

CUSTOMER FEEDBACK POLICY & PROCEDURE FOR COMPLAINTS, COMPLIMENTS AND SUGGESTIONS

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Author:	Anita Hunt
Owner:	Anita Hunt
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Document History

DATE	ISSUE	SECTION	REVISION DETAILS
02/09/14	2	1.6, 2.3, 2.10, , 7.2, 7.4, 7.5	Changed following transfer of Stage 1 complaints administration to Customer Services from FIGT
02/09/14	2	2.13, 7.4 -7.6, 7.9-7.12	Deleted because no longer applicable following change in procedures.
18/06/15	2.1	2.3, 3.4	Added requirement for escalation requests to be made within 6 months
14/01/16	2.2	2.5, 7	Retrospectively amended timescale for stage 1 complaints; general update
20/10/16	2.2	3.9	Correction to legislation quoted

1. Introduction

1.1. We aim to provide good quality services for everyone. But sometimes things can go wrong. If they do, we need to know so we can put them right and learn from our mistakes. We also like to know when we do something well, or a customer has a suggestion about something we could do better. All feedback is valuable as it helps us to improve our services and make sure that we treat everyone fairly.

1. Who can provide feedback?

1.2. We encourage local residents, local businesses, visitors, community groups and any other group or individual that uses or is affected by our services to give us feedback.

1.3. We also accept feedback from people acting on behalf of someone else, such as friends or representatives, solicitors, or advocacy workers. We need the complainant to give their consent when someone is acting on their behalf.

2. How can feedback be given?

1.4. Feedback can be given using a variety of methods, including: face to face; by phone; by web form; by email; and by letter.

3. Informal resolution and customer care

1.5. All staff are responsible for receiving and handling complaints efficiently and trying to resolve problems straight away at first point of contact. This may involve contacting colleagues or other departments to obtain a service or to agree a course of action.

1.6. Staff receiving a complaint must:

- Record full details if received by phone or in person and deal with written complaints.
- Put right any mistakes as soon as possible.
- If the matter can't be resolved straight away, normally within 2 working days, pass the details to Customer Services so they can record the details under the complaints procedures, and ensure everything happens on time.

4. Equality of access

1.7. We are committed to ensuring that all service users are given full and equal access to the customer feedback scheme, whatever their age, disability, ethnicity, gender, language, religion/belief/faith, or sexual orientation.

5. Feedback about the Council's contractors

1.8. We require any organisation that provides services on our behalf to comply with this policy by:

- recording and responding to customer feedback;
- providing us with information when requested; and
- assisting us with complaint investigations as appropriate.

6. Complaints and members' enquiries

1.9. Where a member of the public has raised their concerns about a Council Service through an elected member (a Councillor) rather than through the complaints process, this

is dealt with as a Member Enquiry. Whether the issue is raised through the complaints process or through the member enquiry process, the response at the first stage should be essentially the same in that it should fully address the issues raised and be dealt with by an officer of appropriate seniority and approved by the Head of Service. A matter that has been dealt with as a member enquiry will not also be dealt with as a stage one complaint and vice versa.

1.10. If the member of the public or the elected member is not satisfied with the response to the member enquiry the issue will be dealt with at Stage 2, Independent Review, of the complaints procedure.

7. Mediation

1.11. Mediation may help to bring about an early resolution in some cases. Some complaints that we receive stem from problems between people, usually neighbours, who are unable to compromise or get along. Where a major element of the complaint is an issue between two parties, mediation might be helpful. It might also be possible to offer mediation between the Council and an individual in suitable cases.

1.12. If you think that mediation might help in a particular case, you might want to discuss the idea with your manager or the Feedback and Information Governance Manager. A number of Council staff are trained as mediators, or it may be appropriate to seek an external mediator.

2. The corporate complaints procedure

1. What is a complaint?

2.1. Our definition of a complaint is “any expression of dissatisfaction, whether justified or not, requiring a response”. A simple enquiry or request, such as a missed bin collection or a repair not previously known to the Council, will not normally be recorded as a complaint. We will try to deal with problems as quickly and efficiently as possible at the first point of contact.

