

Appendix A



**Corporate Complaints, Comments and
Compliments Policy**

**Revised December 2018
Version 9**

1. Introduction

- 1.1** The Council recognises the right of its customers to complain and indeed welcomes complaints as a valuable form of feedback about its services. Newcastle-under-Lyme Borough Council is committed to using information gained from complaints to help drive forward improvements to services and to better meet the needs of customers. For clarity, a customer is any individual, group of individuals or business that requests or receives a service from the Council.
- 1.2** The procedure is intended to allow the Council to formally manage corporate complaints, comments and compliments through the Customer Relations Team.
- 1.3** The Council's Director of Resource and Support Services champions this area of work for the Authority whilst the Customer Relations Officer is responsible for overseeing the implementation of corporate procedures for complaints resolution.
- 1.4** This procedure defines the process for complaints, how the Customer Relations Officer is kept informed, the timeline for dealing with complaints and corporate ownership of the procedure.
- 1.5** The importance of a robust complaints procedure should be seen as a significant mechanism by all Council staff to help drive through the Council Plan which underpins the Council's commitment to delivering high quality and community-driven services.
- 1.6** Details of the procedure will be made available and publicised on the Council's intranet, website, at the induction process for Members and staff, in the Council's internal policies and procedures, and at all Customer Service Centres.
- 1.7** The Council understands that many complaints will be dealt with informally at the time they are first raised to the satisfaction of the person complaining. If the customer is not satisfied, the procedure then gives an opportunity for the complaint to be fully investigated.
- 1.8** The procedure does not prejudice the customers' right to refer a complaint to the Local Government and Social Care Ombudsman for further investigation if not satisfied with the resolution offered by the Council.
- 1.9** A complaint made under this procedure will not prejudice the standard of service the customer will receive across the Council's usual services.

2. Corporate Complaints

2.1 A complaint, for the purpose of this policy, is defined as:

“an expression of dissatisfaction, however made, about the standards of service, actions or lack of actions by the Council, their staff or contractors, affecting an individual customer, group of customers or business.”

For example; an individual customer might complain about an unreasonable delay by the Council in completing a service request, whereas a business might complain that an officer visiting the business lacked courtesy or professionalism, or that there was an unreasonable delay in dealing with an application, such as licensing.

2.2 It is important to remember that reporting a fault or a problem is not usually a complaint, but may be simply a request for service. An example of this would be reporting an overflowing public bin. In most cases, the customer will accept that a public bin will become full and would only be dissatisfied if the bin was not emptied after being reported, or if it had been overflowing for a long time with no action.

2.3 Complaints may be made by visiting the Council’s website, by email, in person, by telephone, in writing or via a Councillor. Obstacles should not be put in the way of a potential complainant by insisting that the complaint be put in writing, or that a particular form be used.

2.4 Lack of action might include the Council failing to do something which it has a duty to do or the Council failing to do something which the customer thinks it should have reasonably done.

2.5 The Council must be given a reasonable opportunity to put things right before a customer’s complaint is formally recorded under this procedure.

3. Aims of the Procedure

3.1 The aims of the complaints procedure are to make sure that:-

- It is as simple and straightforward as possible for customers to make complaints about Council services.
- The customer feels that their complaint is being treated seriously, even if the resolution is not to their complete satisfaction.
- The customer is kept informed of the progress of their complaint.
- The Council responds to complaints within a reasonable time and in a courteous and professional manner.
- The customer is told how to take the complaint further if they are not satisfied with the resolution.
- The Council learns from complaints and takes appropriate action to improve the quality of its services.

