



# Complaints Procedure

DISTRICT OF  
HARBOROUGH

October **2023**

March 2022	V1.1	S Done	CEO references updated. References to Officer/Member Protocol specifically mentioned and no longer implied. Legacy technology references removed.
December 2023	V1.2	S Done	Stage 2 complaint process updated. CEO investigation replaced by appropriate Director.

# Harborough District Council

## Complaints Procedure

### Contents

	<b>Page</b>
1. Introduction	3
2. Definition of a complaint	3
3. Purpose of complaints procedure	4
4. Main principles	5
5. Categories of complaints	5
6. Exclusions	6
7. Monitoring of complaints	7
8. Role of the Monitoring Officer	7
9. The Complaints Procedure:	8
Informal Stage	8
Formal Complaints – Stage 1	9
Formal Complaints – Stage 2	10
10. General points on formal complaints	11
11. Complaints from Councillors and Members of Parliament	12
12. Complaints about Senior Managers	12
13. Complaints about Councillors	12
14. Persistent Complainants	12
15. Complaints via the Local Ombudsman	16
16. Training	17
17. Dealing with informal complaints	17
18. Good investigative practice	18
19. Help & Advice	22
20. Complaints process flowchart	23



## 1.0 INTRODUCTION

- 1.1 This complaints policy sets out how the Council will deal with expressions of dissatisfaction from users of our services.
- 1.2 Harborough District Council aims to provide efficient, high quality services to our customers. However, on occasions, things can go wrong. If we make a mistake or fail to give someone a service, we will take quick and effective action to resolve the problem.
- 1.3 Most customers will not want to make a formal complaint unless they have no other option and in many cases it should be possible to resolve problems straight away. Our complaints procedure recognises this and our aim is to resolve the majority of complaints at the first point of contact without the need for a formal complaint to be lodged.
- 1.4 We treat all complaints and comments about our services in a positive fashion. A complaint is a simple means for our customers to voice their concerns about our services and provides us with valuable information to improve our services.
- 1.5 We will deal with all complaints:
- Promptly
  - Efficiently
  - Courteously
  - Systematically, through an escalation process

## 2.0 DEFINITION OF A COMPLAINT

A Complaint is an expression of dissatisfaction about a council service that requires a response. It does not matter whether that service is provided directly by the council or by a contractor or partner.

- 2.1 It is when we have been told that our customers that they are not happy with –
- our standards of service
  - our failure to do something that we had agreed the Council would do
  - the way our customers have been treated
- 2.2 The complaints procedure does not apply to:
- Initial requests for service e.g. the first time a service is requested
  - Initial requests for information or for an explanation of Council policy or practice. This may be better suited to FOI information access procedures.

- The correct application of the law or a Council policy, or to matters for which there is a right of appeal (an appeal within the Council or to an independent tribunal)

### **3.0 PURPOSE OF COMPLAINTS PROCEDURE**

3.1 A complaints procedure ensures that there is a clear and systematic process by which customers can seek redress for failures in service provision. The aims and objectives of the Council's complaints procedure are to achieve:

3.2 A consistent process

We want to give our service users a fair, consistent and structured process to find a remedy for failures in the delivery of our services.

3.3 A positive process

We will use the outcome of complaints and any remedial action as a positive method of monitoring performance and improving our services.

3.4 A quality process

We want to use the process to:

- Improve the quality of the services we provide
- Improve our relations with service users
- Encourage best practice by our staff
- Operate within the statutory, regulatory and legal framework

3.5 An accessible process

Our complaints procedure is open to anyone who lives, works or visits the district and receives one or more of our services. The complaints procedure should be accessible to everyone.

Customers can complain through the following channels:

- In person
- In writing
- By phone
- By Email
- By online form via our website
- By completing a complaints form

3.6 Every organisation receives complaints. The main benefits of having a sound complaints procedure is that we will have –

- **A system that is better for our customers.** Everyone knows how to complain and the way their complaint will be handled.
- **A system that is better for staff.** We can be confident about what to do when a complaint is received.
- **A system that is fairer.** Everyone is treated fairly.
- **A system that helps the Council to improve its services.** When all complaints are going through one system we can easily analyse these and then see how to make services better and more responsive.
- **A system that identifies persistent Complainants.** This will identify those considered vexatious and how to deal with such situations.

## 4.0 MAIN PRINCIPLES

4.1 The principles set out below are important and should be kept in mind when following the procedure:

- The procedure must be kept accessible, conspicuous and simple to customers.
- The procedure will be essentially decentralised, recognising that service areas and individual officers of the Council are the source of implementing decisions and, therefore, represent the proper location for achieving the resolution of complaints.
- Complaints should be dealt with promptly, efficiently and courteously within time limits and confidentiality will be maintained.
- The Complainant and/or those acting on his/her behalf will be kept informed of the progress and outcome of the complaint.
- Complaints will be routinely monitored with the aim of improving effectiveness of service provision.
- Service Managers are responsible for ensuring agreed response targets are adhered to.

