

# POLICY DOCUMENT

Name of Policy:	Corporate Complaints Policy
Date policy created:	
Author:	Alan Shaw (Town Clerk)
Date endorsed by Finance & General Purposes Committee:	
Signed: (Chair of Finance & General Purposes)	
Date adopted by Full Council:	
Signed: (Chair of Council)	

## CORPORATE COMPLAINTS POLICY

### 1. Summary

This policy provides the Council's approach for handling corporate complaints.

We want to ensure that when our customers are telling us that they are dissatisfied with a service, we respond in a timely and appropriate way.

Our approach is based on the following principals in line with Local Government and Social Care Ombudsman (LGSCO) guidance: More detail on these can be found in Appendix 1.

- **Accessibility** - We will ensure that the complaints process remains accessible, easy to read and that the information we publish is accurate and up to date.
- **Accountability** - Information is provided in a clear and open way and is properly managed.
- **Timeliness** - We will respond within a reasonable timescale wherever possible.
- **Fairness** - We will be clear about roles and responsibilities and ensure that complaints are dealt with in an open-minded and impartial way. Responses are proportionate, one size does not fit all.

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- **Learning** - We will learn from our mistakes by using them to improve our services.

## 2. Our Approach

Our aim is to ensure that complaints are handled in a consistent, fair and appropriate manner.

We want to ensure that we are clear on what process we will follow and how we will deal with a corporate complaint.

We are also committed to ensure that our staff are fully trained on complaints handling and can deal effectively with customer feedback.

## 3. What is a complaint?

A complaint to us is ‘an expression of dissatisfaction about one of our services’

This could generally, but not exclusively, come under the following categories:

- A complaint about a service.
- A complaint about a member of staff.
- A complaint about a policy.

## 4. Scope

This policy covers all complaints **except**:

- Complaints which have already completed the Council’s internal complaints process
- Complaints that have already been investigated by the LGSCO.
- Where there are existing procedures in place to deal with decisions that have been made (for example, appeals procedures).
- Complaints against Elected Members which are dealt with under a separate procedure ‘Procedure for local assessment of complaints’ Further information is available from the (Durham County Council) Monitoring Officer, County Hall, Durham, DH1 5UL
- All instances involving potential insurance claims will be directed to the Town Clerk.
- When the complaint is about alleged serious misconduct about an employee of the Council this will be dealt with through internal HR procedures, as it would not be appropriate to deal with the issue through the Complaints Policy.
- Where there has been a potential data breach in accordance with the Data Protection Act. There is a separate process outside of the Complaints Policy, which involves full investigation and referral to the Office of the Information Commissioner should the customer remain dissatisfied following an internal review.

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- Where a customer is dissatisfied with the outcome of a Freedom of Information or subject access request, there is a process of internal review and escalation to the Office of the Information Commissioner.
- The Council will not normally investigate complaints made more than 12 months after the first time the issue is reported.

We will accept complaints from anyone who has received a service or anyone acting on behalf of a person or organisation receiving a service from the council. Explicit permission is required where a complaint is being made on behalf of the service user.

This Policy also sets out the steps that the Council will take to address the behaviour of the service users who act in an abusive, unreasonably persistent or vexatious manner and who place unreasonable demands upon staff and the council, this is outlined in Appendix 2

Generally, we will consider anonymous complaints if enough information in the complaint enables us to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further.

Complaints sent directly to the Town Clerk, in addition to complaints from a Councillor or Member of Parliament, will be logged as complaints and will be managed and progressed through the complaints procedure.

### 5. How will we deal with your complaint? (see also Appendix 1)

#### 5.1 Stage 1

Your complaint will be allocated to the relevant team Manager who will investigate the matters you have raised.

You can expect:

- An acknowledgement letting you know who is dealing with your complaint and what will happen next.
- Where the points of the complaint are not clear, or where further information is needed we will contact you
- A full response within 10 working days. Should investigations take longer we will contact you with an update.

If you remain dissatisfied with the outcome at this stage, you can ask that your complaint be considered for further investigation at Stage 2 of the complaints procedure. We expect that you ask for this within 20 working days of the Stage 1 response.

Your escalation to Stage 2 request should let us know your reasons progressing your complaint and your desired outcome.

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If your complaint is in relation to the Town Clerk directly, then the matter will be referred to the Leader of the Council.

### 5.2 Stage 2 - Formal Investigation

When a stage 2 escalation is received, your complaint will be reviewed by the Town Clerk. The aim of this review is to determine that all matters raised in your complaint have been comprehensively and accurately addressed.

If we decide not to investigate, we will write to you explaining why this may be, for example, the matters relate to a particular policy which has been applied correctly and any further investigation would not be of benefit as the outcome would not alter.

You can expect:

- An acknowledgement informing who is dealing with the complaint
- An appropriate response

If the complaint is about the Town Clerk and you dissatisfied with the response from Stage 1, then stage 2 will be a referral to Full Council.

