



HASTINGS BOROUGH COUNCIL

Refreshed

CUSTOMER COMPLAINTS POLICY

April 2016

CUSTOMER COMPLAINTS POLICY

Introduction

Your views are important to us and we welcome constructive comments that assist the Council in developing the way it delivers its services.

The Council see your complaint as an opportunity to improve our services where it is appropriate.

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Summary

(NB Sections a and b are written to be used as the public facing information on the website)

a. How we will deal with complaints

1. The following explains how we will deal with your communication if you have a complaint.
2. It is important to the Council that we deliver our services for the benefit of the community we serve.
3. There are distinctions made between complaints about how we do things and challenges to legal action we take or decisions the Council make.
4. Sometimes the Council will take legal action, such as serving notices requiring works or asking someone to change the way they behave. There are specific ways of challenging this action (often called appeals) laid down in law and the Council will make sure it informs the appropriate person of the way they can challenge these actions.
5. The Council will invite objections and comments on a wide variety of issues, such as new strategies or policies. Consultation – Licensing – Planning – Housing etc. Where possible we will always take on board comments and objections and use them to help form the work the Council does.
6. Sometimes people or organisations feel that the way we have dealt with them is not right. This is a complaint about the way we do things. An example would be where someone has promised action and that has not happened.
7. We will deal with your complaint in a balanced and proportionate manner. Sometimes we may not be able to give you the answer you want to hear, and we understand that this can be distressing.

In our dealings with you we will;

- Deal with your enquiry as quickly as possible
- Be polite and courteous
- Try to explain the process and our decisions clearly and simply

We will not

- Tolerate personal abuse of individual officers or bullying behaviour
- Continue to deal with repeated complaints where the issues have already been fully addressed
- Deal with complaints that are not concise. These will be returned.

8. The following gives you more detail about how we deal with complaints.

b. How we will deal with your complaint

What do we regard as a complaint?

9. For the purposes of this policy, we define a complaint as:

“An expression of dissatisfaction with the standard of service provided by the Council, or with something the Council or a member of its workforce may or may not have done”.

10. This definition is in line with those of the Local Government Ombudsman and the British Standards Institute.

11. In simple terms a complaint may be about lack of response, delays, ongoing service problems and/or the behaviour of Council employees. It includes:

- Doing something wrong
- Doing something it should not have done
- Failing to do something it should have done
- Behaving unfairly, discourteously or discriminatory
- Not carrying out a service to an agreed standard
- Not responding to a request for a service within its stated timescale
- The perception of not being dealt with in a fair manner

12. Any member of the public or their representative, businesses, public and voluntary body may make a complaint, either in person, by telephone, e-mail or letter, or by using a complaint form.

13. If you need assistance in making a complaint, the staff dealing with it will ensure that this is made available and planned for throughout the process. Although some assistance, such as translation services, may take time to arrange, we will keep you informed about what is happening.

Is every complaint dealt with under this policy?

14. There are some instances where an expression of dissatisfaction will not be treated as a complaint under this policy.

15. The following are examples of matters that will not be handled as complaints under this policy:

- Where there is an existing right of appeal – for example via a Benefit Tribunal, or the National Parking Adjudication Service.
- Where the Council has taken legal action that it has a duty to perform, such as recovery of Council Tax or Enforcement action.
- When there is a formal legal claim against the Council.
- When the correspondence is to be dealt with by the Council’s insurers.
- Where the matter is already being considered under another procedure - for example where a petition has been submitted to Cabinet.

- A referral to the Community Trigger System
- Requests for service – for example reporting a missed refuse collection. These tell us about work we need to do, but may subsequently be treated as a complaint if we don't deal with the request.

16. This list is not exhaustive, and advice will be sought from the Chief Legal Officer in consultation with the relevant Assistant Director if there is doubt about whether a matter is to be dealt with as a corporate complaint or not.

The Process

17. The Council aims to deal with complaints effectively and in a fair and honest way. We try to resolve as many complaints as possible at the initial point of contact, without the need to pursue the matter further.

18. Our Corporate Complaints Procedure is two-tiered.

Stage 1

19. When we receive a complaint, we will ask the recipient of the complaint to refer it to Comments and Complaints for registration. Comments and Complaints will send it to the relevant co-ordinator to arrange a response.