4. Scope of the Procedure

4.1 The Complaints procedure will generally **include:-**

- Failure to provide a service at the level or standard expected by the Council.
- The unhelpful attitude of a Council employee.
- Neglect, or delay in answering a query or responding to a request for a service.
- Failure to follow the Council's agreed policies, rules or procedures, including the Council's recruitment procedure.
- Failure to consider all relevant information in coming to a decision.
- Malice, bias or unfair discrimination, in particular discrimination or harassment on the grounds of age, disability, gender, race or sexual orientation.
- A suspected breach of data protection

4.2 The Complaints procedure will generally **exclude:-**

- Complaints that amount to a disagreement with the Council about its decisions or policies rather than the way decisions have been made; for example, the level of Council Tax or in reference to the Waste Management Strategy. There may be exceptions where an individual or group of individuals have been unfairly disadvantaged by a decision made, or policy agreed by the Council and discretion may be used in situations such as these.
- A planning or development control matter where a right of objection exists, unless the complaint is about the way the matter has been administered.
- A Council decision using regulatory powers; for example, licences or certain environmental health functions, or when the decision is governed by other regulations such as benefit assessments or Council Tax recovery unless the complaint is about how the matter has been administered.
- A complaint that is, or could reasonably be expected to be, the subject of court or tribunal proceedings.
- Complaints that amount to a disagreement with, or refusal to accept, a rule of law which the Council is applying.
- Complaints about action taken in relation to dismissals, or decisions not to employ an applicant.
- Requests for information or an explanation of a Council policy.
- Complaints concerning matters of a political nature which are best addressed to the local councillor.

4.3 This procedure will:

- Ensure that customer feedback (comments, compliments and formal complaints - 3Cs) is recorded, investigated and reported on where appropriate, in a consistent and timely manner.
- Deliver customer satisfaction, improve performance through feedback, advise on corrective and preventative action, and highlight examples of good practice.
- Complement existing corporate customer systems for logging and progressing customer service requests.

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- Ensure that wherever possible, services can take immediate action to resolve a customer's problem so that they do not have to raise a formal complaint to get the matter resolved.
- Ensure that on the rare occasion that complainants (and/or anyone acting on their behalf) identified as exhibiting unacceptable behaviours or actions based on previous or current contact, are managed appropriately through the Customer Case Management Policy.

4.4 This procedure is **not** for:

- Addressing complaints about one or more Councillors; these are the responsibility of the Council's Standards Committee.
- Addressing a complaint where a statutory right of appeal already exists such as planning decisions.

4.5 The Council is only able to progress formal complaints that are valid and that follow the Local Government and Social Care Ombudsman's standard for determining valid complaints. A statement of a point of view or personal opinion may not be regarded as a valid complaint.

5. Time Limit on Investigations

5.1 The Council follows the same protocol as the Local Government and Social Care Ombudsman relating to the time limit after which complaints will not be investigated. Under the 12-month rule as described by the Local Government and Social Care Ombudsman, the Council:

'Will not normally entertain a complaint unless it is made to the Council or Councillor within 12 months of the day on which the complainant first became aware of the complaint.'

5.2 Depending upon the nature of the complaint and its impact, the Council may decide that this limitation is inappropriate. The Customer Relations Officer is available to give advice on the use of this limitation.

6. Complaints Procedure

Anyone who wishes to make a complaint may do so by visiting the Council's website, by email, in person, by telephone or in writing. Complaints of any type can also be made via a local Councillor.

6.1 Stage 1 Review & Response

6.2 The purpose of a Stage 1 review is to investigate a complaint where informal resolution has not been possible or the complainant remains dissatisfied. Once it has been established that the complaint cannot be resolved informally, full details should be submitted to the Customer Relations Team in order for it to be logged and sent to the appropriate department to be investigated.

6.3 The Customer Relations Team will acknowledge receipt of the complaint within **THREE** working days. If the complaint cannot be resolved straight away a full response should be sent to the complainant within **TWENTY** working days of receipt of the complaint.

