

# Durham County Council

## Corporate Complaints Policy 2009 - 2010

## Introduction

- 1 The generic high level process flow chart for customer complaints is attached as Appendix 1 and a summary of the procedures is given in the shaded boxes throughout this policy.
- 2 The aims of these procedures are to:
  - recognise good service through the recording of compliments and acknowledge what we have done well;
  - drive the improvement of services we provide to customers by responding positively to comments, complaints and suggestions and, where appropriate, making changes to the way in which we deliver services;
  - promote a consistent approach to handling comments, complaints, compliments and suggestions that is easy for customers and staff to use.
- 3 This policy does not cover statutory complaints about Childrens or Adults Social Care Services and Schools as separate policies and procedures are in place to deal with these, however, initial contacts will be dealt with as part of this process.
- 4 Where there are existing appeals procedures in place for decisions (e.g. decisions on planning applications, applications for housing benefits and homelessness applications), the complaints procedure will only be available to investigate how the application was handled and not the decision arrived at through the appeals process.
- 5 It also does not include complaints against Elected Members as these are dealt with under a separate policy and procedure. Further information is available from the Council's Monitoring Officer but initial contacts will be dealt with as part of this process.
- 6 All instances involving potential insurance claims will be logged by Customer Services and then directed to the Council's legal team.
- 7 This policy aims to put our customers first and to set in place a culture of continuous improvement, learning from complaints and enhancing our customers' experience when dealing with the Council. It is a working document which will inevitably evolve over time as improvements and changes are made.
- 8 This policy covers comments, complaints, compliments and suggestions from 1<sup>st</sup> April 2009. Any comments, complaints, compliments and suggestions raised prior to this date will be dealt with by the existing procedures in place at each of the District, Borough or County Councils.

## **Method of contact**

- 9 In order to provide an open and accessible policy/procedure, a comment/complaint/compliment/suggestion can be received via any existing access channel e.g. verbally (face to face or telephone), written (letter, e-mail or on a pro-forma), web form etc. The manual pro-forma is attached as Appendix 3.
- 10 As new access channels are developed and implemented it is envisaged that customers will be able to log their comment /complaint / compliment / suggestion via these channels. As a result, in the future any employee should be able to record the necessary complaint details and pass them on to the Complaints Officer in the relevant Service Area or to Customer Services.
- 11 Communication is important and therefore help should be provided for those customers whose first language is not English or who may have difficulty in expressing themselves through disability and this should comply with the Council's equality and diversity policy/standards.
- 12 Member Support Team will be trained to log complaints onto the Council's Customer Relationship Management (CRM) system on behalf of Members and will be responsible for communicating progress to the relevant Member/s. This team will also deal with any complaints received from Members of Parliament.
- 13 Complaints received from Town and Parish Councils will be handled via the same procedure as complaints from customers.

## **Definitions and Procedures**

### Definition of a Compliment

- 14 An expression of satisfaction with a service the Council provides. This could be satisfaction with an individual member of staff, team or a particular service area.

### Definition of a Suggestion

- 15 A remark made about a particular aspect of a service which can be used to improve future service delivery.

### Definition of a Comment

- 16 A remark made about a service, including the quality of the service or the means by which it is delivered.

### **Comment/Compliment/Suggestion received**

If received into Customer Services, a comment/compliment/suggestion will be logged into the CRM system and then passed out to the nominated Complaints Officer in the relevant Service Area.

If received in the Service Areas, a pro-forma will be provided to capture the required information and then this will be passed to the Complaints Officer for that service area for entry into the CRM system.

Once a comment/compliment/suggestion etc. is received by Customer Services it will be acknowledged back to the citizen within two working days by Customer Services.

Feedback from suggestions made will be given to the customer by the relevant Head of Service, especially where savings or efficiencies have been identified after changes to existing methods of working suggested by the customer.

## Definition of a Complaint

- 17 A complaint is an expression of dissatisfaction about the standard of service, action or lack of action by the Council, its staff or contractors/agents providing services on behalf of the Council affecting an individual customer or group of customers.
- 18 This does not include complaints about a third person (e.g. a complaint made about a noisy neighbour) or where a customer is reporting a situation that requires attention (e.g. a street light not working). These are requests for service and only become complaints if the customer is dissatisfied with the Council's response to the request for service.
- 19 Where a complaint has been received anonymously, Customer Services will try to investigate but may discontinue the complaint where further information is required from the complainant. The decision to close the complaint should be made by the Head of Service.

