



Cheshire West
and Chester

Corporate Complaints Policy



Cheshire West
and Chester

Document Control Information	
Document ID	tbc
Document title	Corporate Complaints PART A: Published Policy (external) PART B: Operational Procedure and Guidance (internal)
Version	1.3
Status	Final version
Author	Michelle Cross
Service Area	Customer Relations and Information
Protective Marking	
Publication date	April 2017
Next review date	March 2018

Version History			
Version	Date	Detail	Author
1.0	August 2016	Draft revised policy	Michelle Cross
1.1	September 2016	CLT approved policy revisions	Michelle Cross
1.2	January 2017	Customer Relations Review	Michelle Cross
1.3	March 2017	Final CLT sign off	Michelle Cross

Approvals	
Approver	Date
Vanessa Whiting – Governance Director	September 2016
Corporate Directors (for Council wide revised policy launch)	December 2016
All Directors review for final comment/amendments	Feb/March 2017
Corporate Leadership Team Final sign off	March 2017

Contents:

Part A – Corporate Complaints Policy

1. Introduction
2. Objectives
3. Principles
 - 3.1. What you can expect from the Council
 - 3.2. What the Council expects from Customers
 - 3.3. Dealing with Aggressive and Obstructive Customers
4. Making Comments, Compliments and Complaints
5. Definitions
 - 5.1. Service Requests
 - 5.2. Comments
 - 5.3. Compliments
 - 5.4. Requests for Information
 - 5.5. Data incidents
 - 5.6. Complaints
6. Exemptions and Alternative Paths
7. Timescales
8. Remedies

1. Introduction

The Council's Corporate Complaints Policy sets out its framework and procedures for dealing with customer feedback. The Council welcomes any kind of feedback to help it monitor and improve the quality of services to its customers.

The policy is intended to:

- provide a clear route by which customers can raise concerns about the service they have received from (or on behalf of) the Council
- acknowledge the importance and value of complaints and other customer feedback
- ensure that eligible complaints are dealt with fairly, promptly and sensitively and in line with the Council's [Customer Care Policy](#) and [Customer Care Standards](#)
- ensure that the Council has delivered services in line with its statutory requirements, relevant legislation, national and corporate policies and guidance
- ensure that customers are effectively signposted when the Council cannot deal with their complaint (see 6. *Exemptions and Alternative Paths*)
- ensure that the Council learns from its mistakes and reduces repeat occurrences
- ensure that the learning from complaints is used to shape corporate policy, improve operations and to tailor services around the needs of the customers.

2. Objectives

The objectives of this policy are to support services in ensuring that the Council's vision and priorities set out in its current Council Plan are delivered to the high standard residents expect from the Council. The Council aims to continuously improve the quality of its services for residents and a robust complaints policy ensures that customer feedback is at the heart of its plans for service delivery and, where improvements are identified, these are actioned promptly.

3. Principles

The Council has a Customer Care Policy which sets out its customer care service standards. These explain what customers can expect in their day to day contact with the Council, whether online, face to face, on the telephone or in writing. The Council will ensure that all customers are dealt with in accordance with this policy and the '[Customer Promise](#)'.

3.1. What you can expect from us

A professional and courteous service with a commitment to resolving your complaint as soon as possible. The Council is committed to giving an equal service to all members of the public regardless of their age, colour, culture, disability, economic status, ethnic origin, gender, race, marital status, religious or sexual orientation.

The Council also has a duty of care towards its customers. Where officers have concerns for the welfare and well-being of customers because of their comments or behaviour, officers will seek advice from the Council's Safeguarding teams about how to ensure that the customer is supported. This may involve the customer being contacted by the Council's Safeguarding team or the Police if serious concerns are raised.

3.2. What we expect from you

The Council appreciates that customers may feel frustrated and upset in having to raise a complaint about a service that has not been delivered to an acceptable

standard. Often customers will feel irritated and the Council is committed to putting things right as soon as possible to limit any personal injustice to the customer. That is why the focus of the Council's complaint handling is on 'local resolution' - a commitment by each of our services to be accountable for its actions and to resolve complaints satisfactorily without the need for escalation.