### 5.3 Local Government and Social Care Ombudsman

If you remain dissatisfied with the response you receive at Stage 2, you can refer your complaint to the Local Government and Social Care Ombudsman. Further details can be found at <http://www.lgo.org.uk>

### 5.4 Remedy

Remedies offered may not necessarily be about money. Where fault has been found, we will apologise and try to return you to the position you would have been in before the error. This could be a provision of service, amending a process or procedure, correcting an error or changing a decision. It may be that an apology is a suitable remedy.

### 5.5 Learning from contact

When investigating the complaint, consideration must be made for what potential actions could be taken to prevent a similar complaint from occurring again. Where appropriate, if action(s) are identified before formally responding to the complaint they will be included in the response.

Learning outcomes will be reviewed to understand their impact. Trends will be assessed to identify patterns, investigate potential causes and identify opportunities for service improvement.

## 6. Independent Mediation

Where there are complex issues between two parties, one being the council, it can sometimes be advisable to see independent mediation in order to resolve the complaint.

Advice and guidance should be sought from the Town Clerk prior to entering into any agreements for independent mediation.

## 7. Persistent and vexatious complaints

There will be cases where a complainant will persist even after the conclusion of their complaint. They will often follow multiple channels of contact (e.g. Local Member, MP, CAB etc.)

Whenever a complaint which has been investigated previously, and concluded with a response, the matter needs to be referred to the Town Clerk who will allocate it to a manager not previously involved in the investigation, to look into the complaint. If the material points are the same as the previously determined, then the Town Clerk (or if the complaint is about the Town Clerk, the Leader) will determine the next steps. See **Appendix 2: How to deal with abusive, unreasonable, persistent or vexatious complaints**

## 8. Equality and Diversity

Equality is at the heart of everything the council does and our aim is to treat people fairly with respect and dignity. The policy complies with legal requirements in relation to age, disability, gender, pregnancy and maternity, marriage and civil partnership, gender reassignment, race, religious beliefs and sexual orientation. Reasonable adjustments will be made for people with disabilities.

## 9. Record Keeping and Data Protection

Clear and accurate records of all complaints will be kept for a minimum of 2 years.

## 10. Training for staff

All officers who deal with complaints on behalf of the council will be given training and access to guidance on delivery of the complaints process

## 11. Contact details

If you would like any further advice or would like the document in an alternative format, please contact.

Alan Shaw  
Stanley Civic Hall  
Front Street  
Stanley  
Co Durham  
DH9 0NA  
01207 299109  
[alan.shaw@stanley-tc.gov.uk](mailto:alan.shaw@stanley-tc.gov.uk)

## **APPENDIX 1: Principals to be followed when handling a complaint**

<b>Principal</b>	<b>What we will do</b>
<b>Accessibility</b>	<ul style="list-style-type: none"> <li>- Our complaints policy will be well publicised, accessible and understood by staff.</li> <li>- The guidance and process for feeding back to the council will be simple yet effective and provide a clear and effective process for handling complaints.</li> <li>- Stages in the complaint handling process will be kept to a minimum.</li> <li>- Information on support services will be provided to service users.</li> </ul>
<b>Accountability</b>	<ul style="list-style-type: none"> <li>- Information will be provided in a clear and open way and honest evidence based explanations provided to give reasons for decisions.</li> <li>- We will acknowledge our mistakes and put them right.</li> <li>- We will ensure that service users are informed of their right to complain to the Local Government Ombudsman.</li> </ul>
<b>Timeliness</b>	<ul style="list-style-type: none"> <li>- Wherever possible and within the parameters of what is appropriate, investigating officers from relevant service groupings will try and resolve the complaint at first point of contact</li> <li>- Timescales for responding to the service user will be communicated to the service user, adhered to and monitored</li> <li>- Complaints will be acknowledged within 24 hours and if it is not possible to resolve the complain immediately, timescales will be agreed between the investigating officer and the service user.</li> </ul>
<b>Fairness</b>	<ul style="list-style-type: none"> <li>- Feedback will be received and dealt with in an open-minded and impartial way.</li> <li>- Service users will be treated fairly and their issues taken seriously.</li> <li>- Responses will be proportionate; one size does not fit all.</li> <li>- Roles and responsibilities will be clear both service user and staff.</li> <li>- Service users will be assured that making a complaint will not adversely affect their future dealings with the council.</li> </ul>
<b>Learning</b>	<ul style="list-style-type: none"> <li>- Feedback will be used to show how our performance is perceived by service users and how it can be improved. As a council we will have a feedback look into service areas.</li> <li>- In order to learn, there will be ongoing monitoring to ensure that timescales and satisfaction levels are met</li> </ul>

