

Where complainants:

- **Persist in pursuing a complaint** where the complaints procedures have been fully and properly implemented and exhausted.
- **Change the emphasis** of a complaint or **continually raise additional issues or seek to prolong contact by continually raising further concerns or questions** upon receipt of a response whilst the complaint is being address. (C are must be taken not to discard new issues, which are significantly different from the original complaint. These might need to be addressed as separate complaints).
- **Are unwilling to accept documented evidence** as being factual in spite of correspondence specifically answering their questions or **do not accept that facts can sometimes be difficult to verify** when a long period of time has elapsed.
- **Do not clearly identify the precise issues** which they wish to be investigated, despite reasonable efforts to help them specify their concerns, **and/or where the concerns identified are not within the remit** of the Council to investigate.
- **Focus on a trivial matter** to the extent that this is out of proportion to its significance and continue to focus on this point. (It is recognised that determining what is a ‘trivial’ matter can be subjective and careful judgement must be used in applying this criteria).
- **Have threatened or used actual physical violence** towards staff at any time – this may in itself cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be pursued through written communication. All such incidents should be documented.
- Have **harassed** or been personally **abusive or verbally aggressive** on more than one occasion towards staff dealing with their complaint. (Staff must recognise that complainants may sometimes act out of character at times of stress, anxiety, or distress and should make reasonable allowances for this. They should document all incidents of harassment. The Council’s Violence at Work Policy and associated guidance may need to be consulted where there have been threats, violence and/or harassment.)
- Have, in the course of addressing a complaint, had an **excessive number of contacts** with the Council placing unreasonable demands on staff. (A contact is defined as those methods of communication set out in section 2. Discretion must be used in

determining the precise number of “excessive contacts” applicable under this section, using judgement based on the specific circumstances of each individual case).

- Are known to have **recorded** meetings or face-to-face/telephone **conversations without** the prior knowledge and consent of other parties involved.
- **Display unreasonable demands or expectations and fail to accept that these may be unreasonable** (eg insist on responses to complaints or enquiries being provided more urgently than is reasonable or normal recognised practice).

The Corporate Complaints Procedure

4.

It is, important that members of the public are aware that such a procedure only relates to genuine complaints. For example, it does not relate to service requests, eg defects to property, furniture removal, planning matters, Council policy or policies etc, although these may become complaints if a service request is not properly and promptly dealt with. Equally, it is not a system for appealing against decisions of the Council, provided these decisions are correctly arrived at.

The procedure is specifically designed to check that, in relation to a genuine complaint, everything that should have been done, has been done and that the Council's procedures and policies have been upheld.

The identity of the person making a complaint should be made known only to those who need to consider the complaint, it should not be revealed to any other person or made public by the Council. Care should be taken to maintain confidentiality where particular circumstances demand (for example, information about third parties). It may not be possible to preserve confidentiality in some circumstances, for example where relevant legislation applies or allegations are made which involve the conduct of third parties.

4. The Complaints Procedure of the Council will be at three levels.

First level - **Stage 1**

Many complaints can generally be dealt with quickly and satisfactorily by 'front-line' staff who provide the service. The member of staff who receives the complaint either by telephone or face to face, should ensure that all steps are taken to resolve the complaint at the first point of contact.

At the end of stage 1, complainants should be told that if they are not happy with the outcome of their complaint, they can escalate it through the Council's complaints procedure.

Second level – **Stage 2**

At the second stage, complaints are best set out in writing (letter, fax or email or on a Complaint Form assistance will be given upon request if the complainant is unable to complete the form) the complaint will be acknowledged by the Customer Services Manager within 5 working days. At this second stage the Head of the Service to which the complaint relates will reconsider the complaint and will inform the complainant of the outcome within 15 working days (total of 20 days from receipt of the complaint) . Again, complainants should be told what they can do if they remain dissatisfied at the end of stage 2.

Third Level – **Stage 3**

At the third stage, the complaint is considered by a Strategic Director acting on the behalf of the Chief Executive. In this situation the Strategic Director will conduct an independent review. At this stage the complainant should be made aware that if they are still dissatisfied with the outcome they may take their complaint to the Local Government Ombudsman, who will carry out an independent investigation of the complaint.

