

HYNDBURN BOROUGH COUNCIL

**POLICY & GUIDANCE
FOR DEALING WITH
COMPLAINTS, COMMENTS AND
COMPLIMENTS**

Adopted July 2003
Reviewed and updated March 2010

HYNDBURN BOROUGH COUNCIL

POLICY & PROCEDURES RE COMPLAINTS, COMMENTS AND COMPLIMENTS

| CONTENTS | PAGE |
|---|------|
| 1. Aims of complaints policy | 3 |
| 2. What the complaints policy covers | 3 |
| 3. Who can make a complaint | 5 |
| 4. Making a complaint | 5 |
| 5. Complaints procedure | 6 |
| 6. Complaints officers | 7 |
| 7. Logging and monitoring complaints | 8 |
| 8. Special Cases | 8 |
| 9. Resolving Complaints | 9 |
| 10. Comments and Compliments | 11 |
| Appendices: | |
| Appendix 1 – Guidance on dealing with stage 1 complaints | 12 |
| Appendix 2 – Guidance on dealing with stage 2 and 3 complaints | 14 |
| Appendix 3 – Officers responsible for stage 2 complaints | 17 |
| Appendix 4 – Guidance on dealing with difficult or vexatious complainants | 19 |

HYNDBURN BOROUGH COUNCIL

Policy & Guidance Re Complaints, Comments and Compliments

The Council is committed to providing high quality services to the people of Hyndburn. It recognises that a positive approach to complaints is essential to good customer care.

The Council takes all complaints seriously and values customer feedback. The Council is committed to learning from complaints received and to making changes to policies and procedures to prevent similar complaints recurring.

1. AIMS OF COMPLAINTS POLICY

We aim to:

- make it easy for people to exercise their right to complain
- ensure all complaints are dealt with quickly and consistently
- help create equality of access to the Council and its services
- turn dissatisfied customers into satisfied customers
- improve the Council's services
- enhance the image of the Council and its employees in the eyes of Hyndburn citizens

2. WHAT THE COMPLAINTS POLICY COVERS

2.1 Definition of a complaint

A complaint is an expression of dissatisfaction, however made, about the Council's actions or lack of action or about the standard of a service, whether the action was taken, or the service was provided, by the Council itself or by somebody else on the Council's behalf.

2.2 What complaints does the policy apply to?

The following types of complaint are covered by the complaints policy:

- a failure to provide a service
- an unsatisfactory level or quality of service
- a failure to follow the Council's policy or procedures
- the absence of proper procedures
- delays in providing or completing a service
- a failure to provide information or a failure to give correct information
- complaints about the behaviour or attitude of a member of staff or contractors employed by the Council
- complaints of bias, malice or unfair discrimination

2.3 What is excluded from the complaints policy?

The complaints policy **does not apply** to the following types of complaint:

- Complaints by Council employees concerning pay, terms and conditions of employment, grading or other personnel related grievances
- Complaints relating to the staff recruitment process
- Complaints about the conduct of councillors – such complaints should be reported to the Executive Director (Legal & Democratic). Alternatively, complaints relating to a possible breach of the Council's member code of conduct may be reported to the Council's Assessment Sub-Committee which will decide what action should be taken. Information about how to complain may be found on the Council's website or may be obtained from the Executive Director (Legal & Democratic).
- Requests for a service – e.g. notification of a missed refuse collection or reports of fly tipping.
- Complaints that are more appropriately dealt with under a statutory procedure or special appeals process – e.g. complaints against refusal of planning permission or refusal of a taxi licence or appeals against housing benefit determinations. However, the complaints procedure will apply to any part of the complaint that cannot be dealt with under the statutory or special appeals procedure - e.g. complaints about the conduct of a member of staff dealing with the planning application, or complaints about a failure to follow correct procedures or allegations of bias or discrimination).
- Complaints about Council policy, provided the policy has been properly applied – the complainant should be advised to contact their ward councillor in respect of complaints of this sort
- Complaints about a political decisions, provided the proper procedures were followed when the decision was taken – again, the complainant should be advised to contact their ward councillor in respect of complaints of this type
- Complaints by one Council Section about internal services provided by another Council Section

- Requests for information or for an explanation of Council policy or practice
- Complaints of which the complainant has been aware for 12 months or more before the initial complaint is made, unless there are good reasons for the delay, such as the previous incapacity of the complainant. When the Council receives a complaint of this nature, the complainant should always be asked to explain the reason for the delay before a decision is taken that this policy does not apply
- Anonymous complaints except in the circumstances permitted by paragraph 4.4 of this policy

3. WHO CAN MAKE A COMPLAINT?

- 3.1 The complaints policy is intended to be as open as possible and applies to complaints made by:
- any person or organisation that uses or receives a service from the Council;
 - any person directly affected by a Council decision or service
- 3.2 Complainants can complain for themselves or can ask somebody else to complain on their behalf, including friends, family members, solicitors or voluntary organisations
- 3.3 Councillors may make a complaint on behalf of their constituents. Councillors may also complain themselves if they receive a poor service.

