

Complaints, Comments and
Compliments Policy
April 2017



Complaints, Comments and Compliments Policy, March 2017

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Section/Directorate: Customer Services

Service Impact Assessment: Completed 27th March 2017

External Consultation:

- Customer Focus Groups
- Local partner groups, Citizens Advice, DWP, ECC
- Community & Diversity Forum

Internal Consultation:

- Customer Focus Groups
- Member Scrutiny Working Group
- Customer Advisor Working Group/ Focus Groups
- Officer Working Group
- Cabinet Member

Background Information:

The following sources and research was undertaken to inform the development of this Policy;

Local Government Ombudsman. (March 2009). *Guidance on running a Complaints System*

<http://lgo.org.uk/information-centre/reports/advice-and-guidance/guidance-notes>

Fallon, M. & Martin, J. (March 2014). *Letter to all local authorities and fire and rescue authorities in England.*

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296194/regulators-code-letter.pdf

Better Regulation Delivery Office: Department for Business, Innovation & Skills (April 2014). *Regulators' Code*

Martin, J. (July 2016). *Review of Local Government Complaints 2015-16.*

<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/local-government-complaint-reviews>

Policy Approval –
Officer Level

Georgina Blakemore, Head of Customer Services

Policy Approval –
Member Level

Cabinet Member Decision Record in April 2017

Policy Review Date: March 2020

Service Impact Assessment

Review Date: March 2020

1. Foreword

At Basildon Borough Council we recognise feedback as an incredibly valuable resource for improving the experiences of our customers and shaping the design and delivery of our services for the future. Sound management of customer feedback and delivering a culture of learning from customer feedback underpins each of our core principles set out in the Council's Corporate Plan 2016-2020; these are, to get the basics of service delivery right, to deliver value for money (acting on feedback can often prevent unnecessary waste in future) and to work cohesively with others across our communities.

Since the adoption of the previous 'Comments, Compliments and Complaints Policy' was approved in 2014, the Council has sought to ensure we have open channels for customer feedback and to ensure this feedback is managed in the most effective way. The Council now invites feedback through an improved 'Have your say' function on its website and a designated telephone line, both committed to receiving customer feedback positive, negative or neutral. These channels also allow for customer feedback to be recorded and monitored centrally by the Customer Services team putting us in a better position to ensure a timely and accurate response is issued, but also to understand feedback trends and themes across different service areas and departments and we can use this learning to shape improvements for the future.

These open channels for feedback have ensured a consistent dialogue with customers since the launch of the original Policy in 2014. During the 2015/16 financial year we saw a significant decrease in the escalation of higher-level complaints to the Local Government Ombudsman (LGO). This provides strong evidence of the effectiveness of our drive to improve complaints management, with a particular emphasis upon early resolution to rectify issues. Our approach also allows us to acknowledge, recognise and learn when things have gone well, with over 500 compliments being logged over the 2015/16 period.

In April 2016, the Council introduced a new Microsoft Dynamics Customer Relationship Management (CRM) system to accurately record all complaints, comments and compliments and support the administrative process. This technology enhances our ability to analyse feedback trends by service area, providing the means to evaluate and review any consistent points of feedback and ensure where possible this leads to a tangible change for the benefit of local people. The Council will continue to explore available technologies to enhance the service for residents.

This is a policy shaped with customers, for customers. As a Council we accept, and our customers accept, that we won't always get things right, and that is understandable given the management of over one million individual customer interactions each year. However, this policy sets out our commitment to put things right when they go wrong, if and when it is possible to do so, and always to ensure we use a range of feedback, both positive, negative and neutral, to listen, learn and improve our services for the future.

Councillor Terri Sargent
Cabinet Member for Environment and Community

2. Executive Summary

2.1. This policy outlines Basildon Council's approach to managing complaints, comments and compliments and applies to all services that are provided directly by the Council and those for which the Council has responsibility for, but which are delivered through external businesses and partners who are contracted and employed on behalf of the Council to carry out services directly to residents.

2.2. This document sets out the Council's policy for receiving and responding to feedback about the actions, decisions, or apparent failings or successes of its services. The policy is reviewed every three years to ensure that it takes account of emerging legislation, best practice guidance, and is closely aligned to the objectives of the council's Corporate Plan and the ambitions of the Customer Strategy.

