

NORTH LINCOLNSHIRE COUNCIL

**PUBLIC PARTICIPATION AND CULTURE
CABINET MEMBER**

CUSTOMER COMPLAINTS AND COMMENTS POLICY

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider and approve a new Customer Complaints and Comments Policy.
- 1.2 The key points in this report are as follows:
- The council is committed to being a customer centred organisation. This is a cornerstone of its ambition of being #BestCouncil for its residents.
 - A new Customer Complaints and Comments Policy has been produced to replace the current Customer Complaints Policy.
 - The revised policy promotes best practice in the resolution of customer feedback issues.

2. BACKGROUND INFORMATION

- 2.1 The council is committed to being a customer-centred organisation; this is a cornerstone of its ambition of being #BestCouncil for its residents. The development of a more sophisticated capability for managing customer feedback, encompassing complaints and comments, supports organisational learning and enables continuous improvement.
- 2.2 Our organisational goal is to be a sustainable, enabling, commercial and progressive council. This includes being outward looking and highly engaged. All councils should have a process for customers to make complaints and provide feedback which is easy to understand and access and effective for all parties.
- 2.3 A dedicated customer contact resource was established in 2017 as part of the council's transformational restructure to create a single council-wide view of customer complaints and feedback. This has enabled a step-change in our ability to co-ordinate complaints and comments, share intelligence and act on lessons learned.
- 2.4 A key output from this development is a new Customer Complaints and Comments Policy (see appendix). The policy is informed by practice experience obtained over

the last year at service and council-wide coordinator level, restorative principles and guidance from the Local Government and Social Care Ombudsman.

2.5 The new policy provides a range of benefits:

For customers:

- Improved clarity, setting out clearly to customers what they may expect from us; how to make a complaint, how we will deal with it and what their right of appeal is
- Wider scope encompassing both corporate and statutory complaints processes together with processes for feeding back comments
- A restorative approach at its core, supporting earlier resolution of complaints in the interests of all parties, reducing the number escalated and the contention which this can cause.

For the council:

- More effective support at practice level - the policy expands and strengthens those areas which we have learned need to be more integrated, robust or have more transparency
- Integration of complaints and comments to provide a more complete view of customer feedback
- Aligned processes:
 - the response time for acknowledging all complaints has been amended to 1 working day (previously 2 days)
 - new provision to extend the response deadline from 15 working days to 20 working days for corporate complaints which are complex (mirroring statutory complaints)
 - the timescale for escalating a corporate complaint from Stage 1 to Stage 2 has changed from within one calendar month to within 20 working days in line with statutory process
 - The timescale for completing a corporate complaint at Stage 2 has changed from 20 days to 25 days. This allows officers more time to address complex complaints in line with the statutory timescale for Children's Services complaints.

3. **OPTIONS FOR CONSIDERATION**

3.1 Option 1: Approve the revised Customer Complaints and Comments Policy.

3.2 Option 2: Amend or reject the revised Customer Complaints and Comments Policy.

4. **ANALYSIS OF OPTIONS**

4.1 Option 1 is recommended in light of the benefits outlined in the main body of the report.

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

5.1 No additional resources will be required to implement the policy.

6. **OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

6.1 No adverse impacts have been identified.

6.2 The Complaints Policy incorporates the requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, Making Experiences Count in respect of Adult Social Care and the Children Act 1989 in respect of Children's Services.

7. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

7.1 Extensive cross-council consultation has taken place. Guidance issued by the Local Government & Social Care Ombudsman has been considered in the development of the revised policy.