20. We aim to reply to complaints at this stage within 10 working days and to;

- Explain how we have considered your complaint
- Acknowledge any deficiency we may have identified with our service
- Offer our apologies and explain how we will remedy matters if this is appropriate
- Tell you what action we have taken to prevent a similar situation if this is appropriate

21. Our reply will also explain how you can ask us to look at your complaint again, although we will not always do so simply because you are disappointed with what we have found. It is expected that most complaints will be satisfactorily dealt with at this stage.

Stage 2

22. If there are valid reasons why we should reconsider your complaint, we will ask the relevant Assistant Director or Director if appropriate to provide a full response after conducting a comprehensive review of your complaint.

23. The aim of the review is to ensure that all matters raised in the original complaint have been comprehensively and accurately addressed and, if not, to ensure that this now happens.

24. We aim to respond to complaints at this stage within 20 working days, but we will keep you informed of our progress if we cannot resolve it within this time.

25. If you are still dissatisfied about the response to your complaint you will be referred to the Local Government Ombudsman. Contact details are www.lgo.org.uk Telephone 0300 061 0614

Address The Local Government Ombudsman, PO BOX 4771, Coventry.
CV4 0EH

Unreasonable & Unreasonably Persistent Complainants Policy

1. Dealing with a complaint is generally a straightforward process, but in a minority of cases people pursue matters in a way that hinders the Council's investigation of their complaint, and/or has a significant impact on our resources. These actions can occur both during and, perhaps more frequently, after investigation of their complaint.
2. Sometimes the Council may be dealing with a matter that attracts much attention. In these cases the Council's website will be used to inform residents of the current situation. In these cases individual responses may not be provided to complainants.
3. This policy reflects the Local Government Ombudsmen's guidance on unreasonably persistent complainants and unreasonable complainant behaviour, and is based on what the Ombudsmen themselves regard as 'good practice' when dealing with such complainants.

Definitions

4. We use the terms 'unreasonable complainant', 'unreasonably persistent complainant' and 'unreasonable complainant behaviour'. For the purposes of this policy, we define an unreasonable or unreasonably persistent complainant as:

Unreasonable and unreasonably persistent complainants are those people, who because of the frequency and/or wide-ranging nature of their contact, hinder our consideration of their own, and/or other people's, complaints.

5. We recognize the need to differentiate between 'persistent' and 'unreasonably persistent' complainants, as many people who submit complaints to the Council are 'persistent' on the entirely reasonable basis that they feel we have not fully resolved their complaint, and are not prepared to leave the matter there.
6. Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but pursue them in inappropriate ways, or they may be intent on pursuing complaints that appear to have no substance, or have already been fully investigated and responded to.
7. Contacts can be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved. Sometimes the situation between the Council and a complainant can escalate, and their behaviour moves from being unreasonable and unreasonably persistent to behaviour that is unacceptable – for example abusive, offensive or threatening in nature, and may then be considered under our Health & Safety and Equalities Policies in addition to this policy.

8. Threats of physical violence to members of staff or elected members will be on most occasions referred to the police. Sussex Constabulary have advised that most referrals should be made by dialing 101 unless it is an emergency 999 situation. Also any threats of physical violence should be referred to the Safety Advisory Team as the complainant's details may need to be entered onto the Council's Alert Scheme at (healthandsafety@hastings.gov.uk). For officers working in the Community Contact Centre or Tourist Information Centre there are panic alarms that alert the police directly, when activated.
9. If a complainant's behaviour falls short of being registered on the Alert Scheme it is likely that they will be sent a letter stating that their behaviour has been unacceptable by the Safety Advisory Team.
10. 'Unreasonable complainant behaviour' might simply include one or two isolated incidents where the person has been abusive, threatening or offensive. 'Unreasonably persistent' behaviour is usually an accumulation of incidents over a longer period.
11. Raising legitimate queries regarding a complaint investigation as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, will not necessarily cause him or her to be labelled as unreasonably persistent.

Why have a policy?

12. Having a policy on unreasonably persistent complainants and unreasonable complainant behaviour allows us to act in a way that is demonstrably consistent and fair.

