and responds when things go wrong
- shows we are prepared to learn from our mistakes and want to improve services
- provides a measure of the kind of services which customers actually want or require

- highlights gaps in current policies
- contributes to the broader decision making process, enabling the Council to identify the need to reform particular policies or procedures
- contributes to policy and performance review, facilitating quality control and acting as a barometer of the public's concern and dissatisfaction
- should result in better services.

2.3 Principles of a good complaints procedure

The Council aims to make its complaints procedure:

- **well publicised** to all in Sevenoaks District
- **easily accessible**
- **ensure equal access to services** regardless of race, disability, gender, age, religious belief or sexual orientation, by giving help to people who may have difficulty in making their complaints
- **simple** to use and understand
- **confidential** to protect staff and those who complain
- **fair** with a specified investigation process by trained and objective investigators
- **speedy** to allow quick resolution of complaints with set time limits for investigation and response
- **effective** to deal with all issues raised and give a full response and appropriate remedy
- **informative** to provide information to management so that services can be improved
- **regularly monitored and audited** to ensure it is effective and improved.

2.4 Benefits of a centralised complaints procedure and the role of the Complaints Officers

The departmental Complaints Officers administer the Council's corporate formal complaints procedure within each department.

The complaints themselves are dealt with by service managers, heads of service and directors, to encourage both speedy response and also "ownership" of the complaints. Some key aspects of the formal complaints procedure are, however, co-ordinated and monitored by the Complaints Officers. This allows more effective management of the complaints procedure and has the additional benefit of allowing complaints and trends to be analysed to show where improvements to service can be made. Additionally, the Complaints Officers provide:

- a focal point for members of the public who wish to make a complaint about the services provided by the department. The Complaints Officer can give advice and liaise with other sections of the department, acting as an advocate for a complainant, in an attempt to resolve the problem before it becomes a formal complaint
- increased confidence in the system because customers feel they are dealing with an officer who is independent of the particular service area they are complaining about
- a "clearing house" for complaints, receiving and recording all formal complaints, explaining the complaints procedure to customers and deciding where best the complaints should be directed
- assistance for members of the public who require help in completing complaint forms
- advice and guidance to staff on complaints' resolution.

The Complaints Co-ordinator and Complaints Officers also:

- organise training for those in the department who investigate complaints and complaints awareness training for others
- monitor the progress of the complaints and speed of response to them
- monitor the quality of responses to complaints, enabling the Council to learn from good practice and techniques in complaint resolution, thereby reducing the number of complaints and ensuring uniformity of practice across the district
- canvass complainants' opinions of the complaints procedure and analyse their responses with a view to making further improvements in the complaints procedure
 - produce an annual report of complaints for all members and staff. The report contains general information on complaints statistics, trends, response performance and remedies, and it highlights cases of special interest or where particular lessons have been learned

- monitor trends in the numbers of people making complaints, the nature of the complaints, equalities issues, why complaints progress to the further stages of the complaints process and how the Council performs against set targets. The findings are reported to Management Team. This enables performance trends to be evaluated and decisions made on what policy and procedural changes are necessary
- share experience and ideas with the other departmental officers on delivery of the corporate complaint procedure
- work closely with the Local Government Ombudsman in an attempt to improve the way we work by learning from best practice elsewhere. Additionally, knowledge is acquired on recommended levels of compensation.
- On occasions MPs and Councillors will write directly to the Chief Executive, if these are formal complaints they must be dealt with following the normal complaints process.

3. The complaints procedure – some general guidance

3.1 Complaint or enquiry/service request?

This may appear straightforward, but it is not. For the complaints procedure to be successful, it is essential that all staff are aware of the distinction between an enquiry and a complaint.

A distinction should be made between a request for a service and a complaint. For example, a report that a toilet is faulty should not be defined as a complaint when it is first reported. At this stage it is an enquiry, a request for service – “Please mend this toilet”. If however, the department gives an indication of when the work will be carried out and subsequently fails to meet this deadline, then this failure could form the basis for a complaint.

This example is straightforward. Sometimes however, the distinction is less clear. A distinction will need to be made between a complaint about service provision to which the applicant is entitled, and a complaint which is an expression of disagreement with the current policies which deny the complainant entitlement to a service.

The Complaints Co-ordinator and local Complaints Officer makes decisions on how complaints received should be processed and can give advice where necessary.

3.2 Getting complaints to the right people

The Complaints Officer decides how complaints should be processed and to which section of the department they should be directed.

