



## **Customer Complaints, Comments and Compliments Procedure**

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## 1. General Policy

1.1 The Council recognises the importance of customer comments, compliments and complaints and welcomes them as a valuable form of feedback about our services. We will learn from and use the information gained from complaints and compliments to help drive forward improvements and to respond positively to our customers' needs and expectations. We want to resolve all complaints quickly and effectively. Our aim is to resolve any problems straight away where possible.

1.2 To ensure we act and learn from customer feedback, all comments, compliments and complaints need to be recorded and progress monitored. The process for doing this is outlined in the procedure below.

1.3 The Council is committed to equality and equal access for all and the strategy complies with the authority's single equality scheme and associated actions and principles.

## 2. Responsibilities

2.1 Every member of staff has a responsibility to deal with customer feedback and monitor progress as effectively as possible. Key responsibilities are as follows:

**All Staff:** Any member of staff may be required to deal with service requests – these are not treated or recorded as complaints but will be dealt with by each service.

**Service Manager or Team Leader:** Has overall responsibility for dealing with a complaint at Stage 1 of this procedure (unless the complaint is from a Councillor or a MP then the Head of Service will deal). The Service Manager/Team Leader is also responsible for compiling quarterly complaint reports for the Head of Service.

**Head of Service:** The Head of Service has overall responsibility for dealing with a complaint at stage 1 of this procedure if the complaint is from a Councillor or an MP. The Head of Service also has responsibility for receiving quarterly complaint reports from service managers/team leaders and for taking appropriate rectifying or improvement action.

**Chief Executive:** Has responsibility for ensuring complaints are dealt with at Stage 2 of this procedure. An exception to this is stage 2 complaints about the Housing Service, which are considered [either](#) by the Tenant & Leaseholder Panel [or a senior manager](#).

**Complaints Monitoring Officer:** The post of Complaints Monitoring officer for the Council sits within the Civic Governance Unit. The Complaints

Monitoring Officer has responsibility for ensuring that any complaint which is unresolved is progressed in accordance with the requirements of this procedure. The Complaints Monitoring Officer also has responsibility for ensuring that complaints are monitored appropriately and that quarterly monitoring reports are prepared for Corporate Management Team (CMT), bi-monthly reports for Operational Management Team (OMT) and quarterly reports for the Audit Committee.

**Head of Performance and Service Support:** Has responsibility for ensuring the processes are effective and operating in accordance with the governance arrangements of the Council.

**Cabinet Member for Responding to Challenge:** Has responsibility for ensuring that the statistics for responding to Complaints are maintained appropriately on the Council's corporate system and reported quarterly to the Audit Committee.

**Corporate Management Team:** Have responsibility for receiving and considering reports on complaints received, and for ensuring appropriate rectifying and improvement action is taken for a service as necessary.

**Operational Management Team:** Have responsibility for receiving and considering reports on complaints received, and for ensuring appropriate rectifying and improvement action is taken for a service as necessary. This Team will also periodically review complaints processes and make recommendations for improvements to Corporate Management Team.

**Audit Committee:** Has responsibility for receiving and considering reports on complaints received, and for ensuring officers have implemented the requirements of the complaints procedure accordingly.

## Procedure

### 3. Definition of a Complaint, Compliment or Comment

3.1 The definition of a complaint used by this policy and procedure is that used by the local government ombudsman, and is as follows:

“A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person acting on behalf of the Council.”

3.2 It is therefore important to remember that a complaint is not just about a service directly provided by the Council, but also covers services provided for the Council by contractors and partners.

3.3 Complaints received about the actions of third party partners or contractors will be dealt with in accordance with the provisions of this procedure. Complaints concerning funding levels or Council policy relating to the service delivered by a third party will be addressed by the Council, not the partner organisation.

3.4 It is important that third party service providers are aware of the procedure and ensure that complaints are managed in accordance with the stages of the procedure.

3.5 Managers should ensure that complaints handled by partners or contractors are logged in the Council's complaints database and processed in accordance with the procedure.

3.6 Complaint responses prepared by third party providers should be agreed by the relevant Council service manager prior to issuing to the complainant.

3.7 However, a complaint is not a request for a service. For example, if a resident reports a fly tip, this is not a complaint. A complaint would be defined if, after reporting the fly tip, it was not removed within the Council's own service standards, and it was necessary for the resident to complain that the fly tip remained.

3.8 A comment is an expression of an opinion about a Council service. This could for example be a suggestion about how an existing service could be improved or how an additional service could be introduced for the benefit of service users. Comments can be made to the Council in a range of ways and do not have to be submitted in writing.