## 5.0 CATEGORIES OF COMPLAINT

5.1 The following are categories of complaints, which indicate in general terms the range of complaints, which fall within the Procedure. This list is not exhaustive.

- Dissatisfaction with the way Council policies are carried out.

- (b) Failure to consider relevant matters in coming to a decision. Such failure can ultimately lead to a Judicial Review of the council's decision, or, with action taken in implementing that decision.
- (c) Complaints regarding employee attitudes and the actions of individual employees.
- (d) Delays in responding or, complaints about the administrative process.
- (e) Failure to provide a service.
- (f) Failure to achieve standards/quality of service (This includes service requests where the Council has not met the customer expectation)
- (g) Failure to fulfil statutory responsibilities.
- (h) Bias or unfair discrimination.

## 6.0 EXCLUSIONS

6.1 The following types of complaint are excluded from the procedure:

- (a) Complaints which are essentially criticisms or disagreements of Council policies or decisions in themselves, rather than the way they have been carried out.
- (b) Complaints against individual employees which arise directly from the customer's dissatisfaction with a Council policy or decision, and where no other basis for the complaint exists.
- (c) Any matter, (such as a planning or development control matter or, housing benefit or homelessness matter) where a right of appeal exists, unless the complaint relates specifically to the way the matter has been administered.
- (d) A decision of the Council where regulatory powers are being exercised unless the complaint relates specifically to the way the matter has been administered.
- (e) A matter which is, or could reasonably be, expected to be the subject of court or tribunal proceedings, or which is in the hands of the Council's insurers.
- (f) Complaints which constitute a disagreement with or refusal to accept a rule of law which the Council is applying unless the complaint relates specifically to the way the matter has been administered.
- (g) Complaints that are deemed to be persistent / vexatious as outlined in this document.
- (h) Complaints that involve the interpretation and/or applicability of law or contract.
- (i) Complaints about service, where any fault is beyond the Council's control or responsibility.
- (j) Complaints that concern matters political unless they affect the Council's operational concerns.

- (k) Complaints about Elected Members of either the Council or Parish Councils, where they involve standards or conduct issues.
- (l) Complaints about the decision making or other procedural matters relating to how Parish Councils or Meetings conduct their business.
- (m) Complaints 12 months old or older.
- (n) Complaints where there is little chance of finding fault upon initial assessment.

## **7.0 MONITORING OF COMPLAINTS**

- 7.1 At the informal stage, those responsible for delivering the service will be responsible for resolving complaints where possible. Where it is not possible to resolve a complaint at this stage, or the complaint relates to more than one service area then the officer dealing will refer the complaint to the Information and Complaints Officer.
- 7.2 All formal complaints will be issued with a unique reference number which will be given to the Complainant. This is generated by the Council's recording system.
- 7.3 The Information and Complaints Officer will provide information on complaints on a regular basis. This will be shared with others through the Council's performance management system. Analysis of complaints will highlight trends, which may suggest improvements in areas of service provision or practices. Any improvements identified will be discussed with the appropriate Service Manager.
- 7.4 The relevant Portfolio Holder will present a performance report to the Scrutiny Panel twice per year providing complaints statistics including any internal and external data trend data where appropriate.

## **8.0 ROLE OF THE MONITORING OFFICER**

- 8.1 **The Head of Democratic and Electoral Services is designated as the Council's Monitoring Officer** under the Local Government and Housing Act 1989. He/she has a statutory duty to take certain action under the Act to deal with any proposal, decision or omission by the Council which has given, or is likely to give, rise to maladministration or which is in contravention of any code of practice or rule of law. In operating the Corporate Complaints Procedure, officers will have regard to the Monitoring Officer's duties under this Act including that Officer's duty to formally report to Council should this be necessary.
- 8.2 Complaints about elected members will be referred to the Monitoring Officer for investigation and processing in accordance with the Code of Conduct.

