



<b>Title:</b>	<b>Constitution of the Council (Part 4C: Complaints Procedure)</b>
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**Adopted by Full Council on 17<sup>th</sup> May 2019**



# COMPLAINTS PROCEDURE

## 1 INTRODUCTION

- 1.1 This document sets out details of the Borough Council's comment, compliment and complaint procedure. Leaflets on the procedure are available from the Town Hall, Burton upon Trent, Customer Services Centres and departmental reception offices.
- 1.2 The Council hopes that the majority of comments, compliments and complaints will be dealt with informally, to the satisfaction of the correspondent, when the issue is first raised with the Council. Should the correspondent remain dissatisfied, however, the procedure set out in this document provides an opportunity for any complaint to be pursued. Whatever the outcome of any investigation the correspondent, if he/she is still dissatisfied and feels the Council has committed maladministration, can refer the complaint to the Local Government Ombudsman.
- 1.3 The Council offers advice and assistance to any person wishing to make a complaint.

## 2 AIMS AND SCOPE OF THE FORMAL COMPLAINTS PROCEDURE

### AIMS

- 2.1 The aims of the procedure are to ensure that:
  - 2.1.1 The Council responds to complaints within a reasonable time and in a courteous and efficient manner;
  - 2.1.2 The customer feels that his/her complaint is being treated seriously even if the answer is not to his/her satisfaction;
  - 2.1.3 The Council learns from the complaints and takes appropriate measures to improve its services.

### DEFINITION

- 2.2 An informal complaint is an expression of dissatisfaction with action taken or lack of action by the Council in response to a matter relating to services or functions of

the Council and previously raised by the complainant. Such a complaint will usually be made in person at one of the reception offices but may also be made in writing.

- 2.3 A complaint becomes formal when the customer remains dissatisfied after making an informal complaint. Formal complaints must be made in writing on the form obtainable from the Principal Democratic Services Officer.

## SCOPE OF THE PROCEDURE

- 2.4 Complaints will generally include the following:

- 2.4.1 failure to provide the service at the level or standard expected by the Council;
- 2.4.2 unhelpful attitude of an employee of the Council;
- 2.4.3 neglect or delay in answering a query or responding to a request for a service;
- 2.4.4 failure to follow the Council's agreed policies, rules or procedures;
- 2.4.5 failure to take proper account of relevant matters in coming to a decision;
- 2.4.6 failure to tell people of their rights; or
- 2.4.7 malice, bias or unfair discrimination.

- 2.5 The following types of complaint are excluded from the procedure:

- 2.5.1 A matter which came to the attention of the complainant more than 12 months ago or where the lapse of time means there is no merit in taking action now;
- 2.5.2 those which amount to a disagreement with a policy decision of the Council rather than the way the decisions have been carried out;
- 2.5.3 a planning or development control matter where a right of objection and/or a right of appeal exists, unless the complaint relates to the way the matter has been handled;
- 2.5.4 a decision of the Council where regulatory powers are being exercised (e.g. licensing) and a right of appeal exists (e.g. housing benefit), unless the complaint relates to the way the matter has been handled;
- 2.5.5 a matter which is or could reasonably be expected to be the subject of court or tribunal proceedings;

- 2.5.6 complaints which amount to a disagreement with or refusal to accept a rule of law which the Council is applying.
- 2.6 Separate procedures exist for dealing with grievances by Council employees about their employment.

## MONITORING OF COMPLAINTS

- 2.7 The Principal Democratic Services Officer will monitor all formal complaints.

## 3 COMPLAINTS PROCEDURE

- 3.1 Set out below is the procedure to be followed in dealing with complaints received.

### INFORMAL COMPLAINTS

- 3.2 Staff handling complaints must apply the guidelines set out in section 4.
- 3.3 Before making a formal complaint a complainant must raise the matter with the appropriate Manager concerned and, if appropriate, make an appointment to see that Manager or another Senior Officer to discuss the complaint. **At this stage the Manager should be given and should take every opportunity to resolve the complaint.**
- 3.4 Complainants who remain dissatisfied will be handed a copy of the comments, compliments and complaints leaflet.

### FORMAL COMPLAINTS

- 3.5 The following procedures will come into operation where the complainant remains dissatisfied with a response to an informal complaint. Depending on the stage the complaint has reached, some of the stages may be rendered unnecessary and can be by-passed. The complainant will have the right to have his/her complaint dealt with in confidence.
  - 3.5.1 The formal complaint will be received by the Principal Democratic Services Officer and details recorded for future statistical analysis. It will be acknowledged and referred to the appropriate Manager with a request that he/she tries to settle the complaint direct. This will involve the complaint being dealt with personally by the appropriate Manager. A response to the complaint will be made in writing within 10 working days from the date he/she received the complaint. The reply will advise the

complainant that if he/she remains dissatisfied they should write to the Principal Democratic Services Officer who will arrange to take the matter further.

