



Complaints, Comments and Compliments Procedure

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Complaints, Comments and Compliments Procedure

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Contents

Page No.

3	Why we have a complaints procedure
3	What is a complaint?
4	Who can complain?
4	Who to contact
5	How complaints can be made
	The stages of the complaints procedure
5	Initial assessment
6	Investigation by Service Manager
6	Review by Chief Executive
7	The Local Government and Social Care Ombudsman
7	Time limits for the Council's response
8	Monitoring, review and feedback
8	Confidential complaints
8	Unreasonable complainant behaviour
9	Data protection and privacy

Why we have a Complaints Procedure

Craven District Council is committed to providing the highest level of service to all our customers. Unfortunately, we don't get it right every time. The purpose of the Complaints Procedure is to make sure we "right the wrongs" and continually improve our services.

The Procedure is designed to ensure that

- ★ Making a complaint is as easy as possible.
- ★ Complaints are treated seriously, however they are received.
- ★ Complaints are dealt with promptly and efficiently.
- ★ Every effort is made to resolve complaints.
- ★ The Council learns from complaints, taking appropriate steps to improve service provision.

The aim of the procedure is not to apportion blame amongst employees, but to provide an early, satisfactory solution. Individuals making a complaint will in no way suffer as a result of making their complaint.

We need to accept that, generally, everyone who complains feels that they have a reason to do so. When we deal with a complaint, we will remember that every case is different and will treat each person in a professional, respectful and courteous manner.

What is a 'Complaint'?

We define a complaint as:

"An expression of dissatisfaction about Council Services that requires a response"

In practice, complaints will be dealt with under the Procedure when we are notified that the Council has:

- ★ Done something badly or in the wrong way.
- ★ Done something we should not have done.
- ★ Failed to do something we should have done.
- ★ Acted unfairly or impolitely.
- ★ Not responded to a request for service
- ★ Acted contrary to the Council's policies and procedures.

Where there is any doubt, the Chief Executive will decide whether or not a matter comes under the Council's definition of a complaint.

Most of the contacts we have with members of the public are enquiries or requests for a service, rather than complaints.

The Complaints Procedure does not cover:

- ★ Requests for a service.
- ★ Requests for information.
- ★ Requests for an explanation of a decision made in line with Regulations or Council policy.
- ★ Provision of information about an issue or problem.
- ★ Appeals against Council decisions using established procedures or Regulations.
- ★ Investigating matters of employee discipline.

- ★ Complaints which need to be referred to the Council's insurers (e.g. where the complaint seeks payment of compensation for personal injury, or for loss of or physical damage to property).

Procedures for dealing with some types of complaints and appeals are already in place, and may be dealt with under specific legislation. Examples include:

- ★ Environmental health
- ★ Council tax, housing & council tax benefit appeals or queries
- ★ Car parks and car parking
- ★ Planning applications and decisions
- ★ Decisions made by the Council, a committee, sub-committee or an employee, where an appeal process is in place or a remedy is available by appealing to a committee, tribunal, Minister of the Crown, or by proceedings in a court of law.
- ★ Issues affecting all, or most, of the people in an area.
- ★ Issues relating to equality and diversity
- ★ Conduct of an employee or Councillor

Where a complaint cannot be dealt with under the Complaints Procedure the complainant will be advised of any alternative procedures to use, and, provided with appropriate information and guidance.

Who can complain?

- ★ Anyone who is not satisfied with any service provided by the Council
- ★ Anyone who has been affected by any error or omission in service provision.
- ★ Anyone who claims to have suffered an injustice as a result of action taken, or not taken, by or on behalf of the Council.

Complaints can be made on behalf of a relative or friend, providing that appropriate signed consent has been provided along with the complaint to the Council.

The Council will not usually deal with anonymous complaints. However, a complainant may request that a complaint be dealt with in confidence and we may decide that it is appropriate to do so.

Who to contact

Complaints may be made to Customer Services who will see if they can resolve the matter in the first instance. If this is not possible the complaint will be referred to the Service Manager for the appropriate service. If the complainant prefers, complaint may be made to the Service Manager direct.

Ideally the complaint should be made immediately, or as soon as possible after the reason for the complaint has occurred. This will allow for a speedy resolution and may well prevent the complaint from escalating into a bigger problem.

How complaints can be made

We will accept complaints in whichever format the customer prefers:

- ★ **In Person** – either at the time of the event complained of, or after visiting one of our main office reception points (in Belle Vue Square).
- ★ **By Telephone** – to Customer Services (01756 700 600) or the appropriate Service.
- ★ **Via our website** – cravendc.gov.uk
- ★ **In Writing** – on a Complaints form (available from reception), or by letter to Business Support, Craven District Council, 1 Belle Vue Square, Broughton Road, Skipton, BD23 1FJ. All written and emailed complaints will receive a written acknowledgement and reply.
- ★ **By email** to: contactus@cravendc.gov.uk
- ★ **Via a District Councillor** or other elected representative.

