



Corporate Feedback Procedure

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It is the Council's intention to operate a complaints procedure, which endeavours to provide a satisfactory resolution of complaints from members of the public as soon as practicable.

1. Definition of a Complaint

1.1 For the purposes of this procedure, a complaint is defined as:

"Any expression of dissatisfaction or concern about the way in which a service is provided, the standard of that service or lack of action on the part of the Council or its employees"

1.2 It should be noted that the complaints procedure is not intended to cover:

- requests for a service
- requests for information or an explanation of Council policy or practice
- complaints about formal decisions taken by Committees or those delegated to Management Team
- complaints about the level or standard of service approved by the Council
- matter for which there is an existing right of appeal (either within the Council itself or to an independent tribunal) or a legal remedy
- complaints about councillors
- complaints made more than 12 months after the events complained about unless there are exceptional circumstances as to why the complaint could not have been brought within this time. The decision on whether or not to

investigate these complaints will lie with the relevant Business Manager on consultation with their Director.

- complaints by officers about the behaviour of other officers
- missed refuse bins

Once an officer decides it is not a complaint, he/she must ensure that the enquiry is channelled through the appropriate office procedure to deal with the enquiry.

2. First Contact

2.1 All officers are responsible officers under the procedure and in the first instance they should endeavour to resolve issues or requests for action to put things right on the spot before an individual feels the need to submit a formal complaint.

If the matter cannot be resolved at first contact by a Team Leader, the customer should be advised to make a formal complaint in written form where possible – either on a Complaints Form (which can be supplied) or by letter or email. However, colleagues will need to be alert to situations where the customer may not be able to put his/her complaint into writing and should offer assistance so as not to allow obstacles to prevent the customer from putting in a complaint. If the customer requests a Complaints Form, their details should be forwarded to the Information Governance Officer.

3. Formal Complaints

3.1 Stage 1

- 3.1.1 Formal complaints by complaint form, email or letter will normally go to the Information Governance Officer. The Information Governance Officer will log all relevant information on the complaints register within 1 working day and acknowledge receipt to the complainant giving details of who will be dealing with the matter and the timescale for reply. The complaint will be passed on to the relevant Feedback Officer and Business Manager and a copy provided to Directors for information.
- 3.1.2 The Feedback Officer, under Stage 1 of the complaints procedure, is expected to investigate the complaint and respond to the complainant within 15 working days. The correspondence should explain the reason behind the decision and action taken and should contain an apology if necessary.
- 3.1.3 If for any reason the investigation cannot be completed within 15 working days, notification should be given to the complainant with a full explanation of the delay and an estimated deadline for response.
- 3.1.4 The response to the complainant, informing him/her of the outcome of the investigation should always include a re-iteration of the original complaint (as it is understood by the officer), a full description of the investigation, and if appropriate, an offer of an appropriate remedy. The options open to the complainant to take further action should also be outlined.

- 3.1.5 The Feedback Officer must ensure he/she states that the complainant has recourse to Stage 2 of the complaints procedure if he/she is not satisfied by the original response.
- 3.1.6 All Stage 1 responses should be signed off by the relevant Business Manager.
- 3.1.7 Once correspondence has been completed within the agreed timescale, a copy of any correspondence should be returned/forwarded to the Information Governance Officer.

3.2 Stage 2

- 3.2.1 If, after completion of Stage 1, the complainant indicates that he/she is not satisfied with the response, the Information Governance Officer will refer the matter to the Chief Executive (or representative of the Chief Executive) for an impartial unbiased investigation. The Information Governance Officer will send to the complainant an explanation of how the complaint is being dealt with. The independent investigation will be completed within 20 working days of referral and the Chief Executive (or representative) will write to the complainant with a full and clear explanation of the investigation.
- 3.2.2 If for any reason the investigation cannot be completed within 20 working days, notification should be given to the complainant with a full explanation of the delay and an estimated deadline for response.