2.3. This policy should be read in conjunction with the council's procedure for dealing with comments, compliments and complaints which applies to services provided both directly by the council and those provided indirectly by a contractor or partner. This procedure can be found attached via the following link;

<http://www.basildon.gov.uk/CHttpHandler.ashx?id=5846&p=0>

2.4. When handling complaints, the Council aims to provide a clear, accessible and flexible process that forms part of service provision and does not overwhelm individuals. The Council recognises that all those who receive Council services have a right to complain if they believe that the authority has failed to act in a satisfactory way or fail to deliver services in accordance with agreed service standards.

2.5. The policy also sets out the definitions the Council will use when considering feedback to ensure consistency across the organisation, including complaints, comments and compliments and what constitutes each. It will include the outcomes the Council is hoping to achieve in taking the outlined approach and the priority areas which will guide implementation to deliver those outcomes.

2.6 This policy ensures that service users are advised of the:

- Standard of service they should expect;
- Appropriate time-scales for complaint handling;

2.7 Where a complaint is not covered by the policy or procedure, the appropriate member of staff will explain the reasons for this to the complainant and direct them towards alternative relevant processes or procedures.

3. Policy Statement / Vision

3.1. Basildon Council is committed to listening to its customers and will continually review the accessibility of its feedback channels to encourage customers to share their thoughts and experiences. The Council aims to provide and manage a high-quality customer feedback system in which complaints are resolved at first point of contact and customers' views can be used to improve the long-term design and delivery of Council services, policies, procedures and practices.

3.2. Basildon Council staff should be supported to receive, interpret and respond to feedback in a way that meets the criteria set out in this policy. It is important that all staff recognise the value of feedback – including complaints – and services have the opportunity to learn from customer feedback including the results of satisfaction surveys. It is also important that staff are made aware of when they or their service area has excelled in meeting or surpassing the needs of customers and this success should be recognised and celebrated.

3.3. This policy demonstrates four key driving principles within the approach:

i. Commitment

- a. The Council is committed to efficient resolution of complaints, and acknowledges customers' rights to complain.
- b. The Council is also committed to actively soliciting feedback, through comments, compliments and complaints.

ii. Procedural Fairness

- a. The Comments, compliments and complaints handling procedures are integrated into the Council's activities and its staff are cognisant of the processes.
- b. Confidentiality is respected at all times and decisions are communicated, as is the rationale for the decisions taken.

iii. Responsiveness

- a. Comments, compliments and complaints will be dealt with as quickly as possible and the complainants shall be treated courteously.
- b. The Council has a set Service Standard of **10 working days** to provide a response to a complaint, where this is not achievable due to complex investigation, complainants will be advised of any delays and the reasons for this delay, and when a response can be expected.

iv. Transparency

- a. Complaints are to be managed in an open and transparent manner that is open for review whereby:
 - The person affected is given a fair hearing and opportunity for a decision to be reviewed.
 - All relevant information and arguments are considered.
 - Decisions makers act fairly and provide reasons for decisions, with acknowledgement and an apology issued if fault is found by the Council.

4. Context

- National
- Local
- Council Priorities

National

4.1. Basildon Council's Comments, Compliments and Complaints Policy is written to be compatible with both the Regulators' Code, the Housing Ombudsman and the Local Government Ombudsman (LGO)'s updated *Guidance on Running a Complaints System*.

4.2. The Regulators' Code

The Regulators' Code came into statutory effect in April 2014 in accordance with section 23 of the Legislative and Regulatory Reform Act 2006. The code "sets out Government's expectations in respect of the provision by local authorities of clear and accessible complaints and appeals processes, for use by businesses and others that they regulate". The regulatory services provided by the Council include: environmental health, pollution control, pest control, building control, advice services, licensing, food safety, health and safety, and animal health. The code states that "Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback," including the use of customer satisfaction surveys.

4.3. The LGO provides a free and impartial service which looks at complaints about councils and a number of other organisations providing local public services. Since April 2009, the LGO has required that all complaints must have been dealt with through a council's own complaints procedures before it will undertake an independent review of a complaint. This decision was made on the basis that "the most effective and timely way to resolve a complaint is for it to be put right at the local level before the issue escalates to the Ombudsman".

4.4. Housing Ombudsman

The Housing Ombudsman Service was established in April 2013 to look at complaints about the housing organisations that are registered with Housing Ombudsman, this includes Basildon Council. The Housing Ombudsman are responsible in support housing organisations to resolve disputes involving the tenants and leaseholders of social landlords and our voluntary members (private landlords and letting agents who are committed to good service for their tenants) or leaseholders. Due regard has been paid to the Housing Ombudsman's best practice in the development of this policy and the accompany Complaints, Comments and Compliments procedure.

