

CORPORATE COMPLAINTS PROCEDURE 2004

GUIDANCE NOTES



Table of Contents

INTRODUCTION	1
AIMS AND OBJECTIVES	2
A consistent process.....	2
A positive process.....	2
A quality process.....	2
An accessible process.....	2
WHAT IS A COMPLAINT?	3
HOW TO DEAL WITH THE INTITIAL COMPLAINT	4
THE FORMAL COMPLAINTS PROCEDURE	5
THE COMPLAINTS PROCESS	6
Stage 1 (Service Complaint).....	6
Stage 2 (Service Unit Review).....	6
Stage 3 (SCSDO Review).....	6
HOW TO DEAL WITH A STAGE 1 COMPLAINT	7
HOW TO DEAL WITH A STAGE 2 COMPLAINT	8
HOW TO DEAL WITH A STAGE 3 COMPLAINT	9
COMPLAINTS TO LOCAL GOVERNMENT OMBUDSMAN	10
INVESTIGATION OF COMPLAINTS	11
GUIDANCE FOR SDO AND CSDO OFFICERS	13
APPENDIX I	15

Introduction

Charnwood Borough Council aims to provide efficient, good quality services to its customers. Even so, on occasions, things can go wrong. We want to resolve all complaints quickly and effectively. The complaints procedure can be a time consuming exercise for both our customers and us. **We should all try to resolve any problems on the spot.**

We want to be positive about complaints. A complaint is a simple means for our customers to voice their concerns about our services. By effectively resolving a complaint you will both improve your service and the confidence of your users.

We will deal with all complaints:

- Promptly
- Efficiently
- Courteously
- Systematically, through an escalation process

We hope that this good practice guide will give you effective guidance on investigating complaints.

Aims and objectives

A consistent process

We want to give our service users a fair, consistent and structured process to find a remedy for failures in the delivery of our services.

A positive process

We will use the outcome of complaints and any remedial action as a positive method of monitoring performance and improving our services.

A quality process









We want to use the process to:

- Improve the quality of the services we provide
- Improve our relations with service users
- Encourage best practice by our staff
- Operate within the statutory, regulatory and legal framework

An accessible process

Our complaints procedure is open to anyone who lives, works or visits the borough and receives one or more of our services. We want to make the complaints procedure accessible to everyone.

Customers can complain through the following channels:

-  In person
-  In writing
-  By phone
-  By using our complaints form
-  Electronically – through internet based services
-  By Minicom
-  By fax
-  In any language

What is a complaint?

A complaint is an expression of dissatisfaction by a customer, whether justified or not. A customer may be unhappy because:

- We made a mistake in the way we provided the service
- We failed to provide a service
- We delayed in providing a service
- We failed to act in a proper manner
- We provided an unfair service

The complaints procedure does **not** apply to:

- Initial requests for service e.g. the **first** time a service is requested
- Initial requests for information or for an explanation of Council policy or practice
- The correct application of the law or a Council policy, or to matters for which there is a right of appeal (an appeal within the Council or to an independent tribunal)

How to deal with the initial complaint

If we make a mistake or fail to give someone a service, we should take quick and effective action to resolve the problem.

You should try to resolve any complaint straight away. Most customers will not want to make a formal complaint unless they have no other option. In many cases, you should be able to resolve the problem. The following advice will help you resolve complaints:

- Be polite
- Be honest
- Be sensitive
- Tell the customer what they can reasonably expect you to do, what you can or can't do and the time limits
- Give the customer your name and phone number
- Make sure the customer does not have to repeat their complaint to various staff
- Look at the problem from the customer's point of view
- Keep the customer informed about what you are doing to deal with their complaint
- Carry out any required actions or promises you have made
- Don't delay in giving a service or information

Should you be unable to resolve the issue and the customer wishes to make this a formal complaint, OR, you feel the issues require formal investigation the complaints procedures must be followed.

The formal complaints procedure

Formal complaints are facilitated through a 3-stage process. Any formal complaint will be directed to appropriate officers as determined by the complaints stage or by the magnitude of the complaint.

Use of the Customer Relationship Management System (CRM) will enable complaints to be tracked at all stages and provide management information.

Should our complaints procedure fail to resolve the complaint, the customer will be referred to the Ombudsman.

What are the aims of the complaints procedure?

A clear and well-publicised complaints procedure helps us to provide good-quality services to our customers.