4. MAKING A COMPLAINT

- 4.1 Complaints may be made:
- in person
 - by telephone
 - in writing, by letter, fax or e-mail
 - on the Council's complaints form
 - using the Council's on-line complaints form
- 4.2 Stage 1 complaints need not be in writing and, in most cases, the complaint will be raised by telephone or face to face.
- 4.3 Stage 2 and 3 complaints should be in writing. Council staff can write out a complaint on a complainant's behalf if they need assistance, but the complainant should be asked to sign the complaint. If a complaint is received by e-mail, the complainant should be contacted to verify their identity.
- 4.4 The Council should not usually accept anonymous complaints. However, an anonymous complaint may sometimes raise issues of serious concern, e.g. relating to fraud or other criminal activity. Such complaints may be investigated under this policy if the relevant service head is satisfied that sufficient information has been provided to enable a proper

investigation to be carried out and that it may be possible to substantiate the allegation without access to the complainant.

5. COMPLAINT AND PROCEDURE

The Council has a 3-stage complaints procedure as follows:

Stage 1 informal complaint

Stage 2 formal complaint

Stage 3 appeal

The complaints procedure operates as follows:

| stage | procedure | time limits |
|-------|---|---|
| 1 | <p>Complaint should be dealt with by the officer dealing with the subject of the complaint, or their line manager.</p> <p>Complaint can be verbal or in writing.</p> <p>Most complaints should be resolved at this stage, usually at first contact with the complainant. A response in person or by telephone may be sufficient, but the complainant should always be told of their right to make a formal complaint. If a verbal response cannot be given quickly it is better to reply in writing,</p> <p>Guidance for dealing with Stage 1 complaints is given in Appendix 1</p> | <p>Written response within 10 working days if not possible to respond to complaint quickly in person or by telephone</p> |
| 2 | <p>The complaint should be dealt with by the manager responsible for the service to which the complaint relates. A list of officers responsible for stage 2 complaints is attached at Appendix 3.</p> <p>The complaint should be in writing – either a letter, fax or complaint form. Staff should take down details of the complaint if the complainant requires assistance.</p> <p>Guidance for investigating stage 2 complaints is given in Appendix 2.</p> <p>The Council's response should advise the complainant of their right of appeal</p> | <p>Acknowledge receipt within 2 working days</p> <p>Full response in writing within 10 working days</p> <p>If the complaint is complicated and a response can't be given within 10 working days, the complainant should be advised of the progress of the investigation and told when they can expect a full response</p> |
| 3. | <p>The appeal should be sent to the Council's Managing Director who will appoint a senior manager to conduct a</p> | <p>Acknowledge receipt within 2 working days</p> |

| | | |
|--|---|--|
| | <p>further investigation. The senior manager should not be responsible for the service which is the subject of the complaint.</p> <p>The complaint should be in writing – either letter, fax or complaint form. Council staff should take down details of the complaint if the complainant requires assistance.</p> <p>Guidance for the investigation of stage 3 complaints is given in Appendix 2.</p> <p>The investigating officer should consult the relevant portfolio holder about the complaint before concluding their investigation. If the complaint may lead to disciplinary proceedings against a member of staff, the portfolio holder should not be told the name of the staff member concerned. The portfolio holder should also not be involved in any subsequent disciplinary hearing relating to the complaint.</p> <p>The complainant must be advised of their right to appeal to the Local Government Ombudsman if they are unhappy with the outcome of the appeal process. The complainant should be sent a copy of the Ombudsman’s complaints leaflet.</p> | <p>Full response in writing within 20 working days</p> <p>If the investigation is complicated and a response can’t be given within 20 working days the complainant should be advised of the progress of the investigation and told when they can expect a full response.</p> |
|--|---|--|

