

NORTH HERTFORDSHIRE
DISTRICT COUNCIL



North Hertfordshire District Council Comments, Compliments and Complaints Policy and Procedure

June 2019

1. Introduction

- 1.1 At North Hertfordshire District Council (NHDC) we endeavour to provide high quality services to our customers, however, we recognise that on occasion, despite our best efforts things can go wrong. By welcoming feedback through our Comments, Compliments and Complaints (3Cs) procedures we can try to remedy situations that have gone wrong and continue to improve our services as well as learn from examples of positive feedback about things that have been done well.
- 1.2 To enable us to effectively capture, monitor and act on feedback we have a 3Cs system which has previously been accredited to ISO 10002:2004. Although we no longer undertake this accreditation we continue to work to the standards set by the British Standards Institute in their Complaints Management System Standard ISO 10002:2004.
- 1.3 All Council employees receive training on the 3Cs process as part of the corporate induction and have access to a range of information and guidance to support effective handling of 3Cs. Whilst we welcome feedback on all aspects of 3Cs this policy and procedure is mainly focussed on complaint handling and shall apply to complaint handling for all services within NHDC unless it is overridden by legislative requirements.

2. Comments and Compliments

- 2.1 Comments and compliments are welcomed so that we can learn from examples of where things have worked well and to recognise when Council staff and contractors provide exceptional levels of service.
- 2.2 Additionally comments, which may be identifying opportunities to make changes to services or processes, can help us understand our customers views on matters and provide valuable customer insight into our services.
- 2.3 All customer feedback whether it is a comment, compliment or complaint is recorded on a central database (CRM system) and passed on to the relevant service manager for review and to deal with as appropriate.
- 2.4 Data relating to comments, compliments and complaints will be reported at high level without disclosing any personal details to senior management and Councillors. All data held within the CRM system will be kept in accordance with our data retention schedules.

3. Complaints

3.1 What is a complaint?

- 3.2 A complaint can sometimes be difficult to determine, as a guide we define a complaint as being a specific expression of dissatisfaction with the quality of a service provided by the Council, usually falling under one of the following categories:

1. We have failed to do something we should have
 2. We have done something badly or in the wrong way
 3. A customer feels they have been treated unfairly or discourteously
- 3.3 Occasionally something may be originally received as a complaint when it needs to be dealt with in a different way. In these cases the appropriate reporting process will be followed, some examples are included below:

3.4 Examples of what is not covered by our Complaints Policy

The list below is not exhaustive but gives examples of things that are not dealt with as complaints.

- Disagreement with a policy decision; we will still welcome this feedback but will record it as a comment and it will be dealt with outside of the complaints policy. You can also discuss this with your local Councillor.
- A missed bin would be processed as a request for service by our contractor. However repeated (justified) missed bins or failure to deal with an issue correctly could lead to a complaint.
- Challenging a Penalty Charge Notice (PCN), a procedure for challenging a PCN along with an external appeals process is already in place.
- A Highways fault report (i.e. a faulty street light) would need to follow the Highways fault reporting process managed by Hertfordshire County Council.
- A complaint relating to another organisation, we are not able to consider these within our policy; however we will signpost customers to contact organisations directly.
- Planning objections, a separate process exists for planning objections to be submitted.

4. How to make a complaint

- 4.1 A complaint can be made in writing (via the website e-form, email, hard copy complaint form or letter) or by telephone or in person. We encourage complaints to be made in writing wherever possible so we can ensure we have a clear understanding of the complaint; however we may contact you to discuss and clarify details of the complaint if we feel that will assist with the investigation process. We will respond to complaints in writing wherever possible so that there is a record of the outcome. We will not usually consider complaints regarding matters that are over 12 months old unless there is a compelling reason to do so.
- 4.2 We can provide information on how to complain in different languages and formats and can provide assistance to people who find writing difficult.

4.3 To ensure that we can capture all of the relevant and correct information we do not accept anonymous complaints. We also do not accept complaints from third parties except in circumstances where the customer has a disability and / or a representative acting on their behalf, in these circumstances customer service staff will provide appropriate assistance. We will not usually handle letters in the newspaper through our 3Cs process, however if you have supplied contact details we may try and contact you directly to follow up on your comments if appropriate to do so. Similarly comments made on social media will not automatically be handled through our 3Cs process as detailed in 7.3.

4.4 Complaints regarding contractors who provide services on our behalf should wherever possible be directed to the contractors in the first instance. This allows the contractor the opportunity to resolve the matter and avoids potential duplication, however if the matter is not satisfactorily resolved then we will handle the matter through our own complaints process. Contractor feedback is monitored through regular contract management meetings,

4.5 Our complaints process is set out below

We will always seek to resolve a complaint or an issue as quickly as possible. Sometimes issues are raised as complaints in the hope of getting an immediate response, however if we know we will be able to resolve an issue quickly for you then we may deal with as a service issue, so we can provide an earlier resolution. An example of this could be a missed bin which if it is not an ongoing problem can be resolved quickly with a phone call to our contractors.

