

ANNEXE 2

Waverley Borough Council Policy on dealing with complaints

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Aims of Waverley's Corporate Complaints Procedure

The aims of Waverley's corporate complaints procedure are as follows:

- to encourage our customers tell the Council if our services fall short of promised standards;
- to provide our customers with a clear and comprehensive response as quickly and effectively as possible;
- to resolve the cause of the complaint wherever possible following a full and impartial investigation;
- to offer our customers an apology and/or appropriate remedy where complaints are found to be justified
- to learn from complaints so that we can improve our services.

Definition of a complaint

We define a complaint as:

'An expression of dissatisfaction about the standard of service, actions, or lack of action by staff, particularly where a problem has not been remedied to the satisfaction of the customer.'

Council's standards in complaint handling

(i) Verbal complaints

Complaints made by telephone or in person should be responded to by the relevant member of staff responsible for the service, within 3 working days and preferably sooner. Currently it is not possible to log these complaints on the Lotus Notes database, but such a facility should be available by the end of September 2008.

If the complaint is received verbally, eg by telephone, and concerns a complex issue or involves a serious allegation about an officer or council activity, the customer should be encouraged to put their concerns in writing.

(ii) Written complaints

Written complaints – whether in the form of a letter, on the complaints form or by e mail - will be recorded on the Lotus Notes complaints database by the Service Complaints Administrator and will be acknowledged within 3 working days of their receipt. A full response will be given within 10 working days (15 working days for planning matters), or if it is not possible to comply with this timescale because of the complexity of the matter raised, a progress report will be sent.

NB A complaint that may give rise to an insurance claim should be put in writing so that it can be passed on to the Council's insurers.

The Complaints procedure

Waverley's complaints procedure has three steps:

Level 1

As a first step, customers who feel that they wish to complain about the Council's actions can raise their concerns with a member of staff in the responsible department who may be able to solve the problem. Contact telephone numbers are provided in the complaints leaflet.

Level 2

If the customer is unhappy with the outcome of their Level 1 complaint, they can write or send an email to the Head of Service responsible for the service they are complaining about. The Head of Service is responsible for ensuring that the complaint is logged and investigated by an appropriate officer who will then prepare a response for the signature of the Head of Service.

In cases where a customer goes directly to the Chief Executive, and the Head of Service has not investigated the matter, the complaint will be acknowledged by the Customer Relations Officer and passed to the relevant Head of Service for investigation and response.

Level 3

If a customer is not satisfied with the explanations or the remedy offered following investigation at Level 2 they can write to the Chief Executive, who will arrange for the complaint to be further investigated by the Customer Relations Officer.

The intention of Level 3 is to give an opportunity for a further investigation of a complaint, that is independent of the service and ensures an objective and unbiased approach in trying to resolve the complaint.

The investigation of a complaint at Level 3 is likely to involve more extensive investigations and interviews with relevant officers.

In cases where a serious complaint has been made about a member of staff, the complaint handling process will bypass Level 2 and move directly to Level 3.

Complaints to the Local Government Ombudsman

In the event that a customer remains dissatisfied with the response received from the Chief Executive under Level 3, they have the right to take their complaint to the Local Government Ombudsman.

If the Ombudsman decides that he wishes to pursue the complaint, he will ask the Council to provide further information. In these circumstances, the matter will be investigated by the Customer Relations Officer who will prepare a draft response for consideration by the Chief Executive.

There will be occasions when the Ombudsman receives a complaint that has not been previously raised with the Council, and where the Council has not had an opportunity to comment on the matter or suggest a means of resolving the problem. In these circumstances the Ombudsman will usually refer the complainant back to the Council as a 'premature complaint'. Such complaints will normally be investigated under Level 3.

Outcomes

A complaint will have three possible outcomes:

The complaint is upheld – in the complainant's favour

The complaint is not upheld – in the Council's favour

The complaint is partially upheld – the main aspect of the complaint is not upheld, but some associated aspects of the complaint are upheld.