4.5. Local Government Act

In accordance with Section 92 of the Local Government Act 2000 the Council may make payment or provide some other benefit if there is evidence of maladministration in the exercise of the Council's functions and a person is adversely effected by that action.

4.6. Local councils increasingly rely upon and operate within a system of partnership arrangements which involve public, private and charitable organisations. Within this context, it is important to ensure clear lines of accountability: all partners should be aware of their roles and responsibilities within the management of customer feedback and how to advise those customers seeking redress.

4.7. Local Government Ombudsman's Guidance on Running a Complaints System

The Council's approach to handling comments, compliments and complaints will demonstrate the features set out below. Six of these features are identified in the LGO's most recent Guidance on Running a Complaints System, however, these features will be tailored to provide the most effective framework for Basildon Council in managing the complete range of feedback received by customers. The final feature, "transparency", is an addition which the council seeks to uphold universally when interacting with citizens.

4.7. i. Accessibility

- The Council's procedure for dealing with comments, compliments and complaints will be well publicised and the Council will continually review ease of access by seeking customer feedback.
- Citizens will be able to make representations via their preferred channel – including online and or over the phone to a designated complaints, comments and compliments telephone line.

4.7. ii. Communication

- Customer feedback will be recorded centrally and communicated to relevant staff members, Heads of Service and partner organisations so that improvements can be made in the way the Council administers its services.
- In the case of complaints, direct contact will be made with the complainant at the earliest opportunity and communication will continue until the issue has been resolved.

4.7. iii. Timeliness

- The Council has a Service Standard of 10 working days to respond to a complaint.
- Where this service standard is not achievable, the complainant will be advised of the delay, the reasons for this and when the complainant can expect a response.
- All complaints will be logged and tracked in a central system with appropriate reference numbers issued to the complainant.
- The maximum timescale for dealing with complaints is twelve weeks, as stated by LGO guidance.
- Unless specifically requested, there is not an automatic assumption that the Council will reply to comments or compliments. The Council will respond when deemed necessary to do so. All feedback including comments and compliments will be captured and analysed.

4.7. iv. Fairness

- All those employed or contracted by the Council will be made aware of their individual duties or responsibilities within the comments, compliments and complaints procedure.
- Those individuals or services which are the subject of customer feedback will be made aware of the nature of the feedback and will be given the opportunity to comment.
- The procedure for managing complaints is understood as a mechanism for learning and development rather than punishment or accusation.
- Complaints received by members of staff who are also service users of the Council will be dealt with sensitively and professionally with the appropriate level of confidentiality.
- The Council will always handle complaints empathetically with the aim to resolve the complaint, if and when possible to do so.

4.8. v. Credibility

- The Council's complaints process will be timely, responsive and bound by a clear set of standards. These standards will be enforced across the organisation with ownership at the level of senior management.
- The Council will produce an Annual Complaints Report which details the level of complaints and other forms of feedback received by the Council each financial year to be presented to Councillors. This report will highlight developments in the feedback management procedure and make Councillors aware of how services have sought to make improvements based upon customer feedback.

4.8. vi. Accountability

- Staff should refer to the Council's Information Management Policy or seek advice from the Legal and Information Support Team to ensure information rights are not breached when providing information to customers.
- Recommendations to improve services and resolve grievances must be implemented in a timely way.
- The Council will regularly review its feedback management system to ensure standards and timescales are realistic and appropriate and that customer satisfaction remains sufficiently high.

4.8. vii. Transparency

- Public sector bodies are required to be transparent in the way they undertake business and conduct internal activities which impact members of the public. This includes the management of comments, compliments and complaints.
- Customer Services Focus Groups will be consulted about any proposed changes to the feedback management procedure and will be invited to help scrutinise the

arrangements to ensure continuous improvement.

5. Definitions and Exclusions

5.1. The following definitions will be used in the management of customer feedback to ensure that customers' views are logged correctly:

Comment

5.2. A comment can be described as an opinion or belief, feedback or remark expressed by a customer. Enquiries or ideas about the availability, delivery or nature of services are welcomed as valuable means to help the Council improve its function.

5.3. Example: *"I think this web page might work better if it was adapted in this way..."*

5.4. Compliment

A compliment is defined as a customer statement of positive recognition or praise for a service or individual. Compliments confirm a positive experience of services, employees and provide insight into what the Council is doing right and what is working well. All customer compliments will be logged on the corporate Customer Relationship Management (CRM) system to ensure that good service is recognised and rewarded.