Stage 1

- Once a formal complaint is received it will be recorded on our Customer Relationship Management (CRM) system and an acknowledgment with a reference number will be sent to you within two working days.
- Details of your complaint will be sent to an appropriate officer to investigate. If your complaint concerns a member of staff, then that staff member would not be the investigating officer. A complaint about a member of staff may be referred to Human Resources for a separate internal investigation if appropriate; details of any action resulting from an HR investigation would be confidential.
- We may need to contact you to discuss the complaint or obtain further information to ensure that we fully understand the complaint and can investigate it thoroughly.
- We aim to respond to 80% of complaints within 10 working days. This takes into account the fact that some complaints can be very complex and take longer to complete.

- If we are not able to fully respond to your complaint within 10 days then we will contact you to provide you with an update and advise when we expect to provide a full response.
- If you are dissatisfied with the Stage 1 response, you **may** have the right to escalate the complaint to Stage 2 of the process. We will review complaints under Stage 2 of the process only if one or more of the following circumstances is applicable:
 1. The complaint has not been fully understood or investigated thoroughly due to a misunderstanding of the original complaint.
 2. That all points raised in the complaint have not been fully responded to.
 3. You have not had a response to the Stage 1 complaint within the prescribed timescales and have not had an indication as to when a response can be expected.

To request a review under Stage 2 you should contact the Customer Service Centre within 14 days of our response to you, advising why you are dissatisfied with the complaint outcome. A complaint can only be escalated to Stage 2 if it has been through Stage 1 of the process and meets one or more of the criteria for escalation. Details of how to request this will also be included in your Stage 1 outcome letter.

If your complaint does not meet the criteria to escalate to a Stage 2 but you are dissatisfied with our response then you may wish to refer your complaint to the Local Government Ombudsman, details can be found in section 5 of this document.

4.6 Stage 2

- If your complaint is escalated to Stage 2, an acknowledgment with a reference number will be sent to you within two working days.
- Your complaint will be reviewed by a Senior Manager who will not have investigated the complaint at Stage 1.
- We may need to contact you to discuss the complaint or obtain further information to ensure that we fully understand the complaint and can investigate it thoroughly.
- We aim to investigate and respond to you fully about your complaint within 10 working days. If this is not possible we will contact you to provide you with an update and advise when we expect to provide a full response.
- If you are still dissatisfied with our response once your complaint has been through our process, then you may wish to refer your complaint to the Local Government Ombudsman, details can be found in section 5 of this document.

5. The Local Government Ombudsman

- 5.1 The Local Government Ombudsman can investigate complaints about the council, however in most cases before they will investigate a complaint, the council must have had the chance to put things right first. The Ombudsman will not usually consider complaints that are over 12 months old unless there is a compelling reason to do so.

The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH
www.lgo.org.uk
Telephone: 0300 061 0614

6. Unreasonable Complainant Policy

- 6.1 We have a duty to make sure that public money is spent wisely and achieves value for complainants and the wider public. In a very small number of cases despite exhausting our complaints policy and possibly that of the LGO, a complainant may continue to pursue a complaint unreasonably.
- 6.2 While we do not normally limit the contact complainants have with us, in some cases it is necessary to do so because the nature or frequency of a complainant's contact hinders our ability to consider their, and other customers' complaints. We refer to these as serial, persistent or vexatious complainants.
- 6.3 We have a clear policy in place which sets out how staff should deal with unreasonable complainant behaviour. This includes that contact could be limited, restricted or in some cases stopped altogether.

Further information on the Policy can be found on the complaints section of our website.

7. Complaints about Councillors

- 7.1 A complaint about a Councillor should be directed to the Monitoring Officer at North Hertfordshire District Council. This can be done in the following ways;
- Completing our online form [Making a Complaint Against a Councillor Form](#)
 - By telephone 01462 474578
 - By email: monitoring.officer@north-herts.gov.uk
 - In writing: The Monitoring Officer, Council Offices, Gernon Road, Letchworth Garden City SG6 3JF

7.2 Complaints made to Councillors

Councillors cannot make formal complaints on behalf of constituents as this would be considered a third party complaint as covered in section 4. However

they are able to provide guidance on how a complaint can be made to the Council through the established 3Cs process.

Councillors can refer matters on behalf of a constituent to officers of the Council to be looked into; however, it can only be treated as a formal complaint once the Council has discussed the matter with the constituent directly and agreed the formal route with them.

Councillors can also discuss matters of policy with constituents however policy matters are not usually covered by the complaints policy because policy decisions have been made through a democratic process.

7.3 Social media comments

We recognise that social media is a platform used by many of our customers and as such have a separate policy covering this.

We proactively use social media to engage with our residents and our Customer Services team respond to specific requests for service made via our own social media pages.