- 3.2.3 If the complainant still remains dissatisfied, he/she will be given information concerning the further steps they can take, such as referring them to the Local Government Ombudsman, the Information Commissioner or Independent Legal Advice.
- 3.2.4 Complaints referred from the Ombudsman to the Council to deal with under its complaints procedure will be dealt with by the Information Governance Officer who will take the responsibility to progress it through this procedure.
- 3.2.5 Inquiries or investigations by the Local Government Ombudsman outside and beyond this procedure will be coordinated by the Information Governance Officer.
- 3.2.6 Complaints about the performance of the Chief Executive will be referred to the Leader of the Council.
- 3.2.7 Complaints against the performance or conduct of individual elected or co-opted Members of the Council will be referred immediately to the Chief Executive and where appropriate to the Council's Monitoring Officer, who has a duty under the Local Government Act 2000 to deal with such matters.
- 3.2.8 Complaints by officers about services provided by other officers will be subject to other procedures.

4. Complaints Co-ordination

- 4.1 Complaints may originate in different ways; written, telephone, email, personal visit. Officers should try to handle complaints at an early stage. If a complainant wishes to make a formal complaint he/she should be requested to put the complaint in written form where possible.
- 4.2 Copies of the Complaints leaflet "Comments, Compliments and Complaints: A Guide to the Corporate Feedback Procedure" are available at all Customer Access Points and management will ensure all reception and telephone colleagues are aware of the leaflet and the procedure for processing a complaint.
- 4.3 A copy of the Procedure and an email link are available on the ELDC website.
- 4.4 The Complaints Procedure is intended to offer equality to anyone who wishes to complain and every effort should be made to assist anyone who has specialised requirements.
- 4.5 Anonymous complaints will be accepted, however, any investigation into those complaints is at the discretion of the relevant Business Manager.
- 4.6 Whenever possible, complaints should be dealt with immediately upon receipt.

- 4.7 In all cases the Information Governance Officer will acknowledge receipt of a formal complaint, in writing and within 1 working day.
- 4.8 The response will identify the name of the officer investigating the matter and the date by which a response should be received (Stage 1 – 15 working days, Stage 2 – 20 working days).

5. Recording Complaints

- 5.1 The Information Governance Officer will maintain a register of complaints received and will ensure that complaints are entered into this register.
- 5.2 Each entry will include at least the following details:
- Contact details of the complainant (i.e. name/ postal address/email address/telephone number)
 - Reference number of complaint
 - Brief details of complaint
 - The identity of the service about which the complaint was made
 - The date the complaint was received
 - The date that the response is due
 - The date passed to the Feedback Officer and Business Manager
 - The date of response
 - Details of action to resolve the complaint
- 5.3 The register, together with supporting documentation, will be held by the Information Governance Officer and will be kept available for inspection for at least 6 years.
- 5.4 The Information Governance Officer will report to Management Team on a monthly basis on complaints received by the Council. This will be done via the Corporate Improvement Programme.

6. Remedies for Complaints

- 6.1 Under the principles of the Citizen's Charter 1991, when things go wrong, a complainant is entitled to an apology, a proper explanation and a swift and effective remedy. In other words the complainant is entitled to redress.
- 6.2 The aim of this section is to state what redress is available, in what circumstances it can be given and who is authorised to offer that redress.
- 6.3 Giving redress to an individual who makes a valid complaint is one of the principle reasons for having a complaints system.
- 6.4 Another reason for having a complaints system is to improve services by using the lessons learnt from complaints.
- 6.5 There are three principal types of redress, and it is important to look at the circumstances and decide on the appropriate one. The type of redress offered needs to be tailored to the circumstances and to resolve the matter to the reasonable satisfaction of the complainant.
- **Apology** – the most direct form of redress is an apology and an explanation of why something went wrong. Where a complaint is found valid, it is likely that an apology would be merited. It should be the basis of every remedy. Nevertheless a clumsily phrased apology, however genuine, may cause further upset. In receiving an apology, a complainant should be able to recognise from the wording that the validity of the dissatisfaction or concern has been accepted.

- **Putting things right** – the complainant is told of the investigation that has occurred and the action that is being taken to put things right, and is reassured that the same thing will not happen again.
- **Compensation** – it may not always be possible to put a particular matter right, it may be too late or be physically impossible. In these circumstances compensation may be appropriate. Compensation can take the form of a financial payment or it can be in the form of goods or services, or gesture of goodwill.

