



# **Compliments, Comments and Complaints Policy**

April 2024

## **Equalities Statement**

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

### **Access for All statement**

This document is available in a clear and accessible format for all residents. You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need Wi-Fi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**CONTROL SHEET FOR Compliments, Comments and Complaints Policy**

<b>Policy Details</b>	<b>Comments / Confirmation (To be updated as the document progresses)</b>
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## 1. Introduction

1.1 This policy reflects Bolsover District Council's (BDC) commitment to valuing compliments, comments and complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery using effective procedures and by creating a positive complaints culture and to conduct thorough, impartial and fair investigation of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

1.2 This policy is intended to represent a practical means by which BDC can demonstrate its determination to manage the compliments, comments and complaints process effectively for the benefit of the customer and BDC.

1.3 The policy is to enable Officers to work within the standards and criteria which will ensure a consistent approach for customers of the Council.

1.4 It is important that the policy is 'owned' by Elected Members as their role as leaders in the community brings them into frequent contact with residents who make compliments, comments and complaints to the Council.

1.5 The policy determines a standardised and centralised approach to handling complaints which follows the statutory requirements of the Local Government and Social Care Ombudsman (LGSCO) Complaints Handling Code and the Housing Ombudsman Complaints Handling Code 2024. The policy aims to help us respond to complaints effectively, fairly and quickly. Complaints are not viewed as negative feedback and are instead used to identify changes needed and drive service improvements. It demonstrates a clear escalation process and ensures that complaints are investigated by an Officer other than those involved in the original complaint, avoiding any conflicts of interest.

1.6 This policy sets out the framework for handling compliments, comments and complaints that:

- Sets out a definition for compliments, comments and complaints and service requests that can be clearly communicated to both customers and employees.
- Establishes clear minimum service standards that are capable of being monitored and reported.
- Is responsive to the needs of our customers.
- Is transparent, accessible and easy to understand for both employees and customers.
- Reflects best practice.
- Helps the Council to learn from customer feedback to improve services.

It does not include the operational aspects for handling compliments, comments and complaints, this will be covered in the supporting procedure.

## 2. Scope

2.1 This policy applies to all Council employees.

2.2 The policy applies to all customers of the Council, with the exception of:

- Derbyshire Building Control Partnership, covering Derbyshire.
- The Internal Audit Consortium hosted by Chesterfield Borough Council.

These organisations operate their own complaints policies and procedures.

Organisations contracted to provide any services, for example waste services, debt collection services, emergency repairs services etc., on behalf of the Council will be required to comply with this policy. This includes recording and responding to complaints, providing Council Officers with information as requested and providing assistance in connection with further investigations as appropriate. It will be the responsibility of each Manager to ensure that this is agreed as part of contractual arrangements and included in the contract.

Certain types of complaints fall outside the scope of this policy, these are listed under section 4.8.

## 3. Principles of the Policy

3.1 For the purpose of this policy the following definitions will be used:

A **compliment** is an expression of satisfaction concerning a function or service provided by the Council.

A **comment** is a suggestion or idea about how a function or service provided by the Council could be improved.

A **complaint** is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.

A **service request** is a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision.

3.2 Anyone who receives, requests or is affected by our services can make a compliment, comment or complaint. If a customer is unable or reluctant to make a complaint on their own, we will accept complaints brought by third parties as long as the customer has given their express personal consent. All satisfaction surveys give details on how an individual may complain.

3.3 The Council's approach to receiving compliments, comments and complaints is designed to be as inclusive as possible. Compliments, comments and complaints can be raised through multiple channels and with any member of staff. Although the policy has been developed to meet our statutory requirements, an Equality Impact Assessment has been carried out on the procedure, to ensure there are no barriers for anyone making a compliment, comment or

complaint because of race, colour, ethnicity or national origins, religion and belief, gender, sexual orientation or marital status, disability or age. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the procedure. We will make reasonable adjustments to our service and provide appropriate support to those customers who require it, including providing a response to customers in the format they require, for instance, large print, audio recordings etc. Records are kept for any reasonable adjustments which have been agreed. For Housing related complaints, a record is also kept for any disabilities an individual has disclosed. All agreed reasonable adjustments are kept under active review.