If a customer completes a complaint form but it is considered by the Complaints Officer that the issue raised does not fall within the Council’s definition of a complaint, then a letter will be sent to the customer by the Complaints Officer explaining the reason for this assessment and explaining how the matter will be progressed.

If a complaint is sent to the Community Services department but would be better dealt with by another department, the Complaints Officer will record the basic details before forwarding it to the appropriate department. A letter will be sent to the customer informing them of the action that has been taken.

Where a complaint has been sent to the wrong department, then it will be treated as if the procedure had not been invoked until it is received by the correct section.

3.3 Exemptions to the complaints procedure

The complaints procedure cannot be used where recognised appeals procedures exist. Examples of areas where recognised procedures exist are as follows:

- a Town & Country Planning appeal against refusal of planning permission, where the complaint relates to planning policy rather than the administrative/procedural aspects
- a complaint where the customer or the Council has **started** legal proceedings or has taken court action but **not** cases where a customer has simply threatened to start legal proceedings against the Council
- a complaint that has already been referred to/heard by a court or tribunal, including the Housing/Council Tax Benefits Tribunal Service
- a staff complaint about a personnel matter, including appointments, dismissals, pay, pensions and discipline (but not from staff as service users)
- a complaint about Council policy (the legality of which can be challenged through court action)
- a complaint about the issue of a penalty charge notice by the parking control service
- a complaint **about** a councillor; please contact the Council's Monitoring Officer on 01732 227000
- a complaint **from** a councillor; this will be recorded as a service request by the relevant Complaints Officer on a separate log
- A Freedom of Information Complaint
- A complaint about a Leisure Centre in the district (In the first instance they must complain to the leisure centre in question. The second stage would be to contact Mark Whyman at Sencio's Head Office on 01732 746010. If they are still not satisfied they can write to Merle Bigden in Community Development who have a procedure in place to deal with complaints

If for any reason we cannot review a complaint under this procedure, we will give an explanation with the acknowledgement of the complaint.

Complaints about Partnerships

The Council has a variety of partnership arrangements and responsibilities. In the case of complaints made against these partnerships, complaints will be referred to the lead agency within the partnership for resolution.

3.5 Complaints and legal proceedings

If the customer or the department has **begun** legal proceedings then the complaint can be treated as out of jurisdiction. Investigating officers should write to the customer to inform them of this and refer the complaint to the Legal team. However, if a legal advisor is acting as an **advocate** and no legal action is actually being pursued, then the complaint should be dealt with in the usual manner.

3.6 Vexatious complaints

If a complaint is considered to be deliberately vexatious, it may be excluded from the complaints procedure. The Council's complaints policy states "We may, at any stage of the complaints process, review a complaint and give a decision, without a formal investigation, where the Chief Executive considers it to be deliberately repetitious or vexatious."

Is a complaint vexatious?

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are simply being difficult. It is important to remember that complainants will often be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude.

Even though someone has made vexatious complaints in the past it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered and a decision made as to whether it is vexatious or genuine.

A complaint may be defined as vexatious if it is

- essentially about the same matter that has already been considered, with only very minor differences and does not contain any new information
- slightly different from the original complaint but about the same broad area of activity. A decision will have to be made as to whether or not the matters are sufficiently different to justify being considered as a new complaint.
- one where the complainant has already exhausted all stages of the Council's complaints procedure and possibly the Ombudsman too, but continues to send in complaints covering the same ground and the Council cannot comment any further apart from restating information previously given,

How to deal with vexatious complaints

- The complaint should first be taken through both stages of the Council's formal complaints procedure and the complainant should then be advised to go to the Ombudsman if they remain dissatisfied.
- If they have been to the Ombudsman and they do not agree with the ombudsman's decision, they should be referred back to the Ombudsman.
- If the complainant persists in submitting complaints that fall within the definition of vexatious (see above), they should be warned that the Council will not enter into any further correspondence on the matter.
- If the complainant still does not take this advice, any further correspondence that does not raise any significant new matters or present any new information should simply be filed with no acknowledgement sent.
- 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 this,

how long the ban will apply, and the reason for it. At the end of the period the matter should be reviewed, and the ban lifted if appropriate.
There should never be a blanket ban for an unspecified period of time.

In all instances where an officer believes a complaint may be vexatious, the case should be discussed with the Complaints Co-ordinator. If it is considered that the complaint is indeed vexatious, the matter will be discussed with the Customer Service Manager before a final decision is made.

4. The complaints procedure in practice

4.1 Stage 1 complaints

Step 1 If a customer contacts the service area, the officer receiving the enquiry/complaint should first check whether it is a complaint as defined above.