Additionally, complaints may be referred to us from another organisation who has received a complaint about a service provided by the Council.

We will help customers to make their complaints if they wish us to; complaints should not be suppressed and all feedback should be encouraged in order to allow us to develop our services.

We will record all complaints on a central complaints database. This will allow us to learn from our mistakes, to identify training requirements and to ascertain whether improvements have been made. Information from the complaints database will be analysed and presented to the Council's Corporate Leadership Team on a regular basis.

We will record:

- ★ The name and address of the person making the complaint
- ★ A contact telephone number where possible
- ★ The details of the complaint
- ★ What the complainant feels the Council can do to put things right
- ★ The name of the person dealing with the complaint and the response made

Initial assessment

Most complaints are straightforward and require little more than an assurance of remedial action either immediately, or within 5 working days. In these cases we will provide an apology on behalf of the Council for any inconvenience caused and inform the customer of the action the Council proposes to take at the time of receiving the complaint.

We will make every attempt to resolve any complaint as quickly as possible. This may include telephoning the person making the complaint or arranging a meeting in an attempt to resolve any outstanding issues.

If we cannot resolve the complaint within 5 days the matter will be referred to the appropriate Service Manager for a more detailed response.

If the complaint is referred on, we will advise the person who made the complaint, ensuring that the next steps are made clear.

Investigation by the Service Manager

The Service Manager for a particular Service will deal with:

- ★ Complaints which he or she receives direct.
- ★ Complaints which cannot be resolved within the initial 5 days
- ★ A written complaint about a serious or complex matter, or in which the complainant requests the complaint be dealt with in writing.
- ★ A complaint which outlines dissatisfaction with the local resolution.

If an acknowledgement has not already been issued, we will acknowledge the complaint in writing (or by telephone or email if the customer prefers).

We will aim to deal with complaints at this stage within 10 working days, and where we are unable to do so we will keep the complainant informed of progress and let him or her know when a response will be ready.

We will explain what the customer should do if not satisfied with our response at this stage, providing details of how to take the complaint to the next stage.

The Service Manager has responsibility for all complaints about his or her service at this stage and will ensure that all complaints are dealt with fairly and efficiently.

Review by the Chief Executive

If the complainant is still not satisfied by the Council's response, the final stage of the procedure allows the right to request a review by the Chief Executive.

All referrals to the Chief Executive must include the reasons for the requests, and details of how the customer believes the complaint should be resolved.

Where a complaint is addressed to the Chief Executive in the first instance, it will not usually be accepted by the Chief Executive unless it has been investigated by the appropriate Service Manager. The complaint will usually be referred to the Service Manager for further investigation and a response. This is, however, at the Chief Executive's discretion.

The Chief Executive may carry out the Review personally, or may nominate a member of Corporate Leadership Team, independent of the Service complained of, to carry out the investigation. The response, on behalf of the Chief Executive, will:-

- ★ Thank the complainant for raising the issue(s).
- ★ Address the issue(s) raised.
- ★ Explain the nature of any further investigation.
- ★ Explain any further action taken or proposed and within what timescales. Where this is not necessary or appropriate, it will explain why.

- ★ Explain the option of referral to the Ombudsman if the complainant is not satisfied with the response, enclosing contact details.

We aim to respond within 10 working days, and where we are unable to do so we will let the complainant know and keep them informed of progress.

The Local Government and Social Care Ombudsman ('the Ombudsman')

A complaint can be referred to the Ombudsman at any time, although normally the Ombudsman will not begin an investigation unless the Council has completed its own procedures to address the complaint.

The Ombudsman can be contacted in any of the following ways:

Telephone: 0300 061 0614

Website: www.lgo.org.uk

Text 'Call back' to 0762 481 1595

(Opening hours Monday to Friday, 8:30 am to 5:00 pm – except public holidays)

Time limits for the Council's responses

We will always try to deal with complaints as quickly as possible, as we recognise that failure to respond can make a problem worse and harder to resolve. However, it is important that we are thorough in our investigation of a complaint and this can sometimes mean that we are unable to respond as quickly as we would like. If this happens we will let the complainant know when the full response will be available and keep him or her informed of progress if the delay is a going to be lengthy.