2.2. Unless a different procedure applies or we are unable to investigate (see section 3 below), complaints are dealt with under the corporate complaints procedure. This is a 2 stage procedure:

- Stage 1, service resolution – investigated by an officer within the service complained about, and
- Stage 2, independent review – conducted by the Feedback and Information Governance Team (FIGT) on behalf of the Chief Executive.

2. Stage 1 – service resolution

Acknowledgement

2.3. Within **2 working days** of the complaint being received by the Council, Customer Services will:

- log the complaint on the corporate feedback database
- acknowledge the complaint
- allocate it to an appropriate service officer for investigation; and

- where a complaint involves one more than one service, they will arrange for a co-ordinated response across those services.

Investigation

2.4. The investigating officer will always give priority to resolving complaints and achieving a satisfactory outcome for the complainant as soon as possible. This requires a clear understanding of the customer's expected outcomes so, where appropriate, the investigating officer should contact the customer to ensure that they understand the complaint and the outcomes the customer is seeking. This can often be achieved by a phone call or email.

2.5. The timescale for response is **10 working days** from receipt (or where clarification is needed, 10 days from the date at which the complaint was clarified and understood). The investigating officer will normally complete the investigation and draft a response within 10 working days, forward it to a service manager for quality checking and approval, and be responsible for ensuring that the final approved response is sent on time. If the investigation is delayed, the investigating officer will inform the customer of the reasons and give a new deadline for the response.

Response Letters

2.6. Responses should address **all** of the complainant's concerns and:

- be clear, concise, jargon free and written in plain English
- answer all of the concerns and desired outcomes raised
- be honest, accurate, professional and courteous
- be free from spelling and grammatical errors

2.7. Responses to complaints which are upheld or partially upheld should contain:

- an explanation of what happened and why things went wrong
- details of the action to be taken to put things right, including an appropriate remedy and an apology
- details of any payment agreed to compensate the customer and when the payment can be expected
- the timescale within which any action will be taken, and the name and contact details of the officer responsible for ensuring that action is taken
- where appropriate, details of the measures to be taken to prevent a recurrence of the problem
- where a complaint is partially upheld, there should be a clear explanation of what element of the complaint is upheld

2.8. Where a complaint is not upheld the response should provide:

- a full explanation detailing the investigation that was made into the complaint and why the complaint was not upheld

2.9. The response will give details of how to request a stage 2 independent review. It will normally be in writing, but can be by phone, in person, or in another format if the customer agrees this. If it is not in writing, a written record will be made.

Action after sending the response

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2.10. Customer Services will log a copy of the response on the corporate feedback database and send a copy to any other involved parties.

2.11. The investigating officer will be responsible for making sure that all necessary consequential action is taken to put things right for the customer, and/or prevent a recurrence of the problem, and/or use the learning from the complaint to improve the service. This will include informing the complainant of subsequent action after the complaint is closed. (S)he will send details of all such action taken to Customer Services for recording on the database.

3. Stage 2 – independent review

2.12. If a complainant remains unhappy, they should request an independent review by the Feedback and Information Governance Team (FIGT), stating what aspects of the stage 1 response they are dissatisfied with and why, and what action they now want the Council to take. The request to escalate the complaint should take place within six months of receiving the first stage response. Independent Reviews are carried out at the discretion of the Feedback and Information Governance Manager who will make a decision based on:

- Why the complaint is unhappy with the Stage One response
- Information that the complainant provides to help make a decision
- Whether we would be able to achieve the result you want
- Whether it would be better to ask the service area to look at your concerns again.

Allocation and clarification

2.13. Within **2 working days** of the complaint being received by the Council (or of the clarification by the complainant being received where applicable), the FIGT will log the complaint on the corporate feedback database and acknowledge the complaint, giving the name and contact details of the FIGT officer and the deadline date for reply, and confirm that (s)he may speak to that officer as required.

Investigation and response

2.14. The timescale for response is **25 working days** from receipt. If the investigation is delayed, the FIGT officer will inform the customer of the reasons and give a new deadline for the response.

