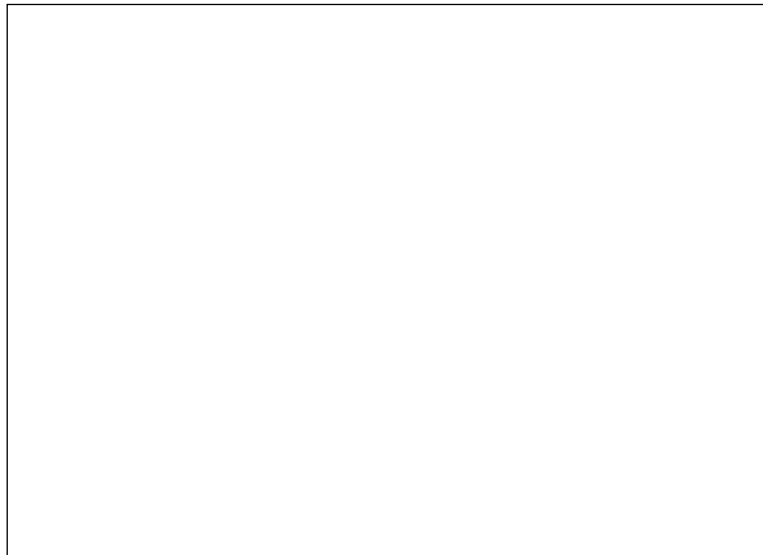




Policy for dealing with complaints and improving services



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Policy Statement

Customers' complaints give us a chance to deal with problems and improve our services. When things go wrong we should say we are sorry and learn from any mistakes.

This document sets out Waverley's policy on dealing with complaints about the way in which the Council delivers services to its customers.

Complaints handling policy

What is a complaint?

A complaint is:

An expression of dissatisfaction about the standard of service, actions, or lack of action by Waverley (whether the service is provided directly by Waverley or by a contractor or partner) that requires a response.

Complaints do not always come 'neatly packaged' in a letter, email or telephone call. It is also sometimes difficult to see if a customer is making a complaint or just requesting a service or an explanation of a decision. This is demonstrated by the following examples:

Example 1

'I disagree with the reasons for refusing my planning application' is not a complaint. However, when responding to this statement it would be helpful to give the customer an explanation of why their application was refused and remind them of their right to appeal to the Secretary of State.

'I believe that the Council has behaved in an unprofessional way and was biased in dealing with my planning application' is a complaint.

Example 2

*'The dustmen missed emptying my bin today'...*is not a complaint but arrangements should be made for the customer's bin to be emptied as quickly as possible.

'For the past three weeks the dustmen have not emptied my bin' is a complaint.

In cases where the customer's intentions are unclear, it is helpful to clarify with them whether they are trying to make a complaint and, if so, what their expectations are.

Waverley's standards for dealing with complaints

Verbal complaints

Complaints made by telephone or in person to be should be responded to within 3 working days and, if possible, sooner.

Customers who make a complaint over the phone or in person, that concerns a complex issue or involves a serious allegation about an officer or action taken by the Council, should be encouraged to put their concerns in writing.

Written complaints

Complaints received by email, letter, via the Council's website or on a complaints form should be acknowledged within 3 working days of the receipt date, and a full response should be given to all Level 1 complaints within 10 working days. If it is not possible to meet this timescale because the matter is complex, the officer investigating the complaint should send a holding response.

A full response should be given to Level 2 and Level 3 complaints within 15 working days.

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

Complaints received from a third party

In accordance with the Data Protection Act 1998, Waverley is legally obliged to ensure that all personal data it holds about individuals is kept securely and is not disclosed to a third party without the permission of the individual to whom the data relates. Therefore when a complaint is received from a third party acting on behalf of the complainant, it is essential that the complainant is asked to confirm that they have agreed for their complaint to be dealt with in this way.

In cases where a third party is unable to provide evidence that they have been authorised by the complainant to act on their behalf, the complainant should be asked to complete a third party authorisation form, a copy of which is attached as Appendix 1.

Waverley's complaints procedure

Level 1

As a first step, customers can raised their concerns with a member of staff in the service they are complaining about. Contact phone numbers are on Waverley's website and in the complaints leaflet.

Level 2

If the customer is unhappy with the response to their Level 1 complaint they can ask the appropriate Head of Service to investigate their concerns.

Level 3

If a customer remains unhappy with the response they receive from the Head of Service they can ask the Executive Director to review their complaint.

If the customer is still unhappy having received a response from the Executive Director, they can raise their concerns with the Local Government Ombudsman, or if they are a Council tenant or leaseholder and their complaint concerns landlord issues eg responsive repairs, they can make a complaint to the Housing Ombudsman.

Roles and responsibilities in Waverley's complaints handling procedure

Logging, tracking and closing complaints

All complaints received by Waverley should be logged on the Sharepoint database by the appropriate Service Complaints Administrator (SCA). A list of all SCA's and their deputies is attached as Appendix 2.