- ★ If the complaint is straightforward we will offer an assurance of remedial action, or advise the complainant that no action is required, within **5 working days**.
- ★ Written complaints, or those which cannot be resolved immediately, will be acknowledged, either by telephone or letter, within 5 working days. A full response will be provided by the Service Manager/nominated Complaints Officer within **10 working days** of first receiving the complaint.
- ★ If we are unable to respond fully within 10 working days, we will contact the customer, explaining the reason for the delay and providing an estimated date for provision of the full response. Where possible, this should not be more than **21 working days** of first receiving the complaint.
- ★ If the person making the complaint is dissatisfied with the response at any stage, a request can be made for an investigation under the terms of next stage. This should be made within **one calendar month** of receiving the Council's response, although complaints made outside this time may be accepted at the Chief Executive's discretion.
- ★ The Ombudsman expects complainants to give the Council a chance to deal with a complaint before contacting his office. If a complainant has not heard from the Council within a reasonable time (usually up to 12 weeks), the Ombudsman may decide to look into the complaint anyway.

Monitoring, review and feedback

All complaints will be recorded on a central complaints system. Additionally we will record any other comments and compliments received by the Council. This will allow us to have a complete picture of all feedback received. We will use this information to determine best practice and identify areas in which we need to improve.

The Council will use the complaints system to monitor the progress of complaints and will advise Service Managers monthly of any complaints still outstanding within their teams.

Additionally, reports will be issued to the Corporate Leadership Team on a regular basis. We will review the effectiveness of the Complaints Procedure and identify any trends in the complaints, comments and compliments. This information will form part of the decision-making process when new services and projects are considered.

An annual report of complaints handling will be provided to the Council's Standards Committee.

Confidential complaints

The Council will deal with a complaint confidentially, although information relevant to the complaint must be made available to enable an investigation to take place. Where a complainant requests that his or her personal details are withheld so that they are not visible to any other officers, this will be considered by the officer responsible for dealing with the complaint. Where a complaint cannot be dealt with on this basis, the reasons for this will be explained to the complainant at the same time as establishing whether the person making the complaint would like to proceed on this basis.

If the complainant would prefer to make a complaint to someone who has not been involved with the service to which the complaint refers, he or she may address the complaint to either the Council's Complaints Manager or the Customer Service Manager (send to the Belle Vue office address).

Unreasonable complainant behaviour

The Council is committed to making the Complaints procedure as accessible as possible and dealing with all complaints fairly. It is inevitable that a few complainants may behave unreasonably and hinder the consideration of their own, or other complainants' and residents cases. 'Unreasonable complainant behaviour' may include one or two isolated incidents as well as persistent behaviour.

The Council will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants. When this occurs, we will take proportionate action to protect the wellbeing of officers and the integrity of our processes. Some complaints may be justified, but be pursued in inappropriate ways. In most instances, when we consider that someone's behaviour is unreasonable we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we may take action to restrict their contact with the Council. Where the behaviour is so extreme that it threatens the immediate safety and welfare of officers, we may report the matter to the police or consider taking legal action. In such cases we may not give the complainant a warning.

The Council's detailed policy on dealing with unreasonable complainant behaviour is available on request.

Data Protection and Privacy

Craven District Council is a data controller in accordance with the Data Protection Act, and this notice tells you about the information ('personal data') that the Council collects from you, what we do with it, and who it might be shared with.

What information do we collect from you?

When you make a complaint or comment about the Council's services we will ask you for your name and contact details including home, email addresses and telephone number.

Why do we collect this information?

These details will be requested so as to process your complaints or comments, and to reply to you and send you details of the action the Council has taken to resolve your complaint.

Who might we share this information with?

The Council will not share your personal information with any third party outside the Council unless this is allowed by law. We may decide to share details of your complaint with one or more of the Council's elected members if we consider this action to be relevant and appropriate. If you make a later complaint to the Local Government and Social Care Ombudsman ('the Ombudsman') we will share any information that you have provided with the Ombudsman's office.

What do we do with your information?

The information that you have provided will be held by the Council for the purposes of handling your complaint or comments. The information will only be handled by officers of the Council appointed to deal with your complaint.

How long do we keep hold of your information?

The Council will keep hold of your information for up to three years following completion of the Council's action. This is to allow for any further complaints made to the Chief Executive or to the Local Government and Social Care Ombudsman, or any complaints that may involve legal action.

How can I access the information you hold about me?

By making a Subject Access Request and going onto the Council's website at <https://www.cravencd.gov.uk/data-and-transparency/data-protection-act/> or writing to the Data Protection Officer, Craven District Council, 1 Belle Vue Square, Broughton Road, Skipton, BD23 1FJ. You also have the right to complain to the Information Commissioner's Office as it can investigate compliance with data protection law: www.ico.org.uk