3.4 Complaints give us valuable information we can use to improve customer satisfaction. Our complaints handling procedure will enable us to address a customer's dissatisfaction and may also prevent the same problems that led to the complaint from happening again. For our staff, compliments, comments and complaints provide a first-hand account of the customer's view and experience and can highlight concerns we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong and can also help us continuously improve our services.

3.5 The procedure supporting this policy will ensure that the Council is able to gain meaningful information from the analysis of issues raised through compliments, comments and complaints. Information for monitoring purposes will be monitored and reported to the appropriate Officer and Elected Member groups and customers on a regular basis.

3.6 The effectiveness of the policy and its application will be reviewed through internal and external satisfaction surveys and reported to the appropriate Officer and Elected Member groups. Liaison with other local authorities and the Ombudsman Services will help ensure that current best practice continues to be reflected within the policy and supporting procedures.

3.7 We reserve the right to deal with service requests initially before they are reported as complaints. Where a complaint is made following a service request the individual will be asked if they wish to then make a complaint.

#### **4. Statement**

##### **FRAMEWORK FOR MANAGING COMPLIMENTS, COMMENTS AND COMPLAINTS**

A form has been developed to capture compliments, comments and complaints, although they can also be submitted by other means.

##### **COMPLIMENTS**

A **compliment** is an expression of satisfaction concerning a function or service provided by the Council.

In addition to the form, customers may also make their compliment verbally or in writing by letter, e-mail or Social Media (Twitter, Instagram or YouTube).

4.1 A central record of written compliments will be maintained by the Customer Standards and Complaints Officer (CSCO) for the management of compliments for monitoring purposes.

4.2 Whilst pleasing to receive, compliments will not receive an acknowledgement in writing. An electronic copy of the compliment will be forwarded by the CSCO to the relevant departmental contact for their information and use, for example, team meetings, appraisals, service planning.

4.3 Information on written compliments will be reported on a regular basis for monitoring and review purposes.

#### The compliments handling process

Compliment	
<b>Description</b>	Satisfaction concerning a function or service provided by the Council verbally or in writing
<b>Who by</b>	A customer to any member of staff or Elected Member
<b>Action</b>	To be passed to the Customer Standards and Complaints Officer for the management of complaints for administration, monitoring and reporting purposes

#### COMMENTS

A **comment** is a suggestion or idea about how a function or service provided by the Council could be improved.

In addition to the form, customers may also make their comment in writing, by letter / e-mail or Social Media (Twitter, Instagram or YouTube).

4.4 A central record of written comments will be maintained by the CSCO responsible for the management of complaints for monitoring purposes.

4.5 An electronic copy of the comment will be forwarded by the CSCO responsible for the management of complaints to the relevant departmental contact for their information and use, for example, team meetings, appraisals, service planning.

4.6 All written comments will receive a written acknowledgement within five working days thanking the customer and advising that their suggestion has been forwarded to the relevant department for their information and consideration. The department may choose to contact the customer further with feedback, if appropriate.

4.7 Information on written comments will be reported on a regular basis for monitoring and review purposes.

#### The comments handling process

Comment	
<b>Description</b>	A suggestion or idea about how a function or service provided by the Council could be improved
<b>Who by</b>	A customer to any member of staff



<b>Action</b>	To be passed to the Customer Standards and Complaints Officer responsible for the management of complaints for administration, monitoring and reporting purposes
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## COMPLAINTS

A **complaint** is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.

An individual does not need to use the word 'complaint' for it to be treated as such. Where a resident expresses dissatisfaction the organisation will give them a choice to make a complaint.

Complaints must be accepted unless there are valid reasons not to do so. If we decide to not accept a complaint evidence and reasoning will be given and each case will be considered on its own merits. We will consider the individual circumstances of each complaint.

Complaints will be accepted if they are referred to us within 12 months of the issue occurring, or the individual becoming aware of the issue. We reserve the right to apply discretion to complaints made outside the time limit where there are good reasons to do so.

In addition to the form, customers may make their complaint verbally or in writing, by letter or email. Customers wishing to make a complaint via Social Media (Twitter, Instagram or YouTube) are signposted to the electronic complaint form, as most complaints received via social media are unstructured and contain too little detail to enable them to be processed fully.