8. **RECOMMENDATIONS**

8.1 That the revised Customer Complaints and Comments Policy (appendix) is approved.

DIRECTOR OF GOVERNANCE AND PARTNERSHIPS

Civic Centre
Ashby Road
SCUNTHORPE
North Lincolnshire
DN16 1AB

Author: Janet Stopper / Jason Whaler

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Background Papers used in the preparation of this report

Customer Complaints Policy 2012

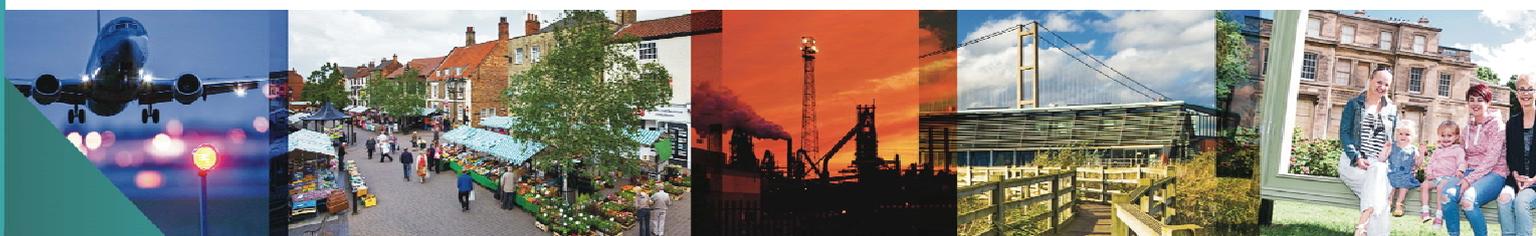
Local Government and Social Care Ombudsman's *Guidance on Running a Complaints System*

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North Lincolnshire Council

Customer Complaints & Comments Policy

December 2018



North Lincolnshire Council

Customer Complaints & Comments Policy

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1. Introduction and Policy Statement

North Lincolnshire Council is committed to delivering the highest quality and level of service to our residents. Listening to you and learning from your feedback enables us to improve our services and meet your needs more effectively.

The purpose of the Complaints and Comments Policy is to provide a council wide framework which helps us capture and learn from what we do well and resolve dissatisfaction about the council's actions, or standard and quality of service in order to continuously seek improvement.

Policy Statement

North Lincolnshire Council is open and progressive, and as such welcomes complaints. We want to make it as easy as possible for you to let us know your views, including telling us what works well and making a complaint if you are dissatisfied. We will treat all customers equally and aim to resolve complaints as quickly as possible in a fair and honest way.

The aim of this policy is to provide a framework which helps resolve dissatisfaction at the earliest opportunity. It sets out how you can make a complaint or leave a comment, how we will deal with it and your rights of appeal.

Exclusions to the Policy

Complaints regarding the following are outside the scope of this framework:

- **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.
- **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;
- **Councillors** – councillors work to a code of conduct; if you feel that a councillor is in breach of the code of conduct, there are separate arrangements for making a complaint. [Complaints about elected members](#).

Where customers are unhappy with a decision or outcome of a process, there may be a separate appeals procedures. This includes:

- Decisions in relation to Business Rates, Council Tax and Housing / Council Tax benefits. However, other customer service issues associated with this service, are included within the scope of this policy
- Planning application decisions
- School admissions decisions
- Matters that are already subject to legal proceedings

- Ongoing insurance claims against the council
- Issues that have arisen and are being handled through the council's 'Whistleblowers' scheme
- Objections to car parking penalty notices

Contact details for these processes are set out in the 'Contact Us' section.

2. Definitions

Definition of a Customer

A customer of the council is anyone who accesses, uses or receives any council service, or is affected by any council policy or action.

Definition of a Comment

A comment is an expression of an opinion about the council's actions or standard and quality of service.

Definition of a Complaint

A complaint is any expression of dissatisfaction about the council's actions, or standard and quality of service where a detrimental consequence has occurred – and which requires a response.

The response may be to put things right straightaway, or to investigate the matter further and find out what went wrong.