The officer should make every effort to try to resolve or rectify the problem quickly and informally, but they should also explain to the customer that they have a right to invoke the formal complaints procedure if they are not happy. If the query is not a complaint the officer should deal with the matter through the normal procedure.

Step 2 Any customer who wishes to use the formal complaints procedure should be able to access it easily. Complaints should normally be made in writing. However, in some cases, telephone calls or face to face interviews may be more appropriate. Thus complaints forms should be displayed in all reception areas and staff should always issue a complaint form when asked, giving a brief explanation of the procedure when they do so. It should be made clear to the customer, that what they write is not restricted by the space available on the form. They can attach additional sheets to the complaint form if they wish (or write a letter instead of using the form).

Whether a complaint form is requested in person or by telephone, staff should always try to ascertain whether the complainant requires any assistance in completing the form. For example, is help needed in understanding the form or the process, is translation required or assistance needed in relation to a disability?

If the customer requests a translator or help with communication every effort should be made to provide assistance. Please contact the Complaints Co-ordinator.

Officers may wish to seek advice from either the Complaints Co-ordinator or their manager on which service may be most appropriate.

If a customer writes a letter which is clearly a letter of **formal** complaint to the section responsible for the service complained of, the letter should be passed immediately to the Complaints Officer.

If a customer sends an expression of general dissatisfaction by electronic mail, an appropriate response should be sent which includes information on the right to complain formally if not satisfied with the response. Attention should be drawn to the Complaints Co-ordinator's e-mail address: feedback@sevenoaks.gov.uk.

If a customer sends an electronic mail message which appears to be an expression of **formal** complaint it should be forwarded immediately to the Complaints Officer. The service team will check with the sender that the communication was intended as a formal complaint and if this is confirmed it will be processed as such.

If a complaint is received from a child or young person (who will probably have submitted their complaint using the booklet entitled *We can complain too!*) it should be forwarded immediately to the Complaints Officer for the relevant department. The Complaints Officer will oversee the response to the child or young person.

All complaints will be dealt with in the same manner, whether made by an agency or advocate on behalf of a service user, or by the service user direct.

Step 3 The complaint will be received by the Complaints Officer. Details of the complaint will be recorded on the computerised database and a reference number will be issued.

An acknowledgement letter will be sent by the Complaints Officer to the customer within **two** working days informing them that their complaint has been registered at Stage 1 of the complaints procedure, explaining what will happen next and giving the name of the officer that will be dealing with the complaint. The acknowledgement will state that the complainant will be notified of a decision regarding the complaint within **15** working days of the date of the acknowledgement letter.

The service team may use its discretion to fast track a complaint to Stage 2 of the complaints procedure if the particular circumstances of a complaint are deemed to merit this action.

Step 4 The service team to which the complaint relates will then pass the correspondence to the appropriate officer for investigation and response. The deadline for response will be indicated.

The Service Manager and Complaints Officer will be responsible for ensuring that the complaint is dealt with in the timescale stated.

Where it is foreseen that a response to the complaint will not be completed within the required timescale, a holding response should be sent to the complainant. The complainant should receive the holding response **before** the original response due date. The complainant should be informed of the reason for the delay and should be given a revised date by which a full response will be provided. A copy of this holding response should be sent to the Complaints Officer for monitoring purposes. A specimen holding letter is appended at **Appendix A**. Further holding letters should be sent if necessary.

If the officer who receives the complaint believes that the complaint should instead be directed elsewhere in the department, then the complaint should be forwarded to the appropriate officer. The reason for the redirection should be clearly stated. Please see **Appendix B**. Please remember to inform the Complaints Officer of any redirections.

Step 5 The complaint should be investigated by the Service Manager for the service in question.

An investigation should never be conducted by an officer who has in any way been complained of in the complaint, even if the criticism is small or relates to a minor point of the complaint. Any officer who considers themselves to have been too closely involved in the issues which have led to the complaint should likewise not attempt to investigate the complaint. It is crucial that the complaints procedure is perceived as impartial. Investigation of a complaint by anyone who has been involved in the matter would obviously undermine customer confidence.

The Complaints Officer may ask the investigating officer to liaise with officers in other sections to obtain necessary information to provide one co-ordinated response to the complaint. This will normally happen in cases where the complaint encompasses a number of issues, but the majority of the complaint relates to one service area and a small part of the complaint relates to other service areas.