## 9.0 THE COMPLAINTS PROCEDURE

### Informal Stage

- 9.1 The total time allowed for resolving a complaint at this stage is **5** working days.
- 9.2 Officers of the Council who provide services to the customer will deal with initial approaches by customers and attempt to resolve their concerns. Such approaches are likely to be made in person, telephone, and less frequently in writing.
- 9.3 If the complaint cannot be resolved at point of contact it should be referred to the Information and Complaints Officer to be logged as a formal complaint before being referred to the Service Manager for response.
- 9.3 Often such an approach is not a complaint but a request for action, information or reporting a problem. When identified as such, it should be actioned in the normal way or referred to the relevant Officer within the Council for action to be taken.
- 9.4 It may well be possible to provide information or arrange action, which will satisfy the customer. At this stage the emphasis will be on resolving the complaint wherever possible, at the point of service delivery. The customer will be encouraged to take up the matter with the Officer directly responsible and will be provided with the name, designation and contact details of the Officer dealing with the matter.
- 9.5 Complaints at this stage need not be in writing.
- 9.6 Any anonymous complaint received will normally only be referred for investigation or some other action if it includes documentary or photographic evidence indicating an exceptionally serious or significant matter. As anonymous complaints are difficult to investigate we would encourage people not to make an anonymous complaint
- 9.7 Customers who remain dissatisfied with the Council's response will be advised that a procedure exists to make a formal complaint. The customer must be given help in understanding the Procedure if this is required.
- 9.8 Assistance will be provided to our Customers who have difficulty in writing down their complaint or who may be reluctant to do so.
- 9.9 Customers may also be informed of the name and contact details of their local Councillors so that they may, if they do wish, take the matter up with them.

- 9.10 If it has not been possible to resolve the complaint at the informal stage within the 5 day period the complaint should be forwarded to the Information and Complaints Officer to be logged as a formal complaint. A summary of the actions taken to date should be included with the referral.
- 9.11 Any complaints about an individual member of staff should be referred to the Information and Complaints Officer for logging but an informal resolution will be sought at first instance.

### Formal Complaints – Stage 1

- 9.12 The typical time allowed for resolving a complaint at this stage is **20** working days, though this may be extended if a matter is complex.
- 9.13 This stage will come into operation when the customer clearly indicates that he/she remains dissatisfied with the Council's response at the informal stage or the matter is either serious or likely to be protracted in nature.
- 9.14 All formal stage 1 complaints should be addressed/ directed to the Information and Complaints Officer. On receipt of the formal complaint, he/she will ensure that the details are recorded for monitoring purposes and passed to the relevant Service Manager/Head of Service (HoS).
- 9.15 If a full reply is not possible within the specified time, the Complainant will be informed as to when a response can be expected.
- 9.16 In the reply the Complainant will be advised of what steps to take if they remain dissatisfied with the response once received at Stage 1.
- 9.17 The Service Manager/HoS will act as the "Investigating Officer". They will ensure complaints are processed in accordance with the complaint procedure and within the time scales prescribed. The Service Manager/HoS will forward a copy of his/her response to the Information and Complaints Officer in order that complaint records can be updated.
- 9.18 Where the Service Manager has been involved at the informal stage, or is otherwise unavailable, either an independent Service Manager/HoS can be appointed to conduct the investigation and respond to the Complainant or it can be escalated to Stage 2
- 9.19 Where the response to a complaint requires input from more than one service area the Information and Complaints Officer will act as lead officer and secure the relevant input from Service Managers/HoS as appropriate. The provision of such information must within the overall timescales laid down in the procedure for a response to be made to the Complainant.

## Formal Complaints – Stage 2

- 9.20 The typical time allowed for resolving a complaint at this stage is **20** working days, though this may be extended if a matter is complex.
- 9.21 Where the Complainant remains dissatisfied, then the Information and Complaints Officer will arrange for an appropriate Director to review the matter and decide what further action needs to be taken to resolve the complaint.
- 9.22 The Information and Complaints Officer will acknowledge the complaint within 3 working days. A response will be sent out to the Complainant within 20 working days of the Complainant registering continued dissatisfaction (see note 9.20). A copy of the response will be forwarded to the appropriate Service Manager at the same time.
- 9.23 Where, after reviewing the complaint, it appears that a further investigation is required, the Information and Complaints Officer will assist the appropriate Director in carrying out an investigation into the complaint and action taken so far. The Information and Complaints Officer will have access to relevant papers and records of the service area(s) concerned and may interview any member of staff in connection with the complaint. The Information and Complaints Officer may also, in certain circumstances, interview the Complainant or the Complainant's representative in the course of the investigation.
- 9.24 If the impartiality of the Information and Complaints Officer is deemed to have been compromised, the appropriate Director may appoint an independent Officer to assist in the investigation.
- 9.25 The Information and Complaints Officer (Investigating Officer) will prepare a draft response for the appropriate Director outlining the details for the resolution of the complaint. ***(NB the CEO may appoint any suitable officer to conduct an investigation depending on the circumstances and subject matter of the submitted complaint.)***
- 9.26 The Complainant will be kept informed of the progress of the complaint and will be informed of any circumstances which may affect the response due date. The reply will inform the customer of his/her right to refer the matter to the Local Government and Social Care Ombudsman.
- 9.27 Where it is considered necessary to ask the Complainant for additional information before processing the complaint further, the clock will stop until that information is provided. The clock will resume when the requested information has been supplied. At that point the response due date will be adjusted accordingly and the Complainant informed.
- 9.28 In the event that a Complainant fails to respond to a request for further information, the complaint will be closed following the expiration of 60

working days following initial receipt. ***This applies to complaints at all stages of this process.***

