

Complaints, compliments and suggestions policy October 2020

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1. Introduction

This policy applies to any person or organisation wishing to give a compliment, provide a suggestion or make a complaint against Lichfield District Council

2. Purpose of policy

Lichfield District Council aim to put our customers at the heart of all we do, however, we recognise that there may be occasions where we will be unable to meet the expectations of the customer. The purpose of this policy is to set out Lichfield District Council's approach to responding to customer feedback and when that feedback is a complaint to show how we will deal with it in a timely, fair and consistent way.

3. Scope of policy

The policy applies to all complaints with the following exclusions:

- A request for a service, or where there has been an operational failure which is easily rectified, e.g. a report of litter in a park, or a missed bin collection.
- Complaints made about elected members - a separate procedure exist for such complaints and these should be made to the council's monitoring officer.
- A complaint about a decision of Full Council, Cabinet or other decision-making committee which can only be challenged via a judicial review.
- A complaint about planning decision. Applicants who are unhappy about a planning decision should follow the planning appeal process. Whilst the council's complaints policy will not be used to address complaints about the outcome of a planning decision, it can be used to investigate complaints about the procedures and processes used to arrive at a decision.
- Complaints which may lead to an insurance claim are referred directly to the council's insurance officer to be handled by our insurance company.
- Contractual disputes that have not exhausted the dispute resolution outlined in the contract.
- A complaint that has been considered by the Local Government Ombudsman and closed.
- A complaint that is subject to, or has already been through, court or tribunal proceedings, or there is a separate appeals process to a court or tribunal service.
- Complaints regarding operational matters at Burntwood or Friary Grange leisure centres, or at the Lichfield Garrick. Complainants should address such complaints to the leisure centre operator (Freedom) or to the theatre operator (the Lichfield Garrick Trust).
- Complaints, because of their nature, that are better considered through the council's whistleblowing policy.
- Complaints about the loss of personal data. Where such loss is accepted, the council will seek advice from the Information Commissioner's Office (ICO).

Anonymous complaints will be noted and reviewed to determine whether there is merit in an investigation.

Specific complaints made on behalf of other customers cannot be accepted unless authority to respond is given by the customer concerned. Similarly, complaints registered by an individual cannot be discussed with relatives or partners unless authority to respond is granted by that individual.

The council is not obliged to respond to complaints that are vexatious, oppressive, threatening or abusive. These are seen as complaints which are without foundation and/or which are intended to result in harsh or wrongful treatment of the person who is the subject of the complaint. In these types of circumstances a complaint will not be taken forward by the council.

If the Local Government Ombudsman receives a complaint before it has been investigated by the council, it will be passed to the council to investigate in line with this policy.

The definitions for the purpose of this policy:

- A complaint is an expression of dissatisfaction received from a customer about the council's service provision or implementation of policy.
- A complaint may be about a lack of response, poor service, delays in service being provided, one-off or ongoing problems and /or about the behaviour or attitude of council employees, or contractors.
- Complaints can be made in writing, electronically or verbally.

A request for a service e.g. noise complaint, an appeal for assistance, or a request for a repair is not considered a complaint. A request for service can however become a complaint if no action is taken to deal with the service request, where the quality of service is poor, decisions do not follow council policy, or where insufficient information has been provided or information is misleading.

Wherever possible, the council will seek to discuss the issues with the complainant in order to fully understand their concerns and find out what changes or outcome they want to see.

If the issue can be satisfactorily resolved at first point of contact or via informal resolution, no further action is needed and the complaint does not need to be recorded formally. A good example of this would be someone complaining about toilets being dirty, and a staff member resolving the problem straight away.

If it is clear the complainant remains unhappy this should be handled as a formal complaint and formally recorded.

About unreasonable and unreasonably persistent complainants

The council has adopted the Local Government Ombudsman's definition: Unreasonable and unreasonably persistent complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints. Any complainant who meets this definition will be contacted to make them aware of how their complaint will be dealt with and how they may complain to the council in future.

About compliments

The council considers a compliment as an unsolicited expression of praise or admiration from a customer, which is over and above common courtesy. Compliments can be received by phone, email, in writing or through the online form. We will consider the acknowledgement of formal compliments on a case by case basis.

Any compliments received will be fed back to the member of staff concerned.

Suggestions

Where suggestions are provided these will be passed to the relevant officer or head of service for consideration.

Fluency Duty

For the purposes of the fluency duty, a legitimate complaint is one about the standard of *spoken* English by a member of staff in a public facing role. A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint about the fluency duty.

