

Worcester City Council

FEEDBACK AND

COMPLAINTS POLICY

Title	Feedback and Complaints Policy
Status	Approved
Document Version	Version 2.8
Owner	Resources and Governance
Approved by	Cabinet
Approved date	June 2013
Review frequency	Annually
Next Review:	October 2021

Version History		
Version	Date	Description
V1	December 2010	Approved by Cabinet
V1.1	December 2012	Amended
V1.2	March 2013	Amended
V1.3	March 2013	Amended
V1.4	April 2013	Corporate formatting
V2	June 2013	Approved by Cabinet
V2.1	August 2014	Minor amendments
V2.2	March 2015	Updated section 7 Unreasonable complainant management Approved by Cabinet
V2.3	June 2016	Annual review and minor updates
V2.4	August 2016	Minor updates
V2.5	August 2017	Minor updates
V2.6	August 2018	Annual review – no changes
V2.7	September 2019	Minor updates
V2.8	October 2021	Changes to who investigates complaints (5.4.3)

		Remedy guidance for investigators
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Contents

Contents.....	3
1 Introduction.....	4
2 General Principles	4
3 Definition.....	5
4 Process	6
4.1 Compliments and other comments.....	6
4.2 Feedback and Complaints Form	6
4.3 Representation.....	6
4.4 Complaints on cross cutting issues	7
4.5 Compensation.....	7
5 Stages & Standards.....	7
5.1 General.....	7
5.2 Standards:	7
5.3 Stage I – The Initial Complaint	8
5.4 Stage II – A review independent of the service.....	9
5.5 Stage III – Investigation Independent of the Council (the Local Government Ombudsman)	10
6 Exceptions and Special Cases.....	10
6.1 Financial probity.....	10
6.2 Complaints about Councillors.....	10
6.3 Shared, Contracted Out and Arms Length Services	10
7 Unreasonable complaints management.....	11

1 Introduction

- 1.1 This policy lays down how we intend to deal with feedback and complaints: the general principles and the detailed procedure. This policy will be reviewed annually.

2 General Principles

- 2.1 Worcester City Council welcomes and aims to encourage all feedback and intends to learn from it and use it constructively.
- 2.2 We see feedback and complaints as an integral part of service provision and so we want the public to have clear and well publicised channels of feedback and complaint, and we will brief our staff on this policy and ensure that they are able to assist the public in this area.
- 2.3 We aim to deal with complaints as quickly as we can.
- 2.4 We are committed to dealing with all complaints fairly and impartially, and recognise the need for consistency. We aim to capture all feedback corporately to monitor our responses so that improvements can be made and timescales met.
- 2.5 We undertake to promptly pass on feedback and complaints to partners where appropriate and to liaise effectively with them where we are both involved – see 3.7 and 6.3.2 below.
- 2.6 We will ensure that there is a periodic review of the process, to keep it up to date.
- 2.7 Any personal data provided to the council will be managed in line with the requirements of the Data Protection Act 1998. The council will use this information to respond to the customer and improve services.
- 2.8 Information provided as part of feedback or in responses to feedback will be assumed to have been provided in confidence and will be treated accordingly unless there are criminal or safeguarding exceptions.
- 2.9 Personal data will be kept anonymous in producing and sharing information about complaints with other services and partners (excluding those stated in section 3.7 and 6.3.2 below) unless there are criminal or safeguarding exceptions.
- 2.10 Worcester City Council is committed to providing an equitable service to all members of the public with regards to the handling of complaints and feedback. Customers can provide feedback through a number of channels including via the telephone and face to face. Responses and correspondence with regards to feedback can be requested in alternative formats if required.

