

Report of:	Managing Director
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Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council 21/02/18

COUNCIL
21 FEBRUARY 2018
CUSTOMER FEEDBACK AND COMPLAINTS POLICY

1 Purpose of Report

- 1.1 To seek approval by Council to adopt the Customer Feedback and Complaints Policy (Appendix 1).

2 Recommendations

- 2.1 That Council approves the Customer Feedback and Complaints Policy as set out in Appendix 1, and formally adopts this as Council policy.

3 Key Issues and Reasons for Recommendation

- 3.1 The purpose of this policy is to assist members of the Public with providing any feedback to the Council whether it is in the form of a compliment, comment or complaint. It sets out in detail how to provide feedback and how to make a complaint and explains how the Council will respond.

4 Relationship to Corporate Priorities

- 4.1 The Customer Feedback and Complaints Policy contributes to the Customer Priority of the Council as set out in the Corporate Plan 2015-18.

5 Report Detail

- 5.1 As identified in the Council's Annual Governance Statement 2016-17, the Customer Feedback and Complaints Policy has been reviewed and refreshed.

- 5.2 The Customer Feedback and Complaints Policy covers all types of feedback that the Council may receive from its Customers and members of the Public about the services it provides.
- 5.3 This Policy aims to draw together details of how to provide feedback including making a complaint, and details how the Council will handle any feedback it receives.
- 5.4 There will be occasions when things go wrong and the Council makes a mistake; the Policy provides information on how the Council will learn lessons from any errors including identifying appropriate steps to take to ensure the same mistake does not happen again.
- 5.5 Cannock Chase Council receives a low number of formal complaints compared to the number of customer contacts it receives. However, it is important that there is a clear framework for dealing with feedback to ensure that this is handled in a fair and consistent approach.
- 5.6 This Policy will be implemented across the entire Council. However, it should be noted that there are also other Council Policies and Procedures in place that may be used to handle certain types of concerns for example Confidential Reporting, Anti-fraud and Money Laundering Frameworks.
- 5.7 Moving forward, the Council will report annually to the Cabinet on the numbers and types of complaints that the Council has received, along with the outcomes of complaints where necessary. A summary of this information will also be included and published in the Council's Annual Report and the Annual Governance Statement.

6 Implications

6.1 Financial

There are no direct financial implications arising from this report.

6.2 Legal

None.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

None.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

None.

6.8 Equality & Diversity

A full Equality Impact Assessment has been completed, and no implications were identified.

6.9 Best Value

None.

7 Appendices to the Report

Appendix 1

Customer Feedback and Complaints Policy

Previous Consideration

None.

Background Papers

None.

ITEM NO. 12.



Customer Feedback and Complaints Policy

Civic Centre, PO Box 28, Beecroft Road, Cannock, Staffordshire WS11 1BG

tel 01543 462621 | fax 01543 462317 | www.cannockchasedc.gov.uk

 Search for 'Cannock Chase Life'  @CannockChaseDC



INDEX

1. Introduction
2. Purpose
3. Guiding principles
4. Feedback
5. What is a complaint?
6. Complaints not covered by this policy
7. Who can make a complaint?
8. How can complaints be made
9. How your complaint will be dealt with
10. What about when we get it wrong
11. Local Government and Social Care Ombudsman & Housing Ombudsman
12. Vexatious Complainants
13. Reporting and learning from complaints

APPENDIX 1

COMPLAINTS LEARNING FORM

1. Introduction

Cannock Chase Council provides a wide range of services to the public. In most cases, people are satisfied with these but there are occasions when things do go wrong and concerns have to be raised with the Council. If you are unhappy or dissatisfied with a service you have received, you have the right to complain and be listened to. We will do all we can to resolve your complaint promptly and ensure you receive a response to the issues you raise. The Council believes that dealing effectively with complaints is essential to providing good services. It is equally important that customers are encouraged to provide feedback when the Council provides an excellent level of service.

