

CUSTOMER COMPLAINTS

1 SUMMARY

- 1.1. This report recommends the revision of the Council's complaints procedure. Although the procedure is not a statutory responsibility, it is covered by Audit Commission performance indicators and best practice guidance from Central Government.

2 INTRODUCTION

- 2.1 The Council last reviewed its complaints procedure in 1997. Since that time, public expectation about the quality of service they should receive from local government has continued to increase and with it a greater willingness to complain where service falls short of those expectations. Following receipt late last year of Cabinet Office best practice for handling complaints, the opportunity has been taken to review how this Council handles both comments and complaints about the services provided.

3 THE PURPOSE OF A COMPLAINTS PROCESS

- 3.1 Complaints are inevitably viewed by many in a negative light. However, they provide an opportunity for the Council to listen to the views of residents, to learn from mistakes and to improve services. The introduction of the best value regime makes it increasingly important that the Council has a clearly defined system for the public to feedback their views on Council services and that those views are documented for future reference. The complaints process should therefore be seen as a key feature of the Council's consultation arrangements.

4 THE EXISTING ARRANGEMENTS FOR DEALING WITH COMPLAINTS

- 4.1 Although the Council already has a complaints process that has fulfilled most of the Audit Commission's performance indicators in recent years it does not include provision for the effective redress of complaints. Further, a recent review of the operation of the current system has found that some staff do not fully understand the arrangements for handling complaints and consequently the quality of the response received by those complaining can vary depending on the service area. The standard of recording complaints also varies across the Council and this has previously caused some difficulty in identifying issues that need to be addressed by management.

5 THE WAY FORWARD

- 5.1 It is important that the Council demonstrates to local people the importance that it attaches to delivering high quality services and the seriousness of its intent to remedy any instances where service quality falls short of the required standard. The Council should welcome the opportunity that feedback on service provision provides for further improving services and it should be made as easy as possible for the public to offer this feedback or complain where they are dissatisfied with the Council's performance. There is also a need for complaints from the public to be handled consistently across the Council. Accordingly, it is recommended that

- The Council adopt the following complaints policy

“The Council aims to deliver first class services. However, it recognises that on occasion, things may go wrong. The Council therefore maintains a complaints procedure that enables customers to make their concerns known and will ensure that all complaints are handled speedily and effectively. In cases where a complaint is found to be justified, an apology will be given and, wherever possible, the complaint remedied.”

- The Council's complaints policy be widely publicised both internally and externally
- It be made as easy as possible for residents to pursue their complaint including the provision of a free phone service
- **All** expressions of dissatisfaction in future be treated as a complaint
- Staff be provided with guidance and training for dealing with complaints (suggested guidance for staff attached at the appendix to this report). Training would be provided as part of the customer care induction training that all staff now receive. One off training sessions to be provided for all existing staff when the revised policy and guidance is agreed)
- The Council has a clear policy of redress (suggested policy within attached guidance)
- The volume, nature of complaints and remedial action taken be reported to CMB quarterly and to Members annually within the Members' Bulletin
- Action taken as a result of complaints be reported annually within Rochford District Matters in order to demonstrate the Council's commitment to take action when justified complaints are made
- A sample of complainants be asked for their views on the way that their complaint is dealt with
- The Head of Administrative and Member Services take initial responsibility for managing the complaints process, including any future update of the policy and guidance, preparation of monitoring

reports, seeking complainant's views on the process and feedback to the public. The resource implications to be reviewed after the first 3 months.

- 5.2 Members will note that it is proposed that reimbursement should be made to complainants who have suffered financial loss as a result of Council actions. This proposal follows good practice guidance from the Cabinet Office and provides the means of ensuring that complainants are put back to a position where they would have been had the Council not made an administrative error. Members will be aware that this is also the stance taken by the Ombudsman when he is called upon to investigate complaints against the Council. It is important that those dealing with the complaints have authority to resolve them and the proposals now attached combine this requirement with the need for management and member control. Experience at other local authorities that already have such a scheme of reimbursement suggests that the number of payments each year are relatively few with total expenditure usually being in the hundreds rather than thousands of pounds. Further, if the complaints process works well, and the Council learns from past mistakes, the total number of complaints should over time reduce thus generating savings in the time taken to process complaints and put right mistakes that have been made.