4. How it relates to/underpins our strategic ambitions

As a council we will put the customer at the heart of everything we do. Working collaboratively with customers to ensure we are transparent and accountable.

We are committed to creating a culture where complaints are welcomed and are used to review and improve the services we provide and want to deal with complainants in ways that are open, fair and proportionate.

Our customer promise includes the following commitment to:

- make it easy to report a complaint, comment or compliment.

- acknowledge all complaints within five working days.
- provide a full response within 20 working days wherever possible, or let you know when we will respond in full.
- treat complaints confidentially, unless we have the complainant's permission to share, while making sure we are fair to everyone concerned.
- let you know how to take your complaint further if you are not satisfied with our response.
- say sorry when we are at fault and do our very best to put things right.
- record complaints, comments and compliments and use them to review and improve our services.

In responding to complaints the council will normally require that the complaint is made within 12 months of the complainant knowing about the problem. This is because where there is a significant delay in raising the concern it is more difficult to investigate and resolve the matter.

However if there are exceptional circumstances, e.g. due to ill health then a complaint that is more than 12 months old may be considered.

5. Policy details

Our complaints procedure aims to provide a timely, simple and accessible process for resolving complaints. If a complaint cannot be resolved **informally or at the first point of contact** it will progress to stage one of the complaints procedure.

Informal Stage

The customer will be contacted by the service concerned either by telephone or email and asked about the outcome they are seeking from their complaint. This should normally be within 3 days of receiving the complaint. The officer is to assess whether an informal resolution can be provided to the complaint. If not the complaint should be documented and passed to Stage 1.

The formal complaints procedure consists of two stages.

Stage One

This is the first stage of the procedure. Complaints may be made in writing, in person, by telephone or online. Complaints are acknowledged within five working days.

An appropriate officer will acknowledge the complaint, **discuss the complaint with the complainant if this has not been undertaken at the informal stage**, investigate and normally send a full response within twenty working days. The twenty working days start from the date the council receives the complaint.

Where matters are likely to take more time to investigate or resolve due to the complexity of the complaint, the investigating officer will keep the complainant informed of progress throughout the twenty working day time frame, and until the matter is dealt with.

Stage Two

If the complainant is not satisfied with the stage one investigation and outcome, they may request that the complaint progress to stage two. To progress to a stage two complaint, we encourage complainants to contact us within twenty working days after receiving their stage one response. This is to ensure that staff involved have all the information readily available and that the complaint remains fresh in their mind to assist the investigating officer.

At this stage the complaint is passed to a head of service to oversee a stage two investigation. An officer will be assigned as the independent investigator and will complete the investigation on behalf of the head of service, who will oversee the complaint.

The head of service will speak to the complainant in the early part of the investigation, in order to scope the

review of the complaint. The investigator will prepare a stage two report under the direction of a head of service on their findings for review by the chief executive and a draft response to the complainant.

The response will be sent within twenty working days, except where matters are likely to take more time to investigate or resolve due to the complexity of the complaint. Where this applies the investigating officer will keep the complainant informed of progress within the twenty working day time frame and until the matter is dealt with.

If the complaint includes the chief executive it will be passed to the monitoring officer. If the complaint is of a very serious nature than an external investigator may be brought in or the complaint referred directly to the ombudsman.

All complaints will be treated in confidence. Information will only be shared with those parties involved in resolving the complaint, unless permission is given by the complainant to share details.

Outcome

There are three possible findings from a review of a complaint.

- Complaint not upheld
- Complaint partially upheld
- Complaint upheld

Remedies

If a complaint is partly or fully upheld, the council will consider a number of remedies, or combination of remedies. Remedies need to be proportionate, appropriate, deliverable and reasonable. The most appropriate remedy will be determined on a case-by-case basis.

Local Government Ombudsman

If all stages of the internal complaints procedure have been completed and the complainant is still unhappy with the outcome, they can refer the matter to the Local Government Ombudsman who will carry out an independent investigation of the complaint.

The Local Government Ombudsman will expect the complainant to have exhausted the council's internal complaints procedure before approaching them.

Complaints to the ombudsman should be made within twelve months of the affected person becoming aware of the matters that gave rise to the complaint, although there may be circumstances where this may be extended.

The Local Government Ombudsman who can be contacted at the following address.

The Local Government Ombudsman

PO Box 4771

Coventry CV4 0EH

Website www.lgo.org.uk