## **10.0 GENERAL POINTS ON FORMAL COMPLAINTS**

- 10.1 Where the Complainant has also taken up the matter with his/her local elected representative **and** it is clear that the Councillor concerned is acting on the Complainant's behalf, the Councillor will be kept fully informed during all stages of the procedure.
- 10.2 Where the nature of the complaint being processed within a service area involves some actual or potential contravention of any rule of law or code of practice (or maladministration or an alleged injustice) then the Service Manager will inform the Corporate Management Team. The notification will include progress and proposed action and seek appropriate advice should the Complainant remain dissatisfied.
- 10.3 Complaints of financial impropriety will need to be referred to the Section 151 Officer so that he/she or a senior member of staff may assist in the investigation.
- 10.4 Preliminary investigations of the complaint may reveal circumstances, which require disciplinary action to be considered, in such cases the Human Resources Manager will need to be consulted as soon as this possibility becomes apparent. The complaint will need to be investigated (though not necessarily to its conclusion) before disciplinary action is considered. Disciplinary action will need to be quite separate from the investigation of the complaint. The Information and Complaints Officer will decide if they think this process is appropriate in terms of investigations of a staffing nature.
- 10.5 Officers who originally responded to the Complainant's representations at the initial stage will be informed by their Manager of the outcome of any complaint which is subsequently processed under the Complaints Procedure and any actions taken to resolve the complaint.
- 10.7 It is not the intention of the Procedure that when an investigation of a complaint leads to negative criticism, that the need to discipline staff automatically follows. (Where this level of action is clearly inappropriate)
- 10.8 The Council will use complaints positively to see where systems, procedures and training can be improved to reduce the possibility of errors and mistakes happening again.
- 10.9 Where a complaint has been responded to at an earlier part of the process and is not escalated to the next stage, the Council will not progress a complaint if it's escalation is not undertaken within 90 days.

## **11.0 COMPLAINTS FROM COUNCILLORS AND MEMBERS OF PARLIAMENT**

- 11.1 Complaints received directly from a Councillor or M.P, or made by a Councillor/M.P, on behalf of a constituent (or other person) will be processed as a Stage 1 Formal Complaint provided it has not previously been through that process.
- 11.2 If the complaint cannot be answered immediately, the Information and Complaints Officer will inform the Councillor/M.P by way of acknowledgement, that it has been passed to the appropriate Service Manager who will then process the complaint. The Service Manager concerned will keep the Councillor/M.P informed of the progress of the complaint. The Information and Complaints Officer will establish if the response is to be issued by HDC or via the M.P's office and in any event ensure that the M.P receives a copy of the response for completeness.
- 11.3 Complaints received via a Councillor/M.P, which have previously been directed and responded to by the appropriate Service Manager will be investigated by the CEO or a nominated officer.
- 11.4 Where a Councillor/M.P considers it necessary to submit a complaint in person (not on behalf of a constituent) to the Corporate Management Team, the complaint will be processed at Stage 2. *(The context/content of the complaint must be taken into consideration before proceeding at Stage 2)*
- 11.5 The CEO reserves the right to institute whatever processes are appropriate when considering the nature of any complaint falling into 11.4 above. This may involve, not using the provisions of this procedure where it is, in their opinion, appropriate not to do so. This may be in relation to councillor led complaints on matters which are operational in tenet.
- 11.6 Councillor led complaints under 11.4 above which are political in nature, will not be processed under this customer complaints procedure.

## **12.0 COMPLAINTS ABOUT SENIOR MANAGERS**

- 12.1 All complaints made specifically about the acts/omissions of a Corporate Management Team member (excluding CEO) or Service Manager will be dealt with by the CEO.
- 12.2 The CEO (or nominated Officer) will process the complaint and the Manager concerned will be invited to comment on the complaint as part of the investigation.
- 12.3 Where appropriate, the CEO will decide whether or not any such complaints will be dealt with under this procedure or under the Officer/Member Protocol.

- 12.4 Any complaint made specifically about the acts/omissions of the CEO will be processed under the Officer/Member Protocol.