The Council also has a duty of care towards its staff and must manage inappropriate or unreasonable behaviour from customers. Where a customer's contact is deemed to be unreasonably persistent or unacceptable then the Council will apply its [Managed Contact policy](#).

The Council have a zero tolerance stance on aggressive or abusive behaviour towards its staff and they are provided with guidance on how to deal with customer who presents themselves in this way. The Council will take immediate action to safeguard its officers from harm. This may include the termination of calls without notice or contacting the Police to report aggressive behaviour, and/or to assist with the removal of customers from offices.

4. Making Comments, Compliments and Complaints

There are various ways through which you can contact the Council to provide your feedback by submitting a comment, compliment or complaint.

Online: [link](#)

Via Telephone: on 03001238123 and ask to make a comment, compliment or complaint.

In Person: visit a Customer Service Centre and ask to make a comment, compliment or complaint. Details on locations and opening times of customer service centres can be found via: [link](#)

Other access: the Council has arrangements in place to help people who may have difficulty accessing our services via the above routes. It can help with translation, interpretation and provide information in a variety of formats such as large print, Braille, audio cassette and computer disk.

Complainant Representatives or Advocates: If a complainant has indicated that they have special needs or need support in progressing their complaint, an advocate might be helpful to both parties. When meeting customers, officers should consider offering to help the complainant find an independent advocate. With the customer's permission the Council can deal with complaints via their representative and/or advocate.

5. Definitions

The following section sets out the different forms and definitions of customer feedback to the Council. Only complaints are covered by the Council's Corporate Complaints Policy, but all incoming customer feedback is important to us and is assessed on receipt by the Council to determine the most appropriate response route.

5.1 Service Requests

Reports of one-off service failures, even if presented as a complaint, will be dealt with as 'routine business' service requests. Service requests are defined as a specific

request for the provision or delivery of a service under the Council's remit and powers. This provides the Council's service area(s) with the opportunity to rectify or resolve any issues as soon as possible. If a subsequent complaint about the same specific service failure has been received from the same complainant, and if a service area(s) has been given sufficient time to rectify or resolve the initial issue, the Council will class the service request as a formal complaint.

Examples of single service failures include:

- missed refuse collection
- reporting a pothole
- reporting broken paving slabs
- non gritting of roads/pavements
- litter and graffiti problems
- reporting dangerous trees, hedges or other structures
- reporting grass cutting issues

5.2 Comments

The Council will deal with any correspondence or contact about the Council's decisions or policies which does not identify fault, as a Comment. These will be sent to the relevant service to review and, where the Council considers a response is necessary, that service will respond at an appropriate level.

5.2 Compliments

Compliments contribute to the Council's learning as they generally identify good practice and are an opportunity for the Council to share and build upon that good practice across other service areas. The Council welcomes compliments, which are forwarded to the relevant service to record and, if appropriate, the service will respond to the customer.

5.3 Complaints

The following definition of a complaint is provided by the Local Government Ombudsman (LGO):

"An expression of dissatisfaction about a council service (whether that service is provided by the council or by a contractor or partner) that requires a response. There is no difference between a 'formal' and an 'informal' complaint. Both are expressions of dissatisfaction that require a response."

The Council recognises this definition of a complaint.

Types of complaints the Council receives include:

- Delays in responding to service requests or in delivering a service(s)
- Failures in achieving the standards expected of the Council, including failures in delivering a service(s)
- Council staff's behaviour, attitude or customer service
- Discrimination or unacceptable behaviour
- Poor administrative practice
- Failure to adhere to or consider properly statutory guidelines or policies

- Failing to consider properly the exceptional circumstances of an individual or a situation
- Not properly considering statutory powers or duties

Repeated failures such as the above are usually referred to as maladministration or fault as they show that the Council is making the same mistakes and not taking appropriate action to address the failures.

6 Exemptions

Not all complaints submitted to the Council may be dealt with under this policy because the customer may have a more appropriate 'alternative path' to pursue their complaint. A list of the exemptions the Council may apply to a complaint is provided below. This is not an exhaustive list and each complaint will be considered on its own merit. Council staff will assist customers in following the correct route for their complaint.