We want to:

- Give customers an effective way to complain about the services we provide
- Resolve complaints as quickly as possible
- Accept that things can go wrong but we can put things right and learn from them
- Deal with complaints fairly and consistently
- Give customers an opportunity to have their complaint reviewed by someone independent of the service they have complained about
- Regularly monitor complaints and ensure we meet our standards

Our complaints procedure will:

- Be open, easily accessible and well publicised
- Be simple to use and understand
- Be confidential
- Allow quick resolution of complaints, with set time limits for action to be taken
- Keep customers informed about their complaint
- Deal with all issues raised by customers and give an effective reply
- Be fair for staff. We recognise the right of staff to be kept informed about complaints against them. We also recognise their right to be represented or accompanied at any interview concerning a complaint

The complaints process

Where you have been unable to resolve the issue and the customer wants to lodge a formal complaint or the issues warrant a formal investigation it should then be passed on to the **Service Development Officer (SDO)** who is the person nominated within your service to administer and monitor complaints. The SDO will log the complaint on to the appropriate system and allocate the investigation to the most appropriate officer.

A list of SDOs may be found in **Appendix I**

The SDO will require the following information:

- Details of complainant
- Contact details
- Details of the complaint
- Customer expectations
- Date

If the complaint involves more than one service details must be passed on to the Corporate Service Development Officer (CSDO), who is a specialist officer employed in the Customer Service Centre.

Stage 1 (service complaint)

The customer lodges a formal complaint, which will normally be dealt with at service level. No officer may investigate any complaint that directly relates to him or her as an individual.

Stage 2 (service unit review)

Should the customer be unhappy with the outcome from the stage 1 process, stage 2 provides an independent review.

The stage 1 investigation officer(s) cannot investigate the complaint at stage 2.

Stage 3 (CSDO review)

Should the customer be unhappy with the outcome from the stage 2 processes, stage 3 provides a means of appeal. This stage will be managed by the CSDO.

How to deal with a stage I complaint

Stage I (15 working days)

SDO or CSDO enters complaint to CRM

SDO allocates officer(s) to investigate complaint

SDO acknowledges complaint within 5 working days (CRM generated reply) including details of who will carry out the investigation, the methods for investigation and the expected timescales.

The investigation is carried out and a reply must be submitted to the SDO within 15 working days for reply to customer. SDO will enter reply on to CRM to generate standard letter format.

Remember that both staff and customers have the right to be accompanied by a friend or a representative during an interview.

If the customer needs an interpreter or a sign language interpreter, we can arrange this for them. We usually need five working days notice to do this. If so, you must reply within 22 working days.

The reply must inform the customer about how they can appeal against your decision.

Entire duration: 15 working days

How to deal with a stage 2 complaint

Stage 2 (20 working days) appeal to the Service Development Officer

The customer may appeal against the outcome of the stage 1 investigation(s) and thus begin the stage 2 processes.

SDO will enter the customer's reasons as to why they are unhappy with the service manager's decision and enter this onto the CRM.

The SDO may investigate the complaint and/or allocate officers to investigate the issues; however, **these officers cannot have investigated the complaint at stage 1.**

SDO acknowledges complaint within 5 working days (CRM generated reply) including details of who will carry out the investigation, the methods for investigation and the expected timescales.

The SDO will have overall responsibility to monitor the progress of the complaint.

A stage 2 complaint normally warrants a reply within 20 working days, however if there is complexity, or the need to hold interviews more time may be required. The SDO must be made aware of this together with the reasons.

The SDO will enter the extension requirements on to the CRM.

The customer must receive a letter informing them of any extensions to the timescale for investigation together with the reasons.

Remember that both staff and customers have the right to be accompanied by a friend or a representative during an interview.

If the customer needs an interpreter or a sign language interpreter, we can arrange this for them. We usually need 5 working days notice to do this. If so, you must reply within 25 working days.

When the investigation is completed, the SDO or the investigating officer will enter the reply onto CRM to generate the standard format reply to the complainant.

The reply must be sent to the customer within the time schedule for the complaint.

The reply must inform the customer about how they can appeal against your decision.

Entire duration: 20 working days

How to deal with a stage 3 complaint

Stage 3 (20 working days) appeal to the Corporate Service Development Officer

If a customer is still unhappy with the stage 2 investigation and outcome, they can make a stage 3 complaint.

The Corporate Service Development Officer (CSDO) will receive and co-ordinate the investigation for their complaint. The CSDO is independent of service.

The CSDO will receive the complaint and enter it on to the CRM.

CSDO acknowledges the complaint within 5 working days (CRM generated reply) including details of who will carry out the investigation, the methods for investigation and the expected timescales.