5.5. Example: *"I would like to thank you for the excellent service provided by the Basildon Animal Control Team in helping to locate my missing dog last week. Your staff were very helpful and supportive."*

5.6. Complaint

A complaint is an expression of dissatisfaction, however made, about the standard of service, action or lack of action by Basildon Borough Council or its employees; in connection with any services it has responsibility for, which affects either an individual customer or group of customers. A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to a service, one which requires a response.

5.7. Example: *"I have reported a particular issue on these dates....I received no acknowledgement, no one has got back to me and the matter continues to remain unresolved despite it being urgent. I now wish this to be responded to as a Stage One Complaint."*

5.8. The Council identifies a number of basic principles which inform its complaints management approach:

- The majority of complaints arise from a genuine feeling of grievance or concern – all customers have the right to complain, compliment and provide comment, in order to be heard, and have their complaints investigated
- Grievances can become exacerbated if not dealt with sensitively and at the earliest available opportunity
- Complaints can serve to highlight deficiencies in services but often also highlight more efficient ways of doing things, this links to the principles of the Corporate Plan to deliver Value for Money services

- Efficient and effective management of complaints is integral to the way the Council functions
- As there can be confusion around what a customer's expectations might be, Council staff should clarify with the customer whether they are seeking to make a complaint
- The confidentiality of the customer and those persons mentioned (whether staff or others) should be appropriately protected

5.9. A complaint may arise as a result of many things relating to service functions such as, but not limited to:

- An unwelcome or disputed decision
- Concern about the quality of appropriateness of a service
- Delay in decision-making or provision in services
- Delivery or non-delivery of services, including complaints procedures
- Quantity, quality, cost or frequency of service
- The attitude or behaviour of staff

5.10. Stage 0 Complaints

In line with the most recent LGO guidance, Basildon Council does not differentiate between a 'formal' and an 'informal' complaint as "both are expressions of dissatisfaction that require a response." However, seeking the right outcome for our customers in a timely fashion is the priority in the Council's approach. Therefore, prior to a complaint being submitted the Council may ask, with a customer's consent, if steps can be taken to address a matter before a complaint is submitted. This may be to quickly put right or resolve an issue without the need for written correspondence which may not be of benefit to the customer who simply wants action taken or the matter swiftly resolved. The management of such complaints is set out in the accompanying Complaints Procedure as a Stage 0 complaint. All Stage 0 complaints will be logged, monitored and analysed as with all other complaints.

Complaints, Comments and Compliments Exclusions

5.11. Outside of the Council's Service Jurisdiction

The Council will only be able to receive and process complaints, comments and compliments in relation to services it provides, or services delivered by an alternative provider on the Council's behalf. The Council will inform the customer if an item of feedback does not relate to a Council service, and where possible inform the customer of the responsible body or entity to whom the feedback relates, when this is known.

5.12. Service Standards

The Council will acknowledge, record but not respond to complaints regarding a service standard set and agreed by the Council. Complaints can be progressed if the delivery of a service is not achieved within the agreed service standard timeframe or level of service. The Council will clarify when this exclusion applies and when the expected service will be delivered.

5.13. Misinformation or Factual Inaccuracy

The Council will not receive complaints on the basis of factual inaccuracy or misinformation provided on behalf of the complainant/s. Complaints will be received and responded to if compelling evidence is provided by the complainant to reject the Council's assertion that the information provided by the complainant is inaccurate or false.

5.14. Complaints when a Service Request has Not Been Actioned by a Customer

If a customer requests to issue a complaint but has not provided the Council with relevant information to process a standard request for a complained about service, the Complaint Team will advise the Customer how to raise this request prior to any complaint being taken forward. In such instances, complaints will not be progressed until sufficient time has passed for the service request to be actioned within agreed service standards.

5.15. Anonymous Complaints

An anonymous complaint is defined as one where the Council does not hold any contact details for the complainant (name, telephone number, e-mail address, home address.).

Under these circumstances, the Council may not be able to put the complaint through the stages of the process.

5.16. Complaints Regarding National Government Policies

The Council has a statutory duty to implement Government legislation and is therefore unable to progress complaints based upon the content or mandated delivery of national policies. In such instances Customer Service Advisors will provide steps and advise to whom complaints or representations about such policies can be made.

5.17. Complaints Regarding Agreed Council Policies

The Council has a range of adopted policies which prescribe and guide the business of the Council. The Council must ensure that all its policies comply with relevant legislation. Careful consideration is given to how policies impact on staff, service users, residents and groups with protected characteristics. Such policies are approved by Elected Members through the Council's decision making processes and officers are required to operate in accordance with agreed policies. It is recognised and accepted that policies can have what individuals might perceive as positive or negative impacts for them, based on their circumstances.

