

NORTH LINCOLNSHIRE COUNCIL

**CUSTOMER SERVICES, SPORT & LEISURE
CABINET MEMBER**

CUSTOMER COMPLAINTS POLICY

1 OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To approve a revised customer complaints policy
- 1.2 The key points in this report are:
- A number of updates and improvements are needed to the current corporate complaints process.
 - Following on from this a revised customer complaints policy has been prepared.
 - The revised customer complaints policy includes a proposed two-stage procedure for handling formal complaints more effectively.

2. BACKGROUND INFORMATION

- 2.1 The council recently agreed its priorities for the period 2012/16. One of the priorities is "Excellence in Customer Service". The priorities were underpinned by a series of aims. One of these is that we will "listen to our customers and provide them with value for money."
- 2.2 The council has procedures in place for dealing with complaints. These procedures were last reviewed in 2009. A revised procedure was introduced. This included a single point of contact for complaints (Customer Services). The corporate complaints procedure was set out in a single leaflet for use across the council.
- 2.3 Officers have now reviewed the complaints process again to ensure currency of information, and in response to several issues. These include the following:
- Some continuing confusion about what a complaint is
 - Some confusion about who the complaints procedure applies to
 - The need for extra procedures to address specific issues such as vexatious complainers, and policy exclusions
 - The need for separate complaints processes for Freedom of Information and Data Protection requests
 - The need to update some information on the complaints leaflet
 - The need to streamline and improve the formal complaints procedure

- 2.4 The current complaints leaflet is no longer sufficient to cover all the main issues. We have drafted a more detailed policy. It is designated as a customer complaints policy. The policy will offer clarity for customers and staff about the council's commitments for managing and responding to complaints. The updated policy and procedure will be made available on the council's website.
- 2.5 The existing process for responding to formal complaints involves three stages. Officers undertake investigations into complaints at stages 1 and 2. Stage 3 is a final review of the complaint by the council's monitoring officer. This places the burden of all Stage 3 complaints on one officer. In all cases in recent years the monitoring officer has endorsed the outcome at Stage 1 and 2. The third stage therefore seems to add little by way of real value.
- 2.6 Monitoring of complaints records shows that around 21 complaints progress from Stage 1 to Stage 2 of the process each year. Around eight of these are then passed to the monitoring officer.
- 2.7 Officers have looked at examples of other council complaints policies and procedures. Many of these operate a two-stage process. None of the ones looked at involved a monitoring officer at any stage. The Local Government Ombudsman Office does not require the involvement of a monitoring officer.
- 2.8 The Local Government Ombudsman Office provides guidance for running complaints systems. This does not specify the number of stages required. It does indicate that investigation of a complaint should take no longer than 12 weeks in total. The council's current procedure only allows 10 days to respond to customers at each stage, which has proven hard to achieve in some cases.
- 2.9 The revised policy includes a new two-stage formal complaints process, to deal with complaints better and more quickly overall.

3. OPTIONS FOR CONSIDERATION

- 3.1 To approve the revised customer complaints policy.
- 3.2 To request further changes to the policy.

4. ANALYSIS OF OPTIONS

- 4.1 The preferred option is to approve the revised Customer Complaints Policy and the new complaints process. The factors supporting this option are:
- The policy gives greater clarity about the definition of a complaint.
 - Few complaints reach the third stage of the process.
 - A two-stage process will allow the council to deal with complaints through a shorter process.
 - The council's monitoring officer is not involved in the process, but can offer independent legal advice when needed.

- Longer response times at Stage 1 and 2 will allow more realistic time frames for dealing with complaints.
- Putting in place an appropriate Customer Complaints Policy is consistent with the council's approved priority of "Excellence in Customer Service" and our aim to "listen to our customers and provide them with value for money".

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Finance

There are no financial implications.

5.2 Staffing

The two-stage process will transfer some elements of the current system from the monitoring officer to directors

5.3 There are no Property or IT implications to consider.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)

6.1 Statutory

The revised policy would meet all statutory requirements

6.2 Environmental

There are no environmental implications

6.3 Diversity

The policy does not impact negatively on customers. The policy includes a commitment to deal with all complaints openly and fairly.

7. OUTCOMES OF CONSULTATION

- 7.1 Officers have discussed the proposed complaints process with complaints coordinators, legal service staff and the council management team. Complaints coordinators welcome a more detailed policy to support them in their role. Overall it is felt that a two-stage process is a better way to deal with customer complaints.

8. RECOMMENDATIONS

- 8.1 That the Cabinet Member approves the revised complaints policy, and the two-stage complaints process.