Step 6 Following investigation, the Service Manager will brief the Complaints Officer and Head of Service who will then agree the best way to notify the customer. As a matter of good practice, consideration will already have been given by the Service Manager to inviting the complainant to a meeting as part of the investigation (especially if it is still felt that the complainant has not been able to adequately express the full nature or complexity of the complaint in writing, or if it is felt that a meeting would clarify or draw out the significant issues). The Head of Service may choose to contact the customer with the outcome of the complaint by invitation to a meeting, or by letter. During this process the decision must be stated clearly, how the decision was reached, the remedy where appropriate, and the complainant's right to request that the decision be reviewed. (The letter must be signed off by the Head Of Service).

Please see **Appendix C** for a specimen Stage 1 response. The reference number must be quoted on the response. A copy of the response must be sent to the Complaints Officer.

The original complaint and a copy of the response must be kept in the relevant file by the investigating section.

It is important that the response at Stage 1 is as comprehensive and thorough as possible. It is in everybody's interests to resolve the complaint at Stage 1 where possible.

Investigators should ensure that all points of the complaint are covered in the response, that a full explanation of the circumstances is provided and that the way forward is comprehensively addressed.

Investigators should also ensure that any follow up action is notified to relevant officers and commenced as quickly as possible.

The customer should be informed that a further right of appeal to the Service Director exists. **The Stage 1 response should state:**

If you wish to appeal against my decision, please telephone or write to:

Complaints Co-ordinator
Sevenoaks District Council, Argyle Road, Sevenoaks, Kent TN13 1HG
Telephone 01732 227000
E-mail feedback@sevenoaks.gov.uk

Step 7 The Complaints Officer will record the outcome of the complaint on the database. The Complaints Coordinator will send a questionnaire to a sample of formal complainants, seeking customer opinion of the complaints procedure and the outcome of the complaint and will analyse this on its return.

4.2 Stage 2 complaints

Step 1 A customer who remains dissatisfied after receipt of the Stage 1 response can submit a letter of appeal to the Complaints Co-ordinator requesting that the decision be reviewed. The Complaints Co-ordinator will log the appeal on CRM and pass it to the relevant Complaints Officer. The Complaints Officer sends an acknowledgement within **two** working days, stating that the matter will be dealt with within **20** working days of the date of the acknowledgement letter and indicating that the Service Director will be responsible for undertaking the review.

If a customer writes what is clearly a letter of appeal against the Stage 1 decision to the section responsible for the service complained of, the letter should be passed immediately to the Complaints Co-ordinator.

The Departmental Complaints Officer will notify the Service Director, the Head of Service, Local Members and the Cabinet Member. Appeals investigations are normally completed within 15 working days to meet the 20 day deadline for a response. The Director will appoint a nominee at Head of Service level to carry out the investigation (this must be an independent Head Of Service).

Appeals received by electronic mail should be forwarded to the Complaints Co-ordinator.

Step 2 The Head of Service nominee will request all relevant files from the service area concerned. These should be sent immediately together with any comments on the case. Any staff who have been involved with the case will be offered an opportunity to meet the Head of Service nominee to discuss the case.

Step 3 A draft of the Stage 2 investigation will be sent by the Head of Service nominee to the relevant Service Director and Head of Service for comments. A timescale for comments, normally 5 working days, will be specified.

Step 4 A copy of the Stage 2 decision will be sent to the relevant service director and implementation of action required will be actioned. Details of the Stage 2 outcome will be recorded on CRM by the Complaints Officer who will send a reply to the customer signed by the Service Director. **The letter must state that “The Chief Executive has asked me to investigate your complaint on their behalf”.** The customer will be informed that if they remain dissatisfied, a complaint may be made to the Local Government Ombudsman.

Step 5 A copy of the Stage 2 decision will be sent to the Complaints Co-ordinator.

5.0 Ombudsman investigations

Where the Local Government Ombudsman decides to investigate a complaint, a tight deadline for response to the Ombudsman will operate. Currently the Council has **15** working days to respond to the Ombudsman's request for information.

Step 1 The Complaints Co-ordinator will receive the request & record it on CRM and then forward it to the service department Complaints Officer. The Complaints Officer will notify Local Members & Cabinet Member & Monitoring Officer.

Step 2 The Complaints Officer will take all necessary action to minimise the time taken to get the request for information to Service Directors or Heads of Service. Heads of Service will normally be given 5 working days to respond to the Complaints Officer.

Step 3 The Complaints Officer will prepare & agree the Council's submission to the Ombudsman with the Service Directors, Heads of Service and Complaints Co-ordinator before it is signed by the Chief Executive.

Step 4 The Complaints Co-ordinator will liaise between the Ombudsman & the Head of Service/Director to negotiate a settlement. The Ombudsman may then ask further questions, to which responses will be required from the Service Director or Head of Service, and a process of negotiating a settlement of the complaint may commence, during which the Complaints Co-ordinator will liaise with service areas as necessary to ensure resolution is completed.