### 13.0 COMPLAINTS ABOUT COUNCILLORS

- 13.1 All complaints about Harborough District/Parish Councillors will be referred to the Monitoring Officer for investigation and will be dealt with under the Code of Conduct protocol, not this procedure.

### 14.0 PERSISTENT COMPLAINTS

- 14.1 Complaints about Harborough District Council are processed in accordance with this complaints policy. However, Council staff will inevitably come into contact with a small number of Complainants who take up an unwarranted amount of council resources or impede the investigation of their complaint. The Council aims to identify situations where the Complainant could be considered vexatious or persistent and how to deal with such situations.
- 14.2 This guidance also reflects the “Guidance note on ‘unreasonably persistent’ Complainants and ‘unreasonable Complainant behaviour’” issued by the Local Government Ombudsman.
- 14.3 It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are simply being difficult. It must be recognised that Complainants may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.
- 14.4 This policy does not apply to complaints in respect of councillors. The Ethical Governance Committee is responsible for receiving all complaints about alleged breaches of the Code of Conduct made against members of Harborough District Council. Information on this can be found on the Council’s web site.

#### **Definition of persistent Complainants**

- 14.5 Unreasonable and unreasonably persistent Complainants may have justified complaints or grievances but are pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined.
- 14.6 Sometimes the situation between the council and a Complainant can escalate and the behaviour moves from being unreasonable and unreasonably persistent to behaviour which is unacceptable for example, abusive, offensive or threatening. (*Consider Customer Caution Process if this is the case*)
- 14.7 Complainants may be deemed to be vexatious as a result of their

unreasonable behaviour where current or previous contact with them shows that they have met one or more of the following criteria:

- Persisting in pursuing a complaint where the council's complaints procedure has been fully and properly implemented and exhausted, including the Local Government Ombudsman.
- Persisting in pursuing a complaint where the council's complaints procedure has been fully and properly implemented and exhausted, and the Complainant refuses to raise the matter with the Local Government Ombudsman.
- The substance of a complaint is changed or new issues are raised persistently or Complainants seek to prolong contact by unreasonably raising further concerns although care must be taken not to disregard new issues, which differ significantly from the original complaint.
- Complainants are unwilling to accept documented evidence of facts or deny receipt of an adequate response despite correspondence specifically answering their questions/concerns. This could also extend to Complainants who do not accept that facts can sometimes be difficult to verify after a long period of time has elapsed.
- Complainants refuse to specify or do not clearly identify the precise issues or grounds they wish to be investigated despite reasonable efforts to help them.
- Complainants have, in the course of pursuing a registered complaint, had an excessive number of contacts (or unreasonably made multiple complaints) with the council placing unreasonable demands on council employees. Such contacts may be in person, by telephone, letter, fax or electronically. Discretion must be exercised in deciding how many contacts are required to qualify as excessive, using judgement based on the specific circumstances of each individual case.
- Complainants have harassed, been abusive, verbally aggressive, threatening or bullying on one or more occasions towards staff dealing with their complaint – directly or indirectly – or their families and /or associates. All incidents of harassment or aggression must be documented, dated and reported to the line manager.
- Complainants making unnecessarily excessive demands on the time and resources of the council or its staff whilst a complaint is being looked into, by excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Complainants 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.

- Complainant making what appears to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Complainant 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.
- Combination of some or all of these.

14.8 Complaints may be deemed to be vexatious in any situation where physical violence has been used or threatened towards staff or their families/associates at any time. This will cause personal contact with the Complainant to be discontinued and the complaint will, thereafter, only be pursued through written communication.

### **Managing persistent Complainants**

14.9 If a Complainant’s persistence adversely affects our ability to do our work and provide a service to others, we may need to manage their unacceptable behaviour by restricting their contact with our offices.

14.10 Any restrictions applied will be appropriate and proportionate to the nature of the Complainant’s contacts with the council at that time, such as:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken (for example one call on one specified morning/afternoon of any week).
- Limiting the Complainant to one medium of contact (telephone, letter, email etc).
- Requiring a Complainant to communicate only with a named employee.
- Involving the police in cases where we believe the Complainant has committed a criminal offence (for example, harassment, assault on staff or criminal damage), where assaults threatened, or where the Complainant refuses repeated requests to leave council premises.

14.11 Wherever possible, the Council will seek to apply restrictions in a way, which will allow a complaint to progress to completion through the complaints process.

### **Deciding to restrict Complainant contact**

14.12 Before making any decision to restrict contact, the Complainant will,

whenever possible, be warned that, if the specified behaviour or actions continue, we will consider apply some or all of the restrictions set above.