6. COMPLAINTS OFFICERS

- 6.1 The service head for each service area will act as its complaints officer. A list of service heads for this purpose is attached at Appendix 3. The complaints officer is responsible for
- (a) overseeing adherence to this Policy and Guidance
 - (b) arranging for the investigation of complaints that have reached stage 2. The complaints officer will be expected to conduct the investigation into the complaint unless it is appropriate to delegate this task to a more junior officer. If the investigation is delegated the complaints officer must check any letters to the complainant before they are sent to verify adherence to this policy and to satisfy themselves that a full and proper investigation has occurred.
 - (c) ensuring that all stage 2 and stage 3 complaints are recorded on the Council’s complaints management and monitoring system
- 6.2 The Executive Director (Legal and Democratic) will act as the Council’s corporate complaints co-ordinator. She is responsible for collecting monitoring information from the various complaints officers and presenting this in a report to the Standards Committee every 6 months. She is also responsible for keeping leaflets and procedures up to date, arranging training and liaising with complaints officers to make sure the complaints procedure is being adhered to.

7. LOGGING AND MONITORING COMPLAINTS

- It is good practice to keep a record of complaints received and how they were dealt with. This can be used to show whether the Council's Complaints Procedure is working effectively. It can also be used to help to improve the Council's services.
- All stage 2 and 3 complaints must be logged on the Council's complaints management and monitoring system (CMMS).
- All stage 1 complaints received via the Customer Contact Centre and Reception desks will be recorded on the CMMS. Each service area may decide whether it wishes to record stage 1 complaints it receives directly (i.e. from a source other than the Customer Contact Centre, such as in person or by fax or e-mail). However, if a service area decides to record stage 1 complaints it must do so by using the CMMS.
- Although this can seem like a time consuming task, every effort has been made to make logging complaints as simple and straightforward as possible.

SPECIAL CASES

Cross-service complaints

- 8.1 The complaints officer receiving the complaint should organise the response or responses to the complaint even if it covers more than one service area.
- 8.2 Where this is not practical, or where there is uncertainty as to where the complaint belongs, the complaint should be forwarded to the Executive Director (Legal and Democratic) in her role as corporate complaints co-ordinator who will co-ordinate the investigation and response. The complainant must be advised that this has been done.
- 8.3 At no stage should the complainant be advised that they must take up their complaint with the other service area directly.

Disciplinary Action

- 8.4 If a person has complained against a named or identifiable individual, and that complaint has resulted in disciplinary action, then there is a need to balance the confidentiality of the disciplinary procedure against the expectations of the complainant to a full response.
- 8.5 Where the investigation has substantially upheld the complaint, the complainant should be informed that this is the case, and that appropriate management action will be taken, but the nature of that action will remain within the confidentiality of the disciplinary procedure.
- 8.6 Equally, where the investigation has produced no evidence to warrant disciplinary action, the complainant should be informed of this – front line members of staff will have to continue to work on the front line, and may even have to deal with the complainant again, and they have a right to expect that unsubstantiated allegations will not be left hanging over their heads.

Complaints against a Complaints Officer

- 8.7 Where a complainant makes a further complaint about the attitude or conduct of a complaints officer, the matter will be investigated and responded to by the Executive Director (Legal and Democratic) as corporate complaints co-ordinator.

Sensitive or “high profile” complaints

- 8.8 The subject matter of some complaints will be very sensitive – for example because the issue has become politicised, or has a high profile in the local press or may affect the reputation or standing of the Council. When dealing with such complaints the investigating officer at Stage 2 or Stage 3 should discuss their proposed response to the complainant with either the Managing Director or the Executive Director (Legal & Democratic) before the response is sent. They should also consider seeking advice and assistance from such officers during the course of the investigation process.

Persistent or vexatious complainants

- 8.9 Guidance on dealing with persistent and vexatious complainants is given in Schedule 4.
- 8.10 Complainants of this sort may also make repeated requests for information under the Freedom of Information Act 2000 (“FOIA”). Specific guidance has been issued by the Information Commission under the FOIA on dealing with repeated or vexatious requests for information – this guidance sets out the circumstances when a request can properly be refused and assistance in applying the same can be obtained from Legal Services.

9. RESOLVING COMPLAINTS

General Principles

Good customer care is about seeing things through the customer’s eyes. For example, quite short delays involving small sums of money may have a significance to a person on a low income which cannot easily be appreciated by someone who is in a more fortunate position; and merely providing the money at a later date does not fully acknowledge the problems they may have experienced during the delay.