The complaints database holds the following information:

- contact details for each complainant
- copies of the incoming correspondence and Waverley's response,
- the outcome of the complaint ie whether it is upheld, partly upheld or not upheld; and
- where appropriate, lessons learned and action taken.

Once a complaint has been logged on the database, the SCA will send out an acknowledgement within 3 working days confirming the name of the officer who will be investigating the complaint and the date when a full reply will be sent to the complainant.

As soon as the complainant has been sent a response, the SCA will close the complaint, record the outcome of the complaint and whether any lessons have been learned.

Investigation of complaints

Level 1 complaints are investigated by the most appropriate officer in the relevant service.

Level 2 complaints are investigated by the appropriate Head of Service.

Level 3 complaints are investigated by the Executive Director with assistance from the Corporate Complaints Officer who is responsible for collating all the relevant information in consultation with Heads of Service and other members of staff.

All responses to complaints should signpost the complainant to the next level of the complaints procedure if they feel that their concerns have not been answered properly. All responses sent to Level 3 complaints will remind the complainant of their right to raise their concerns with either the Local Government Ombudsman or the Housing Ombudsman if they remain unhappy with the Council's response to their complaint.

A note on the general principles to be followed when investigating complaints is attached as Appendix 4.

Remedies

When a complaint is upheld or partly upheld there needs to be a remedy which should be appropriate to the nature of the complaint. In some cases it may be helpful to ask the complainant how they would like their complaint to be resolved, bearing in mind that the Local Government Ombudsman advises that: *'As far as possible the complainant should be put in the position he or she would have been in had things not gone wrong'*.

Remedies could (where relevant) include:

- An apology.
- An explanation of the way the matter was handled and what went wrong.
- Action by Waverley to make sure that the problem complained about does not happen again which could include a review of policy and procedures, and feedback to the complainant on how their complaint has been used to improve the service.
- A face to face discussion/interview.
- Compensation, which may not always be money but could include vouchers or an offer to provide another form of assistance to the complainant.

Grounds for paying financial compensation

There may be circumstances when a customer has grounds for claiming compensation if there is evidence that:

- the Council failed to do something or did something wrong or badly,
- the error or omission amounted to negligence or a failure to meet a legal obligation to the complainant, and
- the complainant suffered financial loss, additional expense or inconvenience as a result.

Liability

Care should be taken not to admit any liability on behalf of the Council when investigating a complaint that could involve a claim for compensation. It is good practice to empathise with a complainant, but this should not extend to admitting responsibility before the investigation is completed.

It is important to identify if liability lies elsewhere e.g. with a contractor and whether any part of the claim for compensation may not be covered by the Council's insurance. Legal and/or insurance advice should be always be sought in any circumstances where the amount of financial compensation being requested exceeds £100.

Amount

It is important to ask the complainant to itemise their claim, provide receipts where possible, and put a price against each part of it where they are alleging a financial loss, additional expense or inconvenience as a result of the Council's error or omission. This assists with the investigation of the complaint and makes it easier to arrive at a suitable figure if the complaint is upheld. In some circumstances, e.g. repairs covered by the Right to Repair not carried out within set time limits, the amount of compensation payable is laid down in Regulations and will not exceed £50.

Authorisation

All compensation payments must be authorised by the relevant Head of Service, and if the amount to be paid exceeds £100, the payment must also be authorized by the Executive Director, or in his absence by another Director.

Offering compensation:

Any letter making an offer of compensation must be approved by the appropriate Head of Service and, if appropriate, the Insurance Officer before it is sent to the complainant. Where compensation is being offered, the letter should include the statement that *'the offer/award of compensation is not an admission of liability by the Council and is being made in full and final settlement'* of the complaint. This means that if the offer is accepted the Council regards the matter to be closed, although this does not prevent the matter being revisited if asked to do so by either the Local Government Ombudsman or the Housing Ombudsman.

Appendix 3 sets out a short check list of the steps to be followed by officers dealing with requests for financial compensation from a complainant.

Dealing with unreasonably persistent and unreasonable complainants

We consider an unreasonably persistent complainant is a person who:

- Repeatedly makes an unreasonable complaint or expects an unrealistic outcome; or
- Makes a reasonable complaint in an unreasonable way (for example by making excessive demands on time and resources of staff, changing the basis of the complaint as the investigation proceeds, refusing to accept that certain issues are not within the scope of our complaints procedure or refusing to accept the Council's response).

For advice on dealing with complainants of this kind, please refer to the Council's policy on dealing with unreasonably persistent and unreasonable complainants.

Author and feedback

The Council welcomes comments and feedback on its policies and procedures. Please contact the Corporate Complaints Officer if you have any comments.

Related Information

Other Related Council Policies/Information

Policy for dealing with unreasonably persistent complaints and unreasonable complainant behaviour.

Other Documents:

Local Government Ombudsman's guidance on complaint handling.

Authorising third party involvement in communications with the Council

In accordance with the Data Protection Act 1998, Waverley Borough Council is legally obliged to ensure that all personal data it holds about individuals is kept securely and is not disclosed to a third party without the permission of the individual to whom the data relates.