A complaint could include any of the following concerns:

- You **cannot access** a service
- We **delay** or **fail to deliver** a service
- We provide a **poor quality** service
- A policy is **inappropriately applied** or **disadvantages** you
- 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 – for example the reporting of routine matters such as fly tipping, dog fouling, noise nuisance
- A query about service provision
- A query about progress of a specific issue
- A general comment about a service
- A suggestion for service improvement or enhancement

- An insurance claim
- A disagreement about something which is set in legislation or national policy

3. Our Commitment to You

The council will adopt a restorative approach to addressing your complaint, wherever possible. This means that we will:

- have an honest and respectful conversation with you where we listen carefully and seek to gain a clear understanding of what has happened
- seek to address the complaint at the earliest opportunity, avoiding the need for you to escalate your concerns, but understand that that is your right, if you are still dissatisfied
- explain to you what has happened and what we propose to do about it
- apologise when we have got something wrong and put it right
- treat you fairly and with dignity

We will also:

- endeavor to acknowledge your complaint within 1 working day
- respond to your complaint in the timescales outlined at each stage
- contact you if the response is going to be longer than anticipated
- observe confidentiality and adhere to the General Data Protection Regulations
- pass any compliments or comments on to the individual, team or service concerned

In return, we ask you to:

- treat our staff with respect at all times
- be clear about what you are complaining about
- provide us with all of the information that we have asked for
- tell us what you would like us to do to resolve your complaint and what your desired outcome is
- report complaints promptly as we will not normally investigate complaints about something which happened more than a year ago, unless there are exceptional circumstances

4. How to Submit a Complaint or Comment

You may send a complaint or comment via our website by clicking the 'Contact Us' link on the home page.

You can also write to us, email or telephone us.

See the 'Contact Us' section below, for ways to contact the council.

5. How We Will Deal With Your Complaint

Informal Resolution

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

We encourage you in the first instance to contact the service you wish to complain about. The service will do all it can to put things right and resolve the issue informally.

Formal Resolution

If it is not possible to resolve your complaint informally, the complaint will be investigated through the relevant formal procedure as set out below. Note that if your complaint concerns statutory Adults or Children's services, special provisions apply in line with relevant legislation. This is why the response times are not the same for all types of complaint. These are detailed below.

We endeavour to acknowledge all complaints within 1 working day. We will then investigate your complaint in line with the following timescales (timescales relate to working days):

Stage 1

Stage 1	Complaints About Adult Services*	Complaints About Children's Services*	Complaints About Other Services
We will complete the Stage 1 investigation and provide you with a response within:	15 days (or 20 days if it is complex)	10 days (or 20 days if it is complex)	15 days (or 20 days if it is complex)
<p>You may ask for your complaint to be re-examined at Stage 2 of this process. You must request this within 20 days of the date of our response. However, in circumstances where we consider that reasonable resolution has been reached and further investigation cannot add further to the findings and outcome, we may consider the matter concluded at Stage 1 and we will inform you of this decision.</p> <p>However, if your complaint is about Adult Services, in line with legislation, Stage 1 is the final stage of the formal complaint process. You have the right to appeal to the Local Government and Social Care Ombudsman.</p>			

* The complaints process for Adults and Children's Social Care is prescribed by national guidance, therefore the timescales reflect the legislative framework.

Stage 2

Stage 2	Complaints About Adult Services*	Complaints About Children's Services*	Complaints About Other Services
We will complete the Stage 2 investigation and provide you with a response within:	Not applicable – see above	25 days*	25 days
At Stage 2, a senior officer will be appointed to review whether the investigation was conducted properly. If your complaint is about Children's Services, this stage will be undertaken by an independent external investigator.			
For complaints which are not about Adults or Children's Services, there is no further right of appeal to the council following completion of the investigation at Stage 2. However, you may appeal to the Local Government and Social Care Ombudsman, as explained below.			

Stage 3 (Children's Services only)

You may ask for a complaint about Children's Services to be reviewed by an independent panel. You must do this within 20 days of receiving the Stage 2 response. This is the final stage of the complaints process.

How to Appeal Against the Outcome of a Complaint

Where a complaint has progressed to the end of the formal complaints procedure and you are still not satisfied, you may appeal to the Local Government and Social Care Ombudsman. The Ombudsman is the final stage for complaints against the council.

The Ombudsman is an independent body that exists to review complaints made to local authorities where the matter has not been resolved to the complainant's satisfaction. They investigate complaints in a fair and independent way and do not take sides. This is a free service.

See 'Contact Us' section for details.

6. Complaint Outcome Explanation

- **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
- 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 you how to progress your complaint if you remain dissatisfied

- **Complaints – Not Found**

In a minority of cases, it may not be possible to establish any grounds for a complaint and therefore the complaint cannot be “upheld” or “not upheld”. In these cases, we may conclude that the complaint is “not found”.