Step 5 The Complaints Co-ordinator will update CRM and circulate the Ombudsman's Result letter to the Director, Head of Service, Local Members, Cabinet Member & Departmental Complaints Officer.

N.B. The Monitoring Officer must be informed if the Ombudsman finds maladministration as reports from the Ombudsman which amount to maladministration must be reported to the Cabinet and the Council together with proposals for remedial action.

6.0 Good practice guidance for investigators

The good practice guide titled *Dealing with Complaints*, produced by the Corporate Policy Team, provides guidelines for investigating and dealing with complaints, to improve and standardise responses and to encourage good practice. The booklet will provide those who respond to complaints with a handy resource for answering and resolving complaints. It contains guidance on structuring a reply, the right of appeal and the use of plain English. The Complaints Co-ordinator organises training for those who investigate complaints. Interested parties should contact the Complaints Co-ordinator for further details.

7.0 Consideration of the implications of the Human Rights Act 1998

Investigators should ensure that they have considered the implications of the Human Rights Act 1998 (in force since October 2000). A sentence may be included in the response stating "In investigating your complaint, I have taken into account ...(files assessed, policies assessed and so on) including the Human Rights Act 1998". If it is considered that one of the articles is directly relevant, it should be specifically addressed. Otherwise investigators have discretion as to whether to directly refer to the Act or not. The important thing is for investigators to ensure that they have considered the Act and have made a record of the fact that they have considered it in the case file.

8.0 Remedies

8.1 Providing a remedy

When considering what remedy to provide, investigating officers should always consider:

- an apology
- an explanation
- an assurance that the same thing will not happen again (monitored to make sure it does not)
- action that can be taken to put things right
- financial compensation.

The Local Government Ombudsman view is that:

“The remedy needs to be appropriate to the injustice, and should as far as possible put the complainant in the position he or she would have been in but for the maladministration.

There will be many circumstances where this cannot be achieved because of the passage of time or of events which have occurred. In such cases financial compensation may be the only available proxy.”

The investigating officer should always consider whether any practical action could provide all or part of a suitable remedy, for example, by ensuring necessary repairs are completed or entitlements to a benefit assessed and payment made. The investigating officer may also consider any practical action suggested by the complainant.

8.2 Compensation as a remedy

The service director (at any stage) may, where appropriate, authorise the payment of compensation to the complainant, up to a maximum of £500, payable from the relevant service department’s budget.

The investigating officer should ensure that local procedures for the raising of cheques are initiated without delay.

In certain circumstances where the complainant owes money to the department (for example, for local tax arrears), it would usually be appropriate for the compensation to be offset against the debt. In such a case the complainant should be clearly informed in the response to their complaint that the compensation will be offset against the debt.

In a case where compensation has been awarded, with £x amount specified for redecoration and £y amount specified as a time and trouble payment, it would usually be reasonable for the time and trouble element to be offset against the debt.

Appendix E gives further guidelines on the circumstances in which compensation may be paid. Advice on the amount of appropriate compensation can be obtained from the Complaints Co-ordinator. **It should also be noted that when offering compensation it should actually be awarded and not offered.** The wording on the letter should thus read “I therefore award you £XXX”. Payment should then follow without undue delay.

9.0 Complaints Officer co-ordination of follow up action

The Complaints Officers will take a pivotal role in ensuring that recommendations from the Stage 2 investigation, as well as any necessary changes that become known through the monitoring of the Stage 1 investigations, are implemented by the department. This will require liaison between the Complaints Officers, service team staff, heads of service, directors and Customer Services Manager.

In some instances it may be appropriate that the investigation, either at Stage 1 or Stage 2, be conducted by a Head of Service nominee from outside the service that is the subject of the complaint. This will occur when the circumstances of the complaint are such that the complaint could not be investigated otherwise: for example when the nature of the complaint precludes any officers of the service area complained of from investigating.

All staff will be required to assist the Head of Service nominee in their investigations. The appropriate time limits and procedure as outlined above will be followed.

10.0 Departmental monitoring

The Complaints Officers will use the complaints database to produce regular reports for Departmental Management Teams, regarding the number of complaints received, the nature of the complaints, numbers upheld, time taken to respond and how this matches with target response time. The Complaints Officers will also monitor the action taken in the case of justified complaints and customer response. All equalities issues will be monitored.

The Complaints Officers will also provide information to the Complaints Co-ordinator for the corporate annual report on complaints (and comments/compliments) for Management Team, Members, and the public.