6 RESOURCE IMPLICATIONS

- 6.1 The largest cost associated with handling complaints is the officer time involved. However, prompt handling of complaints and consequent improvements in service delivery can over time save money and also lead to a reduction in the number of complaints pursued with the Ombudsman. Some additional staff time will be required within the Administrative and Member Services Division to undertake improved monitoring of the complaints procedure and particularly the follow up of customer satisfaction with the way their complaint has been handled. The Head of Administrative and Member Services will review the implications in more detail once the new arrangements have been in operation for three months.
- 6.2 The reimbursement payments to those who have suffered a financial loss as a result of a mistake by the Council would be met from within existing service budgets. Any payments above £1,000 will require the specific approval of Members. The cost of installing and operating a free phone service is estimated at £250 in the first year and around £150 per annum thereafter.

7 LEGAL IMPLICATIONS

- 7.1 The Council has a general power to investigate and remedy complaints. Compensation payments may be made provided they

restore a person to the position that they would have been in before the council acted.

8 RECOMMENDATION

8.1 It is proposed that the Committee **RECOMMENDS:**

that the complaints policy statement shown at paragraph 5.1 above be adopted together with the procedures contained in the guidance paper attached at the appendix to this report. (HAMS)

Andrew Smith

Head of Administrative and Member Services

Background Papers:

None

For further information please contact Andrew Smith on (01702) 318135

APPENDIX

STAFF PROCEDURE FOR CUSTOMER CARE AND COMPLAINTS

INTRODUCTION

Handling complaints well is an important part of good customer care and an important part of everyone's job. It shows that the Council

- Listens to customers' views
- Learns from mistakes
- Is continually trying to improve its services

This guide sets out the framework for how you should handle complaints.

WHAT IS A COMPLAINT?

A complaint should be defined as **any expression of dissatisfaction by a customer about a service provided, or action taken, by the Council or on its behalf by a contractor**. Whether the complaint is justified or not, it is important to remember that the person making the complaint feels aggrieved with the Council.

When a complaint is first received, there is a need to be clear whether the customer is making a complaint rather than a report or request. There is also a need to distinguish between a complaint about the way a service has been delivered and a complaint about the Council's policy. Finally, there is a need to distinguish between a new complaint and a second or subsequent complaint about the same issue.

The difference between complaints, reports and requests

It is important not to confuse a complaint with a report. For example, a letter/telephone call to Planning Services about a neighbour who has extended his property without the benefit of planning permission must be classed as a report. However, a further letter/telephone call from that person, say two months later, asking why the matter has not been investigated, must be classed as a complaint. Another example is when someone informs the Council that a supermarket is selling contaminated food. That is a report – not a complaint. In other words, complaints about a third party are reports and not a complaint. They only become complaints if the Council fails to deal with the issues effectively and within a reasonable timescale.

Similarly, there is a need to distinguish between a complaint and a request. For example, a call to environmental health from a resident stating that they have rats in their roof space and requiring their removal must be treated as a request. However, if the Council's contractors fail to eradicate the rats within a reasonable time, then it becomes a complaint. Even though the service is

contracted out, the responsibility for providing the service still rests with the Council.

The difference between complaints about service delivery and policy

Complaints about service delivery should be distinguished from those about Council policy. For example, a complaint that the Council has failed to issue a decision notice on a planning application is a complaint about service delivery. A complaint that Members have granted planning permission when the complainant believes they should not have done is a complaint about policy. Whilst all complaints must be responded to, it is important to distinguish between the two when it comes to resolving a complaint (see below).

First and subsequent complaints

When a complaint is first received, it should be regarded as a “front line” complaint. If a customer remains dissatisfied after his “front line” complaint has been dealt with, and he or she wishes to pursue their complaint further, the complaint should be treated as a “further” complaint.

HOW SHOULD A COMPLAINT BE DEALT WITH?

This will be influenced by whether the complaint is a front line or a further complaint. However, whatever the complaint, it should be treated seriously and speedily and the complainant treated with courtesy. It is extremely important that all complaints are dealt with properly. Over the following pages is detailed guidance for dealing with complaints.