## **Receiving Complaints**

Any complaints should be directed to Customer Services. This is to be the advice to all staff members when receiving a complaint. However, complaints will be able to be received or made to any employee performing Council duties on day to day basis.

The recording of all complaints, whether resolved or not at the first point of contact, must be performed across the Council and be adopted as part of the culture of the new organisation.

### **Complaints received – Resolved at 1<sup>st</sup> point of contact – Received by staff member**

If a complaint is received by a staff member during the course of their day to day work, they should endeavour to resolve the complaint. If the employee can resolve the complaint at the first point of contact with the customer then they should do so. A manual pro-forma method of capturing this complaint must be completed so that the Authority can identify a "failure" and then act to improve and eliminate the cause of the "failure".

The employee should capture the customer's name, contact details (phone number as a minimum), a description of the complaint, date complaint received and Service Area involved. If the complaint has been resolved at first point of contact they should also capture the action that was taken to resolve the complaint.

The pro-forma should be passed to nominated Complaints Officers in each Service Area or Customer Services within 5 working days for immediate input into the CRM system. The complaint is closed.

### **Complaints received – Resolved at 1<sup>st</sup> point of contact – Received by Customer Services staff member**

If a complaint is received by a Customer Services staff member during the course of their day to day work, they should endeavour to resolve the complaint. If the employee can resolve the complaint at the first point of contact with the customer then they should do so. This complaint will be captured directly into the CRM system so that the Authority can identify a “failure” and then act to improve and eliminate the cause of the “failure”.

The employee must capture the appropriate information as defined in the CRM application. If the complaint has been resolved at the first point of contact they should also capture the action that was taken to resolve the complaint. The complaint is closed.

### **Stage 1 - Complaints that could not be resolved**

If the customer is not satisfied with the suggested first point of contact resolution or the employee dealing with the complaint felt that they could not resolve the complaint, the complaint (and associated information captured) will be passed to and owned by Customer Services in order to “champion” the complaint on behalf of the customer. This handover of the complaint will occur within two working days from the date the complaint was received.

An acknowledgement letter will be sent out to the complainant within 2 working days from the date the complaint was initially received, explaining that the Complaint is now at Stage 1.

The complaint will be forwarded to the Complaints Officer in the Service Area concerned to investigate the complaint and provide a comprehensive written response to the Customer and to Customer Services. If the Service Area has not nominated a Complaints Officer, then the complaint will go to the Head of Service to deal with.

Timescales for a written response back to the Customer from the Service Area should be no more than 10 working days from the date the complaint was initially received.

Customer Services’ remit is to monitor the handling of complaints within the timescale and to ensure that the customer is given the best response, not just a response driven by a response timescale. If the best response cannot be given to the customer in the defined timescales by the Service Area (where the complaint originated), then Customer Services will proactively communicate with the Service Area and complainant to explain this and provide a new response timescale.

If a written response has not been issued to Customer Services within the

timescale, Customer Services will escalate the complaint to the relevant Head of Service.

When Customer Services has sent the response to the complainant and have had no further correspondence, we will presume that the complainant is satisfied with it, and the complaint will be closed.

### **Stage 2 - Customer is not satisfied with Stage 1 response**

The complainant will be advised to liaise with Customer Services if they are not satisfied with the Stage 1 response.

Once advised that the complainant is not satisfied with the Stage 1 response, Customer Services will issue an acknowledgement letter to the complainant. This acknowledgment will be sent within two working days of receiving notification from the citizen that they were not satisfied with the Stage 1 response.

The Head of Service/Complaints officer who dealt with the Stage 1 response will be informed and the information sent to the relevant Director to investigate further in conjunction with Customer Services.

In order to achieve an unbiased Stage 2 investigation and response, Customer Services must be independent of all the Service Areas that addressed the original complaint. It is recommended that complaints about Customer Services are recorded in CRM and then sent to the Corporate Director of Neighbourhood Services to investigate so that it is independent of Customer Services.

It is also important that the complaints function will investigate the complaint, the original investigation and the response provided. To do this they may need to seek advice from Corporate Management Team, Heads Of Service, the Monitoring Officer, Legal Services, Councillors and "external" bodies/professionals.

Customer Services will issue a Stage 2 response within no more than 20 working days from when the complainant advises that they were not satisfied with the Stage 1 response.

When Customer Services has sent the response to the complainant and have had no further correspondence, we will presume that the complainant is satisfied with it, and the complaint will be closed.