3 Definition

- 3.1 We define a complaint as:
'An expression of dissatisfaction, however made, about standard of service, actions or lack of action by the Council or our workforce, affecting an individual, group or organisation.'
- 3.2 We define a compliment as:
'An unsolicited expression of praise, admiration, thanks, or satisfaction from a customer.'
- 3.3 We define a service request as:
'A request or application for Council services, or reporting of an issue requiring action by the Council.'
- 3.4 We note that the public may report faults, omissions or issues requiring action from the council which may or may not be accompanied by an expression of dissatisfaction. These are normally logged and dealt with as 'service requests' in the first instance by Customer Services. If a service request is not dealt with appropriately, it may then become a complaint.
- 3.5 Complaints will only be accepted if they are reported to the Council within 12 months of the incident occurring.
- 3.6 The Complaints Procedure is not intended to cover:
- requests for a service (e.g. reporting overhanging branches). Service requests can be made to our Customer Service Centre or via our 'Report It' or 'Request It' forms on the Council's website.
 - requests for information or explanation of Council policy or practice (see Freedom of Information).
 - disagreement with Council policy decisions, e.g. policy in respect of Council Tax,
 - disagreement with the result of a process that has a dedicated appeal mechanism, e.g. planning application decisions, Parking Charge Notices.
 - informal matters that can be resolved speedily with an apology, to the satisfaction of the person raising them.
 - matters over which the Council has no control, such as Government policies
 - matters that are for the courts, or have been decided by them
 - complaints about councillors (see Section 6.2 for details)
- 3.7 If the issue falls under the conditions stated in section 3.5 above, we will notify the customer and direct them to the appropriate organisation or process as required.
- 3.8 However, if the matter is regarding a City Council function, we will pass the enquiry directly to the relevant service to respond in accordance with their procedures. We will signpost the complainant to the appropriate authority if the complaint is deemed to be for Worcestershire County Council or neighbouring district councils. We will not pass the complaint directly on to these authorities.

- 3.9 Any complaints relating to safeguarding will be addressed through the Council's Safeguarding Policy and referred to a Safeguarding Advisor who will investigate. It should be noted that information supplied as part of a safeguarding complaint may be forwarded to relevant agencies as appropriate. If however, there is an issue or complaint with the process by which a safeguarding complaint has been dealt or the conduct of a Safeguarding Advisor, the customer can refer it to the Complaint's Officer.

4 Process

4.1 Compliments and other comments

- 4.1.1 The City Council welcomes all feedback, compliments and general comments about a service – it is equally useful to get positive comments about a service as employees can know when their work is appreciated and when we are doing things right.
- 4.1.2 Compliments and comments will be forwarded to the relevant service and also included in our reporting and planning processes so that they can be used to develop and improve the ways services are delivered.
- 4.1.3 Copies of compliments and other comments should be logged on the corporate Comments, Compliments and Complaints system or passed to the Complaints Officer in the normal way.

4.2 Feedback and Complaints Form

There is an electronic form available on our website and the telephone contact centre use this web form. In addition, hard copy forms at the Council's Customer Service Centre at the Guildhall.

4.3 Representation

- 4.3.1 If a customer is unable to register feedback themselves, the issue can be registered by a representative on their behalf. However, the representative must have the permission of the complainant to do so.
- 4.3.2 In these cases, the response to the feedback will be made to the customer and not to the representative unless permission from the customer has been obtained.
- 4.3.3 An exception will however be made if the representative is a Member of Parliament (MP). In accordance with guidance from the Information Commissioner's Office with regards to disclosures to MPs, information can be shared with an MP carrying out constituency casework at the request of individual constituents.

4.4 **Complaints on cross cutting issues**

For cross cutting issues, one of the relevant services will normally take the lead but where there is no obvious lead, the complaints administration will triage and appoint the lead service or decide to treat issues as separate complaints.

4.5 **Compensation**

The City Council does not have a specific policy on compensation and each case will be treated on its individual merits. Where a complaint is found to be justified and the Authority is wrong we will apologise and consider how we can put things right so that the complainant, if possible, should be put in the position he or she would have been in had things not gone wrong. The Council has provided its' staff with guidance on how to remedy complaints appropriately in line with guidance provided by the Local Government and Social Care Ombudsman.

5 Stages & Standards

5.1 **General**

The City Council allows for complainants to appeal and request further investigation if they are not happy or feel that important information has not been taken into account. The general route of escalation is:

Stage I – the initial investigation and response by the service.

Stage II – review of the initial complaint by the Head of Service or other appropriate officer.

Stage III – referral to the Local Government and Social Care Ombudsman

Note that we aim to satisfy complainants promptly and as early in the process as possible.

5.2 **Standards:**

If you send your complaint in to us via our dedicated webform, you will receive an automated acknowledgement indicating the time scale for the full response.

We will acknowledge a complaint within two working days indicating the time scale for the full response, should we receive your complaint in writing or via email.