2.15. The response will fully address the points of guidance outlined for stage 1 responses at paragraphs 2.6 - 2.8 and will give details of how to request further consideration by the Local Government Ombudsman if the complainant remains dissatisfied. It will normally be in writing, but can be by phone, in person, or in another format if the customer agrees this. If it is not in writing, a written record will be made.

Action after sending the response

2.16. The FIGT will log a copy of the response on the corporate feedback database and send a copy to any other involved parties.

2.17. The FIGT officer will be responsible for making sure that all necessary consequential action is taken to put things right for the customer, and/or prevent a recurrence of the problem, and/or use the learning from the complaint to improve the

service. (S)he will liaise with service officers as appropriate to ensure that this happens, and that the complainant is informed of subsequent action after the complaint is closed. (S)he will arrange for service officers to provide details of all such action taken, and will record them on the database.

4. Continuing dissatisfaction

2.18. If a customer makes a further complaint or comments about the same issue, we will inform them of their right to complain to the LGO if they have not already done so. We may otherwise inform them that we will not respond to future correspondence about the matter unless they have new information.

5. Complaints about the investigating officer

2.19. Where a customer wishes to complain about the officer that responded to his or her complaint, we will ask them for details of what it is they believe that the officer did wrong. If they are not able to provide any substantive details of improper conduct and it appears that the dissatisfaction is essentially about the complaint findings rather than the conduct of the officer, the matter will not be dealt with as a complaint.

2.20. Should there appear to be grounds for a legitimate complaint, a new complaint will be logged and investigated under the corporate complaints procedure.

6. Complaints about members of staff

2.21. Complaints about members of staff are investigated by the person's line manager. There is only one internal stage. Complaints about members of staff cannot be considered at the Independent Review stage.

2.22. The line manager will discuss the complaint with the employee. Where the customer and/or employee have witnesses to the incident, the manager may decide to contact them and ask them to make a statement.

2.23. If the manager decides that the employee's actions should be dealt with under our disciplinary process, (s)he will inform the customer that the complaint will be suspended whilst the disciplinary procedure is being operated and, on its completion, will write to inform the customer of the outcome without affecting the rights of the employee involved.

2.24. Where complaints that, because of the seniority of the manager, need to be dealt with by Assistant Directors or Directors, are escalated, the Monitoring Officer or Deputy Monitoring Officer will conduct the independent review stage.

2.25. The Chief Executive will consider complaints about Directors and the Monitoring Officer. The Leader of the Council and the Monitoring Officer will consider complaints about the Chief Executive. In such cases, there will only be one internal stage.

7. Complaints about policy

2.26. Where a complaint is solely related to the application of a council policy, the complaint will be investigated under the customer feedback procedure at the first stage only; the steps below will apply:

- The complaint investigation response will be checked by an officer of sufficient seniority to have full knowledge of the details of the policy and its practical application. The officer will make sure that:
 - the policy is up to date and consistent with appropriate legislation and standards,
 - the policy has been properly and fairly applied in this particular case, and
 - the response provides a clear explanation of both the policy and its application in this particular case

2.27. If the investigating officer considers that the standard customer information and publicity generally available about the policy does not adequately cover the circumstances of the case, (s)he will ensure that this is reviewed and updated to prevent, as far as possible, any future misunderstanding.

2.28. If the investigating officer considers that, in the circumstances of the case, it would be appropriate for the policy to be reviewed, (s)he must consult an appropriate senior manager. In such an event, the investigating officer will make sure that the customer is kept informed of any review process and the outcome of the review.

8. Complaints involving potential insurance claims

2.29. Any aspects of a complaint involving potential liability claims for loss, injury or damage that can be dealt with by the courts or the Council's insurers, cannot be considered under the complaints procedures. They must be referred promptly to the Insurance and Risk Manager. Any other aspects of the complaint can be considered under the complaints procedure. We therefore need to identify complaints where the Council might subsequently receive a civil claim or proceedings for damages by the complainant.