3.9 A compliment is an expression of appreciation by a service user or users for a service or services provided. This appreciation may be in respect of an individual employee, a service area or the Council generally. Again, a compliment can be made either verbally or in writing and will be recorded by the Council.

#### **4. Who can make a complaint?**

4.1 A complaint can be made by a customer, residents, local businesses, visitors to the borough, suppliers of services, community groups and any other groups or individuals that use or are affected by our services.

4.2 We also accept complaints from people acting on behalf of someone else such as Councillors, MPs and advocates.

#### **5. Complaints not covered by this procedure**

5.1 Certain types of complaint will not be dealt with through this complaints procedure because there are other processes more suitable for dealing with them. These include:

- Routine requests for a service

- Cases where an immediate response can be given
- Matters for which there is a statutory right of appeal e.g. refusal of planning permission or housing benefit assessment

Planning appeals are dealt with by the planning inspectorate at <http://www.planningportal.gov.uk/planning/appeals/>  
Further details on appealing a housing benefit assessment can be found at: <https://www.castlepoint.gov.uk/benefit-appeals>

- Complaints where legal proceedings, court or tribunal action is being taken. In these cases the matter should be referred to the Head of Law, Fiona Wilson [fwilson@castlepoint.gov.uk](mailto:fwilson@castlepoint.gov.uk) or by ringing 01268 882436.
- Complaints about the behaviour or conduct of elected members. These should be referred to the Council's Monitoring Officer. Please see <https://www.castlepoint.gov.uk/making-a-complaint-against-a-member> for further details.
- Stage 2 housing complaints dealt with [either](#) by the Tenant and Leaseholder Panel [or a senior manager](#). Further information can be obtained from the Tenancy Services Manager, [Yvonne Ray John Grisley](#) at [yray@castlepoint.gov.uk](mailto:yray@castlepoint.gov.uk) or by ringing 01268 882488.
- Employee complaints about terms and conditions of employment, working conditions or personnel issues which come under the Human Resource policies and procedures. Further information can be obtained from the HR Manager, Barbara Cree at [bcree@castlepoint.gov.uk](mailto:bcree@castlepoint.gov.uk) or by ringing 01268 882445.
- Matters which are subject to an insurance claim. Insurance services are provided by Basildon Council. For further details contact [trudie.brazier@basildon.gov.uk](mailto:trudie.brazier@basildon.gov.uk) or ring 01268 294425.
- Complaints relating to fraudulent or irregular activity TBC
- Vexatious, frivolous or anonymous complainants. In such circumstances advice should be further sought from the Complaints Monitoring Officer, John Riley at [jriley@castlepoint.gov.uk](mailto:jriley@castlepoint.gov.uk) or by ringing 01268 882417.

Field Code Changed

## 6. Receiving a Complaint, Comment or Compliment

6.1 Complaints, comments and compliments are accepted in all formats including:

- a. In writing - whether by letter, complaints form, fax or e mail
- b. Over the phone
- c. In person at any customer access point
- d. Through minicom and type talk (Type talk is a national telephone relay service for people with communication difficulties. The minicom service is a telephone typewriter device for communication between deaf, hard of hearing, speech-impaired and/or hearing persons)

6.2 At the informal stage, services will make their own arrangements to record a complaint. However, all complaints at formal stage 1 and 2 should be recorded in the corporate database. The database also allows for a compliment or comment to be recorded and services may nominate a specific officer to enter the details according to local management arrangements.

6.3 The officer receiving a stage 1 or stage 2 complaint must enter the details of the complaint, comment or compliment on the database. The details to be recorded include the following:

- Name
- Full postal address
- Contact telephone number/s
- Additional contact details e.g. e-mail address
- Details of the complaint including what the council is alleged to have done wrong, how this has affected the complainant and specific details of events e.g. dates, times
- What service area the complaint, comment or compliment relates to
- The category of the complaint

Further guidance for entering complaints data and for accessing the complaints database can be found on the following link:

<S:\Corporate\Complaints and Compliments\Complaints Database>

6.4 In some situations, a complaint may be made by a complainant who has a disability or for whom English is not his / her first language. If a complainant requires help making a complaint, the officer who receives it must make every effort to help, including writing a summary as set out above, and reading this out to the complainant for signature. It may also be necessary for the complainant to have access to a translator. If this is the case, the officer should contact the Complaints Monitoring Officer to arrange for a translator to meet with the complainant and complete a complaint form.

6.5 Complaints and comments are sometimes sent to the Borough Council about services provided by other organisations. The maintenance of the Highway network (Essex County Council Highways) and the upkeep of watercourses (Environment Agency) are examples.