For Stage I complaints, we will give a full response within 15 working days or, if investigation will take longer, we will keep the complainant informed of the time scale and reasons for delay.

For Stage II complaints, we will give a full response within 20 working days or, if investigation will take longer, we will again keep the complainant informed of the time scale and reasons for delay.

5.3 **Stage I – The Initial Complaint**

- 5.3.1 When a complaint is made it should normally be dealt with through the Stage I process by the service team to which it relates.
- 5.3.2 Complaints of a serious nature could be beyond the scope of the manager with immediate functional responsibility and it will be sensible to involve the Head of Service.
- 5.3.3 In certain instances, where a complaint is of a particularly serious or complex nature, it can be escalated straight to Stage II of the complaints procedure by the Council's Monitoring Officer. This decision would be confirmed with and explained to the complainant.
- 5.3.4 Allegations of financial irregularities are to be referred to Internal Audit via the relevant Corporate Director (see also the Council's Constitution; Whistleblower's Charter and Stopping Fraud and Corruption).
- 5.3.5 The City Council is trying to encourage the public to use the electronic channel of communication (our website) so that they can be dealt with more efficiently and cost effectively. However it is recognised that some customers may prefer to use alternative channels which will continue to remain available to them.
- 5.3.6 Recording: to ensure that we are dealing with complaints consistently and that we get the full benefit of the feedback about our services, we aim to record all complaints and other feedback centrally. We will use an electronic register and we aim to ensure that all possible feedback is recorded in it. Training will be provided regularly for appropriate staff.
- 5.3.7 An **acknowledgement** should be sent to the complainant within two working days of receipt of the complaint by whoever is dealing with it or automatically via our webform. It should indicate the timescale for a full response to be provided. If a full response will not be possible in that time because of, for example, a lengthy investigation or the absence of a relevant member of staff, then the complainant must be informed of the delay and the reasons for it, together with some indication of when the full response will be sent.
- 5.3.8 Where a complaint is complex or the complainant has had difficulty explaining their complaint, it might be helpful to make initial contact to clarify the details and check our understanding. Making a quick telephone call may avoid time being wasted later arguing over the definition or investigating the wrong complaint.

5.3.9 A full **response** to complaints should follow a general format:

- It is normal to start with some sort of statement that we are sorry that the customer has had the bad experience.
- A clear statement of what we understand to be the complaint
- A further statement on what was found on investigation and any action or reparation that is planned or has been taken.
- An apology, where we have found their complaint to be justified.
- Right of appeal: the first response should make it clear that if complainants are still not happy they should return it to the Complaints Team within 28 calendar days, giving the reasons why they are unsatisfied and request that Stage II of the procedure is initiated.

5.3.10 All acknowledgements and responses should be in writing unless the customer has requested a response by another channel. A copy or record of the response will be kept and on the corporate complaints system. Bear in mind that we wish to encourage electronic communication as the most efficient channel, so if an email address has been given to us with the complaint or in subsequent correspondence, then that should be used.

5.4 **Stage II – A review of the initial complaint where the customer remains dissatisfied**

5.4.1 Appeals against Stage I complaint decisions will only be accepted if received within 28 calendar days of the receipt of the Stage I response unless there are exceptional circumstances.

5.4.2 The second and appeal stage is a review of what was decided at the first stage.

5.4.3 An investigation is required to establish the facts as the basis of a report. Stage II complaints will be received by the Complaints Team and allocated to the Head of Service or other appropriate officer who will be responsible for undertaking the investigation. Occasionally the council may ask an independent expert to carry out the investigation on it's behalf, the Council will seek the complainant's permission before doing so.

5.4.4 Appeal investigations will generally be concerned only with the procedures of the appropriate Service Team(s) and whether all relevant issues have been properly considered in their response.

5.4.5 The report will:

- examine all the information available.
- look at Council decisions which may have affected the situation.
- make a statement of where the City Council may have been at fault.
- recommend action to correct faults.
- when relevant, propose changes to procedures to avoid potential problems in the future.

5.4.6 The response to the complainant should make it clear to them that they have now completed the internal procedure and if they are still not happy, they have

the right to take the matter to the Local Government and Social Care Ombudsman.

5.5 **Stage III – Investigation Independent of the Council (the Local Government Ombudsman)**

5.5.1 When the Council's internal procedure is exhausted, and the complainant is still not happy, they have the right to refer the complaint to the Local Government and Social Care Ombudsman (LGO) who will investigate to establish whether there has been maladministration.