A complaint may relate to:

- Failure to provide a service
- Inadequate standard of service
- Treatment by or attitude of a member of staff
- Disagreement with the way a decision has been administered, though not the decision itself, where the customer cannot use another procedure (for example an appeal) to resolve the matter.
- The organisation's failure to follow the appropriate administrative process.

4.8 Certain types of complaint fall outside of the scope of this policy and need to be dealt with through other mechanisms, these include:

- (1) Grievances by existing, or former, employees about their employment. These need to be referred to the Human Resources Department to consider under their policies and procedures.
- (2) Issues for which statutory appeal bodies or tribunals have been established, for example, The Tribunals Service (for Benefit appeals), The Planning Inspectorate (for Planning appeals).

- (3) Complaints which amount to a disagreement with the Council about its decision rather than the way the decision has been administered (e.g., the level of the Council Tax, allocating council properties in accordance with its policy).
- (4) Complaints regarding a decision made by the Council when exercising its regulatory powers (e.g., licensing, serving notices) or undertaking its statutory duties (e.g., making a decision on a homelessness claim) unless the complaint relates to the way the matter has been administered.
- (5) Matters, which are or could reasonably be expected to be the subject of court or tribunal proceedings.
- (6) Complaints which amount to a disagreement with or refusal to accept a rule of law which the Council is applying.
- (7) Complaints about Elected Member's conduct. These are handled by the Monitoring Officer.
- (8) Complaints which amount to a request for service e.g., noise nuisance or fly tipping or missed bin collections which will be classified as service requests, which is a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision. Unless it relates to how the Council is administering the request for service.
- (9) Complaints which constitute an allegation of fraud and/or corruption will need to be dealt with under the Whistle Blowers Policy, these are handled by the Monitoring Officer.
- (10) Complaints which constitute a hate incident will need to be dealt with under the procedures covering the reporting of hate incidents, please refer to the Council's Hate Crime and Incident Reporting and Guidance.
- (11) Complaints naming officers need to be assessed by the CSCO for action and may be directed to the Human Resources Department to consider whether they need to be dealt with under their procedures or dealt with within the complaints procedure.
- (12) Dissatisfaction with the organisation's policy. Although the Council recognises that service users make complaints that are disagreements with local or national policies, these will be dealt with as 'comments'.
- (13) Complaints which have been investigated and been through the complaints system fully.
- (14) Complaints which are being or have been dealt with by the Local Government & Social Care Ombudsman or Housing Ombudsman.
- (15) Complaints which amount to a petition. Whilst the Council welcomes petitions, these are handled by the Council's Governance Section under the Council's Petition Schemes.
- (16) Complaints about the conduct of an election, which is the responsibility of the Returning Officer, rather than an administrative function of the Council. District Council electoral registration will fall within scope of the policy. Complaints about these need to be assessed by the CSCO and the Monitoring Officer for relevant action.

- (17) Compensation claims. These are handled by the Council's Finance Department and the Council's Insurers, however complaints about how the claim has been handled by staff will fall within the scope of the policy.
- (18) The issue giving rise to the complaint occurred over twelve months ago or the complainant has been aware of the issue for over twelve months. The Council will consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.
- (19) Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.

4.9 The Council will adopt a two stage complaint process as follows:

Stage One – Response within <b>10 working days (maximum 10 day extension)</b>
Stage Two – Response within <b>20 working days (maximum 20 day extension)</b>

Complaints about responses to Freedom of Information requests will be reviewed in line with stage Two of the complaint process - **20 working days**.

MP Enquiries which meet the definition of a complaint, will be asked to confirm whether they wish to raise a complaint. MP's will be asked whether they wish to represent the complainant through the process (consent required) or if they are raising the concern on the individual's behalf. They can be copied into the response, if requested.

Both Stage One and Stage Two complaints must be **acknowledged and logged within 5 working days** of the complaint being received. This acknowledgement will contain the 'complaint definition' where we will set out our understanding of the complaint, the outcomes we believe the individual is seeking. Clarification will be sought for any aspect of the complaint which is unclear and we will clarify and be clear on what aspects we are and are not responsible for.

Stage One complaints will be responded to within 10 working days from the date the complaint has been acknowledged. Stage Two complaints will be responded to within 20 working days from the date the complaint has been acknowledged.

