

HAMBLETON DISTRICT COUNCIL

Report To: Audit, Governance and Standards Committee
24 September 2014

From: Director of Customer and Leisure Services

Subject: **CUSTOMER FEEDBACK AND COMPLAINTS PROCEDURE**

All Wards

1.0 PURPOSE AND BACKGROUND:

1.1 The Committee is responsible for the Council's Complaints Procedure. This report recommends the Committee to make amendments to the Customer Feedback and Complaints Procedure in two respects:-

1.1.1 reducing the number of stages in the procedure;

1.1.2 introducing a policy on unreasonable complainant behaviour.

2.0 THE PROCEDURE:

2.1 The current Customer Feedback and Complaints Procedure is attached as Annex 'A'.

2.2 Currently the procedure for complaints involves three stages:-

- Stage 1 - Consideration by Service Team, usually a Supervisor/Manager.
- Stage 2 - Consideration by a senior Manager/Director.
- Stage 3 - Consideration by the Standards Hearings Panel.

2.3 Advice from the Ombudsman confirms that there is no requirement for more than two stages. The current three stages add duplication and time and expense to the process without necessarily resolving issues.

2.4 It is therefore recommended that the procedure be amended so that there are two stages:-

- Stage 1 - Consideration by the Service Team Manager.
- Stage 2 - Consideration by Director/Head of Service.

2.5 Following the Second Stage the complainant could refer the matter to the Ombudsman as currently happens after Stage 3.

2.6 The Council's current policy does not have any provision to deal with unreasonable complainant behaviour. Examples of this type of behaviour are:-

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to co-operate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted Complaints Procedure or with good practice.

- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- raising numerous, detailed but unimportant questions; insisting they are all answered;
- covertly recording meetings and conversations;
- submitting falsified documents from themselves or others;
- adopting a 'scatter gun' approach; pursuing parallel complaints on the same issue with a variety of organisations;
- making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous Council staff, or detailed letters every few days and expecting immediate responses;
- submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints;
- refusing to accept the decision; repeatedly arguing points with no new evidence.

2.7 Although the Council does not experience a large number of unreasonable complainants the ones that it does encounter can be time-consuming, diverting resources from other services and dealing with reasonable complainants.

2.8 A draft policy on the management of unreasonable complainant behaviour is attached as Annex 'B' to this report. It is based on guidelines from the Ombudsman. If adopted, a reference to this policy should be included in the Customer Feedback and Complaints Procedure.

3.0 RECOMMENDATION:

3.1 It is recommended that:-

- (1) the number of stages in the Complaints Procedure be reduced to two as set out in paragraph 2.4;
- (2) the Policy at Annex 'B' be adopted;
- (3) the Customer Feedback and Complaints Procedure be amended as the Director of Customer and Leisure Services considers appropriate.

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Background papers: None

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Hambleton District Council



Customer Feedback Procedure

Hambleton District Council is committed to providing high quality services to all its communities, but in any organisation things can go wrong. When people contact us to say we have not provided a satisfactory service, we treat this as a complaint and take it seriously.

Compliments, comments and complaints are all useful forms of customer feedback. We want to provide a consistent procedure for handling all types of feedback, both positive and negative, that will feed change and improve our service delivery.

Why we have a customer feedback procedure

A clear and well publicised feedback procedure helps us provide good quality services to our customers. We accept that things can go wrong with our services but we can put things right and learn from issues that are brought to our attention. Dealing with feedback from customers fairly and consistently helps us to do that and gives customers an opportunity to have their issue reviewed. We can monitor feedback regularly, produce management information and ensure we meet our service standards.

How we deal with compliments, comments and concerns

Everyone likes to receive compliments and council officers are no exception. More importantly, compliments can help us identify what our customers value and highlight good practice. If you believe you have received good service, we will be pleased to hear from you.

Comments and concerns may be more neutral than compliments or complaints, but can still provide valuable feedback and inform service planning and operational decision making.

How we deal with complaints

We always try to get things right but there will be occasions when customers will have cause for complaint. Such complaints can highlight areas where services could be improved.

We define a complaint as an expression of dissatisfaction about the standard of service, actions or lack of action taken by the council, or a person or body acting on behalf of the council, affecting an individual or group of customers. The council has procedures in place to ensure that complaints are thoroughly investigated and where possible, resolved.

We look on complaints as a tool to help us feed our corporate goals of continued service improvement and customer service excellence. The information contained in a complaint is free feedback on our services and a useful form of market research.

Hambleton District Council has a three stage feedback procedure for managing complaints.