The Council will deal with complaints alleging that relevant council policy has not been complied with, or that alleges the policy does not comply with relevant legislation through its normal complaints procedure. In circumstances where it is alleged that actions have been taken in the absence of a policy or where an individual believes a Council policy should exist but is absent, these complaints will also be dealt with using the normal complaints procedure.

Where a complaint relates to how a person has been effected as a result of a Council policy, there is very limited scope to investigate that complaint, however feedback and comments on the impact of policies will be taken into account (as appropriate) and considered as part of future reviews of the policy. Residents are also encouraged to provide feedback to their Ward Councillors (details of which can be found at www.basildon.gov.uk) who has options to make representations regarding the appropriateness of the policy through the decision making process.

5.18. Complaints regarding Settled or Ongoing Legal Cases or those with an Existing Right of Appeal

Complaints will not be dealt with if there is an existing right of appeal or an existing or settled legal case regarding the specific matter - for example, an appeal to a Council Tax Tribunal, an ongoing Housing Review decision, or referral to a Planning Inspectorate. In such instances the complainant will be written to advising of this and if appropriate, advice will be given on how to pursue an alternative appeal. For those complainants who are, or who have pursued legal action against the Council, the outcome of this will override any formal action that can be determined by investigation via the Council's Complaints Procedure.

5.19. Basildon Borough Councillors

Elected Members of Basildon Borough Council will have enquiries and any associated complaints managed through the Council's Member/Officer Contact Protocol.

Councillors can act as advocates for complainants and details pertaining to complaints advocacy are set out in the accompanying Complaints, Comments and Compliments Procedure.

5.20. Managing persistent or unreasonable complainants

The Council is committed to handling customer feedback fairly and impartially and to provide a high quality service to those who make them. As part of this service we would not normally limit the contact complainants have with us. The majority of individuals who contact the Council communicate in a polite and reasonable manner.

The '[persistent or unreasonable complainant' procedure](#) is aimed at how we manage the relatively few individuals whose actions we consider unreasonable. The Council may not progress complaints or comments from customers managed under this process.

5.21. Aggressive/abusive behaviour – violence at work policy

Unreasonable behaviour is behaviour or language (whether verbal, i.e. face to face or by telephone, or written) that may cause staff to feel intimidated, threatened or abused. The Council recognises that customers may have reason to feel aggrieved, upset or distressed when they issue a complaint, however aggressive or abusive behaviour will not be tolerated and will be dealt with under the Violence at Work People Management Procedure (PMP).

6. Outcomes and Priorities

6.1 Outcome 1: Improve Basildon Council's services and culture

Priorities:

- Deliver the right outcomes for residents where possible
- To listen and learn when and where we can improve
- Centralise the complaints handling system
- Improve consistency and co-ordination across services

6.2 Outcome 2: Increase customer satisfaction

Priorities:

- Be accessible
- Reflect the Council's desire to provide a good quality service
- Apply lessons learnt from comments, compliments and complaints
- Transparent and clear process for customers
- Identify user satisfaction

7. Basildon Borough Council Principles and Promises

7.1 Corporate Plan 2016/20

The table below shows the impact of this policy upon the delivery of Basildon Council's Core Principles. These principles are considered essential in building the trust that is necessary for the delivery of the corporate promises. The first principle explicitly covers the correct management of enquiries and requests.

| Core Principle | High | Medium | Low |
|---------------------------------------|-------------|---------------|------------|
| Get the Basics Right | X | | |
| Value for Money and Strong Governance | X | | |
| Working with Others | | X | |

7.2. The successful implementation of the Comments, Compliments and Complaints Policy will indirectly facilitate the delivery of the corporate promises by creating a mechanism in which local views are captured and used to improve Council services, policies and procedures, and to work more efficiently to deliver the correct outcomes for residents, and in that sense this policy helps underpin the principle to deliver value for money services.

7.3 'Comments, Compliments and Complaints' Procedure

Details the comments, compliments and complaints process for customers, including the contact information to provide feedback to the Council and the agreed complaint management stages.

<http://www.basildon.gov.uk/CHttpHandler.ashx?id=5846&p=0>

7.4 Persistent or Unreasonable Complainant Procedure

Council staff inevitably comes into contact with a small number of complainants, who because of the frequency, nature and quality of their contact with the Council, take up an unwarranted amount of Council resources or impede the investigation of their complaints. The Persistent and Unreasonable Complainant Policy details where the complainant could be considered vexatious and how to respond in these situations

<http://www.basildon.gov.uk/CHttpHandler.ashx?id=5884&p=0>

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