Examples of unreasonable and unreasonably persistent complainant behaviour

13. The examples below are some of the actions and behaviour that may lead the Council to consider a complainant as being unreasonable or unreasonably persistent.
 - Refusing to specify the grounds of a complaint, despite offers of assistance with this from staff.
 - Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
 - Refusing to accept that some issues are not within the remit of our complaint procedure, despite having been provided with information about its scope, and about any alternative methods of appeal.
 - Insisting on the complaint being dealt with in ways that are incompatible with our complaint procedure or with good practice.
 - Making what appear to be groundless complaints about the staff dealing with a complaint, and seeking to have them replaced.

- Changing the basis of the complaint as the investigation proceeds and/or denying statements made at an earlier stage.
- Introducing trivial or irrelevant new information that the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings or conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament, a councillor, the authority's independent auditor, the Standards Board, local police, solicitors, or the Ombudsman. Members should refer complaints through officers for response.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, for example by excessive telephoning or sending emails to numerous council staff, or by writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints after an investigation has been completed, which are essentially about the same issues, but with additions/variations that the complainant insists make these 'new' complaints that should be put through the full complaint procedure.
- Refusing to accept a decision – repeatedly arguing the point and complaining about the decision.
- Aggressive behaviour – threats of violence and abusive language and behaviour towards our staff and/or elected members and using social media to put this in the public domain.
- Combinations of some or all of these.

Managing unreasonable or unreasonably persistent behaviour

14. The action we take to manage unreasonable or unreasonably persistent behaviour will be proportionate to the nature and frequency of the complainant's contacts with the authority, but may include one or several of the options below:

- Refusing to register and process further complaints about the same matter
- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken (for example, one call on a specified morning or afternoon of any week).
- Limiting the complainant to one medium of contact (telephone, letter, email etc) and/or requiring them to communicate only with one named member of staff or contact address.
- Requiring any personal contacts to take place in the presence of a witness.
- Where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, faxes, or emails, or ultimately informing them that future correspondence will not be

acknowledged, but simply read by a designated officer and placed on file.

- If a telephone caller is abusive 'talking over' an officer, being threatening or displaying behaviour of this type, they will be politely informed that we will terminate the telephone call.
- Requesting that IT block a persistent complainant's e-mail address.
- Dealing with the complaint/s within a longer time frame. Complainant to be advised in applicable time frame when the Council receives the complaint/s eg 20, 30, working days.
- Returning long winded correspondence with a request for a clear and concise explanation of what the complainant wants.

When the policy and restrictions will be applied

15. The decision to apply this policy and impose restrictions will be made by the appropriate Corporate Director. Although restrictions will usually only apply for a specified time normally between 1-3 months, it may be considered appropriate in some situations to indefinitely continue the refusal to investigate, for example where a matter is clearly trivial or without merit, or where it has already been considered and there is no significant change.

Lifting the restrictions

16. The Corporate Director will decide if it is appropriate to lift restrictions after the specified time.

Rights of review or appeal

17. The Director who has not been previously involved with the complaint will consider appeals against a decision, or about the restrictions applied. Where it is appropriate, the relevant Director may consult with the relevant ward councillor regarding an appeal, and they will be informed of the decision in any case.

Warning prior to applying restrictions

18. Although we will normally write, e-mail or verbally inform a complainant that the Council may decide to treat them as an unreasonable or unreasonably persistent complainant if their actions continue, restrictions may be applied immediately. The restriction should be recorded.

Information given to complainants to whom this policy applies

19. If the decision is made to apply this policy, we will write to the complainant to explain that:

- The decision has been taken
- What it means for his or her contacts with the Council
- How long any restrictions will last; and
- How he or she can have the decision reviewed

We will include a copy of this policy with our letter.

Who will be informed about the decision?

20. We will tell our staff when we make a decision to implement this policy because we need to explain what restrictions have been imposed. We will also tell the Councillors for the ward where the complainant lives, and any other Councillor the person has contacted.
21. We will advise the same people if arrangements change, or when restrictions are lifted.

Relevant Policies and Acts

- **Freedom of Information Act 2000** - Section 14 of the Freedom of Information Act gives councils the right to refuse information to members of the public on the grounds that their request is vexatious or unnecessarily repeated, and should be referred to in conjunction with this policy.
- **Data Protection Act 1998** - The principles of the Data Protection Act apply to the information necessary for us to operate this policy.
- **Equal Opportunities Policy** - We seek to ensure that everyone has equal opportunity to access our services, and our Equal Opportunities Policy will apply.
- **Corporate Health and Safety Policies**