11.0 Complaints under the Freedom of Information Act

Anyone who has requested information from the Council under the Freedom of Information Act and is dissatisfied with the Council's response, is entitled to make a formal complaint. Any complaint of this nature will be dealt with through the Council's complaints procedure, i.e. Stage 1, then Stage 2 if the complainant is still dissatisfied. If, after exhausting the Council's complaints procedure the complainant wishes to take their complaint further, it should be addressed to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

If you have any queries or suggestions, please contact the following staff:

Brian Hatt	Customer Services Manager	x7280
Julie Heather	Complaints Co-ordinator	x7125

Specimen documentation
(CTRL & click to follow the link)

[Specimen Holding Letter / Acknowledgement](#)

[Specimen Memo for Stage 1 Complaint](#)

[Specimen Wording to include in a Stage 1 Response](#)

Guidance on compensation payments

Final reports finding maladministration and injustice (Local Government Ombudsman)

If an investigating officer finds maladministration and injustice, he or she should always consider making a compensation payment to the complainant for their time and trouble in making the complaint.

The investigating officer may include a time and trouble element unless the time and trouble and minor associated costs are insignificant or the time and trouble element would be inappropriate given the facts of the case.

A time and trouble payment should be some compensation for time and trouble reasonably and legitimately expended by the complainant in having to pursue the complaint with the council and the Local Government Ombudsman. The payment may also include minor items of expenditure and financial loss that are not otherwise taken into account in the compensation recommended.

A guideline figure for a time and trouble payment is £250. However, the amount should be determined given the facts of the case and may, depending on the circumstances, differ significantly from the guideline. A lower amount may be appropriate but would not normally be below £25. In exceptional cases, a higher amount could be recommended, up to a normal maximum of £500.

The investigating officer should consider all relevant factors including, for example:

- the passage of time, including response times by the council related to the nature of the problem
- amount of time expended by the complainant
- difficulty experienced by the complainant in dealing with the council
- the degree of inadequacy of the council's responses to letters, phone calls and visits
- whether the inadequate response of the council resulted to any extent from wilful action, as opposed to poor administration
- the level of minor or generally unquantified expenses incurred by the complainant (such as significant postage or telephone costs, travel costs, loss of earnings) excepting significant quantified expenses (such as legal or other professional fees) which are separate elements of compensation
- the complainant is acting on behalf of others (such as a secretary of a tenants' association or one complainant pursuing a complaint on behalf of a group of complainants)

The investigating officer may separately specify a time and trouble payment or the compensation recommended may be a composite sum including time and trouble. If a composite sum is recommended, the investigating officer should clearly state that time and trouble has been taken into account.

Local settlements (Local Government Ombudsman)

Council officers may consider a time and trouble payment to achieve a local settlement of a complaint. Generally, time and trouble payments are less likely to be recommended for a local settlement but should be considered when sufficiently justified.

The time and trouble payment is likely to be lower than a payment recommended in a formal report finding maladministration and injustice.

Stage 1 and 2 (Council's complaints policy)

Service directors may consider a time and trouble payment after a full investigation of a complaint at stages 1 or 2 of the complaints policy. Generally, time and trouble payments are less likely to be recommended but should be considered when sufficiently justified.

The time and trouble payment is likely to be lower than a payment recommended by the Local Government Ombudsman.

Penalty payments (Council's complaints policy)

Service directors may award a penalty payment of £10 per month from the relevant service department's budget to complainants where unreasonable delay in replying to a complaint has occurred.

How we deal with complaints: summary

- The Council defines a complaint as any expression of dissatisfaction with our services, whether justified or not.
- This summary is intended for staff use.
- A separate *Comments, compliments & complaints* leaflet is available for members of the public.

**Stage 1:
Service
department**

Complaint to be investigated by the Service Manager within 15 working days and reply to be signed by the Head of Service.

**Stage 2:
Chief Executive
review**

Complaint will be investigated by a Head of Service (independent to the service being complained about) within 20 working days and reply to be signed by the Director on behalf of the Chief Executive

**Ombudsman
Complaint**

If still not satisfied, the complainant can refer the complaint to the Local Government Ombudsman, who then considers the complaint. The Chief Executive will be the contact with the Ombudsman.