### **Stage 3 – Customer is not satisfied with Stage 2 response**

The response letter to the stage 2 complaint will inform the customer of the outcome of the investigation and that the Council's complaints procedure has now been exhausted. The customer will be advised to contact the Local Government Ombudsman should they wish to pursue the matter further.

NB - the LGO will not usually deal with complaints which have not gone through

the Council's complaints procedure first.

The LGO will write to the Chief Executive (or a designated Link Officer within Legal and Democratic Services), usually with a list of points which need clarifying before they can make a decision. The list will be forwarded to the Head of Legal and Democratic Services. The response to the LGO will be prepared and submitted to the Ombudsman by a representative of Legal and Democratic Services in conjunction with the relevant Service personnel. Legal and Democratic Services will be responsible for ensuring that the timescales and procedural requirements specified by the LGO are adhered to.

A copy of the final correspondence will be sent to Customer Services for logging on to the corporate system.

Once the LGO is in receipt of all complaint information, they will issue their judgement to the Chief Executive/Link Officer who will cascade the information to the Head of Legal and Democratic Services, relevant Head of Service and Complaints Officer. The response letter to the Stage 2 complaint will inform the customer of the next steps they can take should they remain dissatisfied with the response.

### **Vexatious complainants**

- 20 Persistent complainants are a fact of life for most organisations. They are usually a small number of people but their capacity to absorb the Council's resources can be extensive.
- 21 Raising legitimate queries or criticisms is not vexatious, however, often the items raised are insignificant, have been dealt with but the complainant refuses to accept the Council's decision or are beyond the scope of the organisation to deal with.
- 22 Even though a complainant may be vexatious they could still raise legitimate complaints and therefore every complaint should be assessed on its merits.

Officers in Customer Services should raise concerns over possible vexatious complainants with the Head of Service. The decision to determine a complainant as vexatious should rest with the Head of Service after consultation with Legal Services.

Once it is clear that a complainant is acting in a vexatious manner then Legal Services must be consulted for further guidance and advice as to how to deal with the person involved.



## **Independent mediation**

- 23 Where very complex issues are involved it can sometimes be advisable to seek independent mediation in order to resolve the complaint in the best interests of both parties.
- 24 Advice and guidance must be sought from the Head of Legal Services before entering into agreements for independent mediation.

## **Data Protection**

- 25 All citizens are legally entitled to complain, however, if complaining on behalf of a third party, then these should be validated in line with the Data Protection Act and the express written consent of the third party must be received. Again, advice must be sought from Legal Services before giving out information.
- 26 All data must be handled in accordance with the Data Protection Act and Freedom of Information Act.

## **Training**

- 27 All designated Complaints Officers and the Customer Services team will be trained in the new policy and procedures before they are asked to use them. Complaints Officers will cascade briefing notes to everyone in their service area and deal with any queries about the process and/or how to complete the pro-forma.
- 28 Refresher training will be necessary as and when any changes to the policy and/or procedures are identified and before they are implemented.
- 29 The induction training for all new members of staff must include how to deal with complaints using the procedures set out in this policy.

## **Reporting / Publication**

- 30 The Head of Service will report to Corporate Management Team on a regular basis on the number of complaints at each stage, the decisions and any learning points.
- 31 It is expected that Directors will use these learning points to implement improvements to services. The Head of Service will be able to assist in this, perhaps with a performance evaluation of a specific service area or more frequent reporting for areas of concern. The reporting should be an integral part of the Council's performance management framework and will involve the Assistant Chief Executive's Performance Management Team

to monitor the use of learning from comments, complaints, compliments and suggestions within the corporate framework.

- 32 It is anticipated that a suite of standard reports will be developed for CMT and Directorates but the CRM system will be built to produce ad-hoc reports which can be run at any time.

#### Monitoring the effectiveness of procedures

- 33 The Head of Service (with input from CMT) will monitor the effectiveness of these procedures on at least an annual basis and where there are improvements needed, implement change.
- 34 Customer satisfaction surveys relating to the handling of complaints may be sent to customers who have complained and the results will be reported as part of the regular reports to CMT.

