

# Worcester City Council

# FEEDBACK AND COMPLAINTS POLICY

Title	Feedback and Complaints Policy
Status	Approved
Document Version	Version 1.4
Author	Jo Payne
Sponsor	Julie Slatter
Owner	PIE
Approved by	Cabinet
Approved date	December 2010
Review frequency	Annually
Next Review:	December 2013

<b>Version History</b>		
<b>Version</b>	<b>Date</b>	<b>Description</b>
V1	December 2010	Approved
V1.1	December 2012	Amended
V1.2	March 2013	Amended
V1.3	March 2013	Amended
V1.4	April 2013	Corporate format

## Contents

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

## 1 Introduction

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

## 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 complaints as an integral part of service provision, and this policy as embodying **our organisational values**, specifically:

- Being accountable for performance.
- Seeking, accepting and acting on feedback/positive challenge.
- Learning from mistakes.

...while we attempt to avoid:

- Reluctance to admit our mistakes.
- Making promises we don't keep. Saying one thing but doing another.

- 2.3 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.

- 2.4 We aim to deal with complaints as quickly as we can.

- 2.5 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.

- 2.6 We undertake to promptly pass on feedback and complaints to partners where appropriate and to liaise effectively with them where we are both involved.

- 2.7 We will ensure that there is a periodic review of the process, to keep it up to date.

### **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 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 dealt with as "service requests" in the first instance by Customer Services and are logged on Oneserve, the CRM (Customer Relationship Management) system.
- 3.3 The Complaints Procedure is not intended to cover:
- requests for a service (e.g. reporting overhanging branches).
  - 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)
- 3.4 However, we do record and pass on feedback and complaints to the County Council and to other neighbouring district councils.

### **4 Process**

#### **4.1 Compliments and other comments**

The City Council welcomes all feedback, and 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.

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.

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 should be available at the Customer Service Centre, reception areas and service points.

#### 4.3 **Complaints on cross cutting issues**

For cross cutting issues, one of the relevant services will normally take the lead but where there isn't an obvious lead the investigation may be taken up by a Director or his or her delegate.

#### 4.4 **Compensation**

The City Council doesn't have a specific policy on compensation and each case will be treated on its 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 the complainant, if possible, should be put in the position he or she would have been in had things not gone wrong.

### 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 independently of the Service by a Service Manager or Director

**Stage III** – referral to the Local Government Ombudsman

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

#### 5.2 **Standards:**

We will acknowledge a complaint within two working days indicating the time scale for the full response.

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 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 Service Manager. 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).
- 5.3.3 The City Council is trying to encourage the public to use the electronic channel of communication (our website or by email) so that they can be dealt with more efficiently and cost effectively, but not to the exclusion of their convenience.
- 5.3.4 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 complaints and other feedback centrally. We have an electronic complaints system and we aim to ensure that all possible feedback is recorded in it. Training on the corporate system will be arranged for appropriate staff.
- 5.3.5 An **acknowledgement** should be sent to the complainant within two working days by whoever is dealing with it. It should clearly state what we understand the complaint to be and say that a full response will be sent within ten working days. 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.
- 5.3.6 Where a complaint is complex or the complainant has had difficulty explaining their complaint, it might be helpful to make an initial contact to clarify the details and check our understanding.  
Making a quick call may avoid time being wasted later arguing over the definition or investigating the wrong complaint.
- 5.3.7 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 they have 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 days, giving the reasons why they are unsatisfied and request that Stage II of the procedure is initiated.
- 5.3.8 All acknowledgements and responses should be in writing with a copy 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 independent of the service**

- 5.4.1 Appeals against Stage I complaint decisions will only be accepted if received within 28 working 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 Corporate Director for the service or a Service Manager independent of the service being investigated who will be responsible for undertaking the investigation.
- 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 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 Ombudsman (LGO) who will investigate to establish whether there has been maladministration.
- 5.5.2 The details are:  
The Local Government Ombudsman Advice Team  
PO Box 4771, Coventry CV4 0EH  
[www.lgo.org.uk/making-a-complaint](http://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 Summary of process:

- Written complaint - received by the Monitoring Officer
- Initial assessment of relevance and what part of the Code is alleged to be breached – and the assessment of the complaint as to whether it requires no action or the matter needs to be investigated – Monitoring Officer in consultation with Independent Person. To be determined within 20 working days of receipt of complaint.
- Monitoring Officer to put in place investigation process if required.
- On receipt of investigation report Monitoring Officer and Independent Person to consider report. The remit to be either:
  - Accept investigating officers report finding no failure – no further action
  - Refer matter to hearing by Hearings Sub-Committee
- The Hearings Sub-Committee to consider. The remit to be either:
  - Agree no breach – no further action
  - Agree breach but no action needed
  - Agree breach and impose any sanctions as appropriate

Unless the action is considered to be a criminal offence when it would be referred to the Police, no further action would be required in respect of the complaint.

6.2.4 The Sub-Committee can only deal with complaints about the behaviour of a Councillor and not with complaints about things that are not covered by the Code of Conduct. Any such complaints should state why the Councillor has not followed the Code of Conduct.

6.2.5 Complaints about Councillors can be made via our on-line Councillor complaints form 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 Ombudsman when a complaint about such a service is referred to them.
- 6.3.2 When we receive a complaint about a shared service we will record it on our system and refer it to them. This happens regularly, as the public still see us as providing the service and tell us about matters relating to it via the Customer Service Centre or the Call Centre (themselves a shared service – the Worcestershire Hub).
- 6.3.3 However, many complaints are made directly to services and so, in the case of shared services, not seen by us. 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, we require that the appeal becomes a matter for us as clients and is referred to the relevant Corporate Director.

### 6.4 **Unreasonably persistent complainants**

- 6.4.1 We are committed to dealing with all complaints fairly and impartially. It is therefore not desirable for individual members of staff to decide that a member of the public is making a frivolous or vexatious complaint and deal with it any differently. In nearly every case, people who complain feel strongly about the matter and are acting in good faith.
- 6.4.2 The general approach for avoiding protracted correspondence about a complaint involves sticking to the procedure, with emphasis on the following two points:
1. We aim to establish exactly what the complaint is at the outset. Best practice says that the initial acknowledgement restates what we, the Council, understand by the complaint so that the complainant has the opportunity to correct it should he or she disagree. This makes it easier to resist the complaint drifting into new areas. We then investigate and respond to the complaint as defined and include in the response instructions on how to appeal.
  2. Once a complaint has been responded to, further correspondence constitutes an appeal and is referred to the next stage. The second stage has clear rules of engagement, being a review of what was decided at the first stage and whether all relevant issues have been properly considered. Again, correspondence can be restricted to a formal response to the appeal and anything further can be referred to the Ombudsman as the final stage.

6.4.3 However, there are a small minority of the public who can seem obsessive in their dealings with the council. Where this is a problem, details should be passed to the Complaints Officer who in turn will refer it to the Corporate Management Team (CMT) to consider the circumstances and make a decision whether, in the interests of operational efficiency, to formally classify that person as an **unreasonably persistent correspondent**.

6.4.4 If so, the person will be notified of the decision, the reasons for it, and how they should communicate with the council from that point. The council as organisation will be told of the decision and how communications should be dealt with to ensure consistency of response and the avoidance of duplicated workload.

Note that aggressive, violent or abusive behaviour will not be tolerated and sanctions will be taken, as per our Customer Care Standards.

6.4.5 CMT may consider sanctions such as limiting the person to communication in writing, maybe to a single specified point of contact, or if the problem is unreasonably persistent emailing, IT can be requested to block incoming messages and require them to communicate in a different way. We will always ensure that where we are aware that the complainant has a disability; will not require him/her to do something that could be considered disability discrimination.