5.5.2 The details are:

The Local Government and Social Care Ombudsman Advice Team
PO Box 4771, Coventry CV4 0EH
www.lgo.org.uk/making-a-complaint
Telephone: 0300 061 0614
(Monday to Friday 8:30 a.m. - 5:00 p.m.)
Text: 0762 4804323

6 **Exceptions and Special Cases**

6.1 **Financial probity**

6.1.1 The Council's Financial Regulations (para.6.3) require "irregularities concerning cash, stores, or other property of the Council or any suspected irregularity in the exercise of the function" to be referred to Internal Audit via the relevant Corporate Director.

6.2 **Complaints about Councillors**

6.2.1 The City Council has a Code of Conduct governing the behaviour of Councillors. Complaints against Worcester City Council Councillors or Parish Councillors for the Warndon and St. Peter's parishes that have not complied with the Code must be made to the Council's Monitoring Officer.

6.2.2 The Monitoring Officer will consult with an Independent Person and if appropriate, investigate and refer the matter to a Sub-Committee of the Standards Committee for consideration.

6.2.3 Complaints about Councillors can be made via our on-line Councillor complaints form on the Council's website or in writing to the Monitoring Officer.

6.3 **Shared, Contracted Out and Arms Length Services**

- 6.3.1 The Authority remains accountable for services when they are contracted out or shared with another authority. We are required to respond to the Local Government and Social Care Ombudsman when a complaint about such a service is referred to them.
- 6.3.2 When we receive a complaint or feedback about a shared service we will record it on our system and refer it to them.
- 6.3.3 Where complaints are made directly to shared services they may not be seen by us. However, because of our client role and its attendant accountability, we require that shared services provide us with regular reports giving the basic information on complaints that they receive.
- 6.3.4 We, the City Council, have a two stage complaints process where the general procedure is that services are responsible for dealing with and responding to the first stage of complaints, as well as comments and compliments. Where a service is shared it is expected that the shared service will adopt the procedure of their host authority. Where the complainant is not happy with the outcome from the shared service investigation, we require that the appeal becomes a matter for us as clients and is referred to a Director, Deputy Director or Head of Service independent of the client-side service being investigated.
- 6.3.5 As stated in section 3.8 of this policy, if a complaint or feedback is regarding another district local authority, Worcestershire County Council or an organisation that is not a shared, contracted out or arms length service, we will advise the customer of the appropriate contact. If it is necessary to involve outside organisations and share personal information in order to effectively investigate a complaint, we shall seek the complainant's permission before doing so.

7 Unreasonable complaints management

- 7.1 In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues for the Council. These actions can occur either while their complaint is being investigated, or once the Council has finished the complaint investigation. The Local Government and Social Care Ombudsman defines 'unreasonable complainant behaviour' as;

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

- 7.2 It is important to distinguish between 'persistent' complainants and 'unreasonably persistent' complainants. People escalating complaints to stage two, for example, are 'persistent' if they feel we have not dealt with their complaint properly and are not prepared to leave the matter there. And almost all complainants see themselves as pursuing justified complaints.

For example, criticising a complaints procedure when the standards set out have not been met is not unreasonable. When our complaints procedures are working properly, then responding to expressions of dissatisfaction and requests for information should not cause the Council particular problems. However, some complainants may have justified complaints but may pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance or which have already been investigated and determined. Their contacts with the Council may be amicable but still place heavy demands on staff time, or they may be emotionally charged and distressing for all involved.

7.3 Situations can escalate, and sometimes complainants become abusive, offensive, threatening or otherwise behave unacceptably. In response the Council may need to restrict access to its premises, staff or elected members, or accordance with its own procedures protecting employees and members from harassment and harm.

This policy covers behaviour which is unreasonable, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually a build-up of incidents or behaviour over a longer period.

7.4 **Examples of unreasonable actions and behaviours**

This is a non-exclusive list of the actions and behaviours which organisations often find problematic. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint;

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.

- Refusing to accept the decision; repeatedly arguing points with no new evidence.