6.6 In cases where complaints and comments are received in respect of service which are the responsibility of other organisations, we will acknowledge receipt of the communication and give advice on contact details. In the case of highway enquiries received electronically, we will provide the address of the County Council's website reporting tool so that the service user can register their comment or complaint online.

## **7. Dealing with the Complaint**

- Front line services in particular will receive a large number of queries from the public, some of which will be complaints. These Complaints

can often be dealt with at the informal stage by the member of staff receiving the complaint. This is usually the quickest and most effective way of dealing with any issues to the satisfaction of the customer. However, if the matter remains unresolved it will need to progress to the first formal stage of the complaints procedure.

- The Council has a two stage formal procedure for dealing with complaints.
- Complaints can be escalated at any point in the process if it is agreed that escalation should occur and is appropriate for the complaint involved.
- All complaints are allocated a complaints number – this number should be quoted on all correspondence. This number will remain the same throughout both stages of the complaints process.

## **Stage 1 (Formal Stage)**

Stage 1 complaints are

- Serious complaints
- Any complaint that could not be resolved at the informal stage.
- Complaints from a Councillor or MP

7.1 A stage 1 complaint is dealt with by a Team Leader, a Service Manager or Head of Service.

### **Serious Complaint**

7.2 If the complaint is serious, the head of service should liaise with the Complaints Monitoring Officer and the Head of Legal Services for advice on how to pursue the complaint and whether it should be investigated in accordance with this or another procedure.

### **Dealing with a Complaint at Stage 1**

7.3 Upon receipt of the complaint the team leader or manager should undertake the following actions:

#### **Acknowledge the Complaint**

7.4 Send a written response to the complainant, acknowledging receipt of the complaint within 5 working days. The acknowledgement should contain:

- The complaint reference number

- Confirmation that the complaint is being processed at stage 1.
- The date when to expect to receive a reply. A reply at this stage should be sent to the complainant within **10 working days**.
- Appropriate contact details of the team leader or manager investigating the complaint

### **Investigate the Complaint**

#### 7.5

- Arrange to meet with appropriate officers to clarify the complaint as appropriate.
- If appropriate, arrange to meet with the complainant to clarify the issues and clarify any action the complainant feels appropriate to resolve the complaint as appropriate.
- Seek to obtain and examine all relevant evidence.
- Reach a conclusion based on the evidence.
- If the complaint is about a proposed action by the council, consider whether the action should be deferred while the complaint is investigated.

### **Respond to the Complaint**

7.6 Send a written response to the complainant within **10 working days**. A response will typically contain:

- A summary of the complaint
- A summary of any investigation
- Any conclusions reached, and if appropriate, an apology and / or any other actions to resolve the matter.

7.7 All Stage 1 responses must include the following standard escalation paragraphs –

“Your complaint has been dealt with at Stage 1 of the Council’s Complaints Procedure.

I hope that this now resolves the complaint, however, if you remain dissatisfied you have the right for it to be further considered in the second stage of the Council’s Complaints Procedure by writing a formal request to the Council’s Chief Executive within 20 working days of receiving this response.”

7.8 In some limited circumstances, particularly for complex complaints, it may not be possible to fully respond within 10 working days. If this is the case, a holding response should be sent within 10 working days, detailing the progress of the investigation, and the expected new timescale for a full response.

7.9 Once a response has been sent, the officer dealing with the complaint should then update the complaints database.

## Stage 2 (Final Stage)

7.10 This is the final stage of investigation, and is undertaken by the Chief Executive. (Except for housing matters which are dealt with [either](#) by the Tenant and Leaseholder Panel [or a senior manager](#)). The Chief Executive may appoint the Complaints Monitoring Officer to investigate the complaint on his/her behalf.

The Complaints Monitoring Officer will record the complaint, chase progress and coordinate the final response.

The Complaints Monitoring Officer will undertake the following:

### Acknowledge the Complaint

7.11 Send a written response to the complainant, acknowledging receipt of the complaint within 5 working days. The acknowledgement should contain:

- Confirmation that the complaint has been progressed to level 2.
- A short summary of the investigation to be undertaken.
- The date when to expect to receive a reply. A reply at this stage should be sent to the complainant within **25 working days**.
- Appropriate contact details of the Officer investigating the complaint

### Investigate the Complaint

7.12 The following actions may be undertaken:

Contact the complainant to:

- clarify the complaint;
- clarify the outcome sought;
- Establish if the complaint can be resolved without further investigation
- check whether the complainant needs support of any kind, or has poor sight or hearing, or a language difficulty, and check what help the complainant needs so as to be able to understand the discussion properly;
- explain the investigation procedure; and
- check that the complainant has a copy of the council's complaints leaflet.

