AIM OF POLICY

The Complaints, Comments and Compliments Procedure has been developed to encourage people to tell us what we are doing right, what we could do better and what we are doing wrong so that we can try to put it right and also improve services for others. The Council takes complaints seriously and does not regard them as a criticism, rather as an opportunity to listen to the views of those who use Council services and how these can be improved.

These guidelines have been produced to assist staff at all levels in dealing with complaints as quickly and effectively as possible. People are more likely to be satisfied with our response to a complaint if they feel that we listen to complaints and act on them. We state clearly that:

- We welcome complaints, comments and compliments;
- We will investigate complaints thoroughly and fairly;
- Wherever possible, we will find a remedy; and
- We will use information from complaints and comments to improve our services.

HOW YOU MAY BE CONTACTED

Contact will be made by the public by any of the following means;

- Telling the member of staff they are dealing with directly
- Telephoning on 01246 345345
- Texting on 07960 910264
- Completing the on-line form on our website at www.chesterfield.gov.uk
- Filling in one of the ‘Comments/Complaints/Compliments’ leaflets available in all Council public buildings
- Writing to us at Customer Relations, Town Hall, Rose Hill, Chesterfield, S40 1LP

The attached overview flowchart sets out how the above contacts are fed into the system and it is your responsibility on receiving a complaint to update the system on the CBC intranet.
COMPLAINTS, COMMENTS AND COMPLIMENTS

Complaints

The Council needs to be clear about whether it has received a complaint, rather than a request for a service or a request for an explanation of a decision. The following definition, suggested by the Ombudsman, has been adopted:

“A complaint is an expression of dissatisfaction by one or more members of the public about the council’s action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.”

This includes:

- Failure to respond to a routine service request
- Inadequate or unsatisfactory service
- Failure to follow policies, standards or procedures
- Undue delay in taking action
- Inaccurate or misleading information
- Disrespectful or unhelpful staff
- All contacts from local MPs

Although most complaints will fall into this definition there are some exceptions, for example:

- Some decisions, e.g. planning, environmental health, council tenancy, have their own independent statutory appeal process
- Allegations of financial impropriety will be referred to Internal Audit or the Audit Commission
- Criminal activity will be referred to the police
- ‘Hate crime’ which covers all incidents of abuse or victimisation of a person due to their race, culture or religion, their age, their gender, their being disabled, their being (or thought to be) lesbian, gay or bisexual. The complaint should be dealt with however a separate form should also be completed by you and referred to the equalities officer. [http://cbci.cbc.local/Site/1/Documents/Equality/Hate%20Crimes/HATE%20CRIME%20FORM.pdf](http://cbci.cbc.local/Site/1/Documents/Equality/Hate%20Crimes/HATE%20CRIME%20FORM.pdf)
- Complaints that a Councillor has broken the code of conduct must be referred to Standards and Audit Committee
Any complaints arising out of actions or omissions which occurred more than 12 months previously

Comments and Compliments

The Council welcomes any comments or compliments received about the services that the council provides. These may include suggestions as to how we may improve our services or inform us of instances where we have delivered an excellent level of service. All comments and compliments will be recorded and monitored with the same system used for complaints. Comments and compliments will be fed back to services and where possible to individual members of staff to ensure continuous service improvement. Where appropriate compliments will be shared across the council to promote best practice and may also be used to support the Special Employee Scheme.

PROCEDURES

There is a three stage process for complaints:

Stage 1

You should try and deal with the complaint directly. Complaints can be dealt with quickly, cheaply and satisfactorily by the ‘front-line’ staff that provide the service. You should record and acknowledge the complaint within 5 working days, give your name and contact details, and inform them of the outcome or progress within 15 working days. At the end of stage 1 you will tell complainants that if they remain dissatisfied they can have the complaint reviewed by the Head of Service and update the system.