Extension to timescales are decided depending on the complexity of the complaint, individuals are informed of any extensions as well as an expected timescale for a response. Extensions must be no more than 10 working days for Stage One or 20 working days for Stage Two without good reason and the reason(s) must be clearly explained to the individual. When an individual is informed about an extension, they will be provided with the contact details of the relevant Ombudsman (LGSCO or HO).

An individual must escalate a complaint to Stage Two within 20 working days of the Stage One response being sent. The Council will consider the individual circumstances of each complaint and apply discretion to complaints not escalated within this period where there are good reasons to do so.

4.10 The process, managed centrally by the CSCO, will provide a clear complaints system for both customers and employees. As well as providing clarity, it will ensure that all written complaints are handled by one department ensuring a consistent approach to customer service and efficient working practices through the removal of duplication e.g., customer sending in multiple letters regarding the same complaint and/or customer receiving more than one letter from the Council as their complaint related to more than one department.

### The complaints handling process

The process aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff. It provides two opportunities to resolve complaints internally:

- Stage One
- Stage Two

Stage	Stage One	Stage Two	Ombudsman
	<b>Internal</b>		<b>External</b>
<b>Description</b>	Initial complaint.	Complaint - for issues that have not been resolved at stage one or require an internal review or for a Freedom of Information (FOI) Stage two response. This may be a review on the adequacy of the stage one response as well as any new and relevant information not previously considered.	Written complaint to Ombudsman - for issues that remain unresolved by the Council.
<b>Who by</b>	By Departmental Managers or the Designated Officer for complaints within the Department (using the response template provided and a response to be sent to the complainant by the CSCO.	By the Departmental Manager or Assistant/Service Director and/or reviewed by an Assistant/Service Director or a Senior Officer. FOI Stage two complaints will be reviewed by the Information, Engagement and Performance Manager or representative responsible for this function. Complaints will not be responded to by the same person who considered the complaint at Stage one. Response to be sent by the CSCO.	By the CSCO /Customer Service Manager and reviewed by the Assistant/Service Director.

<b>Action</b>	A response given to the complainant addressing all the issues within the complaint within <b>10 working days</b> . Maximum extension of 10 working days without good reason.	A written response* to be sent to the complainant addressing all the issues within the complaint within <b>20 working days</b> . Maximum extension of 20 working days without good reason.	A written response to be sent to the Ombudsman addressing all the issues within the complaint within the <b>Ombudsman's statutory timescale</b> .
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\* Please note it is **mandatory** for responses to refer customers to the Local Government & Social Care Ombudsman/ Housing Ombudsman's Service for those wishing to escalate their complaint.

## Responses

Complaint responses must be sent to the individual when the answer to the complaint is known and not when outstanding actions required to address the complaint are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the individual.

All points raised in the complaint definition must be raised in the response providing clear reasons for any decisions, referencing relevant policies, law and good practice where appropriate.

If additional complaints are raised during an investigation, these must be incorporated into the Stage One response if they are related, and the Stage One response has not been issued. Where the response has been issued, the new issues are unrelated to the issues being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.

The following will be confirmed if a response is given in writing to the individuals at completion of each below stage:

- the complaint stage
- the complaint definition
- the decision of the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions; and
- details on how to escalate the matter to Stage Two if the individual is not satisfied with the response (Stage One) OR details of how to escalate the matter to the relevant ombudsman service (LGSCO/HO) if the individual remains dissatisfied (Stage Two).

## Remedies for a complaint

4.11 There are two important reasons for having an effective complaints system – to provide a remedy and to improve services.

It is important to ascertain early on in the complaints process what outcome the customer is looking for i.e., what would be a suitable remedy. Whilst the proposed remedy may not always be reasonable and/or achievable it ensures that the Council knows early on what would be a

satisfactory outcome for the customer. (This is included in the compliments, comments and complaints form).

Any remedy offered must reflect the impact on the individual as a result of any fault identified. Remedies must be clearly set out advising what will happen and by when, in agreement with the individual where appropriate. Any proposed remedy should be followed through to completion. Where a proposed remedy cannot be delivered, the individual will be informed of reasons for this, provided with details of any alternative remedy and reminded of their right to complaint to the Ombudsman.