2. Purpose

The purpose of this document is to:

- a) invite feedback from our customers;
- b) define what a complaint is, who can make a complaint to the Council and how different types of complaints are addressed;
- c) explain how to make a complaint;
- d) explain the process we will follow when dealing with a complaint so that everyone knows what they can expect;
- e) explain how to escalate your complaint outside of the Council if necessary;
- f) set out how we will monitor complaints, use information to improve services and identify training needs.

3. Guiding principles

Cannock Chase Council will:

- a) listen to all types of feedback from customers whether in the form of comment, suggestion, compliment or complaint;
- b) be proportionate in our approach;
- c) aim to resolve concerns and complaints at the earliest opportunity;
- d) treat all complaints seriously with an honest and open mind and do everything we can to deal with them efficiently and effectively;
- e) say sorry if we have made a mistake, or something has gone wrong, and we will put it right as soon as possible;
- f) make sure our responses are based on the evidence available, address all elements of the complaint, and provide clear explanations for decisions made;
- g) ensure our procedure is equally accessible irrespective of age, disability, gender, sexual orientation, race, religion or belief, gender reassignment, marriage or civil partnership or pregnancy or maternity leave;

- h) use customer feedback information in a positive way to identify training requirements, improve processes, recognise good practice and share learning to prevent similar complaints in the future.

4. Feedback

The Council welcomes feedback from customers about the services that it provides. If you have any comments or suggestions about how the Council can improve, or if you wish to provide compliments about our services or a Council Officer, these can be made via any of the following methods of contact:

Email the Managing Director of the Council on

tonymcgovernpa@cannockchasedc.gov.uk;

Telephone - 01543 462621;

Via the Council's website using the following link -

<http://www.cannockchasedc.gov.uk/council/about-council/customer-feedback-help-us-get-it-right>;

Facebook - Cannock Chase Life

Twitter - @cannockchasedc

Any feedback received will be directed to the appropriate Manager, Officer or Elected Member of the Council.

5. What is a complaint?

We define a complaint as:

'An expression of dissatisfaction with our service (whether justified or not) which requires a response'.

A complaint could be in relation to any of the following examples:

- we have made a mistake in the way we have provided a service;
- there has been an unreasonable or unjustified delay in providing a service;
- we have failed to deliver a service properly; this could relate to quality standard or service level;
- our processes or policies have not been followed;
- our legal or regulatory requirements have not been met;
- we have not delivered to a commitment or promise;
- our staff have been rude and unhelpful or not conducted themselves correctly;
- the behaviour of an Elected Member has caused concern;
- a contractor delivering a service or works on behalf of the Council.

Some complaints are expressions of dissatisfaction with Government or local policies, as opposed to our failure to meet service standards or individual conduct issues. This Council will do our best to explain the policy and the reasons for it. However, if the customer remains dissatisfied with the policy they may be directed to their local MP or the relevant national body for further clarification or explanation.

6. Complaints not covered by this policy

Certain types of issues and complaints fall outside of the Council's complaints procedure because:

- there are other processes more suitable for dealing with them such as statutory appeal or tribunal process;
- they are outside of our control e.g. complaints about Social Care services, Highways/roads and Education: these should be directed in the first instance to Staffordshire County Council (www.staffordshire.gov.uk);
- there are separate legal or regulatory requirements covering these services.

Examples are:

- a complaint that has been previously investigated and responded to;
- a complaint that is being or has been, investigated by the Local Government and Social Care Ombudsman;
- matters of law or central Government policy;
- harassment by neighbours (Non-Council Tenants);
- complaints from staff about human resource issues such as recruitment, dismissals, pay, pensions and discipline (these are dealt with separately under our Human Resources policies);
- Freedom of Information requests, or complaints about the decision, the information provided or how a request was handled (these are dealt with under the Freedom of Information Policy);
- complaints that have already been decided by a court or independent tribunal are not covered by our procedure, but complaints about the implementation of a court or tribunal's decision may be investigated, for example the recovery of Council Tax after a liability order has been obtained;
- services for which there are alternative statutory appeal or tribunal processes, including: appeals against the refusal of planning permission or planning enforcement, parking appeals, complaints about registered housing providers, Housing Benefit appeals, homelessness decisions, acceptance on housing waiting list, Council Tax and Housing Benefit calculations and insurance claims.