Exemptions	
a.	Initial reporting of faults or requests for a service
b.	Complaints about housing including but not limited to: <ul style="list-style-type: none"> • sheltered housing • repairs and maintenance • rents • procurement • tenant involvement • anti-social behaviour • leaseholder service • homelessness • Disabled Facilities Grants (DFG)
c.	Complaints about planning application decisions
d.	Complaints about insurance claims
e.	Complaints about current policies of the Council
f.	Complaints about social care services (see Adult Social Care Complaints Policy and Childrens Social Care Complaints Policy)
g.	Complaints about schools
h.	Complaints about the Council's employment processes and policies
i.	Complaints about the conduct and behaviour of staff
j.	Complaint where the customer or Council has started legal proceedings or there is a right of redress in law and where it is reasonable to have expected the complainant to have pursued that course of action
k.	Complaints made by staff under the whistle blowing policy
l.	Allegations of criminal behaviour or financial impropriety
m.	Complaints about statutory Requests for Information (RFI) under the FOIA (2000), EIR (2004) and DPA SAR (1998) and/or information security incidents/breaches
n.	Complaints where a statutory right of appeal exists, such as: <ul style="list-style-type: none"> • Penalty Charging Notices Appeals, • School Admissions Appeals, • Valuation Appeals • Waste Collection Fixed Penalty Notices
o.	Complaints about the conduct of Councillors
p.	Partnership/Contracted Services – when the complaint is about a service the Council has commissioned and/or is delivering as part of a partnership

7 Timescales

Once a complaint has been accepted the Council will acknowledge it to the customer, providing a reference number. The Council will respond within the following timescales:

Complaints Procedure Stage	Timescales
Stage 1: Service Area(s) Review and Investigation	<ul style="list-style-type: none">• Acknowledgement of complaint receipt: within 48 hours• Telephone call to customer, where appropriate: within 5 working days• Formal response by service area(s): will be sent within 20 working days of the date the initial complaint was received.
Stage 2: Service Senior Manager and Independent Officer Review and Investigation	<p>1. Escalation by complainant:</p> <p>A Stage 2 complaint request must be made in writing within 20 working days of the date of the Stage 1 complaint response. Who to contact to escalate the complaint will be included in the stage 1 response.</p> <p>2. Acknowledgement:</p> <p>Within 48 hours – this may include a telephone call/email if more clarity is required before accepting your complaint.</p> <p>3. Response:</p> <ul style="list-style-type: none">• Customer contact by telephone, face to face or site visit with 5 working days• For a 'routine' case a Stage 2 complaint response will be provided within 20 working days of receipt.• For a 'complex' case a Stage 2 complaint response will be sent within 40 days of receipt or by a date agreed with the complainant in very complex cases.
Local Government Ombudsman (LGO)	<p>The Ombudsman is independent of the Council and considers complaints against local authorities. Customers remaining dissatisfied with the outcome of their complaint following completion of stage 2 will be directed to the LGO.</p> <p>Customers are free to raise their complaint direct with the LGO at any time and do not have to wait for the Council to complete its own investigations. However, under normal circumstances the LGO will not review or investigate an eligible complaint unless it has completed the Council's complaint process.</p>

8 Remedies

With all complaints the Council will seek to provide an appropriate remedy, usually by apologising to the customer and putting things right at the earliest opportunity. If this cannot be done the Council will provide an explanation. For more complex complaints the Council will consider the LGO's 'Guidance on Remedies' before it decides on what it considers to be a proportionate, reasonable and satisfactory remedy.

Types of remedies may include:

- An apology in writing, by telephone or in person
- A clear commitment to improving services with details provided about how this will be done and a named contact to escalate complaints to if they happen again
- Monitoring service delivery and reporting back to the customer over an agreed timeframe
- Financial or some other form of compensation for various factors including distress, time and trouble, in line with the LGO Guidance on Remedies, and recent LGO Decision Notices on similar complaints. Where an offer of financial compensation is made such payments will be made on a without prejudice basis and with no admission of liability.

End.