Remedies can include:

- An apology which would normally be appropriate and adequate, but not in all circumstances. Other remedies will be considered where appropriate in addition to an apology.
- An explanation as to why a situation arose and to help the customer understand.
- An assurance that the same thing will not happen again (and monitored to make sure that it does not).
- Action that can be taken to put things right and where appropriate a change of procedure will be implemented to prevent further difficulties of a similar kind either for the individual customer or for customers generally. Any outstanding actions will be tracked and actioned promptly with appropriate updates provided to the individual.
- Financial compensation should always be an option, even though it may only be relevant in a few cases. Financial compensation should not be seen as an alternative to putting things right.
- Changing policies, procedures or practices.
- Reconsidering or changing a decision.

(1) The guiding principle must be that as far as possible the customer is put in the position that he/she would have been in had things not gone wrong.

(2) Customers need to know what remedies to a complaint are available and this is covered generally in publicity material for the compliments, comments and complaints system.

(3) Where a complaint is found to be justified after investigation, at either stage, the process which has caused the complaint needs to be reviewed by the relevant officer.

(4) For Stage One complaints a consideration of appropriate remedies will be requested from the relevant departmental contact as part of the complaint investigation process.

(5) For Stage Two complaints a consideration of appropriate remedies will be undertaken by the Customer Service Manager or CSCO, with the relevant Assistant Director, or equivalent, with a recommendation to the Chief Executive Officer for approval.

(6) Section 92 of the Local Government Act 2000 confirms that Councils are empowered to remedy injustice arising from maladministration where the complaint is made only to the Council and not to the Local Government & Social Care Ombudsman.

(7) In cases where the Council's own investigations find maladministration and injustice, this will be reported in the annual report to the Executive and in cases where the Council's own investigations recommend a compensation payment as a remedy to a complaint then a report recommending this action will need to be taken to the Executive. Any financial recommendations requiring a decision will be made by the Monitoring Officer following consultation with the Head of Paid Service Leader and Deputy Leader up to a maximum of £5,000 per recommendation. A report for information will be presented to the Standards Committee annually. For amounts in excess of £5,000 a decision will be required by the Executive.

### **The Role of the Ombudsman**

4.12 The Local Government & Social Care Ombudsman (LGSCO) was created by Part III of the Local Government Act 1974 to provide independent, impartial and prompt investigation and resolution of complaints of injustice caused through maladministration. The Council is within the jurisdiction of the Commission for Local Administration, which is also known as the Local Government & Social Care Ombudsman.

4.13 Additionally, Bolsover District Council is within the jurisdiction of the Housing Ombudsman , which was set up by law on 1st April 2013 and which covers all housing associations and local authorities. The Housing Ombudsman considers complaints about leasehold services, moving to a property (transfer applications that are outside Housing Act 1996 Part 6), rent and service charges, occupancy rights, tenant behaviour and estate management.

4.14 This policy follows both the Housing Ombudsman Complaints Handling Code 2024 and the Local Government & Social Care Ombudsman (LGSCO) Complaints Handling Code 2024; parts of this policy follow the principals set out in these Codes. Both Ombudsman's have a duty to monitor our compliance with the code of practice it has issued. Where an Ombudsman finds an organisation has deviated from the complaint handling code in policy or practice it may use its powers to put matters right and ensure compliance with the complaint handling code. If an organisation does not comply with the complaint handling code it must provide a detailed explanation for non-compliance in its self-assessment. Section 5.5 sets out how the Ombudsman intends to monitor compliance of the complaint handling codes.

4.15 In most cases, before the LGSCO and Housing Ombudsman will investigate a complaint, the Council will be given an opportunity to respond to the complaint in accordance with its procedures and provide its final response.

4.16 Customers choosing to make a complaint to either Ombudsman, after going through the Council's complaint process, will be investigated as an 'ordinary' complaint. A copy of the complaint will also be sent to the CSCO. All correspondence to and from the LGSCO or Housing

Ombudsman will be handled by the CSCO or the Customer Standards and Complaints Manager.

4.17 The Ombudsman will notify the Council in writing of its findings when it has concluded its investigation. Any financial recommendations requiring a decision will be made by the Monitoring Officer under delegated powers following consultation with the Head of Paid Service, the Leader and Deputy Leader up to a maximum of £5,000 per recommendation. A report for information will be presented to the Standards Committee annually. For amounts in excess of £5,000 a decision will be required by the Executive.

4.18 Where the Ombudsman records a decision of maladministration and/or injustice then the necessary arrangements will be made in accordance with the Ombudsman's instructions.