HOW SHOULD A COMPLAINT BE MADE?

The Council issues a leaflet explaining the opportunity for the customer to complain and setting out some basic questions to assist us deal with the complaint. A copy of the leaflet is attached at the Appendix to this guide.

However, you should not insist that a complainant first complete a complaint form. The Council has agreed that it should be as easy as possible for a complainant to make their complaint. This means that we should accept complaints made in person, by letter, telephone, fax or email. Complaints should also be accepted if they are made on someone’s behalf by a relative, friend or another organisation such as the Citizens Advice Bureau.

WHO DEALS WITH COMPLAINTS?

If the complaint is a front line complaint, it should be dealt with within the Section or Division concerned. If the complaint is a further complaint, it may be dealt with either by the Head of Service or by a member of the Corporate Management Board. However, the general rule must be that whoever first receives the complaint should take responsibility for dealing with it or passing the details on to the correct person. The complainant should not be passed

around from officer to officer and expected to relate their complaint to each person they speak to. When taking details of a complaint, it is worth bearing in mind the questions posed on the Council's complaints form as in most cases this will provide sufficient information for the complaint to be dealt with.

HOW TO DEAL WITH FRONT LINE COMPLAINTS?

The first task is to find out immediately what the person is complaining about and what they want you to do about the problem. You will also need to establish the complainant's name and address and, if possible, a telephone number.

If the complaint is not about something you deal with, and you are dealing with the complainant on the telephone, explain that you will ensure that the complaint will be passed onto the correct person. You should either give the name of the person you are passing it to or, if you are not certain at this point who that will be, give your own name. This ensures that the complainant knows who is dealing with his or her complaint.

If you are the correct person to deal with the complaint or have details of a complaint passed to you, you need to determine how to respond to the complaint.

Complaints that can be resolved immediately

For less serious matters such as forgetting to enclose a form that you promised in the covering letter, an apology can be given and the appropriate remedial action can be taken immediately. Unless, the complainant insists on a written response, the apology may be given by telephone together with details of the action that you will be taking to remedy the situation. However, if the complainant wishes to pursue the complaint further you must be prepared to explain how he or she can do this (see "how to deal with further complaints" below).

Sometimes a complaint may be unjustified. For example, after checking a letter that has been previously sent the information that a complainant suggests wasn't included may be found. The complainant can be contacted either by telephone or in writing to answer their complaint and to explain why it is unjustified.

If you are uncertain how to deal with a complaint, you should discuss the matter with your supervisor or manager.

Details of all complaints, justified or unjustified, should be recorded using a complaints recording form or the on line form in the complaints system on the Council's IT network. A sample of the complaints recording form is attached to this guide (see "Why and how complaints are recorded" below).

Complaints that require investigation

If the complaint is more serious or complex, for example a complaint about the behaviour of a member of staff or the failure by a contractor, the complaint will need to be dealt with by a team leader or, in the case of the following types of complaint, investigated by the Head of Service –

- Complaints about the conduct or behaviour of Councillors or staff
- Complaints received from Councillors
- Complaints received from MPs
- Complaints about criminal acts
- Complaints that may result in a potential insurance claim against the Council

Your Head of Service will provide further guidance on what he or she considers to be complaints that must be referred upwards before they are dealt with.

Even if a complaint needs to be investigated, there are still some basic rules that should be followed. If a complaint requires immediate remedial action, for example a tenant in a Council owned house has a radiator which is leaking and has not been repaired despite a previous request, you should endeavour to ensure the repair is undertaken as quickly as possible. Any investigation into why the previous request was not actioned should take second place to getting the repair undertaken. There will of course be some complaints, such as not being told in a land charge search that there was a tree preservation order on a tree in someone's garden, where no action can be taken until an investigation has been undertaken. You should therefore inform the complainant of what remedial action, if any, you will be taking and/or that the complaint will be investigated by a team leader or Head of Service. The complainant should be advised that they will receive a reply to their complaint within 5 working days (the Council's target for responding to complaints). Irrespective of whether you speak to the complainant, you should back up your proposed action/investigation with a letter stating this.