Apology

Simply voicing the complaint may often be an end in itself, and a great many complaints will be resolved by the existence of a responsive, accessible and caring complaints service which apologises for mistakes.

Where a mistake has been made, an apology should always be offered. Even where the action taken has been correct, it may be appropriate to acknowledge and possibly offer an apology for the level of upset caused.

Explanation

Always explain why what happened did happen. If there was a mistake, it should be admitted. Even if the action was correct, the complainant should not simply be provided with a justification. Every attempt should be made to see things from the complainant’s side, and to show that the organisation is aware of the consequences of its actions even if these actions are correct in law or policy.

Explanations should be clear and understandable, and should avoid the use of jargon wherever possible.

Where corrective action is to be taken or has been taken the complainant should be given full details and told the name of the officer responsible for the corrective action and any time limits and who to contact if the action is not taken.

Review of procedure/system

The complainant may ask for steps to be taken “so that this does not happen again. If the complaint is upheld you should always consider whether it is appropriate to revise policy or procedure to prevent the problem recurring. Any required changes should be implemented as soon as possible and communicated to staff so they are aware of the changes.

The complainant should always be informed where a change is made as a result of their complaint, so that they can see that they have made a difference by their action.

Remedy and redress

The Council recognises the fact that redress involves a variety of responses and will act responsibly and responsively when approaching the question of redress and remedies.

Any form of redress should be appropriate to the failure in service and take into account what people are looking for when they complain. Redress involves a variety of responses (the correction of errors, the waiving of costs, the payment of monies due, an apology, a new procedure etc) and officers must act responsibly and responsively when approaching the question of redress and remedies

The aim should be to put the complainant in the position he or she would have been in if things had not gone wrong.

Care should be taken where the complaint relates to something covered by the Council's insurance policy. Liability should not be admitted and remedies should not be offered without prior consultation with Legal Services. Conceding liability in some circumstances may contravene the terms of the Council's insurance and prevent the Council recovering its costs and losses from the insurer. If you are unsure what is covered by the Council's insurance policy, please check with officers in the Accountancy Section – generally this will be relevant where you think the complainant may wish to pursue a claim for compensation against the Council.

The Executive Director (Legal & Democratic) has delegated authority to agree and authorise payment of compensation up to £500.

Whether financial compensation should be paid, and how much, will depend on the circumstances. Where compensation is considered appropriate, the following guidelines could be taken into account.

- Where specific financial losses have been incurred, reimbursement is likely to be appropriate (together with consideration of whether interest should be paid).
- Where devaluation of property is alleged, an independent valuation (for example by the Valuation Office Agency) could be considered with a view to compensation for any difference in value arising from the action complained of. Legal Services must be consulted before a valuer is appointed.
- Where a tenant has had to live in poor conditions for longer than was reasonable, the amount of damages awarded by the courts in similar circumstances can be a guide to the assessment of compensation.

- Where the complainant has had to spend an unreasonable and significant amount of time in pursuing the matter, a payment in recognition of 'time and trouble' may be appropriate.
- If exceptional worry, distress or inconvenience have been caused by the events, consideration could be given to a payment in recognition of those factors.

10. COMMENTS AND COMPLIMENTS

Comments, and Compliments should also be dealt with under the Procedure. This is because it is useful to have a record of the numbers of comments or compliments received about particular services. It is also good practice to make use of this information to improve services, where appropriate.

If you receive a suggestion, comment or compliment about a service:

- a brief record should be made and forwarded to the relevant service head.
- if the comment or compliment has been received in writing, an acknowledgement letter should be sent thanking the person for their comment and explaining how it will be acted on, if appropriate.
- If applicable, any compliments should be passed on to the relevant Council officer and written compliments should be retained on file. Compliments should also always be passed on to any member of staff to which they relate.