4.19 The Monitoring Officer has a duty to make a statutory report to the Executive annually in respect of maladministration where the Ombudsman has investigated and found maladministration and injustice on the part of the authority.

4.20 The definition of 'maladministration' is very wide and can include:

- Delay
- Incorrect action or failure to take any action
- Failure to follow procedures or the law
- Failure to provide information
- Inadequate record-keeping
- Failure to investigate
- Failure to reply
- Misleading or inaccurate statements
- Inadequate liaison
- Inadequate consultation
- Broken promises

4.21 There is no fixed definition of injustice but it can include:

- Hurt feelings, distress, worry, or inconvenience
- Loss of right or amenity
- Not receiving a service
- Financial loss or unnecessary expense
- Time and trouble in pursuing a justified complaint

4.22 In cases of maladministration the Council should try to identify all those affected and offer a suitable remedy. There may be a few cases where identifying others who may have suffered would be such an enormous task that it would affect the Council's day-to-day operation or the Council's ability to put right a failure that was the main cause of the maladministration. In these cases, it would be better to improve the service and to stop the maladministration happening again.

4.23 The Council should always consider whether maladministration or failing to meet a standard has caused worry and distress to the service user and whether this needs to be taken into account when deciding on the right remedy. The Council should also provide a remedy if the complaint has been handled in a way that is itself maladministration.



4.24 Supporting procedures will explain fully the operational matters concerning complaints from the Ombudsman.

### **The Regulators Code and complaints about local authority regulatory services**

4.25 The Regulators Code came into force on 6<sup>th</sup> April 2014. Local authorities and fire authorities are under a statutory duty to have regard to the Code in developing the principles and policies which guide their regulatory activities.

4.26 The Regulator's Code aims to improve the way regulation is delivered at the front line. It sets out a clear framework for transparent and accountable regulatory delivery and establishes clear principles for how local authorities should interact with those they are regulating. The Code is underpinned by the statutory principles of good regulation, which provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.

4.27 The Better Regulation Delivery Office (BRDO) and Local Government & Social Care Ombudsman are encouraging those delivering local regulatory services and managing corporate complaints to co-operate in ensuring their processes are transparent and easier for businesses. Guidelines in the Regulator's Code state that Regulators should:

- carry out their activities in a way that supports those they regulate to comply and grow.
- provide simple and straightforward ways to engage with those they regulate and hear their views.
- base their regulatory activities on risk.
- share information about compliance and risk.
- ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
- ensure that their approach to their regulatory activities is transparent.

### **Anonymous Complaints**

4.28 Some customers may elect to remain anonymous when reporting complaints. For verbal complaint reporting (Stage One) the employee dealing with the telephone call or face-to-face contact needs to explain the restrictions this may cause in trying to resolve the matter as we will be unable to provide feedback, provide a service or request further information at a later date.

4.29 Anonymous complaints received in writing (Stage One) will be managed centrally by the CSCO and sent to the Departmental contact to administer.

## **5. Learning from Feedback, Training for Employees and Reporting to the Ombudsman**

5.1 It is important that customers and other stakeholders are aware of the compliments, comments and complaints process and how to use it. Senior management will review the information gathered from complaints regularly and consider whether our services could be improved or internal policies and procedures updated.

We will:

- Use complaints data to identify the root cause of complaints.
- Take action to reduce the risk of recurrence.
- Record the details of corrective action in the complaints file, and
- Review complaints performance reports to improve service delivery.

Where we have identified the need for service improvement:

- The action needed to improve services must be authorised.
- An officer should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken.
- A target date will be set for the action to be taken.
- The designated individual must follow up to ensure that the action is taken within the agreed timescale.
- Performance in the service area should be monitored to ensure that the issue has been resolved.
- We will ensure that staff learn from complaints.

#### 5.2 Publicity and complaints performance information

- Poster for display in Council buildings
- Compliments, comments and complaints forms
- Council's publication
- Information on the Council's website
- Information in service booklets.

We will also report on our performance in handling complaints regularly and publish this information on the Council's website.

5.3 It is also essential that the Council knows whether the compliments, comments and complaints system, especially the complaints element, is working. The CSCO will undertake customer satisfaction surveys to establish the level of satisfaction.