These procedures are contained in a Complaints Procedure leaflet which is made widely available at Council Offices.

5. Corporate Complaints Monitoring

The Customer Services Manager is the Complaints Monitoring Officer for Selby District Council .

It is important that complaints monitoring is effective. Consequently, a comprehensive monitoring system has been put in place.

- Upon receipt of the complaint at stage 2 or in the event the complainant has bypassed stage 1, the Customer Services Manager will acknowledge the complaint within 5 working days. This will then be sent to the relevant Head of Service, who is required to action the complaint. A date is given for the final response which will be 20 working days from the date of receipt of the complaint. If, for some exceptional reason, the 20 working day deadline cannot be met, a holding response will be sent to the complainant stating a revised date when a response can be sent and giving an explanation as to the cause of the delay. The acknowledgement letter will indicate who is dealing with the complaint and the date by which a response can be expected.
- Once a complaint has been resolved or closed, then a Complaint Satisfaction and Monitoring of Equal Opportunities Form will be sent to the complainant with a pre-paid envelope for their return. Information contained within the responses will be collated to feed back to quarterly meetings of Operational Management Team, when lessons learnt from complaints will be considered.
- A Complaint Satisfaction Local Performance Indicator has been adopted for the forthcoming and subsequent years.
- In addition to the leaflet entitled “How to Make a Complaint” setting out the procedure for members of the public, guidance notes will also be produced in a leaflet for the information of staff, to ensure a consistent corporate approach across the Authority. In addition, the details of the Council’s procedures are contained on the Council’s website.

- The Council will respond to complaints in a positive manner and where it is clear that it has been at fault and caused injustice, appropriate compensation will be authorised by the Chief Executive consistent with the principles adopted by the Local Government Ombudsman, even if the complaint has not been referred to the Ombudsman.

- Where a complaint has been referred to the Local Government Ombudsman, the Council will always use its best endeavours to meet the deadline set for responses and will maintain a positive, professional working relationship with the Local Government Ombudsman's Office.

Dealing with Persistent Complainants Procedure

6. This procedure should be initiated only after a discussion with relevant officers has confirmed that all other avenues have been explored. The Head of Service for which the complaint has been received, will initiate a meeting with a Strategic Director, Customer Services Manager and the Solicitor to the Council to consider the matter. There is a need to carry out an assessment process balancing the rights of the individual, the statutory requirements regarding the service and the Council's responsibilities towards its staff.

OPTIONS FOR DEALING WITH HABITUAL OR VEXATIOUS COMPLAINANTS

Where complainants have been identified as habitual or vexatious, in accordance with the criteria above, the Head of Service will implement such action and will notify complainants, in writing, of the reasons why they have been classified as such and the action to be taken. This notification may be copied for the information of others involved, eg Advocate, Councillor or Member of Parliament. A record must be kept for future reference of the reasons why a complainant has been classified as habitual or vexatious.

The meeting called by the Head of Service will also consist of whether to:

- Trying to resolve matters before invoking this policy. This might be accomplished by drawing up a signed agreement with the complainant, which sets out a code of behaviour for the parties involved if the Council is to continue processing the complaint. If these terms are contravened, consideration would then be given to implementing other action.
- Declining contact with the complainant either in person, by telephone, by fax, by letter or any combination of these, provided that one form of contact is maintained.
- Notifying the complainant in writing that the Council has responded fully to the points raised and has tried to resolve the complaint, but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainants should also be notified that the correspondence is at an end and that further letters received will not be acknowledged nor answered on the matter.
- Informing the complainant that in extreme circumstances the matter will be referred to the Council's solicitor's and/or the Police.

- Temporarily suspending all contact with the complainant or investigation of a complaint whilst seeking legal advice.
- Seeking advice at any time from the Health and Safety Officer and/or the Solicitor to the Council.

These measures should be limited in order from the least serious to the most.

WITHDRAWING HABITUAL OR VEXATIOUS COMPLAINANT STATUS

From time to time the Customer Services Manager will review the list of Habitual or Vexatious complainants and, where possible and reasonable, withdraw this status, subject to discussion with the relevant Head of Service.