Stage 2

At the second stage a more senior member of staff – usually the Head of Service- will reconsider the complaint and tell the complainant the outcome or progress. This should be given in another 15 days. At the end of stage 2 the Head of Service will tell complainants that if they remain dissatisfied they can have the complaint reviewed by someone outside the service area and update the system.

Stage 3

At the third stage, the complaint is reviewed by the Chief Executive/ Deputy Chief Executive or someone acting on their behalf and independent of the service department. This final review will be communicated to the complainant within 15 working days and the system updated.
The complainant will still have the right to complain to the Local Government Ombudsman if they are dissatisfied with the way the complaint was dealt with or the outcome. The Ombudsman is unlikely to look at a complaint unless it has already been through the Council’s complaints procedure. Following the procedure will help ensure an audit trail to enable a swift and accurate response from the Council to the ombudsman.

**GOOD PRACTICE**

Officers are allowed discretion as to which stage is used to look at a complaint, taking into account any views expressed by the complainant. It is also good practice to inform complainants of the timescales for the investigation of their complaint if the investigation takes longer than the target times.

If several individuals make the same complaint all complainants will be treated as individuals and will receive an individual reply although the response to the complaint may be standardised. These should be recorded as separate complaints on the system.

The Council has adopted the Ombudsman’s recommendation that councils also adopt a policy on unreasonably persistent complainants: “…those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority’s consideration of their or other people’s complaints.”

Actions and behaviours of unreasonable and unreasonably persistent complainants may include:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from employees.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure’s scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
• Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
• Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
• Adopting a 'scattergun' approach: pursuing a complaint or complaints with the Council and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Standards Board/local police/solicitors/the Ombudsman.
• Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.

Complaints/complainants that fall into this category should be reported by the Head of Service to the Standards and Audit committee after discussions with the relevant lead member. Decisions can then be made regarding appropriate action to be taken. This may include:

• 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) and/or requiring the complainant to communicate only with one named employee.
• Requiring any personal contacts to take place in the presence of a witness.
• Refusing to register and process further complaints about the same matter.
• A designated officer can be identified who will read future correspondence from the complainant.

The complaints system includes remedies: financial or other compensation where things have gone wrong. It is OK to say sorry. Under the Constitution Standards and Audit Committee oversees council procedures for complaint handling and monitoring. It also approves compensation payments where there has been maladministration (there is a Head of Service delegation where the compensation is no more than £500).

REPORTS

In addition to regular monthly/quarterly complaints, comments and compliments monitoring reports being submitted to managers and Corporate
Management Team an Annual Complaints Report will be produced for the Standards and Audit Committee providing details of:

- The number and types of complaints/comments/compliments
- The number of 'justified' complaints ie not service requests, by service area
- The average time taken to respond to a complaint
- Have the Council’s standards been met
- Equalities analysis of complainants
- This information will be enhanced by future surveys of all or a sample of complainants analysed by gender, age, disability, ethnicity in order to identify/combat any potential discrimination
- What changes have made to particular policies, procedures or practices in response to complaints/comments/compliments.

**ADMINISTRATIVE ARRANGEMENTS**

See attached overview flow chart. You will need to update the system so that complaints can be tracked.

The system itself, its administration and collection of quantitative and qualitative data and annual report, the Head of ICT/Support Services

The responsibility for the qualitative aspect of the complaints system and giving guidance to staff on what they should be doing when looking at complaints: ensuring standards are met, challenging staff, and getting improvements, the Monitoring Officer and Deputy Monitoring Officer.

The relevant service area will investigate the actual complaint.

The annual survey of complainants, the Head of Policy and Performance

Where service departments have their own complaints, comments and compliments administrative system they will continue with it provided it does/can:

Meet the principles set out in this report
Follows the three stage procedure
Meets the time standards
Is an IT based system
 Produces the management information set out in Reports
Ensures no double counting of complaints
Logs all contacts from local MPs
These procedures will be incorporated into the Council’s Corporate Quality & Environmental Assessment Manual and included in the Employee Handbook.