2.30. Where a case is referred to them for an opinion on a possible liability claim, the Risk and Insurance Section will aim to give an initial view within three working days of receipt. We can then proceed to deal with matters not subject to insurance consideration. It is not possible to give a definite timescale for decisions on matters that need to be referred to the Council's insurers.

2.31. It is important that the investigation continues regardless of this, but we should not notify the complainant of a decision before receiving a reply from Insurance. If they are unable to reply before the deadline, we should omit the relevant aspects from the decision letter. In such circumstances, we should respond on any other matters and tell the complainant that we will respond on these aspects as soon as we have heard from Insurance, who will need to give us an estimated response date for inclusion in the letter.

2.32. The most usual way that a local authority can be found liable by a civil court to pay damages to a claimant is if the Council can be found to have been negligent and this has resulted in the claimant suffering a loss. Liability in negligence can arise either from an omission or a direct act. If the Council was aware of a hazard, took no action within a reasonable time and an incident occurred resulting in injury and/or damage, there would be liability. The liability for omissions is complex, particularly where the Council has statutory powers to act but does not act, and someone alleges that this has caused him or her to suffer loss or damage.

2.33. If someone had merely been inconvenienced by an administrative act, this is not an insurance matter and we can deal with it through the complaints procedure and award appropriate remedies. However, we need to be aware of any issue that could indicate a possible claim for damages in circumstances where the complainant claims to have suffered:

- personal injury, including stress
- identifiable financial loss
- loss of reputation

2.34. When a complaint is made up of both insurance and complaints issues, no compensation should be offered in respect of inconvenience or time and trouble without consulting the Risk and Insurance Section. This is because we could otherwise prejudice the insurance liability, which is often the largest part of the claim.

2.35. To make an insurance claim, the claimant must put his/her claim in writing to the Risk and Insurance Section, quantifying the claim, advising of the circumstances, and stating why (s)he feels that the Council have been negligent.

3. Other complaints procedures

There are some situations where procedures other than the two-stage procedure described above apply.

1. Complaints about Councillors

3.1. All complaints about **Councillors** should be referred to the Monitoring Officer. All Councillors are expected to abide by the Council's Members Code of Conduct, which mirrors standards of conduct that have been set by the government at a national level.

3.2. The Monitoring Officer will:

- acknowledge complaints within two working days, and may ask for more information, including filling in a complaints form.
- if a complaint discloses a breach of the Code, arrange a meeting of the Assessment Sub Committee to consider it, and aim to complete the assessment of the complaint within 20 working days of receiving details.
- inform the complainant and give an opportunity to provide any further relevant information if, in his/her view, a complaint does not disclose a breach of the Code.

2. Complaints about data protection breaches or freedom of information/environmental information regulations requests

3.3. All complaints about breaches of the data protection, freedom of information or environmental information regulations are considered by the Feedback and Information Governance Team (FIGT).

3.4. Within **2 working days** of the complaint being received by the Council, the FIGT will allocate it to a team member not previously involved with the case. If it is necessary to clarify any details of the complaint, the FIGT officer will contact the complainant to do this

3.5. If the complaint is about other matters as well as the alleged breach of regulations, the other matters will be dealt with in accordance with the appropriate complaints procedures.

3.6. If the complaint cannot be resolved straight away (within **2 working days**) the FIGT officer will acknowledge the complaint, giving their contact details and the deadline date for reply.

3.7. The timescale for response is **25 working days** from receipt. If the investigation is delayed, the FIGT officer will inform the customer of the reasons and give a new deadline for the response.

3.8. This is a one-stage internal process, and the complaint response letter will state that if the complainant is dissatisfied with the outcome of the complaint, they may seek an independent review of their complaint by writing to the Information Commissioner's Office (ICO).

3. Social Care complaints, Adults and Older People

3.9. The statutory social care procedures apply to complaints by an adult (or their representative) who receives or is entitled to receive an adult social care service. These are governed by The Local Authority Social Services and National Health Service Complaints (England) Regulations.

3.10. We aim to respond to adults' social care complaints within 10 working days, but this may be extended in high risk complex cases.