- 14.13 Decisions about applying this policy will only be taken after careful consideration of the situation by the Service Manager.

He/she will consider whether:

- the Complainant is raising legitimate concerns
- the complaint is or has been investigated properly
- any decision reached is the right one
- communications with the Complainant have been adequate
- any circumstances that relate to the Complainants mental health, age, gender, sexual orientation, belief or disability have been considered

- 14.14 In deciding which restrictions are appropriate, careful consideration will be given to balancing the rights of the individual with the need to ensure other Complainants and employees do not suffer any disadvantage and the resources of the council are used effectively as possible.

- 14.15 Where this policy is applied the Complainant will be told in writing why a decision has been made to restrict future contact, the restricted contact arrangements, if relevant, the length of time that these restrictions will be in place and what they can do to have the decision reviewed.

#### **Appealing a decision to restrict contact**

- 14.16 A Complainant can appeal a decision to restrict contact. The appeal will be considered by the CEO or designated senior manager who has not been involved in the original decision. They will advise the Complainant in writing whether the restricted contact arrangements still apply or a different course of action has been agreed.

#### **Recording and reviewing decisions**

- 14.17 When it is decided to restrict contact, a note will be sent to all service Managers/ Team Leaders involved and a record made on the persons file and any relevant computer records.

- 14.18 Any further correspondence from the Complainant will still be read to pick up any significant new information.

- 14.19 If the Complainant makes any new complaints about new issues these will be treated on their merits and a decision will have to be made by the manager whether any restrictions, which have been applied before, are still appropriate or necessary.

- 14.20 A decision to restrict contact may be reconsidered if the Complainant demonstrates a more acceptable approach.

## 15.0 COMPLAINTS VIA THE LOCAL GOVERNMENT OMBUDSMAN

- 15.1 Complainants who express a wish, at any stage during the Corporate Complaints Procedure, to make a formal complaint to the Local Government and Social Care Ombudsman [LGSCO] must be advised of their right to do so. However, Complainants should be made aware that the LGSCO will usually enquire if the Council has exhausted its internal complaints procedure. If not they would typically give the Council an opportunity to seek a local solution to the complaint within a reasonable time period.
- 15.2 Occasionally, elected Members will receive a complaint where the Complainant states his/her intention of approaching the LGSCO. The discretion of elected Members to deal with such complaints is not affected nor fettered by this procedure but the procedure assumes that Members will wish to achieve a local solution and encourage the use of the Councils Complaints Procedure in the first instance.
- 15.3 Formal complaints received from the Ombudsman will be administered by the Information and Complaints Officer. Details of such complaints received and the findings of any investigations will be reported for consideration as necessary.

**Procedural Note:** *All LGSCO investigations are conducted in private and there is no general right of access to the documentation created or involved in the processing or resolution of an LGSCO complaint investigation (s32(2) Local Government Act 1974.) This restriction applies to members of the public, elected Members, M.P's and members of staff not involved in the complaint at issue. LGSCO decisions become public when they are published on their website and not before.*

## 16.0 TRAINING

- 16.1 All staff should be provided with customer care/responsiveness training – either direct or via the Learning Pool. This will be dependant on the individual's role within the organisation. There will be emphasis on the operation of the complaints system and this will be highlighted on the Core Brief on a regular basis. Staff must be able to listen sympathetically, recognise that complaints are important, understand the benefits of complaints and welcome complaints to put things right and improve services.

## **17.0 DEALING WITH INFORMAL COMPLAINTS**

### **DEFINITION**

An informal complaint is an initial approach by a customer to the Council outlining dissatisfaction with some aspect of the Council's service or actions. Such approaches are likely to be made in person, on line, or by telephone and less frequently in writing.

### **INFORMAL COMPLAINTS MADE IN PERSON OR BY TELEPHONE**

#### **17.1 INTRODUCE YOURSELF**

Give your name and team name and ask 'How can I help you'. Make sure you take a note of the customer's name and address and then address the customer by his/her name.

#### **17.2 BE POSITIVE**

If you are defensive or continually challenge the customer's perception of the problem, then you will reinforce the impression that you are not interested in his/her point of view or the substance of the complaint.

#### **17.3 DEFUSE A DIFFICULT SITUATION**

Never respond to aggression with aggression. The customer's anger may be a result of past problems with the Council or an expectation that the Council will not do anything. Stay calm, show that you accept there is a problem and that you are prepared to listen to what the customer has to say.

#### **17.4 ESTABLISH THE FACTS**

Establish the key points of the problem with the customer and the main reason for his/her dissatisfaction. If the customer is particularly scathing about the Council or its service, try to find out why he/she thinks that. Make a note of the facts of the complaint.