5.4 It is also important that employees receive training regarding the procedure and ongoing training and development is available. Some people will need more support and employees will need to offer assistance in accordance with the Customer Service – Code of Practice and Standards. Maintaining confidentiality is important in complaints handling. It includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind Data Protection legislation/ General Data Protection Regulations, as well as internal policies on confidentiality and the use of customers' information.

5.5 Landlords must produce an annual complaints performance and service improvement report for scrutiny and challenge for the Housing Ombudsman, which must include:

- a) An annual self-assessment against the Housing Ombudsman Complaint Handling Code.
- b) A qualitative and quantitative analysis of the complaint handling performance.
- c) Any findings of non-compliance with this Code by the Ombudsman.
- d) Service improvements made as a result of learning from complaints.
- e) Any annual report about our performance from the Ombudsman.

- f) Any other relevant reports or publications produced by the Ombudsman in relation to our work.

The Annual Complaints Performance and Service Improvement Report will be reported to our governing body and published on the section of our website relating to complaints. The governing bodies response to the report will be published alongside this.

## ~~6. Habitual or Vexatious Complainants~~

~~6.1 For the purpose of this policy the following definition will be used:~~

~~The repeated and/or obsessive pursuit of~~

- ~~• Unreasonable complaints and/or unrealistic outcomes.~~
- ~~• Reasonable complaints in an unreasonable manner.~~

~~6.2 Where complaints have been identified as habitual or vexatious in accordance with the criteria below, the Assistant Director for complaints management or their representative, following discussions with the relevant service Director/Assistant Director, will take a report to the Senior Leadership Team (SLT) to seek agreement to treat the complainant as a habitual or vexatious complainant and for an appropriate course of action to be taken for an appropriate length of time, usually twelve months but this is not prescriptive, before being reviewed. Operational aspects for handling habitual or vexatious complainants will be covered in the supporting procedures.~~

~~6.3 Where individuals, or individuals acting on behalf of another individual or group, are submitting multiple or lengthy requests for information or complaints in relation to the same subject matter to the Council, the Assistant Director with responsibility for Customer Services will have the option to take a report to SLT using the evidence collated from all the individuals involved, in order to prevent duplicating or prolonging the evidence gathering process.~~

~~6.4 The Assistant Director of Customer Services or their representative will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken.~~

~~6.5 Senior Managers will need to inform and seek advice from the Customer Service Manager or ESCO regarding potential habitual or vexatious complaints, which have not progressed to a Stage Two complaint and as such fall outside the control of, and therefore knowledge of, the Customer Service department.~~

~~6.6 Once a complainant has been determined to be habitual or vexatious, their status will be kept under review and monitored by the Assistant Director or their representative, with reports being taken to SLT as required. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.~~

~~6.7 Our experience has shown that the behaviour of some customers considered vexatious can fluctuate greatly. Following any SLT decision that has determined a customer as habitual or vexatious, SLT may confer delegated powers to the Assistant Director responsible for complaints management or their representative, in cases to amend the conditions in the interest of the service where prompt action may be required at short notice. In such cases the Assistant Director~~

responsible for complaints management or their representative will put monitoring measures in place and make a decision in line with this policy.

6.8 Once the 'appropriate length of time' has expired, normal contact with the customer can be resumed. However, should the customer revert to their previous behaviour, the Council reserves the right to determine their behaviour as vexatious again without the need for further monitoring or submission of a report to SLT.

### **Criteria for Determining Habitual or Vexatious Complainants**

6.9 Complainants or anyone deemed to be acting on their behalf may be considered to be vexatious or persistent if one or more of the following applies where previous or current contact with them shows that they meet two or more of the following criteria:

Where complainants are:

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to co-operate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a late stage.
- Raising numerous, detailed but unimportant questions; insisting that they are answered.
- Acting individually or on behalf of a group, submitting numerous or lengthy requests for information or complaints in relation to the same subject or where the Council has received similar complaints or requests for information from the complainant themselves previously on the same issue.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach, pursuing parallel complaints on the same issue with a variety of other organisations.
- Making excessive demands on the time and resources of staff with lengthy telephone calls, emails to numerous Council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/ variations that the complainant insists make these 'new' complaints.
- Refusing to accept the decision, repeatedly arguing points with no new evidence.
- Harassing verbally or otherwise seeking to intimidate employees dealing with their complaint, including the use of foul, abusive or racist language, which will be reported to the appropriate authority.
- Threatening or using physical violence towards employees. The Employee Protection Guidance (available on the Council's Intranet) provides guidance and procedures on how to report such incidents.
- Insisting on pursuing unjustified complaints and/or unrealistic outcomes to legitimate complaints or taking actions that are out of proportion to the nature of the complaint, even when the complaints procedure has been exhausted.