- 6.4** It is important at this stage that the complainant be reassured that their complaint will be treated as confidential; their identity will not be made public; they will not receive adverse treatment from the Council because of the complaint and the complaint is being taken seriously.
- 6.5** The Customer Relations Team will send a reminder to officers investigating a Stage 1 response at least 5 working days before their response is due to be sent to the complainant.
- 6.6** If the complaint cannot be resolved within **TWENTY** working days of the original complaint, the investigating officer should advise the Customer Relations Team as soon as possible. The Customer Relations Team will inform the complainant in writing before offering the complainant the opportunity to progress to Stage 2.
- 6.7** For the avoidance of doubt and for the purposes of this Policy, 'working days' refers to days that Customer Service Centres are open to Newcastle under Lyme Borough Council customers (this usually excludes the days between Christmas Day and New Year's Day and statutory Bank Holidays).
- 6.8** **Stage 2 Independent Internal Review**
- 6.9** The Customer Relations Officer will normally be the single point of contact used to deal with all Stage 2 customer complaints. The promotion of a single point of contact will prove beneficial for both customers and the Council as it will provide a coordinated approach to complaints handling.
- 6.10** The purpose of Stage 2 is to give customers the opportunity to identify where they feel that the complaint was not adequately investigated at Stage 1. This may include highlighting where the Stage 1 response is considered by the complainant to be incomplete, unclear or unhelpful. In these instances, the customer must outline the reasons why they are not satisfied, provide any relevant evidence and state what outcome they would like to see. A Stage 2 review will usually only be considered if received by the Council within ten working days of receipt of the Stage 1 response. There may be instances where it is deemed appropriate to agree an extension to the ten working day requirement.
- 6.11** An escalation to Stage 2 will not normally be considered if the complainant does not provide evidence or information to show that the Stage 1 response is not adequate. Stage 2 should not simply be invoked because a customer disagrees with the response at Stage 1.
- 6.12** Should the Customer Relations Officer or the Customer Relations Team be the subject of the complaint, an alternative senior officer will be appointed to investigate the case.

The Customer Relations Officer will:

- Formally record the complaint details.
- Summarise the main issues to be resolved, and agree these with the customer where appropriate.
- Investigate the complaint unless otherwise agreed.
- Provide a detailed response to the customer setting out the findings and the reasons for the findings.

- 6.13 The Customer Relations Officer may extend the response time at Stage 2 if the complainant wishes to submit further evidence at a later date.
- 6.14 The Customer Relations Officer will normally require the co-operation of staff from other services to help investigate and resolve the complaint. Any requested information must be provided to the investigating officer within **FIVE** working days unless otherwise agreed.
- 6.15 The Customer Relations Officer will aim to respond fully to Stage 2 complaints within **TWENTY** working days. If this is not possible, correspondence will be sent to inform the complainant of what is being done to deal with the complaint, and when the complainant can expect a full reply.

7. Local Government and Social Care Ombudsman investigation

- 7.1 Newcastle-under-Lyme Borough Council hopes to resolve most complaints internally, but if the complainant is not satisfied with the Stage 2 response, or if the Council does not provide a response within a reasonable time, the complainant can ask the Local Government and Social Care Ombudsman to investigate the complaint. When closing a Stage 2 review, the Council will make it clear to the customer that they may have a further right to independent appeal through the Local Government and Social Care Ombudsman. The Ombudsman is independent and impartial and investigates complaints where the Council has failed to follow its own procedures. It does not investigate complaints just because the complainant disagrees with a Council decision.
- 7.2 The Ombudsman may ask the complainant about what efforts, if any, have been made to resolve the concerns personally and locally with the Council and will encourage and assist the complainant to make this effort.
- 7.3 Although a complainant can approach the Local Government and Social Care Ombudsman at any time they will usually expect the complainant to have exhausted the Council's own Complaints, Comments and Compliments Policy before they will investigate.
- 7.4 If residents wish to contact the Local Government and Social Care Ombudsman, they can write to:-

The Local Government and Social Care Ombudsman,
PO Box 4771
Coventry
CV4 0EH

Alternatively:-

Telephone 0300 061 0614, or visit the Local Government and Social Care Ombudsman website at: www.lgo.org.uk

8. Roles and Responsibilities

The Director of Resource and Support Services will:

- Oversee and ensure the corporate complaints system complies with best practice, quality and efficiency standards.
- Ensure that where improvements are recommended and appropriate, they are implemented.
- Provide regular progress reports to Executive Management Team and Councillors.