Stage 1

It is helpful for feedback to be made at the time or as soon as possible after the issue arises. Complaints must be brought within one year of the day in which the person affected first became aware (or ought reasonably to have been aware) of the matter complained about. Your complaint will be investigated and dealt with as soon as possible. You should tell us what in your opinion we did wrong or did not do, how you were affected by this and what you think we should do about it.

We aim to provide a full response within 10 working days of receipt. If a full response cannot be provided within 10 working days, we will advise when it will be made.

We will provide a Customer Feedback leaflet which explains how the procedure works.

Stage 2

If not resolved at stage 1, the complaint will escalate to stage 2. Your complaint will be passed to the Service Manager or Director to act as Investigating Officer who will normally be from the service relating to the complaint. Any relevant information which has not previously been submitted for consideration should be provided.

The Investigating Officer will investigate and respond with a suggested resolution within 10 working days, or will advise when a full response can be expected.

Stage 3

If dissatisfied with the stage 2 response of the Investigating Officer, a review by the Standards Hearings Panel is the last internal stage of the procedure. It will review how the complaint investigation was carried out.

If you wish to take the matter further, you have the right to contact the Local Government Ombudsman. Details of contact and what will happen are available in a leaflet entitled 'Complained to the Council - Still not satisfied?' which can be obtained from council offices or on www.lgo.org.uk 

What is excluded from the feedback procedure?

■ Initial or secondary requests for a service or service provision - a missed bin collection where within 48 hours the situation is resolved
■ Any matter where a right of appeal exists such as granting or refusal of planning permission - unless the issue relates specifically to the way the matter has been administered
■ Issues which could reasonably be the subject of court or tribunal proceedings or which need to be referred to our insurers - such as compensation or personal injury
■ Dissatisfaction of a member of staff about HR matters - including appointments, dismissals, pay, pensions and discipline
■ Feedback which is essentially a criticism of or disagreement with approved Council policy or decisions properly taken
■ Issues involving a Member of Parliament that have been initiated from an MP's office
■ If an issue has intended or current court proceedings, it should be suspended until the legal proceedings are completed
■ A complaint against individual Members of the Council
■ Any complaint which is not brought within one year of the day on which the complainant became aware (or ought reasonably to have been aware of) the matter complained about.
■ Any complaint from a person who is not either a resident of Hambleton or a visitor complaining about a service provided by the Council to him/her

Please contact Customer Services on 0845 1211 555 or 01609 779977 for further information

HAMBLETON DISTRICT COUNCIL

UNREASONABLE COMPLAINANT BEHAVIOUR POLICY

1.0 INTRODUCTION:

- 1.1 The Council wants to deal with complainants in ways which are open, fair and proportionate.
- 1.2 In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede the investigation of their complaint (or complaints by others) and can have significant resource issues for the Council. These actions can occur either while their complaint is being investigated, or once the Council has concluded the complaint investigation.
- 1.3 This policy aims to outline a proportionate approach when responding to unreasonable complainant behaviour, based on the Ombudsman's view of good practice in dealing with these complaints.

2.0 DEFINITION:

- 2.1 This policy covers 'unreasonable complainant behaviour', which may include one or two isolated incidents, as well as 'unreasonably persistent behaviour', which is usually an accumulation of incidents or behaviour over a longer period.
- 2.2 Some complainants may have justified complaints but may pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance or which have already been investigated and determined. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.
- 2.3 Very occasionally complainants act deceitfully by forging documents, making covert recordings of meetings, adopting false identities and so on. Such behaviour is unacceptable and managing it can become a distraction from consideration of the original substance of complaint.
- 2.4 Situations can escalate, and in a few cases complainants become abusive, offensive, threatening or otherwise behave unacceptably. In response, the Council may have to restrict access to its premises or staff, in accordance with procedures protecting staff from harassment and harm.
- 2.5 This policy covers behaviour which is unreasonable, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

3.0 EXAMPLES OF UNREASONABLE ACTIONS AND BEHAVIOURS:

3.1 These are some of the actions and behaviours which organisations often find problematic and which come to the Ombudsman's attention. Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint:-

- refusing to specify the grounds of a complaint, despite offers of assistance;
- refusing to co-operate with the complaints investigation process;
- refusing to accept that certain issues are not within the scope of a complaints procedure;
- insisting on the complaint being dealt with in ways which are incompatible with the adopted Complaints Procedure or with good practice;
- making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced;
- changing the basis of the complaint as the investigation proceeds;
- denying or changing statements he or she made at an earlier stage;
- introducing trivial or irrelevant new information at a later stage;
- raising numerous, detailed but unimportant questions; insisting they are all answered;
- covertly recording meetings and conversations;
- submitting falsified documents from themselves or others;
- adopting a 'scatter gun' approach; pursuing parallel complaints on the same issue with a variety of organisations;
- making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous Council staff, or detailed letters every few days and expecting immediate responses;
- submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints;
- refusing to accept the decision; repeatedly arguing points with no new evidence.