An investigation into a complaint

The person undertaking an investigation into a complaint will be looking to identify what happened and why. They will also be aiming to identify whether the complaint is justified or not and, in the case of the former, what remedial action needs to be taken (if none has already been taken). It will also be necessary to identify whether any action needs to be taken to prevent a reoccurrence of a similar incident in the future. How the investigation itself is undertaken will depend on the nature of the complaint and on any guidelines provided by your Head of Service.

An important part of an investigation will be the opportunity for any member of staff complained about to put their side of events. It should be remembered however that the investigation into a complaint is not a disciplinary investigation, it is simply a review of the facts to see whether a complaint is

justified and, if so, to decide on what action needs to be taken to resolve the matter.

If for any reason it looks as if the investigation of the complaint will take longer than 5 working days, a letter should be sent to the complainant to inform them of the delay, the reason for the delay and when they can expect a final response.

Unjustified complaints

If a complaint is found to be unjustified, a letter should be sent the complainant explaining the findings of your investigation and state why you do not consider the complaint to be justified. The response should inform the complainant that they may pursue their complaint further if they remain dissatisfied by contacting the Head of Service or, if the complaint has been dealt with by the Head of Service, the appropriate Corporate Director (see further complaints below).

The details of the complaint and the conclusion of the investigation should then be recorded (see recording complaints below).

Justified complaints

If a complaint is found to be justified, a letter should be sent to the complainant to explain the findings of the investigation and to apologise for what has happened. The letter should also explain what remedial action, if any, is to be taken. The remedy may simply be to put things right or, where necessary, an offer of compensation (see remedies below). The response should inform the complainant that they may pursue their complaint further if they remain dissatisfied by contacting the Head of Service or, if the complaint has been dealt with by the Head of Service, the appropriate Corporate Director (see further complaints below).

The details of the complaint, the conclusion of the investigation and any action should then be recorded (see recording complaints below).

WHAT IF A COMPLAINT IS ABOUT COUNCIL POLICY?

Sometimes a complaint will be about a Council policy rather than an administrative action. For example, someone may complain that the Council has agreed to permit housing to be built on a site. For the purposes of the Council's complaints procedure, the complainant should be informed that the action complained of is the policy of the Council and that you are unable to change that. However, you should inform the complainant that you will register their complaint (see recording complaints below) as it may be necessary to refer a policy back to Members for reconsideration if there are a large number of complaints received about the same matter.

WHAT IF SOMEONE REMAINS DISSATISFIED WITH THE ANSWER THEY ARE GIVEN AND WISHES TO PURSUE THEIR COMPLAINT FURTHER? WHAT IF SOMEONE HAS TO MAKE A SECOND COMPLAINT ABOUT THE SAME ISSUE?

Sometimes a complainant will not be satisfied with the outcome of their complaint and wish to pursue the matter further. On occasion, a complainant may have cause to complain a second time when there has been a re-occurrence of a situation. In both circumstances, the complaint will then be dealt with as a “further complaint”.

Further complaints are dealt with by the Head of Service or, if the Head of Service has already responded once to a complainant, by the Corporate Director or Chief Executive. If a complainant indicates that they are dissatisfied with the outcome of their complaint or you receive a second complaint from a complainant, you should pass the matter to your Head of Service (who may forward it to the Corporate Director or Chief Executive) for investigation.

On receipt of a further complaint, the Head of Service or member of CMB will record the complaint (see below) and endeavour to respond within 5 working days of receipt. The Head of Service or member of CMB will then investigate the complaint as necessary.

Where a complaint is found to be unjustified or the previous response to a complaint needs to be reaffirmed, the Head of Service/member of CMB will inform the complainant in writing of the result of the investigation, the findings and the reason for the decision. Where a complaint is found to be justified, the complainant will be informed in writing of the result of the investigation, the findings and details of any remedial action that will be taken including, where appropriate, any offer to reimburse a loss that the complainant has suffered (see remedies below).

If there is likely to be a delay in responding to the complainant, the Head of Service/member of CMB will inform the complainant of the delay and when a response is likely to be provided.

In all cases, the Head of Service/member of CMB will inform the complainant of their right to pursue their complaint if they remain dissatisfied - whether this be to the Ombudsman or by taking legal advice.