- 3.5.2 The appropriate Manager will immediately inform the Principal Democratic Services Officer of the action/decisions taken and send him a copy of the correspondence.
- 3.5.3 If the complainant remains dissatisfied, the relevant Head of Service will review the complaint and make a response within 10 working days from the date he/she received the complaint. The reply will advise the complainant that if he/she remains dissatisfied they should write to the Principal Democratic Services Officer who will arrange to take the matter further.
- 3.5.4 The relevant Head of Service will immediately inform the Principal Democratic Services Officer of the action/decisions taken and send him a copy of the correspondence.
- 3.5.5 If the complainant remains dissatisfied, the Chief Executive will review the complaint in consultation with the Leader or appropriate Deputy Leader within 10 working days of notification that the complainant remains dissatisfied and either:
  - 3.5.5.1 issue an instruction to the appropriate Head of Service concerned aimed at resolving the complaint; or
  - 3.5.5.2 refer the complaint to the Complaints Panel; or
  - 3.5.5.3 advise the Complainant that the Council cannot take any further action and if they wish to pursue the matter it should be referred to the Local Government Ombudsman.
- 3.5.6 If the complainant still remains dissatisfied after a direction has been issued by the Chief Executive under 3.5.5.1 above, he/she may request that the complaint be referred to the Complaints Panel by the Chief Executive. This course of action will only be possible where the Chief Executive has decided not to invoke 3.5.5.3.
- 3.5.7 Prior to calling a meeting of the Complaints Panel the Chief Executive will obtain a written report from the appropriate Head of Service concerned with the subject of the complaint. He will also, if necessary, interview the complainant in order to ensure that the precise nature of the complaint is clear.

- 3.5.8 A meeting of the Complaints Panel will be convened if possible within 10 working days and will consider the report from the Chief Executive incorporating details of the complaint and the written report from the Head of Service concerned. The complainant (together with his/her local Councillor if appropriate) and the relevant Head of Service or his/her representative will be entitled to attend the Complaints Panel to put over their view with assistance of witnesses (if appropriate). The Chief Executive or his representative will advise the Complaints Panel.
- 3.5.9 The parties to the complaint will withdraw while the Complaints Panel considers the complaint following which they will be recalled and advised of the Complaints Panel's decision. The Complaints Panel may approve a course of action, make recommendations to Cabinet, another appropriate Committee or Panel or call for further reports to a future meeting.
- 3.5.10 The complainant will be informed in writing by the Chief Executive of the Complaints Panel's decision and of his/her right to refer the matter to the Local Ombudsman, if within their jurisdiction, if he/she remains dissatisfied.

## RELATIONSHIP WITH DISCIPLINARY PROCEDURE

- 3.6 This complaint procedure is quite distinct from the Council's disciplinary procedure for employees. If the nature of the complaint is such that disciplinary action against an employee may be involved, the Head of Service concerned will decide whether the disciplinary procedures will be invoked. Neither the Chief Executive nor the Complaints Panel, in exercising these powers under the Complaints Procedure, will have the right to change the decision of the appropriate Head of Service in respect of disciplinary action against any employee.

## ROLE OF MONITORING OFFICER

- 3.7 The Local Government and Housing Act 1989 provides that the Monitoring Officer, has a statutory duty to deal with any proposal, decision or omission by the Council which has given or is likely to give rise to maladministration or which is in contravention of any Code of Practice or rule of law. The Monitoring Officer will have regard to those duties in relation to issues arising from official complaints including the need to report to the full Council should this be necessary.

## 4 GUIDELINES FOR HANDLING CUSTOMERS

- 4.1 The following are a set of guidelines which staff should observe when handling members of the public in person either on the telephone or by personal visit:
- 4.1.1 **Be positive** - If you are defensive you will merely enhance the impression that you are not interested in the customer's problem.
  - 4.1.2 **Try to defuse the situation** - The customer may be angry or upset if he/she feels that the Council has let him/her down. The customer's aggression may arise from problems experienced in the past or an expectation that the Council will not help. Stay calm and friendly, indicate that you understand that there is a problem and let the customer know that you are prepared to listen.
  - 4.1.3 **Ask questions in a calm manner to get at the facts** - If the customer tells you that an aspect of the Council's service is bad, try to find out exactly why he/she thinks that. Once the reason for dissatisfaction is indicated you can identify the problem and find a way of solving it.
  - 4.1.4 **Understand and relate to the customer** - Show that you understand why he/she is dissatisfied and let him/her know you want to help.
  - 4.1.5 **Accept responsibility for the problem** - Never criticise or blame the customer. If the problem arises from a mistake or misunderstanding on the customer's part, you should clarify the situation without directing personal criticism at the customer.
  - 4.1.6 **Try to solve the problem** - You may be able to arrange action which will satisfy the customer. If you cannot do this or do not have the authority, involve another officer who will be able to help. Do not pass the customer on to another officer or Service without checking that they will be able to take action or provide information. If you cannot provide an answer immediately make an arrangement to contact the customer later the same day or the following day and make sure you keep to the arrangement. In any event give the customer your name, designation and extension so that follow up requests can be dealt with effectively.
  - 4.1.7 **Check the customer is satisfied** - Thank him/her for bringing the matters to the Council's attention. If appropriate, advise your superiors of any necessary improvement in services or procedures highlighted.



- 4.1.8 **If the customer remains dissatisfied** - Advise him/her how to go about making a complaint.
- 4.2 Throughout the above, remember that the way you act and sound is just as important as what you say.

## CREATING THE RIGHT ENVIRONMENT

- 4.3 Heads of Service should ensure the reception areas are always clean, comfortable and welcoming. Information about Council services should not only be displayed prominently but kept up to date.
- 4.4 Heads of Service should ensure reception areas and telephone enquiry points are adequately staffed at all times when they are open to the public. Heads of Service are to ensure that training is given to all employees likely to come into contact with the public.
- 4.5 Heads of Service should ensure that information required to answer complaints is readily available to reception staff and kept up to date.
- 4.6 Heads of Service are to ensure that steps are taken to provide adequate cover during normal office hours (including lunch times) to answer the telephone and to deal with enquiries and complaints.