The Customer Relations Team will:

- Develop, co-ordinate and monitor the authority's complaints procedures to ensure that all members of the public who wish to complain receive a high level of service.
- Re-direct to relevant departments any complaints received centrally;
- Collate reports as required.
- Report complaints performance to the Business Managers, Heads of Services, Directors and Members as required.
- Train staff and advise on corporate complaints matters.
- Assist Legal Services in co-ordinating the authority's responses to complaints being investigated by the Local Government Ombudsman.
- Monitor complainants' satisfaction with how their complaints are dealt with.

9. Customer Case Management Policy for Unacceptable Customer Behaviours and Actions

- 9.1** The Council does not normally limit the contact that customers have with us. However, there may be occasions where a customer makes constant requests for complex information without apparent good reason or acts in a manner to cause annoyance without the intention of resolving their query, or where service to other customers is impacted as a result of their behaviour.

The common view of unacceptable behaviour is when a customer is abusive either verbally or physically. However, there are other behaviours which unreasonably impact on the business of the Council and affects service delivery to other customers. For example, where a customer makes constant requests for complex information without apparent good reason or where they are acting in a manner to cause annoyance without the intention of resolving their query. It is in instances like these that the Customer Case Management Policy may be invoked to help guide staff in ensuring consistency and fairness in dealing with these matters.

Please refer to the 'Customer Case Management Policy for Unacceptable Customer Behaviour and Actions for more information. This can be found on the Council's website: www.newcastle-staffs.gov.uk

10. Customer Comments and Suggestions

- 10.1** Newcastle-under-Lyme Borough Council positively welcomes comments and suggestions from its customers. These can play an important part in improving service delivery. It is therefore important that those comments and suggestions received by the Council can be monitored and retained. The

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Customer Relations Team will co-ordinate all comments and suggestions on behalf of the Authority.

Comments and suggestions might include:-

- Comments on the services provided i.e. **not** a complaint.
- Comments on how a service could be improved.
- Suggestions for new or changes to existing services.
- Comments on procedures or service levels.

10.2 The Council will generally not respond to comments and suggestions unless there is a specific reason to.

10.3 Comments and suggestions received directly to departments must be forwarded to the Customer Relations Team within **FIVE** working days and must include all the relevant information required to action the item.

11. Compliments

11.1 Compliments from customers can play an important part in staff morale and are used to evidence customer satisfaction. It is therefore important that all compliments received by the Council can be monitored and retained. The Customer Relations Team will co-ordinate all comments and suggestions on behalf of the Authority.

Compliments might include:-

- Compliments on service provision.
- Compliments on overall standards.
- Compliments about staff.
- Compliments on the environment.
- Compliments on policy and procedure.

11.2 Compliments received directly by departments must be forwarded to the Customer Relations Team within **FIVE** working days and must include all the relevant information required to action the item.

Newcastle-Under-Lyme Borough Council
Complaints, Comments and Compliments Policy

Version Control Sheet

Version	Date	Comments
V.1	May 2008	Original policy
V.2	October 2008	Minor amendment to Stage 3 panel
V.3	October 2010	Minor amendment to wording
V.4	September 2011	Change from 3 stage to 2 (LGO guidelines)
V.5	November 2011	Minor amendments
V.6	May 2012	Change to persistent complainants section
V.7	August 2014	Minor amendments – Regulators code
V.8	February 2016	Minor amendments to wording (introduction to reminder system). Cabinet report 10 th Feb 2016.
V.9	December 2018	Minor amendments to simplify policy wording. Agreed by EMT/Leader. EMT report Nov 2018.