7. Comments and Compliments Procedure

- 7.1 Any Comments/Compliments should be recorded by the Feedback Officer, who will be responsible for maintaining a record and file of all received. All compliments should be forwarded to the Information Governance Officer and Communications Assistant for corporate use.

8. Policy for handling 'Unreasonable complainant behaviour' and 'Unreasonably persistent complainants'

8.1 Generally, dealing with a complaint is a straightforward process but in a minority of cases people pursue their complaints in a way which can either impede the investigation or have significant resource issues for the Council. These actions can occur wither while the complaint is being investigated, or once the investigation into the complaint has concluded.

8.2 For this reason the Council uses the terms 'unreasonable complainant behaviour' and 'unreasonably persistent complaints'. The definition for these is set out below:

"Unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with the authority, hinder the authority's consideration of their, or other people's, complaints."

8.3 The Council has established a practice on this and it is set out at Appendix A to this procedure.

APPENDIX A

Policy for Handling 'unreasonable complainant behaviour' and 'unreasonably persistent complainants'

Generally, dealing with a complaint is a straightforward process, but in a minority of cases people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council. These actions can occur either while their complaint is being investigated, or once their complaint investigation has concluded.

We use the terms 'unreasonable complainant behaviour' and 'unreasonably persistent complainants'.

For us, unreasonable complainant behaviour and unreasonably persistent complainants are those who, because of the frequency or nature of their contacts with the Council, hinder the authority's consideration of their, or other people's, complaints.

Actions and behaviours of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours which would identify unreasonable and unreasonably persistent complainants. It is by no means an exhaustive list but they are examples that the Council considers relevant:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with their complaint, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered.

- Electronically recording meetings and conversations without the prior knowledge or consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a Councillor/the authority's independent auditor/the Standards Board/local police/solicitors/the Ombudsman.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by, for example, excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Complaints that are instituted, without sufficient grounds, which intend to cause annoyance and embarrassment.
- Complaints that are not serious or sensible in content, attitude or behaviour, and unworthy of serious sensible treatment.
- Complaints that have been previously considered and responded to through the complaints process and found not to be justified, unless sufficient new evidence can be provided.
- Combinations of some or all of these.

Who decides?

If a complaint is considered by the Business Manager to be either unreasonable complainant behaviour and/or unreasonably persistent, they will consult the Chief Executive/Strategic Director on what action should be taken.

How is a decision taken?

The Chief Executive/Strategic Director and Business Manager will consider the aspects of the complaint in relation to the Policy. If it is considered there are aspects which fall within this Policy, they will consider what action should be taken.

If it is considered there are no aspects that fall within this policy no action will be taken and the complaints will progress through the normal channels.

What decisions can be taken?

The following decisions can be taken:

- Refuse to investigate the complaint;
- Refuse to investigate the complaint until complainant provides further information;
- Explain that the Council's Corporate Complaints Policy has to be followed and nominate a single point of contact within the Council for the complainant;
- How long any restrictions should apply to the complainant;
- To accept the complaint;

- Refer complainant to the Citizen's Advice Bureau for assistance in formulating their complaint;
- Refuse to respond to further questions on a complaint already considered and refer the complainant to the LGO;
- How restrictions can be lifted, when they will be reviewed and by whom.

Who is informed?

Any decision taken under the policy will be communicated in writing to the complainant.

In addition to the complainant, Management Team, relevant Business Managers and officers within their department, Information Governance Officer, Ward Councillor(s), Portfolio Holder(s) and Group Leaders will be informed of the decision.

Only these people (detailed above), representatives on behalf of the complainants (once written consent is received) and the LGO will be entitled to the detailed information.

How can a decision be appealed?

As the Chief Executive has taken the decision, if the complainant is unhappy with the decision they would need to submit their complaint, along with their objection to the decision of the Chief Executive not to investigate their complaint to the LGO.

Record

A record of all the decisions taken under this policy will be retained by the Information Governance Officer. The details and reasoning behind any sanctions will be retained for five years after any sanctions have been lifted.



Corporate Feedback Procedure

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