3.11. We will consider complaints made by:

- A Service User:
 - older people
 - people with a physical disability
 - people with a learning disability
 - other vulnerable people
- Someone acting on behalf of the service user (with the service user's consent)
- Someone acting on behalf of a service user who has died, or who is unable to make the complaint themselves because of:
 - physical incapacity
 - lack of mental capacity within the meaning of the Mental Capacity Act 2005

3.12. Where it is not clear whether a complainant is or is not a qualifying complainant, a decision will be made by the complaints manager in consultation with the appropriate service manager. The complainant will be informed of this decision in writing.

Risk assessment

3.13. In adult social care complaints, we conduct a risk assessment at the outset to determine who will respond to the complaint. In High Risk cases we will appoint an independent investigating officer, i.e. someone that does not work for Haringey Council or a senior manager independent of the service involved.

Advocacy

3.14. A client may choose to ask someone to help him or her make a complaint against a Council service. The advocate could be a friend, relative, or a volunteer. If there is an advocate, we will deal directly with them until the investigation into the complaint is

completed. If the complainant does not have an advocate, we will consider whether an advocate should be appointed, depending on the vulnerability of the service user.

The Adjudicating Officer

3.15. In cases where an Independent Investigating officer has been appointed, the authority will appoint an Adjudicating Officer to consider the independent investigating officer's findings.

3.16. The Adjudicating Officer will respond to the complainant explaining whether or not they accept the investigating officer's findings. Where they do not, the Adjudicating Officer must give clear reasons for diverging from any of the investigating officer's findings.

Escalation if complainant dissatisfied with response

3.17. This is a one stage procedure, but there is scope for resolving any issues through correspondence. For example:

- obtaining a second opinion;
- having a re-assessment of the service user's needs;
- meeting to discuss matters; and
- arranging for mediation or an independent investigation

3.18. If the customer remains dissatisfied after this further response, we shall refer them to the Local Government Ombudsman.

4. Social Care complaints, Children and Young People

3.19. The statutory social care procedures should be followed in complaints by a child or young person (or their representative) who receives or is entitled to receive a children's social care service. These are governed by the Children Act 1989 Representations Procedure (England) Regulations 2006.

We will consider complaints made by:

- Any child or young person who is currently being looked after by the local authority
- Any child or young person who is receiving Children's Services;
- A parent or guardian
- People who have parental responsibility
- A foster carer
- Children leaving care;
- A representative, with the written permission of either the young person or their carer.
- Special Guardians;
- Any child or young person who may be adopted, their parents and guardians;
- Persons wishing to adopt a child;

Advocacy

3.20. We will assess whether an advocate should be appointed. We use the Barnardo's Children's Rights Advocate Service. If an advocate is used, they will agree a statement of complaint with the complainant.

Stage 1 (Local Resolution)

3.21. The stage 1 timescale is 10 working days, but may be extended by up to a further 10 days to allow appointment of an advocate, or if complex and likely to take more than 10 days.

Stage 2

3.22. Where the complainant is dissatisfied with the first stage response, the complaint can be escalated. The request to escalate the complaint should take place within six months of receiving the first stage response. In some cases, the complainant and the authority can agree that the matter is not suitable for the local resolution stage and that it should be considered directly at the second stage.

3.23. The timescale is 20 working days, but this may be extended to 65 working days. The time starts from the date that a statement of complaint is agreed.

The Investigating Officer

3.24. The Investigating Officer can be a council employee but must not have direct management responsibility for the service complained about. Alternatively, we could appoint an independent investigating officer specifically to conduct the investigation.

Independent Person

3.25. Where the complaint is considered at the second stage, the local authority must appoint an Independent Person whose role is to oversee how the complaint is handled and ensure that the investigation is thorough, fair and impartial.

The Adjudicating Officer

3.26. The authority will appoint an Adjudicating Officer to consider the Independent Investigating Officer's and the Independent Person's findings.

3.27. The Adjudicating Officer will respond to the complainant explaining whether or not they accept the Investigating Officer's and Independent Person's findings. Where they do not, the Adjudicating Officer must give clear reasons must be given for diverging from any of the investigating officer's findings.