We need to ensure:

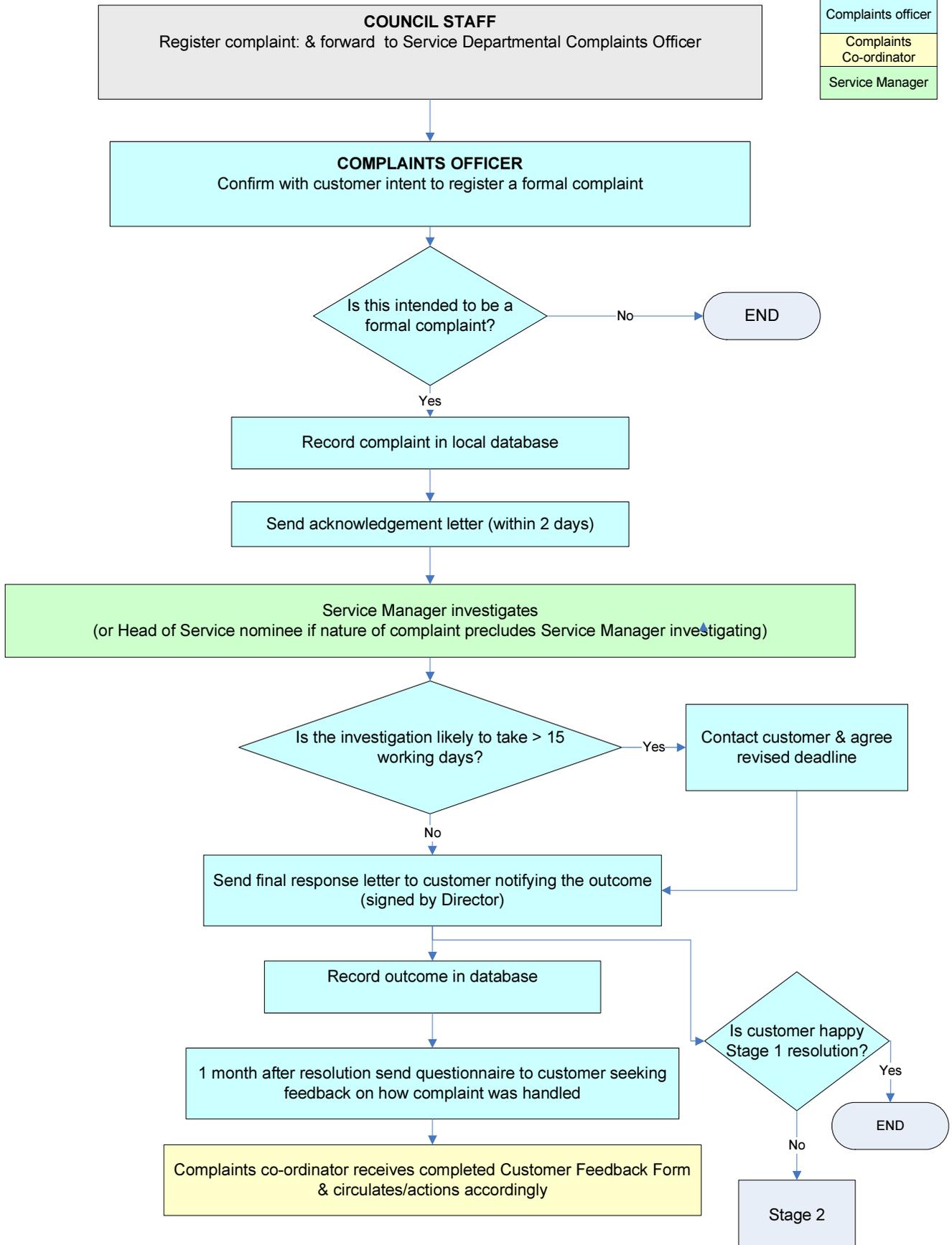
- the complaint gets to the person who needs to deal with it as soon as possible;
- the complaint is logged and acknowledged within **2** working days;
- if the complaint is justified, the matter is put right and an apology is given;
- the reply is helpful, understanding, clear, on time and concise;
- records of justified (and unjustified) complaints are kept, so we can learn from them and improve services; and
- an annual report on complaints is made available to the public.

A copy of the full complaints procedure and complaint forms can be obtained from the Complaints Co-ordinator ☎ 01732 227000.