GUIDANCE ON DEALING WITH STAGE 1 COMPLAINTS

An informal complaint is an initial approach by a customer to the Council expressing dissatisfaction with some aspect of the Council's services or actions. Such approaches may be made in person, by telephone or in writing.

i. **BE POSITIVE**

If you are defensive and continually challenge the customer's perception of the problem, you will give the impression that you are not interested in what the customer is trying to tell you.

ii. **TRY TO DEFUSE THE SITUATION**

Do not respond to aggression with aggression. The customer's anger may be a result of past problems with the Council or an expectation that the Council will not do anything to help. Stay calm and friendly, show that you accept there is a problem and that you are prepared to listen to what the customer has to say.

iii. **ESTABLISH THE FACTS**

Try to find out exactly what the problem is and why the customer is dissatisfied. Ask for the customer's name and make a note of the facts of the complaint.

iv. **EMPATHISE WITH THE CUSTOMER**

Show that you understand why the customer is dissatisfied and that you intend to do something about it.

v. **ATTEMPT TO SOLVE THE PROBLEM**

You may be able to provide information or arrange appropriate action which will satisfy the customer there and then. If you are unable to provide an answer immediately, or do not know the answer, say so, and arrange to get in touch with the customer later the same day or the following day. Make sure that the customer has your name, job title and telephone number so that follow-up enquiries can be dealt with more easily.

vi. **DON'T JUST PASS THE CUSTOMER ON**

Do not just pass the customer on to another officer or department without first checking that they will be able to take action or provide information. If necessary, make an appointment for the customer.

vii. **ADMIT A MISTAKE**

If you find that the Council has made a genuine mistake, admit it and apologise to the customer for the error. Tell the customer what action you propose to take to put the matter right. You must, however, be alert to situations where the customer may be seeking compensation from the Council. In these cases you must be careful not to make an admission of liability which could jeopardise the Council's position in later legal action. If you think there may be a claim to for compensation you should pass the complaint to your Supervisor / Section Head.

viii **CHECK THAT THE CUSTOMER IS SATISFIED**

Check that the customer is satisfied and thank him/her for bringing the matter to the Council's attention. As appropriate, advise your Supervisor/Section Head of any need to improve or modify services or procedures, which may have been highlighted by the complaint.

ix **ADVISE ON THE FORMAL COMPLAINTS PROCEDURE**

If the customer remains dissatisfied, ask whether he/she wishes to make a formal complaint and advise him/her on the Council's formal Complaints Procedure. If the customer needs assistance, go through the explanatory leaflet and provide help, if necessary, in filling in the complaints form.

x. **VIOLENT SITUATIONS**

Withdraw from any potentially violent situation and call on assistance from your Supervisor or other officers. If you experience any physical aggression or threat from a member of the public, or are not confident of being able to handle a stressful situation, contact your Supervisor/Section Head.

xi **AWKWARD CUSTOMERS**

All Departments have awkward customers who appear to complain on a regular basis. Don't dismiss these complaints as "him/her again". Such complainants may be justified in bringing a complaint simply because of that attitude. In addition this may be the occasion where you/your department have got it wrong. The complaint therefore needs to be properly examined. If needs be, ensure a fresh face from your Department or Section looks at the complaint to avoid any suggestion of bias as a result of previous dealings the complainant.

Informal Complaints in writing or via a Third Party

Where a complaint has been received in writing or via a third party, the member of staff responsible for the service should provide a written response detailing the action taken, if any, and advising the customer that the Council's formal complaints procedure is available if not satisfied.

If the complaint has been received via a third party, a copy of the written response should be forwarded to the third party. You must, however, be aware of situations where information about the complainant should not be disclosed to a third party, particularly where Data Protection rules could apply.

GUIDANCE ON DEALING WITH STAGE 2 COMPLAINTS

General principles

A complaint must be viewed as legitimate, and important to the person making the complaint.

Any officer dealing with a complaint should:

- (a) Treat the complainant with respect and courtesy
- (b) Be responsive and sensitive to their complaints
- (c) Listen to the complainant and hear what they are saying
- (d) Avoid settling out merely to justify the position of the service
- (e) Keep the complainant informed on the progress of a complaint
- (f) Always provide clear explanations of what went wrong
- (g) Make an apology and provide redress where necessary

Above all, the most important aspect of the complaints procedure is to listen to the service user and learn from them as much as possible in order to improve the quality and standard of the services provided.

Procedure

The majority of complaints are likely to be capable of being dealt with speedily and simply. Where, however, a more substantial inquiry is required, the following guidance may be helpful for investigating officers.

1. Check if there are any previous complaints from this person.
2. Contact the complainant and either at a meeting or by telephone:
 - clarify the complaint;
 - set out in writing for the complainant your understanding of the complaint;
 - clarify the outcome sought;
 - check whether the complainant needs support of any kind, or has poor sight or hearing, or a language difficulty, and check what help the complainant needs so as to be able to understand the discussion properly;
 - explain the investigation procedure; and
 - check that the complainant has a copy of the Council's complaints leaflet.
3. Brief yourself on the relevant legal, policy and administrative background to the complaint.