Ombudsman Complaint Procedure

7. This is the procedure that the Ombudsman adheres to:
- On receipt of a complaint to the Ombudsman, a letter will be sent to the Authority advising us of the complaint with a 28-day response target.
 - If no response is provided within this target, they will contact the Complaints Monitoring Officer for a response. The Customer Services Manager will contact the relevant Head of Service for a progress report on the complaint.
 - If there is still no response at this stage it will be filed for a further 14 days.
 - If the Ombudsman has still not received a response after 14 days, a letter will be written to the Chief Executive. This will advise the Chief Executive that the Head of Service and Case Officer for the complaint will be required to report with all files relevant to the case for an interview at the Ombudsman's offices in York.

QUALITY MONITORING

When a response is required from the relevant Head of Service to an Ombudsman complaint the following quality monitoring will take place.

- A copy of the reply will be sent to the Customer Services Manager prior to sending to the complainant.
- The Customer Services Manager will quality check the complaint to ensure that all points raised by the Ombudsman have been covered and then send the response out to the complainant.
- In the instance that not all points are covered they will be returned to the relevant Head of Service advising that more information is needed.

Compliments

8. Selby District Council recognises that it is important to ensure compliments are also recognised and used to inform service reviews. It is equally important to feed back compliments regarding the service to relevant service managers and to ensure these compliments are passed on to staff.

In order to assist this process, Selby District Council will, following consultation with staff, develop ways to collect, record and pass on compliments on a regular basis to both the management team and staff. This will help to ensure the good work of staff is recognised and praised accordingly.

Performance Measures

9. Selby District Council will monitor the effectiveness of its Complaints, Compliments and Comments Policy and Procedure by collating all relevant information and statistics and will use these when it undertakes reviews of this policy and service delivery.

Selby District Council will hold information on a central database regarding complaints, the number of complaints received, how quickly they were dealt with and whether they were resolved to the satisfaction of the complainant.

It will use the information to:

- Identify areas of dissatisfaction with services;
- Highlight areas for service improvement;
- Monitor the success of service improvements based on the number of complaints subsequently received;
- Produce a monthly statistical report.

This information will be reported to the Strategic Management Team and Organisational Management Team.

The following performance information will also be collected:

- Number of complaints received
- Number of Ombudsman maladministration cases (Annually).

Targets	Year 1	Year 2	Year 3
Complaints dealt with within target time	85%	90%	95%
Complainants found the complaint process easy to understand	85%	90%	95%
Written correspondence (letter, fax or e-mail) acknowledged within 5 days and responded to within 15 days	85%	90%	95%
Number of Ombudsman maladministration claims	0	0	0

Just before the deadline date set by the Corporate Performance Officer on the 'Performance Indicators Reporting Timetable', the Customer Services Manager will log the number of complaints received to the service area for that particular month, and if a final response was sent in the 15 working day deadline (5 days to acknowledge 15 days to respond total 20 days from receipt of complaint)

Quality Monitoring

10. There are ways of judging whether a complaints system works. One is to do customer satisfaction studies .

Questions to be asked will include:

- Prior to raising your complaint, were you aware that the Council has a complaints procedure?
- What was the **best** thing about how the Council handled your complaint?
- Were you informed of who was dealing with your complaint?
- If you were not happy with the outcome of your complaint were you told of further action you could take, i.e. the Local Government Ombudsman?

Customer Satisfaction surveys will be sent to closed complaints from service areas and not Local Government Ombudsman complaints. This will also include an Equal Opportunities questionnaire. (For more information on equalities please see Selby District Council's statement of Equal Opportunities).

Guidance Notes

11. Good investigative practice

The majority of complaints are likely to be capable of being dealt with speedily and simply. Where, however, a more substantial inquiry is required, the following guidance may be helpful for investigating officers.

Check if there are any previous complaints from this person. Contact the complainant to arrange a meeting (or time for a telephone conversation) and:

- clarify the complaint;
- set out in writing for the complainant your understanding of the complaint;
- clarify the outcome sought;
- check whether the complainant needs support of any kind, or has poor sight or hearing, or a language difficulty, and check what help the complainant needs so as to be able to understand the discussion properly;
- check that the complainant has a copy of the Council's complaints leaflet.