The CSDO can carry out investigations, possibly by site visits, review of files and records, interviewing members of staff and complainants and will request any relevant details from staff or service heads in relation to the complaint and expect returns within 10 working days.

Remember that both staff and customers have the right to be accompanied by a friend or a representative during an interview.

If the customer needs an interpreter or a sign language interpreter, we can arrange this for them. We usually need 5 working days notice to do this. If so, the reply will be sent within 25 working days.

Sometimes, before we send a reply to the customer, we will send a summary of the CSDO's findings to both the service unit's SDO and the staff involved.

The CSDO will tell the complainant about any action to be taken, timetable involved and the right to complain to the Local Government Ombudsman or take any other legal remedies that may be available.

A stage 3 complaint normally warrants a reply within 20 working days, however if there is complexity, or the need to hold interviews more time may be required.

The CSDO will enter the extension requirements on to the CRM.

The customer must receive a letter informing them of any extensions to the time scale for investigation along with the reasons.

The CSDO will issue a decision on behalf of the Chief Executive within 20 working days.

Entire duration: 20 working days

Complaints to Local Government Ombudsman

If a customer is not satisfied with the results of their complaint to the Council they can complain to the Local Government Ombudsman. In most cases before the Ombudsman can investigate a complaint, the Council must have had a chance to answer it. If a complaint is made to the Ombudsman it should be within 12 months of when the customer first knew about the matter. If they leave it later than that, the Ombudsman may not be able to help.

The Ombudsman will look for misadministration by the Council, which has caused injustice. This means something that the Council has through action or omission failed in their service that has directly affected the customer.

Forms for making a complaint to the Ombudsman are available in several languages and in a large print English version from reception at the Council Offices at Southfields or from the Local Government Ombudsman website (www.lgo.org.uk).

Complaints taken up by the Ombudsman will be referred to the Standards and Monitoring Support Officer in the first instance, who will acknowledge receipt within 5 working days. Complaints will be dealt with according to the requests for information and timetable set out by the Ombudsman.

If the Ombudsman investigates a complaint, requests for information are usually required to be met within 15 working days. Such requests for information will be forwarded to the appropriate Head of Service/Service Development Officer. Responses should be returned to the Standards and Monitoring Support Officer within 10 working days for confirmation and signature by the Chief Executive in order to meet the Ombudsman's timetable. The response should clearly address each of the Ombudsman's specific points as well as making any general comments.

Alternatively, the Ombudsman will determine that the Council has not had a reasonable opportunity to investigate and reply to the complaint. In such cases the complaint will be acknowledged by the Standards and Monitoring Officer and referred to the appropriate Service Development Officer to be treated **as a stage 2 complaint**.

In such cases the Ombudsman gives the Council 4 weeks to respond to the complainant explaining the timetable and procedures and 12 weeks in which to complete the complaints process. **The complaint should however be dealt with within the timetable for a stage 2 complaint.** A copy of the Service Development Officer's responses should be sent to the Ombudsman and the Standards and Monitoring Support Officer.

Contact details for the Local Government Ombudsman with responsibility for Leicestershire:

Mr J White, Local Government Ombudsman
The Commission for Local Administration in England
The Oaks No 2, Westwood Way, Westwood Business Park
COVENTRY, CV4 8JB
Telephone 024 7682 0000

Investigation of complaints

If you are investigating a complaint the following principles and guidelines should be adopted for process consistency.

When you are required to investigate any complaint please ensure you follow this guidance:

- Ensure you fully understand the nature and issues of the complaint, seek further clarification if necessary
- Be fair and honest when investigating a complaint. If you find that we have acted unreasonably, made a mistake or failed to deliver a service, you should say this in your reply. You should also think about how you could resolve any injustice caused to the customer
- Take the time to thoroughly investigate the complaint
- Avoid being defensive or intimidating – maintain a professional approach at all times
- Inform SDO if you think the investigation cannot be completed within the allowed time limit. Ensure you include your reasons and a new schedule
- Search through large files and databases where necessary
- Hold interviews with customer, staff and/or third parties
- Check current service policies and practices along with statutory requirements and service standards

On completion of the investigation you must forward your reply detailing the investigation to the SDO and/or CSDO

Your reply must be completed within the complaints timescale and include

- A decision (upheld, not upheld or partly upheld)
- The complaint's definition
- A summary of the investigation
- A summary of the facts and findings
- An appropriate remedy (an apology and what action you are going to take to resolve the complaint)
- Any lessons to be learnt
- The means of appeal to the decision (to whom and how)

The following points can be considered as Good Practice on a reply formula:

- Don't use long sentences and paragraphs
- Use plain English. NO jargon or abbreviations
- Don't deal with more than one issue in a paragraph
- Use headings for clarity if necessary
- Use a clear layout with good spacing, paragraphs, and numbering and/or bullet points
- If necessary ensure copies of any relevant reports or policies are attached
- Avoid using passive verbs. For a clearer sentence, use an active verb. For example, "We sent the bill to you" instead of "You were sent a bill"
- An e-mail may be generated through the CRM but the same principles apply to the reply

Should you require help or advice on how to carry out any part of the investigation please contact your SDO or CSDO.