We also recognise that many comments made on social media are general expressions of opinion or public discussion and mostly informal in nature. For that reason we will not usually handle them through our formal 3Cs process. That is not to suggest that we do not take social media comments seriously, more that we understand that the users of social media do not usually expect their comments to be processed in a formal manner and often such comments are of a general nature and not about a specific incident that the Council can investigate. However if a comment clearly fits within our 3Cs criteria we will contact you directly to follow up and handle the matter through our formal process as appropriate. Requests for service will be processed in the same way as if received via other channels, for example a missed bin report would be reported to our contractors for resolution in the first instance. However ongoing or unresolved issues may be treated as a complaint.

We are able to report through our Social media platform on the volumes, types and sentiment of interactions on our social media pages and this information will be used in conjunction with our standard 3Cs reports.

7.4 Community Trigger

The introduction of a Community Trigger on 20 October 2014 means that if a resident, or group of residents, are experiencing anti social behaviour (ASB), and feel that appropriate action is not being taken, they have the right to request a review of their case. The case review is called the 'community trigger'.

Any victim of ASB or someone acting on their behalf such as a carer, family member, MP or local councillor in North Hertfordshire can use the community trigger to request a review of their case, providing they meet the trigger threshold:

- Three reports from an individual about separate incidents in six months or;
- Three individuals have separately reported similar incidents in six months.

The Community Trigger is separate from the Complaints Policy; further details including the process for activating the Community Trigger can be found on our website.

7.5 Performance Monitoring and Reporting

Key complaints data specifically relating to volumes and performance is collated and analysed on an ongoing basis. This data is reported regularly to departmental and senior management teams as well as twice a year to the Councils Overview and Scrutiny Committee, the reports are published on our website.

Appendix A - Procedure and Policy statement for Managing Unreasonable Customer Contact and Complainant Behaviour

We are committed to dealing with all complaints fairly and impartially and to providing a high standard of service to those who make complaints. We also have a duty to make sure that public money is spent wisely and achieves value for complainants and the wider public.

Whilst we do not normally limit the contact customers have with us, in some cases it is necessary to do so either because the nature or frequency of a customers contact with the Council hinders our ability to provide services and the consideration of their, and other peoples complaints or concerns. We refer to these as serial, unreasonably persistent customers or vexatious complainants.

Some customers may have justified concerns or complaints but pursue them in inappropriate ways, others may pursue matters which appear to have no substance or have already been investigated and determined. The contact may be amicable but still place heavy demands on staff time or it may be emotionally charged and distressing for all concerned.

Examples of unreasonable actions and behaviours

- Continuing to pursue a complaint even though the Council's complaint procedure has been fully exhausted and / or refusing to co-operate with the complaints investigation process.
- Refusal to accept a decision, repeatedly arguing points with no new or relevant evidence being provided.
- Refusal to accept that certain issues are not within the remit of our complaints procedure (i.e. third party matters outside of the Councils remit) despite having been provided with full information about the procedures scope.
- Making what appear to be groundless or vexatious complaints about the staff member dealing with the complaint.
- Excessive number of contacts with staff regarding the complaint which have a negative effect on the Councils ability to deal with the complaint effectively.
- Excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff or detailed letters, not necessarily related to a formal complaint

Where the level of contact is unreasonable or the nature is considered vexatious we will act to limit contact. The decision to restrict access is taken by a Senior Manager. Any restrictions imposed will be appropriate and proportionate and will be reviewed at appropriate intervals.

The options most likely to be considered by the Council are;

- Requesting contact in a particular form e.g. by letter only
- Requiring contact to take place via a specified officer
- Asking the customer to enter into an agreement about their future contact with the Council.
- Terminating contact with a complainant

Considerations prior to taking action

Whether the consideration of a complaint has concluded it may be appropriate to end all communication regarding the issue and refer the complainant to the Ombudsman.

Any action to restrict access could have serious consequences for the individual so before action is taken we should be satisfied that:

- The complaint has been or is being investigated properly
- Any decision reached is the right one
- Communications with the complainant have been adequate
- The complainant is not now providing any significant new information that might affect the outcome of the complaint.

Case Review

Before action is taken to restrict access the case must be reviewed by a Service Director or the Chief Executive. If a decision is made to limit or restrict access to services the complainant will be notified in writing with an explanation of:

- Why the decision has been taken
- What it means in terms of contact with the Council
- How long the restriction will be in place and when it will be reviewed.
- A copy of the letter sent to the complainant should be sent to the Customer Service Manager for attaching to the customer record on the CRM.

If a restriction is in place then ongoing correspondence / contact will be reviewed and considered .If it is simply a continuation of previous matters then receipt should be acknowledged and a record / copy placed on file but a response will not be provided. Any new matters will be treated as such.

Any restrictions should be for a specified period of time with a review date, unless there are good grounds to extend the restrictions they should be lifted at the end of the review period.

If a complainant wishes to request a review of a decision to limit their access to the Council they should request this in writing.