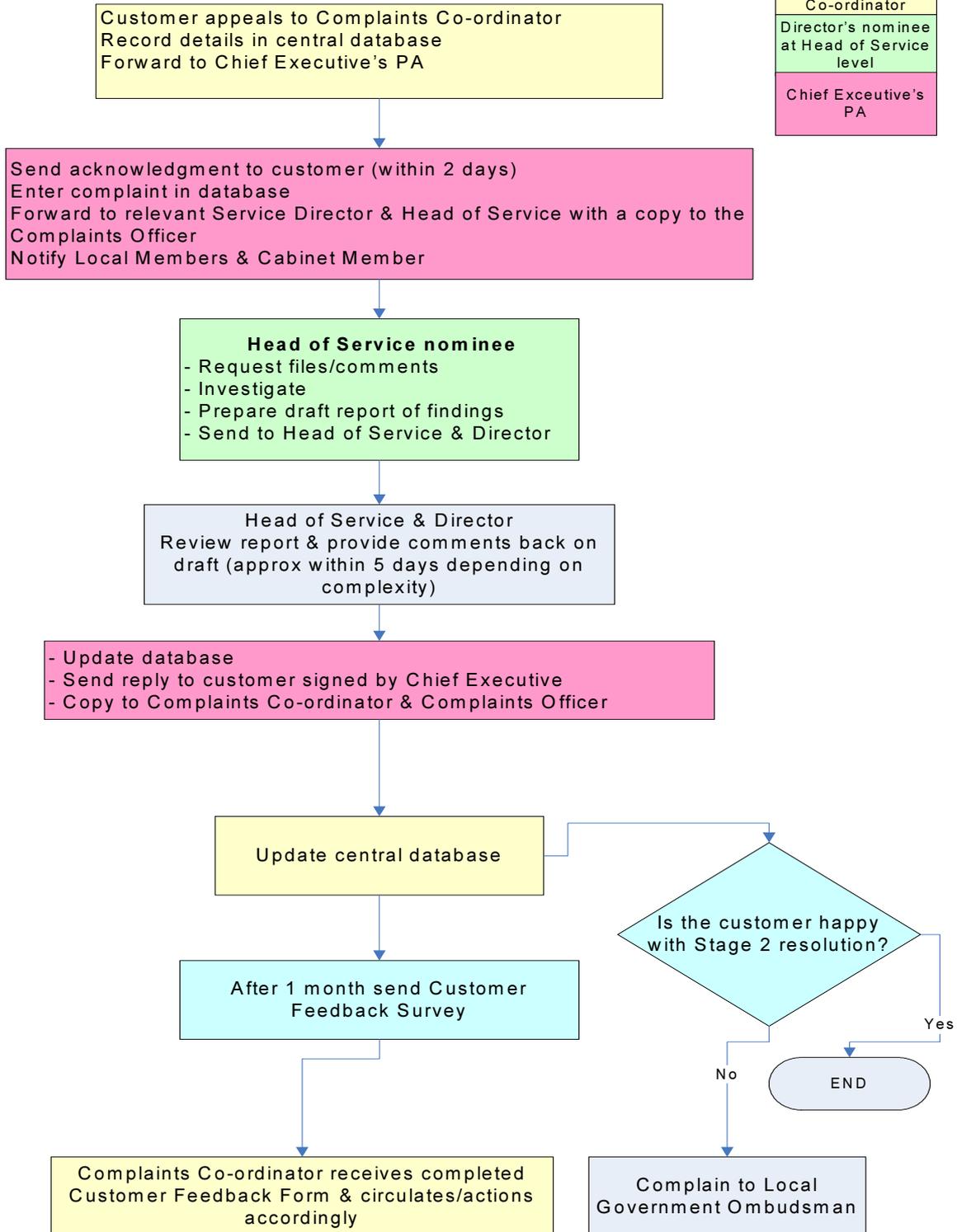
Complaints Procedure Stage 1

Key
All Council Staff
Complaints officer
Complaints Co-ordinator
Service Manager



Complaints procedure – stage 2

Key
Complaints officer
Complaints Co-ordinator
Director's nominee at Head of Service level
Chief Executive's PA



V4 Nov 2005

Complaints procedure - LGO

Key

Complaints officer

Complaints
Co-ordinator

LGO notifies SDC that a complaint has been received and requests information

- Receive request & record in central database
- Copy documents for local member(s) & cabinet member & Monitoring Officer and stamp 'Confidential'
- Forward to Service Dept Complaints Officer

Arrange meeting with Director and/or Head of Service & Complaints Co-ordinator to agree how to answer the complaint

Head of Service & Director prepare comments/draft responses/information

Prepare Council submission to LGO. Submit final draft to Monitoring Officer before reply is signed by Chief Executive & sent to LGO

- Liaise between LGO & HoS/Director to negotiate a settlement
- Liaise with Service officers to ensure resolution is completed
- Update database
- Circulate LGO Result letter (Director, HoS, Monitoring Officer, Local members, Cabinet Member, Dept Complaints Officer)

END

V2 July 2005