DIRECTOR OF PLACES

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Background Papers used in the preparation of this report
None

Customer Complaints Policy

1. Introduction

North Lincolnshire Council is committed to delivering excellent customer service. Listening to our customers and learning from customer feedback enables the council to improve its services and meet the needs of customers more effectively.

We want to make it as easy as possible for customers to let us know their views, including how to make a complaint.

This policy sets out how customers can make a complaint about council services, and how we will respond to and learn from complaints received.

2. Our Customers

This policy applies to any customer of the council, or a person or body acting on behalf of the council.

A customer of the council is anyone who:

- accesses, uses or receives any council service
- is affected by any council policy or action
- contacts the council to seek or report information

3. Complaints

Definition of a Complaint

A complaint is any expression of dissatisfaction about the council's actions, or standard and quality of service – which requires a response. The response may be to put things right straightaway, or to investigate the matter further.

A complaint could include any of the following concerns:

- a customer **cannot access** a service
- we **delay** or **fail to deliver** a service
- we provide a **poor quality** service
- we **reduce** or **withdraw** a service
- a policy is **inappropriately applied** or **disadvantages** a customer
- a policy unfairly **discriminates** against a customer
- a member of staff's **attitude** or **competence** causes concern
- we **fail to meet** our statutory responsibilities

A complaint **is not**:

- a first request for service
- a query about service provision
- a query about progress of a specific issue
- a suggestion for service improvement or enhancement

Exclusions to the Customer Complaints Policy

The council and its partners are involved in a broad and varied range of activities. There are separate complaints processes for some specific service areas. These are:

Adult Social Care & Children's Services – these services work to a national complaints process; complaints about these services should be made to the Complaints and Representation Manager

Schools – complaints about a school should be made to the head teacher of the school concerned. Complaints about head teachers should be made to the Chair of Governors of the school concerned.

Council Tax & Housing / Council Tax Benefits – customers who wish to complain about council tax and benefits should contact the Benefits office direct

Data Protection, Freedom of Information & Environmental Information Regulations – complaints in relation to data protection, Freedom of information and EIR requests are covered by separate processes; these can be viewed online at www.northlincs.gov.uk/foi

Councillors – councillors work to a national code of conduct; where a customer feels a councillor is in breach of the code of conduct, they should contact the council's monitoring officer in the first instance; other complaints about councillors should be referred to the appropriate political group leader.

Contact details for these separate complaints processes are set out in Appendix 1.

In addition, the Customer Complaints Policy does not apply under certain circumstances or conditions including:

- employee complaints relating to employment issues or disciplinary and grievance processes – which are dealt with through the council's Human Resources policies and procedures
- council decisions where there is an existing appeals process, such as planning applications or school admissions
- matters that are already subject to legal proceedings
- complaints relating to ongoing insurance claims against the council
- issues that have arisen and are being handled through the council's 'Whistleblowers' scheme

4. Complaints Procedure

Customers may make a complaint about the council online, by telephone or in person. See Appendix 1 for ways to contact the council.

Informal Resolution

Wherever possible we aim to resolve complaints at the point of service delivery and as quickly as possible.

We encourage customers in the first instance to contact the service they wish to complain about. Service staff will do all they can to put things right and resolve the issue informally.

If a customer is unsure who to contact they should call the Contact Centre or contact one of the council's Local Link offices.

Formal Resolution – The 2-Stage Complaints Process

If it is not possible to resolve a customer's complaint informally, the complaint will be investigated through the council's formal procedure.

Stage 1

We will acknowledge all formal customer complaints within 2 working days. A service Complaints Co-ordinator will ensure an appropriate service manager investigates the complaint and provides the customer with a full response within 15 working days.

Stage 2

If the customer is not satisfied with the Stage 1 response, they may ask for the complaint to be reconsidered – within 1 calendar month of the Stage 1 response.

At Stage 2 a director (or a senior officer nominated by a director) will investigate the complaint – re-examining the complaint and Stage 1 response; a response will be sent to the complainant in the Director's name within 20 working days.

How to appeal against the outcome of a complaint

Where a complaint has progressed through both stages of the council's complaints procedure and the customer is still not satisfied, they may appeal to the Local Government Ombudsman (see Appendix 1 for contact details).

Exception

Where a customer complains about the behaviour of a director or senior manager, the complaints co-ordinator should seek advice from the Head of Information Management, who will advise on the most appropriate person to investigate the complaint.

5. Responding to Complaints

On receipt of a formal complaint we will:

- ensure it is recorded on the council's system for tracking complaints
- ensure it is forwarded to the appropriate complaints co-ordinator for action

At each stage we will respond to complaints or send a holding letter to the customer in line with the timescales indicated in the 2-stage procedure.