- Demonstrating behaviour which has a significant and disproportionate adverse effect on the Council's resources.

### The Habitual/ Vexatious complaints handling process Options for Dealing with Habitual or Vexatious Complainants

6.10 The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint process is ongoing or completed.

1. A letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.

2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by e-mail or any combination of these, provided that one form of contact is maintained. This may also mean that only one named Officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.

3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Council does not intend to engage in further correspondence dealing with the complaint.

4. Inform the complainant that in extreme circumstances the Council will seek legal advice on habitual or vexatious complaints and this may lead to legal action being taken against the complainant as the Council has a duty to protect both the Council's reputation and its employees.

5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered habitual and/or vexatious, while seeking advice or guidance from its solicitor or other relevant agencies, such as the Local Government & Social Care Ombudsman or External Auditor.

6. In cases of threats of verbal or physical abuse, always recommend the complainant is added to the Employee Protection Register.

The habitual/ vexatious complaint handling process

Habitual/  
Vexatious  
complaint

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<b>Description</b>	<del>Multiple complaints or requests for information about the same* issue (s) which have previously been investigated or answered fully</del>
<b>Who by</b>	<del>A customer to any member of staff</del>
<b>Action</b>	<del>To be passed to the CSCO for administration, monitoring and reporting purposes</del>

~~\*Please note: Care must be taken, however, not to disregard new issues which are significantly different from the original complaint as they need to be addressed as separate complaints.~~

**67. Responsibility for Implementation**

**The Assistant Director responsible for complaints management**

67.1 The Assistant Director responsible for complaints management will oversee the implementation of this policy. The Assistant Director responsible for complaints management, with support from the Customer Service Manager who is responsible for establishing systems and procedures that support the implementation of this policy and for managing the compliments, comments and complaints system or the CSCO who is responsible for the administration of the compliments, comments and complaints system.

The Assistant Director responsible for complaints management will in some cases, where it is considered by SLT be given delegated powers to amend conditions associated with 'vexatiousness' if it is in the interest of the service and where prompt action may be required at short notice.

**Assistant Directors / Service Directors**

76.2 Responsible for reviewing Stage Two complaints, they should be satisfied that the investigation is complete and the response addresses all aspects of the complaint.

**The Monitoring Officer**

67.3 The Monitoring Officer has overall responsibility for the policy and has a duty to make a statutory report periodically, at least once a year, to the relevant Standards Committee in respect of maladministration where the Local Government & Social Care Ombudsman has investigated and found maladministration and injustice on the part of the authority.

**Senior Managers and Departmental Complaints Contacts:**

67.4 Involved in the operational investigation and management of complaints handling. They may be responsible for preparing and signing decision letters or submitting information to the CSCO in complex or crosscutting cases), so they should be satisfied that the investigation is complete and their response addresses all aspects of the complaint.

**Complaints Investigator:**

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67.5 The complaints investigator is responsible and accountable for the management of the investigation. This may be the CSCO or their representative and they will be involved in the investigation and in co-ordinating all aspects of the response to the customer. This will include preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across the organisation.

**All staff:**

67.6 A compliment, comment or complaint may be made to any member of staff within the organisation. All staff must be aware of the Compliments, Comments and Complaints Policy and procedure and how to refer complaints to the CSCO. They should also be aware of who they should refer a complaint to in case they are not able to personally handle the matter.

**The Customer Standards and Complaints Officer/ Local Government & Social Care Ombudsman/ Housing Ombudsman:**

67.7 The CSCO is also the Council's Link Officer for the Ombudsman. The Link Officer's role will include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to investigations, and confirming and verifying that recommendations have been implemented.

**Member Responsible for Complaints (MRC):**

67.8 A member of the executive body appointed to have lead responsibility for complaints to support a positive complaint handling culture. The MRC is responsible for ensuring the governing body receives regular information on complaints that provides insight on the landlord's complaint handling performance.