Where the subject of a complaint is covered by specific regulatory procedures, it must be dealt with through those procedures. However, when a customer is unhappy about

the way that an appeal or tribunal matter was handled, for example a delay in preparing the Council's submission to a tribunal or appeals panel, this should be dealt with under this complaints procedure. If the complaint is about the attitude of staff when handling an appeal or tribunal matter this also falls under the Council's complaints procedure.

Please note that some types of complaint will be governed by other more detailed Council Policies. For example, customers wishing to raise a complaint about Fraud and Corruption would have it handled via the Anti-fraud and Corruption Framework.

If you are not clear whether your complaint can be dealt with by the Council, please contact the Managing Director's Office via Tel 01543-462621 or Email tonymcgovernpa@cannockchasedc.gov.uk for further advice.

7. Who can make a complaint?

Anyone who uses or is affected by our services can make a complaint:

- our residents;
- people who work in or visit the District;
- local businesses;
- community groups.

A complaint can also be made by:

- a representative acting on behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity;
- a representative where they have been asked to act on behalf of a customer;
- a representative acting on behalf of someone who has passed away.

For complaints made by a representative we have to comply with the following legal requirements:

- a) We must have written authority from the customer (or from their executor or administrator of their estate) to deal with the representative acting on their behalf.
- b) We will only deal with a complaint made by a representative of someone because of physical or mental incapacity if we are satisfied that it is being pursued in the best interest of the customer.
- c) We will use the term mental incapacity as defined by the Mental Capacity Act 2005.

8. How can complaints be made

Customers can make a complaint in a way that best suits them. If you have tried to resolve your concerns with the relevant service and you remain dissatisfied then you can submit a formal complaint for investigation as follows:

- a) For complaints about Council services or Council Officer conduct or the Council has not followed its policies properly:
EMAIL tonymcgovernpa@cannockchasedc.gov.uk

Online Form at <https://www.cannockchasedc.gov.uk/content-z-tags/complaints>

Paper Customer Feedback Form which can be sent to complainant by post or collected from the Council's Reception

In writing to the Managing Director, Cannock Chase Council, Civic Centre, Beecroft Road, Cannock, Staffordshire, WS11 1BG

If you are not able to put your complaint in writing for any reason, you can contact the Managing Director's Office by telephone on 01543 462621 and explain your complaint over the phone.

- b) Complaints about Council Officers

If a complaint is made about a Service Manager (or equivalent) the relevant Head of Service will have to be involved in Stage 1 of the process. If this then escalates to Stage 2, another Head of Service not involved in the complaint will be nominated by the Managing Director.

Where a Head of Service is the subject of a complaint at Stage 1, this would have to be handled by another Head of Service nominated by the Managing Director.

Where it is the Managing Director that is the subject of a complaint at Stage 1, the complaint will be investigated by the Monitoring Officer. If the complainant was not satisfied and wished to escalate to Stage 2, the Appeals and Complaints Panel would be convened.

- c) Complaints about Elected Members

For complaints about Elected Members please refer to the following page on the Council's website which provides details of the relevant complaints criteria and includes a complaints form which can be downloaded/printed:

<http://www.cannockchasedc.gov.uk/council/councillors-mps-mep/complaint-about-councillor>

If you have any difficulties accessing this page or downloading the form then please contact the Council's Democratic Services Team on 01543 462621 or email membersservices@cannockchasedc.gov.uk.

9. How your complaint will be dealt with

- a) Complaints about Council Services or Council officer conduct or the Council has not followed its policies properly:

The Council operates a three stage complaints procedure for complaints about Council services or Council officer conduct or the Council has not followed its policies properly. Our formal complaints procedure process begins when the customer is not satisfied with our immediate resolution of an issue of concern.