#### Compliance with other policies

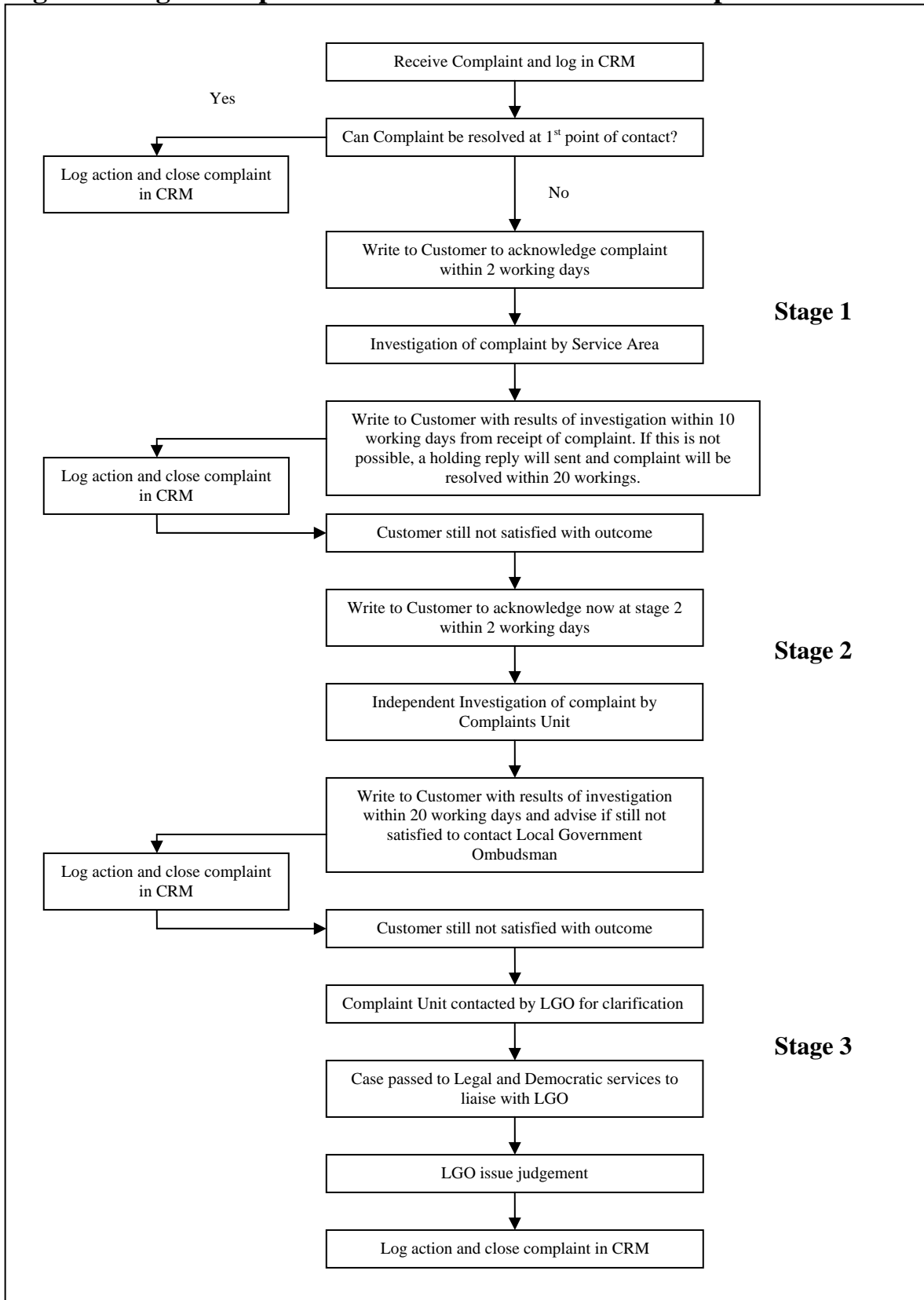
- 35 It is vital that this policy complies with existing and future policies and legislation. There are several areas where this is clearly defined e.g. DPA/FOI/EIR/RIPA but there are other areas where further work may be necessary (e.g. equalities and diversity and other statutory obligations).

#### **Recommendation and Reasons**

- 36 It is recommended that when the Head of Service reviews the effectiveness of these procedures on an annual basis, they also review the compliance of the policy, assisted by Legal Services.

## Appendix 1.

### A generic high level process flow chart for customer complaints.



## Appendix 2.



Complaints, Compliments, Comments & Suggestions

Is this a:

Complaint  Compliment  Comment  Suggestion

Details of the person giving you the information:

Name	
Address	
Post Code	
Daytime Telephone	

Details/information given (please continue on other side of sheet if necessary):

Your name:

Date:

Please give this form to your Service Area Complaints Officer or send it to  
**Corporate Complaints Unit, Durham County Council, Green Lane, Spennymoor,  
County Durham, DL16 6JQ.**