4. Assess whether the complaints procedure is the most appropriate way of handling this complaint. Consider possible alternative procedures:
 - an appeal to a tribunal;
 - a complaint to the Council's Assessment Sub-Committee (if it relates to member conduct);
 - legal action; or
 - police involvement.

Discuss the alternatives (if any) with the complainant. As consideration of the complaint proceeds, the question of the appropriate mechanism should be reviewed as necessary.

5. Consider whether the complaint could be resolved without further investigation.
6. If the complaint is about a proposed action by the Council, consider whether the action should be deferred while the complaint is investigated.
7. Obtain all relevant documents (ensuring that you see the originals, not copies). These may include files, logbooks, and time sheets. Get copies of all the documents you need.
8. Establish the relevant sequence of events from the files and also the names of the officers/members most directly involved in the matters complained of.
9. Prepare the line of questioning for each person to be interviewed:
 - use open, not leading questions;
 - do not express opinions in words or by your body language; and
 - ask single, not multiple questions.
10. Arrange the order of interviews so that, where you need to establish what procedures are normally followed, you do this first with more senior officers, and end with the officers most directly involved in the matters complained of.
11. Inform all those to be interviewed that they can be accompanied by a friend or a union representative, provided the friend is not the supervisor of the interviewee. Explain the complaint clearly to them.
12. Consider whether you need a witness to an interview which may be particularly difficult.
13. Interviews should be conducted in an informal and relaxed manner, but persist in your questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
14. Try to separate hearsay evidence from fact by asking interviewees how they know a particular fact.
15. Deal with conflicts of evidence by seeking corroborative evidence. If this is not available, then as an exceptional measure, consideration can be given to organising a confrontation between the conflicting witnesses.

16. At the end of the interview, summarise the main points covered and ask if the interviewee has anything to add.
17. Make a formal record of the interview from your written notes as soon as possible after the interview, while your memory is fresh. Never leave it longer than the next day.
18. If appropriate, visit the establishment complained about unannounced to check normal practices.
19. Investigate thoroughly, but only enough to get sufficient information to make a fair and properly informed decision.
20. Complainants should be kept informed of the progress of their complaint. Where a complaint is taking significantly longer to investigate than previously advised, the complainant should be told this and given an explanation of the reasons and the expected revised timescale.
21. Draft a report setting out the evidence obtained, preferably without including your own opinions, and circulate this for comment to all those interviewed, including the complainant, unless there are special reasons not to do so.
22. Consider comments and amend the report as necessary, adding conclusions and, if appropriate, a suggested remedy for the complainant.

Complaints Officers

Finance

| | |
|--|---|
| Internal Audit Fraud Investigation Team | Head of Audit and Investigations |
| Accountancy Services Administration Section | Head of Accountancy Services |
| Housing Benefits | Head of Benefits and Customer Services |
| Other finance / budget issues | Executive Director (Resources) |

Corporate Property

| | |
|--|-----------------------------------|
| Council property / property management | Corporate Property Manager |
|--|-----------------------------------|

IT

| | |
|-------------|--------------------|
| IT services | Head of ICT |
|-------------|--------------------|

Legal & Democratic Services

| | |
|---|--|
| Committee services and Scrutiny support | Member Services Team Leader |
| Area Councils | Area Council Team Leader |
| Legal Services Council Tax / Business Rate Recovery Team | Legal Services Manager |
| Elections, Land Charges, Civic Services, | Executive Director (Legal and Democratic) |

Human Resources

| | |
|---|--------------------------------|
| Personnel, Payroll & Organisational Development Team | Head of Human Resources |
|---|--------------------------------|

Policy

| | |
|---|-------------------------|
| Policy Team, Community Advice Centre, Sustainable Community Strategy, Community Safety, Local Strategic Partnership | Strategy Manager |
|---|-------------------------|

Strategic Housing and Economic Regeneration

| | |
|---|---|
| Strategic Housing (private sector housing, housing advice) | Head of Regeneration and Housing |
| Economic Development (business development / community enterprise) | Economic Development Manager |
| Regeneration (town centre management / CCTV, neighbourhood management), Howarth Art Gallery | Regeneration Manager |

Environmental Services

| | |
|---|---------------------------------------|
| Environmental Health, Licensing, Cemeteries & Crematoria, | Head of Environmental Health |
| Refuse Collection | Head of Environmental Services |
| Parks & Open Spaces | Parks and Open Spaces Manager |

Planning and Transportation

| | |
|--|--|
| Planning, Building Control, Transportation and Engineering | Chief Planning and Transportation Manager |
|--|--|

GUIDANCE ON DEALING WITH DIFFICULT OR VEXATIOUS COMPLAINANTS

Definition of difficult/vexatious complainant

Repeated and / or obsessive pursuit of

1. unreasonable complaints and/or unrealistic outcomes
2. reasonable complaints in an unreasonable manner.