Complaint Stages:

Stage One

We will acknowledge your complaint within three working days of receipt and will provide you with a full response within a further ten working days. It is however, important to note that there are some occasions when a full response cannot be provided within this timeframe due to the complexity of the issues raised. We will keep you informed should an extended timeframe be anticipated.

The Council will ensure that staff who are the subject of a complaint in respect of their personal conduct, or those who may have a clear conflict of interest in dealing with such a complaint, will not handle or respond to the complaint.

Stage Two

If you remain dissatisfied with the outcome of your complaint, you can escalate your complaint to the relevant Head of Service, detailing why you remain dissatisfied. The Head of Service will seek to resolve any outstanding issues if this is possible.

Stage Three

It is regrettable that on occasions you may not be satisfied with the Council's response to your complaint and for this reason stage three provides a route of appeal. You can escalate your complaint to the Council's Appeals and Complaints Panel, a Committee of Councillors called to hear your complaint, or you can refer your complaint to the Local Government and Social Care Ombudsman.

- b) Complaints about Elected Members

The Council is very keen to make sure all elected Members in Cannock Chase uphold good standards of behaviour. Following receipt of the completed form, the Council's Monitoring Officer will review the allegations. Following investigation, a written outcome will be provided to you. If there is evidence that a Councillor has

breached the Council's Code of Conduct, the matter may be referred to the Standards Committee.

c) Anonymous Complaints

We will deal with anonymous complaints where they involve individual or public safety, alleged corruption, waste or other impropriety and where we have sufficient information to allow an investigation to proceed. It will obviously not be possible to feedback to the complainant about the outcome of any investigations.

For certain types of allegations (e.g. Fraud) the Council operates a Confidential Reporting Framework which sets out how anonymous allegations will be handled of if a person wants their identity protecting within the Council process.

d) Complaints from Councillors or MPs

Where Councillors or MPs make a complaint on behalf of a constituent, we will deal with the complaint following our normal processes and keep the Councillor or MP informed of progress.

Confidentiality

All responses to complaints at all stages will be sent in writing to the customer's address or email address unless specifically requested otherwise. We will maintain the confidentiality of all personal customer information, and not disclose it outside of the Council without the prior permission of the customer, unless legally obliged to do so.

Equality and Diversity

We will ensure our complaints process is easily accessible to all customers online and in Council Services. Telephone advice will be provided as necessary (see Setion 8) for anybody who is not sure how and where to complain.

We are committed to equality and diversity in employment practice and service delivery. Our aim is to ensure that all our customers are confident of receiving fair treatment and equality of opportunity irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, sexual orientation, race, sex and religion or belief.

This policy will be subject to a fully Equality Impact Assessment.

10. What about when we get it wrong

When a complaint is found to be justified the Council will:

- apologise to the complainant(s);
- explain what has been/will be done to put the mistake right;

- explain how the error occurred and what has been done to prevent it happening again.

Redress:

In some cases an apology is all that is necessary and appropriate by way of a remedy.

We will offer redress where we believe that this will best serve the interests of the customer and customer service. For example, practical action will be considered as part or all of a remedy where a complaint is about failure to take some specific action such as carrying out repairs to a tenant's house.

Consideration will also be given to any practical action suggested by the complainant(s).

There will be circumstances where we are unable to put the customer back into the position they would have been in because of the amount of time lapsed or due to other events which may since have occurred.

In such circumstances, we may consider financial compensation. When considering any redress we will be fair, consistent and mindful of public money.

Decisions about making compensation payments as a result of a formal complaint will be made by the Council's relevant Head of Service.

11. Local Government and Social Care Ombudsman & Housing Ombudsman

If a customer is not happy with the way in which we handled their complaint or with our response, they may ask the Local Government and Social Care Ombudsman to look into their complaint. The Ombudsman will not normally look into a complaint if we have not had an opportunity to resolve it through our own complaints process first.

Enquiries from the Local Government and Social Care Ombudsman will in most cases be co-ordinated by the Council's Complaints Officer and handled by the relevant Head of Service.