### **APPENDIX 2: How we deal with abusive, unreasonable, persistent or vexatious complaints.**

1. Dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have a significant resource issues for the council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.
2. When this occurs both statutory and corporate complainants will be subject to the following.
3. We will not normally limit the contact which complainants have with the council employees. 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 service users may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.
4. We do not expect staff to tolerate abusive, vexations or unacceptable persistent behaviour by complainants or any service users. Where a person's behaviour threatens the immediate safety and welfare of staff, a decision will be taken to place that person on the councils Potentially Violent Persons Register (PVPR). Abusive, vexatious or unacceptable persistent behaviour in the context of the PVPR is defined as conscious, deliberate or malicious acts of violent, aggressive or abusive behaviour towards council employees including physical assault. The following behaviours will not be tolerated and apply to all of the access channels including: telephone, face to face, email, web form or social media.
  - Using abusive or mould language
  - Multiple contact to the service
  - Physical assault
5. Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead someone being regraded as vexatious or an unreasonably persistent complainant.
6. Even where an applicant displays abusive, vexatious or unacceptable persistent behaviour they can still make requests for information. These will be assessed according to the relevant access to information legislation. There are grounds within the Freedom of Information Act to declare a request as vexatious. However this is a separate process managed by the Town Clerk.
7. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent. The principles outlined in paragraph 10 must be applied.

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### **Abusive, unreasonably persistent and/or vexatious definitions**

8. We define abusive, vexatious or unreasonably persistent complainants as those complainants who, because of the frequency or nature of their contacts with the council, hinder our consideration of their or other people's complaints. The description 'abusive', 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant. Once complainants have exhausted the council's complaints procedure they can pursue their complaint through the Local Government Ombudsman or through a legal challenge.
9. Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.
10. Features of an abusive, unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, one single feature on its own does not necessarily mean the person will be considered as being in this category):

### **An Abusive, unreasonably persistent and /or vexatious complaint may:**

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious);
- Refuse to specify the grounds for complaint despite offers of assistance;
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure;
- Refuse to accept that issues are not within the power of the council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation);
- Insist on the complaints being dealt with in ways which are incompatible with the complaints or with good practice (insisting for instance, that there must not be any written record of the complaint);
- Make what appears to be groundless complaints about staff dealing with the complaints, and seek to have the dismissed or replaced;
- Make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints;
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (and example of this could be the complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes or telephone calls or emails);
- Harass or verbally abuse or otherwise see to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive language;
- Change the substance or basis of the complaint with reasonable justification whilst the complaint is being addressed;
- Deny statements he or she has made at an earlier stage in the complaints process;

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- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure had been concluded, and insist that minor differences make a 'new' complaints which should be put through the complaints procedure;
- Persistently approach the council through different routes about the same issue;
- Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons;
- Refuse to accept documented evidence as factual;
- Complain about or challenge an issue based on a historic (more than year old) and irreversible decision or incident;
- Have knowingly recorded meeting or face to face/telephone conversations without prior knowledge or consent of the parties involved.

### **Imposing restrictions**

11. We will ensure that the complaint is being, or has been, investigated properly according to the complaint procedure
12. In the first instance the service manager will consult with the Town Clerk and issue a warning to the complainant. The service manager will contact the complainant in writing, by phone or face to face to explain why this behaviour is causing concern, and ask them to change this behaviour. If a complainant has a disability, reasonable adjustments may be necessary. The service manager will explain what action will be taken if the behaviour fails to change. All telephone or face to face conversations will be carefully documented.
13. If the abusive, vexatious, or persistent unacceptable behaviour continues, the Town Clerk will issue a reminder letter to the complainant advising that the way they should contact the council will be restricted in future. The Town Clerk will make this decision and inform the complainant in writing of what procedures have been put in place and for what period.
14. Any restriction imposed on the complaints contact with the council will be appropriate and proportionate and the complainant will be advised of the period of time the restrictions are in place for. In most cases restrictions will apply between 3 or 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis. Any entry onto the Potentially Violent Persons Register (PVPR) will be for 12 months, any repeat instance of violence or aggression within the PVPR timeframe will result in a reset of the PVPR timeframe/entry, effectively resetting the entry for a further 12 months.
15. Restrictions will be tailored to deal with the individual circumstances of the complaint and may include:
  - Banning the complainant from making contact by telephone except through a third party e.g. councillor/friend acting on their behalf;

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- Banning the complainant from using some council buildings to access services;
  - Banning the complainant from accessing any council building except by appointment agreed by relevant service manager;
  - Requiring contact to take place with one monitored single point of contact;
  - Restricting telephone calls to specified days/times/duration
  - Letting the complainant know that we will not reply to or acknowledge any further contact on the specific topic of the complaint (in this case, a designated member of staff should be identified to read any future correspondence)
  - In extreme circumstances, the council may involve the Police. Where this is the case, the complainant will be advised that this is the course of action that the council is taking and why. Examples include:
    - Abusive and threatening behaviour
    - Physical abuse
    - Refusal to leave the premises
16. When the decision has been taken to apply this policy to a complainant, the Town Clerk will contact the complainant in writing (and/or as appropriate) to explain;
- Why we have taken the decision
  - What action we are taking
  - The duration of that action
  - The review process of this policy; and
  - The right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as an abusive, vexatious/persistent complainant.
17. The Town Clerk will enclose copy of this policy in the letter to the complainant.
18. Where a complainant continues to behave in a way which is unacceptable, the Town Clerk may decide to cut off all contact with the complainant and stop any investigation into his or her complaint.