

### **Waverley's complaints procedure**

Waverley's complaints procedure has two levels:

#### Level 1

Complaints will initially be investigated by the appropriate Team Leader or Manager in the Service that is being complained about. Level 1 complaints will be acknowledged within 3 working days and responded to within 10 working days.

#### 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 under Level 2.

Level 2 complaints will be acknowledged in 3 working days and responded to within 15 working days.

#### Final stage

If the customer is still unhappy having received a response from the Head of Service, they can raise their concerns with the Local Government and Social Care Ombudsman. If they are a Council tenant or leaseholder and their complaint concerns landlord issues eg responsive repairs, they can ask a 'designated person' (ie an MP, WBC Councillor, or Waverley Designated Tenants Panel) to review their complaint, or wait eight weeks and then make a complaint to the Housing Ombudsman.

### **Roles and responsibilities**

#### Team Leaders and Managers

Team Leaders and Managers are responsible for ensuring that:

- All complaints are logged by their Service Complaints Administrator
- Wherever possible the complaint is responded to within the target time of 10 working days for Level 1 complaints.
- The response deals with each aspect of the complaint.
- The quality of responses is high, using the Level 1 template and plain English.

#### Heads of Service

Heads of Service are responsible for ensuring that:

- Responses to Level 2 complaints are comprehensive, impartial and objective, and that any outstanding concerns are addressed in full.
- Learning and improvement from complaints is properly disseminated and implemented within the Service
- Priority is given to those complaints where there is a clear, serious and continuing detrimental effect on the service user or the Service that needs to be addressed promptly

- Staff who deal with Level 1 complaints have the appropriate training to investigate and respond to customer complaints – see annex 2.

### Corporate Complaints Officer

The Corporate Complaints Officer is responsible for:

- Managing the Council's complaints handling database and working with Service Complaints Administrators to ensure efficient and timely handling of complaints.
- Keeping under close review all complaints received at Level 2 and providing direct assistance to Heads of Service in the investigation of the more complex Level 2 complaints.
- Providing guidance to staff on good complaints handling, including response templates.
- Investigating complaints referred to the Council by the Local Government and Social Care Ombudsman and the Housing Ombudsman Service.
- Acting as the Council's Link Officer with the two Ombudsman Services.
- Providing statistical information on performance in complaints handling to the Management Board, senior managers and Councillors.

### Service Complaints Administrators (SCA)

A list of the SCAs and their deputies is attached as Annex 1.

SCAs are responsible for:

- Logging complaints on the complaints database.
- Acknowledging complaints and confirming to the complainant the name of the investigating officer and the date on which they can expect a response.
- Completing the complaint record once the complaint has been responded to, and recording any lessons learned and action taken as a result.

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 upheld, partly upheld or not upheld; and
- where appropriate, lessons learned and action taken.

### **Investigation of complaints**

A note on the general principles to be followed when investigating complaints is attached as Annex 2.

## **Remedies**

### Appropriate remedies

When a complaint is upheld or partly upheld there needs to be an appropriate remedy, and it may be helpful to ask the complainant how they would like their complaint to be resolved. The Local Government and Social Care 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 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.

### **Arrangements for paying financial compensation**

If it is established that liability lies elsewhere e.g. with one of the Council's contractors, they will be asked to pay all or part of the compensation awarded.

Legal and/or insurance advice will be always be sought in any circumstances where the amount of financial compensation being requested exceeds £100.

All compensation payments must be authorised by the relevant Head of Service.

Annex 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**

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).

This issue is addressed in more detail in the Council's policy on dealing with unreasonably persistent and unreasonable complainants.

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*

Emma Dearsley – *Democratic Services*

Sue Petzold – *Corporate Complaints Officer*

## **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 a 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. It is also important to make it clear to the complainant that their complaint is being 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 where 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. All sentences should be concise and clear.

### 2.3 Apologising

An apology should always be offered in cases where the Council has made a mistake. However an apology can also 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'*.

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

Complaints will often be made over the telephone or in person. When receiving such a complaint, every effort should be made to resolve the complaint 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 another 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)?

All compensation payments must be authorised by the relevant Head of Service

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.*