7. Persistent and Unreasonable Complainants

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

In a small number of cases, some customers may pursue a complaint or complaints in an unreasonable or persistent way which, because of the nature and frequency of their contacts, impacts significantly on council resources and hinders the council’s capacity to respond effectively and quickly to the complaint and to other customers’ complaints.

Ways in which we will consider a customer to be unreasonably persistent or vexatious in pursuing their complaint include (but is not limited to):

- refusing to clearly specify the grounds of a complaint or to fully co-operate with the investigation process
- refusing to accept investigation conclusions and decisions

- repeatedly making the same or similar complaint, including submitting minor additions/variations and insisting that these make it a 'new' complaint
- refusing to accept that certain issues are not within the scope of a complaints procedure
- raising many detailed but unimportant questions, and insisting they are all answered
- making regular and excessive demands on the time and resources of staff with lengthy phone calls or numerous emails to council staff and expecting immediate responses
- persistently approaching the council through different routes about the same issue
- complaining about or challenging an issue based on a historic and irreversible decision or incident
- using other family members to attempt to re-open a complaint already closed
- unreasonable fixation on an individual officer
- using aggressive, threatening or intimidating behaviour or language towards officers
- showing a lack of respect for council officers, including posting comments on social media, filming or recording them, seeking to have them removed from their post
- posting comments on social media which identify and show a lack of respect for council officers

How We Will Respond to Persistent and Unreasonable Complainants

Continuing to respond to these complainants can take up a lot of time and reduce capacity to deal with other complaints effectively. We will therefore write to the complainant to inform them that their complaint has become unreasonable and we will explain the reasons why. We will take any of the following actions as appropriate and set a review date:

- refuse to accept further complaints or requests about the same or similar matters
- advise the customer that we will no longer enter into any correspondence about such cases, unless new information becomes available
- require the customer to communicate only with one named member of staff (single point of contact)
- limit the customer to one method of contact (telephone, letter, email, etc)
- require any personal contacts to take place in the presence of a witness and in a suitable location
- place limits on the number and duration of contacts with staff
- limit or prevent access to premises owned or operated by North Lincolnshire Council.

8 Contact us

- **On-Line:** On the council's website by clicking the 'Contact Us' link on the home page: <https://www.northlincs.gov.uk/>
- By email to customerservice@northlincs.gov.uk
- By telephoning 01724 297000
- In person by contacting one of our advisors at a North Lincolnshire Council office.
- In writing to 'Customer Services' Church Square House, 30-40 High Street, Scunthorpe, North Lincolnshire DN15 6NL

Service-Specific Processes

For service-specific appeals please log onto the council's website and click the 'Contact Us' link on the home page: <https://www.northlincs.gov.uk/> or by email customerservice@northlincs.gov.uk

Complaints about Schools – contact the head teacher of the school concerned or go on-line at <http://www.northlincs.gov.uk/schools-libraries-learning/schools-colleges-education/schools-colleges-and-education/complaints-about-a-school/>

Complaints about Council Tax & Housing/Council Tax Benefits – Use our on-line complaints form, as above, or telephone 01724 297000 or e-mail customerservice@northlincs.gov.uk

Complaints relating to Data Protection / Freedom of Information / Environmental Information Regulations requests – see details online at <https://www.northlincs.gov.uk/your-council/about-your-council/information-and-performance/information-governance/information-complaints/>

Objections to car parking notices: online at <https://www.northlincs.gov.uk/?s=parking+penalty>

General complaints relating to councillors – Use our on-line councillor complaints form at <https://www.northlincs.gov.uk/your-council/have-your-say/councillors-and-mps/complaints-about-councillors/>

Local Government and Social Care Ombudsman

Address: The Local Government and Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH; Telephone: 0300 061 0614 or on-line at: www.lgo.org.uk

Getting Involved

If you would like get involved in the work of the council and contribute to achieving better outcomes for North Lincolnshire, visit www.northlincs.gov.uk/getinvolved