#### **17.5 IDENTIFY WITH THE CUSTOMER**

Indicate that you understand why the customer is dissatisfied. If the problem results from a mistake or genuine misunderstanding on the customer's part, explain the situation without blaming the customer for the misunderstanding. Show empathy as this can take the heat of many charged situations.

#### **17.6 ATTEMPT TO SOLVE THE PROBLEM**

You may well be able to provide information or arrange action which will satisfy the customer there and then. If you are unable to do this or have no authority to do so, then involve your supervisor or another officer who you know will be able to help.

#### **17.7 DON'T JUST PASS THE CUSTOMER ON**

Don't pass the customer onto another officer or department without first checking that they will be able to take action or provide information. If necessary, make an appointment for the customer. If you are unable to provide an answer immediately or do not know the answer then say so and arrange to get in touch with the customer later the same day or the following day. Make sure that the customer has your name, job title and telephone number.

#### **17.8 ADMIT A MISTAKE**

If you find that we have made a genuine mistake then admit it and apologise to the customer for the error. Tell the customer what action you propose to take to put the matter right.

#### **17.9 CHECK THAT THE COMPLAINT IS RESOLVED**

Establish whether the customer is satisfied with the response and thank him/her for bringing the matter to the Council's attention. Advise your supervisor of the details of the complaint and how it was resolved and any necessary improvements in services or procedures which may have been highlighted by the complaint. Write a brief note for the file concerning the complaint and the outcome so that this can be referred to if the matter is taken up formally.

#### **17.10 ADVISE ON THE COMPLAINTS PROCEDURE**

If the customer remains dissatisfied, advise him/her that the Council has a procedure for investigating the matter further. Ask the customer whether he/she wishes to make a formal complaint. If the customer needs assistance, go through the explanatory leaflet. Provide help if necessary in completing any paperwork or on line reporting forms.

#### **17.11 VIOLENT SITUATIONS**

Withdraw from any potentially violent situation and call on assistance from your Manager or other officers. Use any provided alarms as necessary. Following the procedures outlined within the Council's Health & safety manual. If you experience any physical aggression or threat or abuse from contact with the public or are not confident of being able to handle a stressful situation, then contact your Line Manager. Please ensure that you record any such instances on the appropriate form as the Council maintains a list of potentially violent people.

## 18.0 GOOD INVESTIGATIVE PRACTICE

- 18.1 The majority of complaints are likely to be capable of being dealt with speedily and simply at the informal stage. Where this has not been possible and a formal complaint is received, a more substantial inquiry is required. The following guidance may be helpful for investigating officers.
- 18.2 Check if any previous complaints from this person.
- 18.3 Contact the Complainant to: -
- Clarify the complaint
  - Clarify the outcome sought.
  - check whether he or she needs support of any kind, whether he or she has poor sight or hearing, or a language difficulty, check what he or she needs to understand the discussion properly
  - Explain the investigation procedure, including how long it will take.
- 18.4 Brief yourself on the relevant legal and administrative background to the complaint.
- 18.5 Assess whether the complaint procedure is the most appropriate way of handling this complaint. Consider alternative procedures capable of providing the remedy sought and reasonable for the Complainant to be expected to use them. Where appropriate, discuss alternatives with Complainant.
- 18.6 Consider whether the complaint could be resolved without further investigation.
- 18.7 If the complaint is about a proposed action by the Council consider whether the action should be deferred while the complaint is investigated.
- 18.8 Obtain all relevant documents (ensuring that you see the originals not copies). These may include files, log books and time sheets. Get copies of all documents you need.
- 18.9 Establish the relevant sequence of events from the files and also the names of the officers/members most directly involved in the matter complained of.
- 18.10 Prepare the line of questioning for each person to be interviewed:
- use open not leading questions
  - do not express opinions in words or by your body language
  - ask single not multiple questions.
- 18.11 Arrange the order of interviews so that where you need to establish what procedures are normally followed you do this first from more senior

officers, and end with the officers most directly involved in the matter complained of.

- 18.12 Inform all those to be interviewed that they can be accompanied by a friend or union representative, provided the friend is not in a supervisory position over the interviewee. Explain the complaint clearly to them.
- 18.13 Consider whether you need a witness of a particularly difficult interview.
- 18.14 Interviews should be conducted in an informal and relaxed manner as possible, but persist in your questions if necessary. Don't be afraid to ask the same question twice. Make notes of each answer given.
- 18.15 Try to separate hearsay evidence from fact by asking interviewees how they know a particular fact.
- 18.16 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.
- 18.17 At the end of the interview, summarise the main points covered by the interviewee and ask if he or she has anything to add.
- 18.18 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.
- 18.19 If appropriate, visit the service area complained about unannounced to check normal practices.
- 18.20 Draft a report setting out the evidence obtained, preferably without including your own opinions, and circulate this for comment to all those interviewed, including the Complainant, unless there are special reasons not to do so.
- 18.21 Consider comments and amend the report as necessary, adding conclusions, and, if appropriate, a suggested remedy for the Complainant.