We can learn from all three outcomes and work to improve our services so that we prevent similar complaint in the future.

Remedies

In cases where the complaint is upheld or partially upheld there needs to be a remedy which is appropriate to the complaint. In considering the remedy that might be offered to the complainant, the Council will take into account the advice of the Local Government Ombudsman that '*as far as possible the complainant should be put in a position he or she would have been in had things not gone wrong.*' The complainant will be consulted to find out their wishes.

While each case will be considered on its own merits, as far as possible broadly similar complaints, if justified, will receive broadly comparable remedies.

Detailed guidance on remedies is set out in the Council's document on the procedures to be following in dealing with complaints.

Where appropriate, financial compensation will be paid to the complainant but 'without prejudice' under Section 92 of the Local Government Act 2000.

'Vexatious' complaints

We consider a vexatious complaint is one where a person:

- Repeatedly makes an unreasonable complaint or expects an unrealistic outcome; or
- Makes a reasonable complaint in an unreasonable way (for example by making threats).

Waverley aims to deal fairly, honestly and properly with customers who complain, and recognises the right of customers to complain. However, we also want to make sure that other service users or officers (or Waverley as an organisation) do not suffer as a result of anyone making repeated or vexatious complaints, or by anyone behaving in a threatening or difficult way.

If a customer makes a complaint that is considered to be vexatious, the department dealing with the complaint will send the customer a letter to explain that:

- they should contact only the person named in the letter; and
- they can contact that person only in specific ways (for example only by letter).

Once the customer has completed the complaints procedure, they will be sent a letter telling them that the matter is at an end and that Waverley will not deal with their complaint any more.

Role of officers in complaints procedure

(i) Service Complaints Administrators

Each Directorate will have one, or in some cases two Service Complaints Administrators who will be responsible for managing the Lotus Notes complaints database, and for ensuring that complaints are sent to the appropriate officer for investigation and response.

(ii) Customer Relations Officer

The role of the Customer Relations Officer will be to:

- Prepare quarterly reports for the Corporate Corporate Management Team on complaints handling
- Help the Council to learn from complaints
- Be the central reference point for receiving complaints received through the complaints email address
- Investigate all Level 3 complaints and complaints referred to the Council by the Local Government Ombudsman and prepare responses for the Chief Executive

- ❑ Be the Council's 'Link Officer' with the Ombudsman
- ❑ Record and investigate complaints of a racial nature
- ❑ Maintain and update the Council's Complaints Procedure as appropriate
- ❑ Maintain and update the Council's Complaints Leaflet as appropriate.

(iii) Monitoring Officer

The Council's Monitoring Officer will conduct investigations into complaints about the conduct of elected Members and make recommendations in respect of these to the Council's Standards Committee.

(iv) Deputy Chief Executive

The Deputy Chief Executive must be kept fully informed of any complaints which may give rise to an insurance claim and/or possible liability issues.

The Deputy Chief Executive must be consulted if a Head of Service wishes to make a payment to the customer by way of compensation.

(v) Head of Democratic Services

The Head of Democratic Services must be consulted about any complaints which, it is thought, may give rise to legal action.

Role of the Corporate Management Team

The Corporate Management Team will have overall responsibility for managing the Council's complaints procedure, and for ensuring that:

- ❑ Through the Heads of Service, Level 2 complaints are resolved as appropriate
- ❑ That Level 3 complaints are resolved satisfactorily
- ❑ That Ombudsman complaints are resolved as appropriate and are reported annually to the Council's Executive and Corporate Overview and Scrutiny Committee.

Role of Elected Members

Complainants sometimes approach Councillors at different stages of the complaints process. Ideally, Councillors should advise and encourage complainants to use the complaints system, and should only become directly involved when the system appears not to be working satisfactorily.

In practice, if Councillors wish to pursue the progress of particular complaints, they should contact the relevant Head of Service. In such cases, Councillors should be kept informed of all subsequent developments.