Stage 3

3.28. Where the complainant is dissatisfied with the second stage response, the complaint can be escalated. A stage 3 request must be made within 20 working days of the date of the stage 2 response.

3.29. The stage 3 complaint is heard by an independent 3 person panel. We must appoint the chair within 10 working days of the receipt date and convene the panel within 30 working days.

The Panel meeting

3.30. The panel arrangements must have regard for human rights, the rights of the child/young person, and natural justice.

After the Panel

3.31. We will produce a written report of the panel's findings. This will be sent to those present and the Director of Children's Services within 5 working days of the meeting.

3.32. The Director will send a final response letter to the complainant within 15 working days of receipt of the panel report.

5. Complaints relating to Child Protection Conferences

3.33. Complaints about the conduct or operation of a Child Protection (CP) conference are not dealt with through the Council's complaints Procedure. Complaints about the following will be referred to the Local Safeguarding Children Board:

- the process of the conference;
- the outcome, in terms of the fact of and/or the category of primary concern at the time the child became the subject of a child protection plan; and/or
- a decision for the child to become, or not to become, the subject of a child protection plan or not to cease the child being the subject of a child protection plan.

6. Complaints we can't investigate

3.34. We cannot consider matters through the complaints process if there is an appeal process in place for people to challenge a decision. People who are unhappy about or wish to challenge the following must use the dedicated appeals process:

- the issuing of a penalty charge notice
- a decision on a planning application
- a community care charge assessment
- an offer of council accommodation, a re-housing decision or an eviction decision
- entitlement to housing benefit and/or council tax benefit
- a decision about the school a child should attend
- the amount of special education provision for a child
- the running of schools
- a decision to exclude a child from school
- fraud (housing benefit fraud is dealt with by the Housing Benefit Fraud Team, and all other fraud, theft, corruption or financial impropriety by Internal Audit)

3.35. We will not investigate a complaint:

- about something that happened **more than 12 months ago**, unless it concerns delays by the Council
- that is **outside the council's control** (for example, we cannot deal with complaints about other organisations but may be able to advise on how to complain)
- where the person making the complaint has not been directly affected by the matter complained about.
- where there is a **statutory process** such as an appeal or tribunal
- about court proceedings, including evidence given, or actions and decisions by staff in those proceedings
- involving **liability claims** which are dealt with direct by the Council's **insurers**.
- from a contractor, supplier or service-provider disputing invoices, terms of contracts or alleging breaches of contracts

- involving employees' **personnel matters** including pay, pensions, disciplinary and grievance issues
- about **shortlisting and selection** decisions, which are considered under the recruitment procedure
- more appropriate for our '**whistle blowing**' procedure
- about the **electoral register** and the **voting process** during the **formal period before elections** and referenda only, when special measures apply to maximise voting opportunities
- that has **already been investigated** as a complaint by the Council or the Local Government Ombudsman, or has been considered by a tribunal or a government minister.
- about something affecting all or most people in the area, such as that the Council has wasted public money

4. Putting things right – remedies guidance

4.1. When the Council is at fault, we must always try to put things right - and do this as soon as possible to minimise the inconvenience to the customer and unnecessary escalation. We must acknowledge the fault, apologise, explain what went wrong and what we will do to prevent it happening again, and provide a remedy.

1. Providing a remedy

4.2. As far as possible we must always try to put the customer back to the position that they would have been in but for the mistake, taking account of their views. One or more of the following may be appropriate:

- Specific action to provide a service or information
- An explanation of what went wrong
- Review of working procedures to prevent a recurrence
- Employee training or guidance
- Payment of compensation or refund

4.3. The remedy needs to be appropriate and proportionate. If there was fault, it does not necessarily follow that the *complainant* has suffered as a consequence. It must be clear, on the balance of probabilities that an injustice, either wholly or partly, occurred as a consequence of the Council's mistakes. (For example, if a housing application was incorrectly assessed but there was no prospect of rehousing anyway, the outcome was unaffected so there has been no injustice – although action should be taken to prevent a recurrence.)