We will at all times deal with customer complaints courteously, openly and fairly.

Complaints – Upheld

Where we have made a mistake or failed to provide the expected standard or quality of service, we will acknowledge and apologise for this. We will also set out the actions we will take to put things right and improve our services. This could include:

- reinstating a service to a customer
- changing how we deliver our services
- reviewing and amending information about our services
- reviewing council policies or procedures
- providing appropriate staff training and guidance

Complaints – Not Upheld

Where we have investigated and do not uphold the complaint, we will:

- explain the reasons for our decision clearly
- provide any relevant evidence to support the decision
- inform customers how to progress their complaint if they remain dissatisfied

6. Persistent and Vexatious Complainants

We aim to respond to all complaints positively, and ensure that customers are satisfied with the way their complaint has been handled.

In a small number of cases customers may pursue a complaint in an unreasonable way which impacts on council resources and capacity to respond to the complaint effectively.

Ways in which a customer may be considered unreasonably persistent or vexatious in pursuing their complaint could include:

- repeatedly refusing to clearly specify the grounds of a complaint
- changing the basis of a complaint during the investigation process

- refusing to co-operate with the complaints investigation process
- refusing to accept investigation conclusions and decisions
- repeatedly making the same or similar complaint

Continuing to respond to these complainants can take up a lot of time and reduce capacity to deal with other complaints effectively.

Where an officer considers that a complainant has become vexatious, the matter will be referred to the relevant director. The director will seek legal advice and decide on appropriate action to take for managing the complainant's continued involvement with the council. If applicable, the director will inform the complainant that their behaviour has become vexatious and that the council will not enter into any further correspondence with them on the matter.

7. Learning from complaints

We collect and review feedback from our customers, and use this information to drive service improvement.

All formal customer complaints are recorded on the council's tracking system. Data about complaints is collated and shared across the council to identify performance trends and review how we handle and respond to customer feedback. This includes:

- how well we meet our target response times
- how effective we are in capturing complaints across the council
- how customers prefer to contact us

Customer complaints are regularly reviewed across the council to identify how we can improve our services. This includes:

- service managers making operational improvements in response to specific complaints
- regular review of upheld complaints at directorate and corporate performance reviews to identify issues that need addressing
- development of action plans to improve services, based on specific issues or trends in complaints

The council will publish information about complaints – to inform customers about how we handle complaints and show how we make changes as a result of customer feedback.

8. Confidentiality

Any personal data provided to the council will be managed in line with the requirements of the Data Protection Act 1988. The council will use this information to respond to the customer and improve services.

Personal data will be kept anonymous in producing and sharing information about complaints with other services and partners.

Appendix 1 - Contact Information

How to contact the council

On the council's website by clicking the 'Contact Us' link on the home page: www.northlincs.gov.uk or by email to customerservice@northlincs.gov.uk

By telephoning 01724 297000

By contacting one of our advisors at a Local Link Office – listed opposite

In writing to 'Customer Feedback'
FREEPOST NEA 10154, Civic Centre,
Ashby Road, Scunthorpe DN16 1AB

Local Link Offices

Ashby Library & Local Link
Ashby High Street, Scunthorpe
DN16 2RY

Barton Local Link
Providence House, Holydyke, Barton DN18
5PR

Brigg & District Local Link
Hewson House, Station Road, Brigg DN20
8XB

Crowle Community Hub
52 – 54 High Street, Crowle DN17 4DR

Epworth Library & Local Link
Chapel Street, Epworth DN9 1HQ

Scunthorpe Local Link
Church Square House, 30 – 40 High Street,
Scunthorpe DN15 6NL

Winterton Library & Resource Centre
West Street, Winterton DN15 9QJ

Service-specific complaints processes

Complaints about Adult Social Care & Children's Services – contact Julie Pointon, Complaints and Representation Manager: 01724 296426 or e-mail julie.pointon@northlincs.gov.uk

Complaints about Schools – contact head teacher of the school concerned

Complaints about Council Tax & Housing/Council Tax Benefits – telephone 01724 296166

Complaints relating to Data Protection / Freedom of Information / Environmental Information Regulations requests – see details online at www.northlincs.gov.uk/foi

General complaints relating to councillors – contact the appropriate political group leader; details of current political groups can be viewed on the council's website.

North Lincolnshire Council Monitoring Officer

Will Bell, Assistant Director Democratic & Legal Services – Civic Centre, Ashby Road, Scunthorpe, North Lincolnshire DN16 1AB; email: will.bell@northlincs.gov.uk

Local Government Ombudsman

Address: The Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH; Telephone: 0845 602 1983 or 024 7682 1960; email: advice@lgo.org.uk; Web: www.lgo.org.uk