7.13 Assess whether the complaints procedure is the most appropriate way of handling this complaint. Consider possible alternative procedures:

- an appeal to a tribunal;
- a complaint to the Standards Board for England;
- legal action; or
- Police involvement.

Discuss the alternatives with the complainant. As consideration of the complaint proceeds, the question of the appropriate mechanism should be reviewed as necessary.

A full and comprehensive investigation will need to be undertaken at stage 2.

- If the complaint is about a proposed action by the council, consider whether the action should be deferred while the complaint is investigated.
- Obtain all relevant documents (ensuring that you see the originals, not copies). These may include files, logbooks, and time sheets. Get copies of all the documents you need.
- Establish the relevant sequence of events from the complaints database and by speaking to officers concerned
- Speak with any officers concerned, noting the content of the discussion and ensuring that all those to be interviewed are aware that they can be accompanied by a friend or a union representative.
- Arrange to speak with the complainant, noting the content of the discussion and ensuring they are aware of their right to be accompanied by an advocate
- Consider whether you need a witness to an interview which may be particularly difficult.
- Interviews should be conducted in an informal and relaxed manner, but persist in your questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicts of evidence by seeking corroborative evidence. If this is not available, then as an exceptional measure, consideration can be given to organising a confrontation between the conflicting witnesses.
- At the end of the interview, summarise the main points covered and ask if the interviewee has anything to add.
- Make a formal record of the interview from your written notes as soon as possible after the interview, while your memory is fresh. Never leave it longer than the next day.
- If appropriate, visit the establishment complained about unannounced to check normal practices.
- Investigate thoroughly, but only enough to get sufficient information to make a fair and properly informed decision.
- Draft a report setting out the evidence obtained, without conclusions, recommendations or opinions. Circulate this for comment to all those interviewed, including the complainant, unless there are special reasons not to do so.
- Consider comments and amend the report as necessary, adding conclusions and, if appropriate, a suggested remedy for the complainant.

### **Respond to the Complaint**

7.14 Send a written response to the complainant. For this stage, the response should contain a full report of the findings.

- If it is not possible to respond within the timescales, particularly for complex complaints, a holding response should be sent within 10 working days, detailing the progress of the investigation, and the expected new timescale for a full response.

7.14 The response should clearly state that this is the conclusion of the complaints procedure for the Council. If the complainant remains dissatisfied, they should be requested to pursue the complaint further with the Ombudsman.

7.15 A copy of the report and the written response should be held by the Complaints Monitoring Officer.

7.16 The Officer dealing with the complaint should then complete the complaints database.

## **8. Monitoring Complaints & Acting to Improve**

8.1 Throughout the complaints process the complaints database must be updated with details of any correspondence and the progress in the case

8.2 The monitoring database contains a full history of the complaint, the stage the complaint is at, the correspondence entered into, the officer dealing and a contact history.

8.3 The type of complaint is also recorded by categories, including:

- Management Decision
- Staff Behaviour
- Lack of service
- Delay in providing a service
- Poor Quality Service
- Health & Safety
- Other

If the complaints database is unavailable at any point – all details must be manually recorded and entered onto the database at the earliest opportunity.

### **Summarising and Reporting Complaints:**

#### **DMT**

8.4 At the end of each month, the service manager will ensure that the complaints database is up to date and that all complaints have been accurately recorded.

8.5 Reports from the complaints database should be used to monitor and report the progress in the handling of complaints at Department Management Team Meetings.

## **OMT**

8.6 Every two months, the Complaints Monitoring Officer will use the complaints database and the information entered into the corporate recording system to produce a summary report. This summary report is then presented to OMT, and should contain:

- An analysis of the speed of acknowledging and responding to complaints by service;
- An analysis of the different types of complaints received by service;
- Any summary as appropriate, for particular patterns of complaints received;
- Any analysis of issues for particular services and a summary of any rectifying or improvement action undertaken;

8.7 OMT are required to consider the report

8.8 OMT will also periodically review the complaints processes and recommend as necessary improvements to CMT

## **CMT**

8.9 After each quarter period, the Complaints Monitoring Officer will use the complaints database and the information entered into the corporate recording system to produce a summary report. This summary report is then presented to CMT, and should contain:

- An analysis of the speed of acknowledging and responding to complaints by service;
- An analysis of the different types of complaints received by service;
- Any summary as appropriate, for particular patterns of complaints received;
- Any analysis of issues for particular services and a summary of any rectifying or improvement action undertaken;

8.10 CMT are required to consider the report and to direct officers accordingly.

## **Audit Committee**

8.11 The Head of Performance and Service Support is responsible for presenting a quarterly report on governance arrangements, which includes any issues arising from the operation of the complaints policy and procedure for the Council.