In cases where the Ombudsman has recommended redress, we are committed to following the advice and timescales of the Ombudsman to the best of our ability. All Local Government and Social Care Ombudsman decisions will be published by the Council as part of the Council's Annual Report.

The Local Government and Social Care Ombudsman can be contacted via:

Telephone: 0300 061 0614 (Monday to Friday 8:30 a.m. - 5 p.m.)

Fax: 0330 403 4001

Website: www.lgo.org.uk

Address: The Local Government and Social Care Ombudsman, PO Box 4771,
Coventry, CV4 0EH

Housing Ombudsman

Complaints about social housing (landlord/tenant issues) may be referred to the Housing Ombudsman if a complainant remains dissatisfied with the Council's response. A period of eight weeks must pass between the Council's final response and the complainant referring the matter to the Ombudsman.

The Housing Ombudsman can be contacted via:

Housing Ombudsman Service

Exchange Tower

Harbour Exchange Square

London E14 9GE

Telephone: 0300 111 3000

Lines are open Monday to Friday from 9.15hrs to 17.15hrs (except public holidays).

Fax: 020 7831 1942

Email: info@housing-ombudsman.org.uk

12. Vexatious Complainants

On rare occasions, a complainant may demonstrate unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint. Examples of this might include:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate 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 many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with other departments within the Council or various outside 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.

In considering whether to designate a complainant as vexatious, the Council will adhere to the Local Government and Social Care Ombudsman guidance on Managing Unreasonable Complainant Behaviour. Nobody will be categorised as a vexatious complainant until all stages of the complaints policy has been followed. If a complainant is designated as vexatious, a full written explanation will be provided as to why the decision has been taken; what it means for his or her contacts with the Council; how long any limits/restrictions will last, and what the complainant can do to have the decision reviewed.

If a complainant is designated as vexatious, it does not mean that the Council will not communicate or deal with the individual(s). Any restrictions placed on the complainant will be proportionate to the nature and frequency of the complainant's current contacts.

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, email 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.

Where a decision on the complaint has been made, the Council will tell the complainant that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information. The status of each complainant who may be designated as vexatious will be reviewed at least annually and sooner if required.

13. Reporting and learning from complaints

We are committed to learning from complaints and using complaints information to drive efficiencies and service improvements (see Appendix 1).

We will keep records on each complaint received including:

- type of complaint;

- complaint outcome;
- timescales agreed;
- whether timescales were met.

We will report to the council's Senior Management Team when a complaint identifies learning points for the future. We will also report annually to the Council's Cabinet on the numbers and types of complaints received, together with information on the complaint outcomes. A summary of all complaints received and outcomes will be published every year as part of the Council's Annual Report and summarised in the Annual Governance Statement.



Appendix 1

Complaints Learning Form

(Will be formalised for each Service Area)

Informal Complaint MP Enquiry Stage 1
Stage 2 Stage 3 Referred to Ombudsman

Complaint Reference: *Click here to enter text.*

Type of Complaint:

Communication Policy Process
Service Failure Staff Attitude Time
Equality and Diversity

Service Area: *Click here to enter text.*

Responsible Officer: *Click here to enter text.*

Complainant Name: *Click here to enter text.*

Address: *Click here to enter text.*

Any Previous Complaints - Details:

Click here to enter text.

Complaint Details: Issues/Reasons/Outcome etc.:

Click here to enter text.

Complaint upheld: Not Upheld Partially Upheld Fully Upheld

Time taken to resolve Complaint:

Date Complaint Received - *Click here to enter text.*

Date Responded - *Click here to enter text.*

Days Taken to Complete - *Click here to enter text.*

Resolved within corporate timescales: Yes No

If no, why?:

Click here to enter text.

Compensation / Goodwill Gesture Awarded? Yes No

Amount/Gesture Offered: *Click here to enter text.*

Lessons Learnt:

Click here to enter text.

Action to be taken	Implementation Date	Responsible Officer	Comments	Review Date
<i>i.e. Policy Amendment</i>				

Signed:

Name: *Click here to enter text.*

Date: *Click here to enter text.*