Details of all further complaints and the action taken must be recorded (see recording complaints below).

WHAT REMEDIES ARE THERE FOR COMPLAINTS?

A fundamental principle of the Council’s complaints procedure is, so far as is possible, to restore the complainant to the position that they would have been

in if the Council had not taken a particular action (or failed to take an action). To assist in deciding the appropriate remedy for a justified complaint, you should ask the complainant how they would like to see the complaint resolved. The Council's complaints leaflet asks this question.

In most cases it is enough to give an apology together with an explanation of the corrective action that will be taken and an assurance that the same thing won't happen again. On occasion, a complainant may have suffered financial loss as a result of the Council's action or inaction. Such loss may include the cost of pursuing the complaint, for example bus fares to visit the Rochford offices to complain. The Council has agreed that the Chief Executive may reimburse complainants for losses suffered and from time to time he will issue guidance through Heads of Service on how this should operate. All reimbursements will be a direct charge to existing budgets unless specifically approved otherwise by CMB or a Committee. It is important to remember that the purpose of a compensation payment is to put somebody back in the position they were in before the Council took action or inaction. It is **not** a means to "buy off" a complainant.

WHAT IF A COMPLAINT IS JUSTIFIED AND THE CLAIM FOR COMPENSATION SHOULD BE PASSED TO THE COUNCIL'S INSURERS?

For certain complaints, such as an injury suffered whilst visiting the Council's offices, there will be a need to consider referring the matter to the Council's insurers. As a general rule, all complaints of personal injury should be treated as ones that may need to be referred to the Council's insurers. Complaints where there is potentially a large claim for compensation, such as a house that the Council has inspected under building regulations subsequently proving to be structurally unsound, will also need to be referred to the Council's insurers. When receiving a complaint of this nature, or you have any doubt, you should contact the Head of Financial Services for guidance.

When responding to a complainant where the complaint is referred to the Council's insurers, you will need to inform the complainant what action you have taken. If you have already established that the complaint is justified, it is acceptable for you to offer an apology that the Council's usual high standards of administration or service have not been met. However, you should make it clear that no legal liability is being admitted. The Head of Financial Services will provide guidance on any response.

WHAT IF OTHER PEOPLE ARE AFFECTED BY AN ADMINISTRATIVE ERROR?

When investigating a complaint, you may discover that there are other customers affected by the same issue that gave rise to the original complaint, even though they may not have come forward as complainants. If a complaint is found to be justified, and in the interest of equity, the other customers should be contacted, an apology given and, where appropriate, an offer to

remedy made. A Head of Service or member of the Corporate Management Board will take determine the action to be taken in such situations.

WHY AND HOW ARE COMPLAINTS RECORDED?

The purpose of recording complaints is two fold. Firstly, it provides a written record of the complaint and how it was handled should the complainant choose to pursue their complaint further. Secondly, it enables identification of any actions that may be needed to prevent a reoccurrence of the situation that gave rise to the complaint. For example, there may be a need to change administrative procedures or policy. There may be a need for further staff training. Without a proper record, it will not be possible to identify volume and trends of complaints.

It is important therefore that all complaints are recorded.

The amount of information to be recorded will depend on whether an investigation is required and whether the complaint is front line or a further complaint.

In the case of certain complaints, such as those about the level of increase in the Council Tax, it is acceptable to simply record the numbers of complaints received using a “bar gate” system or similar. Your Head of Service will provide further guidance on what type of complaint may be recorded like this and how the information will be retained for future report to CMB. Otherwise, all complaints should be recorded on the complaints recording form (see attached sample). This is available as a paper form or on the council’s corporate IT network. It is preferable that all complaints are recorded online so that they can be easily traced or monitored at a later date. If the complaints are recorded on a paper form, the information will need to be entered into the online system at a later date.

A summary of the information recorded will be reported to CMB on a quarterly basis and to Members annually.

WILL THERE BE ANY FOLLOW UP OF COMPLAINTS?

An important part of the Council’s complaints procedure is establishing whether complainants feel satisfied with the way that their complaint has been handled. Although complainants may remain dissatisfied with the outcome of their complaint, this is no reason for them not to feel satisfied that their complaint has at least been handled well.