## 19.0 HELP AND ADVICE

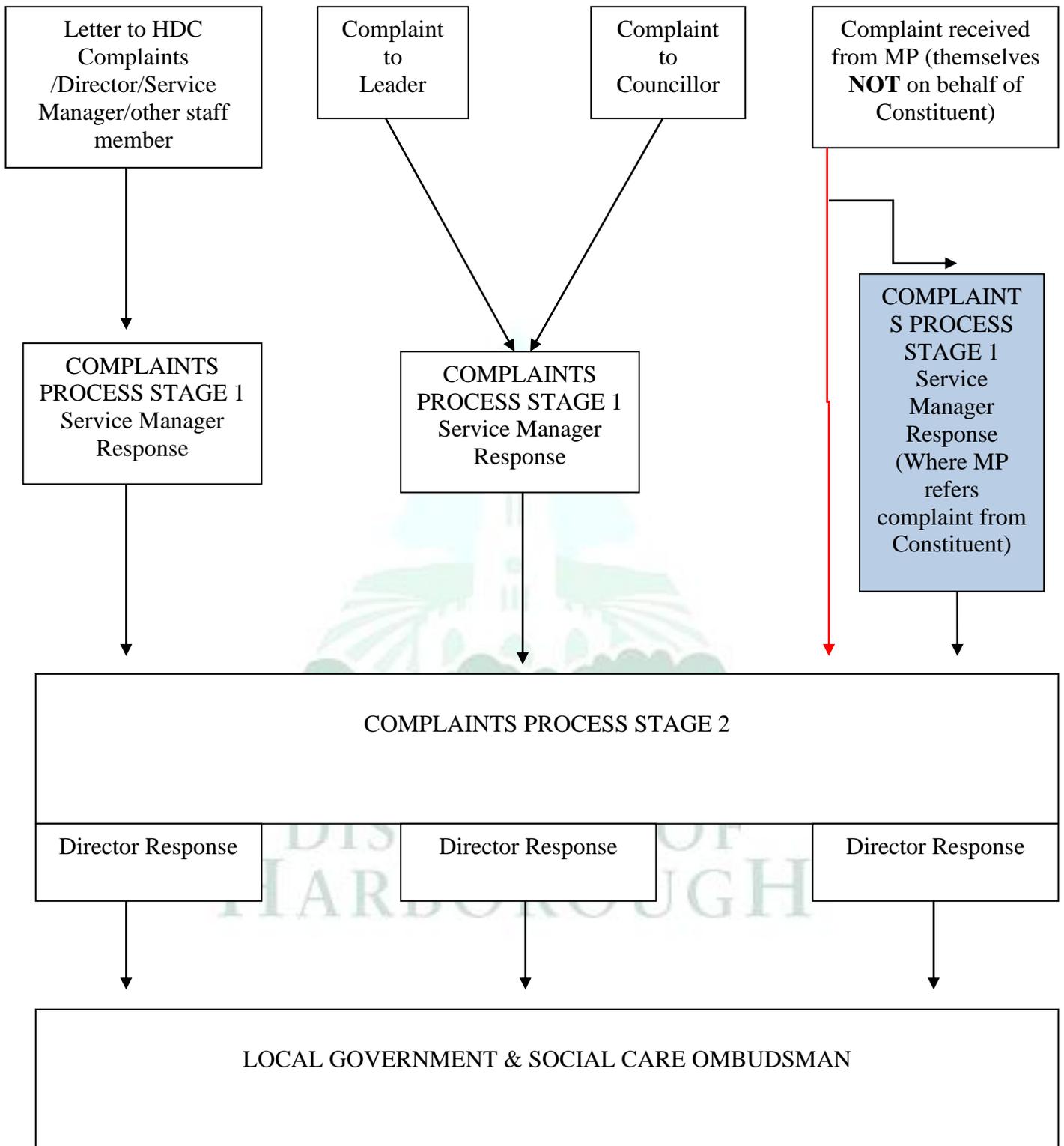
If you require any help and advice on the handling of complaints please contact:

Information and Complaints Officer  
Extension 1164

Telephone 01858 821164  
E Mail – [s.done@harborough.gov.uk](mailto:s.done@harborough.gov.uk)



Flowchart – Complaints Process



## Flowchart – Complaints Process