4.4. We will need to take *account of*:

- money not paid to the complainant
- loss of a non monetary benefit/ loss of value/ lost opportunity
- distress caused by our fault
- 'time and trouble' in pursuing a complaint (pursuing a complaint would always take some element of time and trouble, i.e. making a phone call or writing in. Time and trouble payments should be considered when the customer has had to take more than the usual amount of time and trouble due to the council's fault, for example, repeated failure to respond to the customer's initial complaints)

- the effect of the complainant's own actions if these contributed towards the problem

4.5. Some services have internal guidelines on standard responses and remedies in respect of common areas of complaints. Advice on appropriate remedies and guidance on compensation payments and refunds can be obtained from the FIGT.

2. Financial remedies – compensation, reimbursing costs and refunds

4.6. Sometimes we cannot put things right without paying some compensation to the customer for any inconvenience, distress or loss they have suffered from our mistake. When doing so:

- Consider any vulnerability of the affected household when calculating the level of compensation.
- Always 'award' compensation, never 'offer' or use wording such as 'full and final offer' or 'without prejudice'
- Offset compensation payments against any outstanding debt, where a customer owes money to the Council - unless they have a legitimate dispute about the debt or we are awarding compensation for a specific purpose such as replacing lost possessions.
- Explain the reasons for awarding compensation and give a time period for despatch of the cheque – 3 or 4 weeks
- Use the following wording in your response:

“This award of compensation is made as part of the Council’s consideration of your complaint under our own complaints procedure. The Council does not admit to any liability to pay any further sums in damages or otherwise. Please note that accepting this compensation award does not affect your right to take your complaint to the next stage of the Council’s complaints procedure or to the Local Government Ombudsman, or to take legal action against the Council.”

4.7. We should *always* consider reimbursing reasonable costs incurred by a customer because of our mistake, or refunding a payment where service has been of poor quality, unreasonably delayed or not provided.

5. Unreasonably persistent complainants and unreasonable complainant behaviour

5.1. The Council is committed to dealing with all customers fairly, ensuring we provide high quality services, and a clear, and timely response when they contact us. We should not normally limit the contact customers have with the Council, but there are a small number of customers who we may need to restrict in specific circumstances.

5.2. We want our staff to respond with patience and sympathy to the needs of all our customers and clients, including when they complain. We need to distinguish between people who make a number of complaints with good cause because they really think things have gone wrong, and people who are simply being difficult without sufficient cause.

5.3. *Even though someone has made complaints unreasonably in the past, it cannot and must not be assumed that a subsequent complaint from them also falls into this category.* We must consider each complaint on its own terms, and decide whether it is unreasonable or genuine. We must evaluate each written or oral submission.

5.4. We should not take up large amounts of time on unreasonable complainant behaviour, but we must try to avoid inflaming any already difficult situation. We should take a little time to try to defuse a situation rather than take a hard line that may require even more time to maintain. We will need to exercise judgement on the best way of handling each case.

5.5. The Policy For Dealing With Unreasonably Persistent Complainants And Unacceptable Customer Behaviour sets out how to deal with unreasonable complainants.

6. Recording feedback and learning from complaints to improve performance and services

6.1. All complaints, Ombudsman Enquiries and compliments and suggestions will be recorded on the corporate database. FIGT will monitor trends and performance in the handling of customer feedback, and produce regular reports for service managers.

6.2. Service investigating officers will ensure that all relevant documentation is sent to the team for logging, including for complaints a copy of the response and details of:

- the decision (whether upheld, partly upheld or not upheld)
- the findings of the investigation
- the solution (e.g. apology, compensation, provision of service)
- any learning points for action to improve the service and prevent a recurrence of any faults
- the action, if any, proposed to resolve any problems

6.3. Feedback and service officers should destroy all paper records as soon as practicable after closure of the case, and in any event no later than 3 years after case closure.

7. Our compliments procedure

7.1. Customer compliments are administered by Customer Services, Staff recognition is administered by Human Resources. Customer nominations should be logged on the Respond database.