The Administrative and Member Services Division will monitor complainants’ satisfaction with the way their complaints are handled on a representative sample basis. Details of levels of satisfaction will be reported to CMB on a quarterly basis and to Members annually.

WILL THERE BE ANY FEEDBACK TO THE PUBLIC?

The primary purpose of the complaints procedure is to enable the Council to take remedial action where its standards of service have fallen below those that may normally be expected. It is also to provide a means of identifying how the quality of service may be improved.

In order that the Council may be seen to be treating all complaints seriously, it is important that the public are provided with information on the number and nature of complaints received; the time taken to deal with complaints; and the action that has been taken as a result of the complaints. This information will be provided through an article in Rochford District Matters each year.

ARE YOU SATISFIED?

A guide to the Council's complaints procedure

Rochford District Council aims to deliver first class services and welcomes feedback about the quality of the services that it provides.

The Council recognises that on occasion, the standards of service offered may slip below those to which you are entitled. You may also feel that a decision or action that the Council has taken has adversely affected you.

If you are dissatisfied in anyway with the Council, we would welcome the opportunity to look into the matter and either provide you with an explanation of our actions or, where appropriate, take steps to put things right.

Whether you simply wish to comment on our services or want to make a complaint, it would help us if you would complete the questions at the end of this leaflet and send it to Rochford District Council, FREEPOST etc. Alternatively, you can telephone us on 0800 ???, fax us on ??? or email us at customer.care@rochford.gov.uk.

If you would prefer a relative or a friend to contact the Council on your behalf, or perhaps another organisation such as the Citizens Advice Bureau, we would be more than happy to deal with them. Alternatively, you may wish to seek the advice or support of your local District Councillor.

When we receive a complaint.....

We aim to respond to all complaints within 5 working days of receipt. However, sometimes complaints need more detailed investigation and this may mean we need a little more time before we respond. If there is likely to be any delay in dealing with your complaint, we will always let you know.

Our promise is that if we are at fault we will apologise and try and put things right wherever we can. If we do not consider we are at fault, we will always provide an explanation why.

If you remain dissatisfied.....

The Council recognises that you may remain dissatisfied after we have dealt with your complaint.

You may therefore ask for a further review to be undertaken. You can do this by completing the questions at the end of this leaflet and returning it to the Council at Rochford District Council, FREEPOST etc. Alternatively, you may ask us to carry out a further review by telephoning us on 0800 ???, by fax on

??? or by email at customer.care@rochford.gov.uk. The Chief Executive, a Corporate Director or a Head of Service who has not previously been involved with your complaint or what you are complaining about will then carry out the review. When the review is complete, they will advise you of the outcome.

Where do you go next.....

If we have been unable to resolve your complaint to your satisfaction, you may be entitled to pursue your complaint with the Local Government Ombudsman. The Ombudsman is an independent person who investigates complaints against local councils. We will provide you with a leaflet explaining how to make a complaint to the Ombudsman when we let you know the outcome of our investigation of your complaint. Alternatively, you will find copies of this leaflet at the reception desk at the Council Offices, South Street, Rochford or at the Information Centre in the Civic Suite, Rayleigh.

**If you would like a copy of this leaflet with
larger print, please contact Mrs Fe
Lancaster on 0800 ???**

FINANCE AND GENERAL PURPOSES COMMITTEE - 13 July 2000

Item 15

Your Title

Mr/Mrs/Miss/Other (please specify)

Your Name

Your Address

Post Code

Your Telephone Number (if you would like us to reply or keep you informed of what is happening by telephone)

Your comment or complaint (if you are making a complaint, please provide brief details of your complaint including the service or name of the officer that you dealt with and when – an approximate date will be fine)

for complaints only

Have you raised this complaint with the Council before?

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If yes, it would be helpful if you could tell us who you dealt with and what action, if any, was taken

What do you feel that the Council can do now to resolve your complaint?

Thank you for answering these questions and providing us with feedback on our services. We will endeavour to respond fully within 5 working days. In the event that you are making a complaint and we are unable to deal with it to your satisfaction, we will inform you of any further opportunities there may be to continue with your complaint.