If you would like a third party, ie another person including your local MP or Councillor, to help you communicate with the Council, or you would like them to communicate with the Council on your behalf, please complete the following form and send this to

Your name:.....

Address:.....

.....

Summary of the matter you would like to raise with the Council:

.....
.....
.....
.....
.....

I authoriseto communicate with the Council on my behalf regarding the matter summarised above. Their contact details are as follows:

.....
.....
.....

I authorise Waverley Borough Council to release to the person named above any personal information about me that is held by the Council and which is relevant to the matter I wish to raise.

I understand that the above authorisations will remain valid for six months from the date on which I signed this form.

Signature:.....

Date:.....

Email:.....

Waverley's Service Complaint Administrators

Sharon Bryden – *Housing*

Tracey Langdon – *Planning and Building Control*

Clare Arnold – *Community Services and Leisure and Countryside*

Carolyn Jarvis – Grogan – *Environmental Services and Environmental Health*

Tricia Boxall – *Elections*

Sharon Dunn – *Council Tax, Benefits and Business Rates*

Julia Brennan – *Freedom of Information*

Ema Dearsley – *Democratic Services*

1. General Principles to be followed in the investigation of complaints

How a complaint is received should not make a difference to how it is investigated, although a written complaint is likely to include more detailed information. Some, or all of the following steps, will need to be taken:

- Establish what issues are being raised by the complainant and the outcome being sought e.g. apology, compensation etc
- Research relevant legislation, policy, procedures
- Establish chronology of events i.e. who did what and when
- Consult other members of staff as necessary
- Seek legal or insurance advice if necessary

2. Points to bear in mind when preparing a response to complaints received in writing

2.1 Tone and style

Written responses to complainants should be professional but customer friendly. It is important to remember that most complainants will not be familiar with how the Council works and services interact. Each letter (or e-mail) should aim to make the complainant appreciate that their complaint has been taken seriously.

2.2 General context

Replies should:

- set the context by re-iterating the nature of the complaint.
- answer all the points of concern raised by the complainant.
- set out briefly, but clearly, any legislation, policy, procedures and good practice issues relevant to the complaint, enclosing any supporting documents if necessary.
- explain any recommendations and remedies arising from the complaint.
- use Plain English, avoiding jargon, technical terms and uncommon abbreviations as much as possible.
- avoid very long paragraphs or sentences so that statements are concise and clear.

2.3 Apologising

An apology should always be given even if the complaint has not been upheld e.g. *'I am sorry that you have felt the need to complain to the Council'*. But legal liability should not be admitted nor, without legal advice, should there be an admission that the Council was wrong.

3. Points to bear in mind when responding to complaints made by telephone or in person

Many formal complaints begin as complaints made by telephone or in person. Every effort should therefore be made to resolve complaints made by phone or in person by:

- actively listening to what the complainant is saying to show the complaint is being taken seriously and providing verbal encouragement e.g. 'Yes', 'No', 'I see'.
- not interrupting and allowing the complainant to air their concerns.
- asking open questions to gain information and get to the root of the problem e.g. how, when, what.
- answering questions as fully as possible and if the answer is not known, promising to find out and call them (back) or write if they prefer with a deadline by when this will be done.
- providing the member of staff's name who is dealing with the complaint and using the complainant's name (if provided).
- apologising that they felt the need to complain even if it appears the Council is not in the wrong – the complainant's perception may be that it is.
- not blaming the 'system' or any other service area – many customers make no distinction between different parts of the Council.
- avoiding reaching any conclusion without all the relevant information.

But remember that the Council does have a Policy on Dignity and Respect at Work, and that officers should not be subjected to unreasonable behaviour.

Steps to be taken when considering whether financial compensation should be paid to a complainant whose complaint has been upheld or partly upheld

All compensation claims should be considered in the first instance under Level 1 of the Council's complaints procedure, and should be logged on the complaints database.

Careful consideration should be given to the following:

Why is the complainant claiming financial compensation?

How much compensation has been requested, and is this regarded to be reasonable and/or justified?

Has the complainant provided evidence eg photos, receipts, costings to support their claim?

Has the claim been considered by the Council's Legal Service and/or the Council's Insurance Officer, and what are their recommendations?

Does the claim relate to repairs covered by the Right to Repair legislation,(in which case the amount being claimed should not exceed £50)?

If the amount being claimed is £100 or less, has the appropriate Head of Service been asked to authorise payment in accordance with the complaints policy?

If the amount being claimed exceeds £100, has payment been authorised by the Executive Director in accordance with the complaints policy?

Any compensation paid needs to be consistent with other cases of a similar nature to offer a sense of equity between complainants.

NB These may be occasions when a payment of compensation is made to a customer who is in debt to the Council eg a tenant with rent arrears, a council tax payer whose account is in arrears or a benefit claimant who has not paid back an overpayment of benefit.

In such circumstance it is important that the compensation payment is used to clear any debt that is owed to the Council, and only then will the remaining balance – if any - be paid to the complainant.