7.2. All staff nominated for an internal award will receive a letter of congratulation from their Director. Customer Services/ODC will prepare letters for signature from a standard template. (For staff / teams who receive multiple nominations, prepare just one letter but amend to indicate the nominations received) and arrange for them to be signed. The letter must be sent to the nominated staff member with a copy of the original compliment and be shared with the staff member's manager.

8. Our suggestions procedure

1. Acknowledgement

8.1. Within 2 working days of the suggestion being received by the Council, Customer Services will:

- log the suggestion on the corporate feedback database, and allocate it to an appropriate service officer for consideration and response; where a suggestion

involves one more than one service, they will arrange for a co-ordinated response across those services.

- acknowledge the suggestion, informing the customer of the deadline date for reply.

2. Consideration and response

8.2. The timescale for response is 15 working days from receipt. The service officer will advise the customer of action taken to implement the suggestion, or give reasons why it cannot be implemented. If the response is delayed, the service officer will inform the customer of the reasons and give a new deadline for the response. The response will normally be in writing, but can be by phone, in person, or in another format if the customer agrees this. If it is not in writing, a written record will be made.

Appendix: How we work with the Local Government Ombudsman

1. The Local Government Ombudsman's powers

1.1 The Local Government Ombudsman (LGO) looks at complaints about councils and some other authorities. It is independent and impartial with legal powers to require officers or other persons to provide information or documents.

2. Managing our relationship with the Local Government Ombudsman

1.2 The LGO refers most communications with the Council to the 'link officer', the Feedback and Information Governance Manager. The Feedback and Information Governance Team (FIGT) are responsible for ensuring prompt and appropriate responses.

1.3 There are two main categories of contact:

- '*Premature complaints*', and
- *Enquiries* – where the Ombudsman has decided to investigate

3. Premature complaints and how we deal with them

1.4 The LGO will normally only accept complaints that have been through all stages of a Council's complaints procedure. If they have not, the LGO refers such complaints to us as "premature". The exceptions to this rule are where:

- *the subject means the matter is clearly urgent because time is a key factor:*
 - education (except transport), including school admissions
 - where the complainant is currently, or will imminently be, homeless
- *the LGO or the Council decide that completing the council's own procedure would be to the detriment of the complainant where:*
 - there has been unreasonable delay by the Council – the LGO believes that 12 weeks is usually sufficient time to conclude an investigation, but this depends on the particular circumstances
 - the Chief Executive has decided to exercise discretion not to investigate further
 - after discussion with the Council, the LGO has good reason to believe the Council would not handle the complaint effectively
 - complaints involve more than one body
- *the complainant's circumstances indicate a need for priority:*
 - complaints by children and young people up to the age of 21, or 25 if disabled
 - where the particular circumstances indicate vulnerability and/or the need for urgency

1.5 Customer Services acknowledge receipt of premature complaints, logs them on the database and allocates them for investigation under the Council's procedures in the normal way.

1.6 The complainant can refer back to the LGO if the Council does then not respond satisfactorily within the timescale, or remains dissatisfied after completion of the Council's complaints procedure. The LGO would reopen the case as an enquiry, leading to an investigation if appropriate.

4. How we deal with Ombudsman enquiries and investigations

1.7 The LGO sends a summary of the complaint, with relevant correspondence, to FIGT, inviting the Council to:

- comment on the complaint, both generally, on specific aspects, and on the LGO's understanding of the issues
- provide copies of documents, procedures or file records
- consider whether we have been at fault and, if so, whether to offer an appropriate remedy

1.8 FIGT acknowledges receipt, logs the case on the database, and refers to the appropriate service, requesting comments and information on the points raised within 8 working days. This allows time to check that the information provided is full and reasonable, and refer back to the service where more detail is necessary, in time to meet the corporate response target of 21 calendar days.

1.9 Once all of the information is available, the FIGT responds to the LGO. If more time is needed, in most circumstances, reasonable extensions of time are agreed.

1.10 FIGT will refer back if the LGO requests further information and liaise with services if the LGO wishes to see files or interview officers.

1.11 FIGT will negotiate with the LGO on behalf of the services to settle cases as favourably as possible for the Council.