7.5 **Decision to classify a complainant as unreasonably persistent**

The decision to classify a complainant as unreasonably persistent or as behaving unreasonably will be made on behalf of the Managing Director by the Monitoring Officer in consultation with a member of Corporate Leadership Team. Before confirming that a customer is unreasonable, a review will be completed to ensure that;

- The complaint is being or has been investigated properly
- Any decision reached on it is the right one
- Communications with the complainant have been adequate, and
- The complainant is not now providing any significant new information that might affect the organisation's view on the complaint

7.6 A written record will be kept of why the complainant is believed to be unreasonable, including what information has been considered and the decision which is made.

7.7 If more than one service area is being contacted by the complainant, perhaps with different complaints, a nominated officer will coordinate the response and the Council may consider setting up a joint meeting to agree a cross-service approach.

7.8 **Initial notification**

When an unreasonable persistent complaint/complainant has been identified, the unacceptable behaviour should be explained to the complainant, usually by email or letter. An explanation of the action the Council is to take should also be given and the complainant advised of the content of this policy.

7.9 **Options for action**

The options which the council may consider include:

- Refusing to accept a complaint or to amend the terms of a complaint;
- Requesting contact to be in a particular format (e.g. letters only);
- Requiring contact to take place with one named member of staff only;
- Restricting telephone calls to specified/times/day/duration;
- Requiring any personal contact to take place in the presence of an appropriate witness;
- Letting the complainant know that the Council will not reply or acknowledge any further contact with them on the specific topic of that complaint or at all;
- Restricting access to one or more Council premises, including the Hub

- Working with elected members to ensure that unreasonable complainants do not become a disproportionate burden on their time
- Protecting members via a mechanism managed through the Monitoring Officer to ensure that unreasonable complainants have proportionate restrictions placed on their direct contact with elected members.

7.10 In deciding on an appropriate option care will be taken:

- Not to interfere with a complainant's statutory rights, e.g. to attend Council meetings or view papers, when making such restriction; and
- To ensure that the Council takes appropriate action in response to a matter included in a complaint where necessary.

Any actions taken will be proportionate to the nature and frequency of the complainant's current contacts

7.11 These options are not exhaustive and other factors individual to the case or service may be relevant in deciding on an appropriate course of action. For example, any arrangements for restricting a complainant's contacts must take into account the complainant's circumstances such as age, disability, literacy levels, race etc.

7.12 If none of the options listed above offer the protection that staff are entitled to, other options may be available, such as taken out an injunction against a complainant or involving the police. These will be considered on a case by case basis, in consultation with Legal Services as necessary.

7.13 **Operating the policy**

If a decision is taken to apply restricted access, write to the complainant with a copy of the policy to explain:

- Why the decision has been taken
- What it means for his or her contacts with the organisation
- How long any limits will last, and
- What the complainant can do to have the decision reviewed.

7.14 Keep adequate records to show:

- When a decision is taken not to apply the policy when a member of staff asks for this to be done, or
- When a decision is taken to make an exception to the policy once it has been applied, or
- When a decision is taken not to put a further complaint from this complainant through your complaints procedure for any reason, and
- When a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the complainant are checked to pick up any significant new information.
- When complaints about new issues are made, these should be treated on their merits. You should consider whether any restrictions previously applied are still appropriate and necessary.

7.15 **Informing the Complainant**

When a decision has been made as to the appropriate restrictions to be used, the Monitoring Officer will write to the complainant explaining the council's decision and what restrictions were being made and, if appropriate, for how long. A client's special needs, e.g. literacy problems or language difficulties, may make a face to face meeting appropriate to give this information to the complainant.

7.16 If the complainant considers that the authority is acting improperly or unfairly to making the restrictions, they have the option of complaining to the Local Government and Social Care Ombudsman (which will be explained in any event in a stage two complaints response.)

7.17 Appropriate Members, managers and staff, e.g. those likely to be involved in implementing the restrictions should be notified of the decision.

7.18 **Quality Decision Making and Reviews**

The Council will act in a proportionate, fair and objective way in respect of unreasonable complainants. All restrictions will be subject to review by Corporate Leadership Team, at least once every six months.

7.19 Service areas may wish to review within a shorter time period, to take account changed in circumstances and/or behaviour. Limits should be lifted and relationships returned to normal unless there are good grounds to extend them. Reviews will be undertaken by the Monitoring Officer plus one other Director, Deputy Director or Head of Service. Complainants should be notified that a review has taken place and of its outcome.