4.0 AUTHORITY TO DESIGNATE COMPLAINANT BEHAVIOUR AS UNREASONABLE:

4.1 Only the Chief Executive or a Director is authorised to designate a complainant's behaviour as unreasonable.

- 4.2 If the Council's consideration of a complaint is concluded the Chief Executive/Director has the option of ending all communication with the complainant on the issue and, where appropriate, referring the complaint to the Ombudsman.
- 4.3 If the complaint is still under consideration steps may be necessary to manage the complainant's behaviour.
- 4.4 Before designating someone's behaviour as unreasonable and restricting their access to the Council the Chief Executive/Director should be satisfied that:-
- the complaint is being or has been investigated properly;
 - any decision reached on it is the right one;
 - communications with the complainant have been adequate; and
 - the complainant is not now providing any significant new information that might affect the Council's view on the complaint.
- 4.5 When it is necessary to designate the complainant as behaving unreasonably, some of the following steps will be considered:-
- offering the complainant a meeting with an officer of appropriate seniority to explore scope for a resolution of the complaint and explain why their current behaviour is seen as unreasonable;
 - sharing this policy with the complainant and warning them that restrictive actions may need to be applied if their behaviour continues;
 - setting up a strategy meeting to agree a cross-departmental approach;
 - designating a key officer to co-ordinate the Council's response(s);
 - helping the complainant to find a suitable independent advocate especially if the complainant has different needs.

5.0 OPTIONS FOR ACTION:

- 5.1 Any actions should be proportionate to the nature and frequency of the complainant's current contacts. The following options may be suitable, taking the complainant's behaviour and circumstances into account. The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be brought to a conclusion briskly, without further distractions. Options include:-
- placing limits on the number and duration of contacts with staff per week or month;
 - offering a restricted time slot for necessary calls;
 - limiting the complainant to one medium of contact (telephone, letter, e-mail, etc);
 - requiring the complainant to communicate only with one named member of staff;

- requiring any personal contacts to take place in the presence of a witness and in a suitable location;
- refusing to register and process further complaints about the same matter.

5.2 Where a decision on the complaint has been made, the complainant can be informed that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information. A designated officer should be identified who will read future correspondence.

6.0 OPERATING THE POLICY:

6.1 If a decision is taken to apply restricted access, the complainant should be written to with a copy of the policy to explain:-

- why the decision has been taken;
- what it means for his or her contacts with the Council;
- how long any restrictions will last; and
- What the complainant can do to have the decision reviewed.

6.2 Adequate records should be kept to show:-

- when a decision is taken not to apply the policy when a member of staff asks for this to be done; or
- when a decision is taken to make an exception to the policy once it has been applied; or
- when a decision is taken not to put a further complaint from this complainant through the Complaints Procedure for any reason; and
- when a decision is taken not to respond to further correspondence, that any further letters, faxes or e-mails from the complainant are checked to pick up any significant new information.

6.3 When complaints about new issues are made, these should be treated on their merits. Consideration should be given to whether any restrictions previously applied are still appropriate and necessary.

7.0 REVIEWING DECISIONS TO RESTRICT ACCESS:

7.1 When imposing a restriction on access, there should be a specified review date. Restrictions should be lifted and relationships returned to normal unless there are good grounds to extend the restrictions.

7.2 The complainant should be informed of the outcome of the review. If restrictions are to continue, he/she should be given the reasons and told when the restrictions will next be reviewed.

8.0 REFERRING COMPLAINANTS TO THE OMBUDSMAN:

- 8.1 Relations between organisations and complainants sometimes break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there may be nothing to gain from following through all stages of the Complaints Procedure. In these circumstances, the Ombudsman may, exceptionally, be prepared to consider complaints before complaints procedures have been exhausted, if the request is made by both sides to the dispute.
- 8.2 A complainant who has been treated as behaving unreasonably may make a complaint to the Ombudsman about it. The Ombudsman is unlikely to be critical of the Council's action if it can show that it acted proportionately and in accordance with its adopted policy.