Most usually the complainant will repeatedly contact the Council in respect of the same complaint long after the point where any satisfactory conclusion can be reached

While complaint is on-going

If you feel a complainant is behaving unreasonably while the complaint is still being investigated either by the Council or the Ombudsman you should seek agreement from the Executive Director (Legal & Democratic) to inform the complainant by letter

1. that their contact with the Council should be directed to, and will only be accepted, by a named individual and
2. that the means or manner of their contact with the Council is to be restricted (e.g. letter only).

When complaints process completed

1. Once the Council's complaints procedure has been followed, you should advise the complainant as follows:- *"....your complaint has now been fully addressed through the Council's internal complaints procedure and cannot be pursued further with the Council. As you remain dissatisfied however, you may wish to refer the matter to the Local Government Ombudsman who will consider your complaint. The Ombudsman for this area is . I am enclosing a copy of a leaflet which explains how to make a complaint to the Ombudsman and contains a complaint form for your use. I hope that you will find this helpful..."*
3. If the complainant continues to complain about the same issue, the Department against which the complaint was made will write to the complainant that the matter is at an end and that the Council will not enter into further correspondence about the complaint.
3. If correspondence continues, the Department should seek the Executive Director (Legal & Democratic) agreement to write to inform the complainant that further letters on the same subject will be read, but will receive no acknowledgement or response.
4. Where the matter has been adjudicated on by the Ombudsman the Department should advise the complainant as follows:- *"your most recent correspondence does not appear to raise any issues which have not already been responded to. Your complaint has been dealt with under the Council's own internal complaints procedure, and has also been investigated by the Local Government Ombudsman. I consider therefore that the matter has now been fully addressed through the procedures available and, unless you are able to provide new substantive information in support of your complaint, I intend to take no further action."*

Habitual or vexatious complainants

Complainants who make repeated complaints about a range of different subjects can take up a considerable amount of staff time. Each complaint must, however, be properly investigated and responded to.

If a Department, or several Departments, feel that a complainant is vexatious they should seek the agreement of the Executive Director (Legal & Democratic) to treat the complainant as a vexatious complainant. This may be the case where the complainant makes repeated complaints of a similar nature or appears to complain "for the sake of it", rather than out of a sense of genuine grievance. In such circumstances, the Council will advise the complainant of the following:

- that they are being treated as a vexatious complainant under the Council's complaints policy and a copy of the policy should be supplied to them
- that all complaints will continue to be investigated under the Council's complaints policy but that all complaints must be sent to, and will be responded to by, a named officer. The named officer will be the complainant's point of contact with the Council in respect of all their complaints, although the named officer does not have to investigate each complaint themselves – this may be delegated, but the named officer will co-ordinate the investigation and letters relating to the complaint will be sent by the named officer.

Responding the threatening and difficult behaviour by complainants

Aggression can be other than physical assault: there are times when staff feel threatened, intimidated or bullied by the language and behaviour of a complainant. The Council expects staff to be treated courteously and with respect.

If staff feel threatened by a complainant they will report their fears, and the reason for those fears, to their manager. The manager will report the incident using the appropriate departmental procedure and will consider:-

1. Writing to the complainant requiring no repetition of the behaviour and, if necessary, setting conditions and restrictions for further contact with staff
2. Whether to report the incident to the Police
3. Whether to seek advice from Legal Services about the possibility of obtaining an injunction against the complainant

If staff consider during a telephone conversation that a caller is becoming aggressive and/or offensive they will inform the caller that they will terminate the conversation unless such behaviour ceases. If the aggression continues, the member of staff will put down the receiver terminating the call. A note will be placed on file of the reason for terminating the call. Staff will respond to repeated calls in the same way. Repeated calls can be harassment which should, after consultation with a senior officer, be reported to the Police.