Guidance for SDO and CSDO officers

Service Development Officer(s) (SDO) are nominated members of staff who will manage complaints within their service.

The role of the SDO is to ensure that any formal complaint is managed in accordance with the corporate complaints procedure. This will involve:

- Logging complaints on the CRM
- Allocating investigations to relevant officers
- Monitoring the Process to ensure deadlines will be met
- Providing support and assistance to officers investigating complaints
- Management of data relating to a complaint
- Co-ordination and production of replies
- Suggesting service improvements

Should you as the SDO be carrying out the investigation then guidelines on carrying out an investigation can be seen on pages 11 and 12.

When the investigation has been completed, you need to reply, informing the customer of the investigation and the outcomes. The decision will either:

- Agree with the customer and their complaint is **upheld**
- Disagree with the customer and their complaint is **not upheld**
- Agree with some of the customer's complaint making their complaint **partly upheld**

The reply to the customer must include the following:

- A decision (upheld, not upheld or partly upheld)
- The complaint's definition
- A summary of the investigation
- A summary of the facts and findings
- An appropriate remedy (an apology and what action you are going to take to resolve the complaint)
- Any lessons to be learnt
- The means of appeal to the decision (to whom and how)

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- An email may be generated through the CRM but the same principles apply to the reply

APPENDIX I

The following are a list of current Service Development Officers for service areas:

Corporate Service Development Officer:

Caroline Marshall 01509 634596 complaints@chamwood.gov.uk

Benefits and Revenues:

Benefits:

SDO - David Platts 01509 634850 david.platts@chamwood.gov.uk

Deputy - Bev Stone 01509 634840 bev.stone@chamwood.gov.uk

Revenues:

SDO – Lynn McEaney 01509 634872 lynn.mceneaney@chamwood.gov.uk

Deputy – Bill Robinson 01509 634861 bill.robinson@chamwood.gov.uk

Change Management:

SDO - Steve Phipps 01509 634605 steve.phipps@chamwood.gov.uk

Deputy – David Harris 01509 634780 david.harris@chamwood.gov.uk

Contract and Public Services:

SDO - Ros Williams 01509 634987 ros.williams@chamwood.gov.uk

Deputy - Jill Mayes 01509 634987 jill.mayes@chamwood.gov.uk

Cultural and Leisure Services:

SDO – Julie Robinson 01509 632227 julie.robinson@chamwood.gov.uk

Deputy – Jim Robertson 01509 634700 jim.robertson@chamwood.gov.uk

Environmental Health Services:

Environmental nuisances and Taxi/Licensing issues :

SDO - Rob Fisk 01509 634630 robin.fisk@chamwood.gov.uk

Deputy – Matt Holford 01509 634650 matthew.holford@chamwood.gov.uk

Food Safety / Occupational Health / Pest Control:

SDO – Rob Fisk 01509 634650 robin.fisk@chamwood.gov.uk

Deputy – Keith Taylor 01509 634629 keith.taylor@chamwood.gov.uk

Private Housing Issues:

SDO – Rob Fisk 01509 634630 robin.fisk@chamwood.gov.uk

Deputy – Bruce McKenzie 01509 634649 bruce.mckenzie@chamwood.gov.uk

Financial Services:

SDO – Ian Geary 01509 634820 ian.geary@chamwood.gov.uk

Deputy – John Casey 01509 634810 john.casey@chamwood.gov.uk

Housing Services:

SDO – Andrew Kalmar 01509 634687 andrew.kalmar@chamwood.gov.uk

Deputy – Julie Ulph 01509 634878 julie.ulph@chamwood.gov.uk

Information and Communication Services:

SDO – Linda Argument 01509 634799 linda.argument@chamwood.gov.uk

Deputy – Darren Baker 01509 634708 darren.baker@chamwood.gov.uk

Customer Services:

SDO – Adrian Le Cras 01509 634595 adrian.lecras@chamwood.gov.uk

Deputy – Dianne Meakin 01509 634921 dianne.meakin@chamwood.gov.uk

Planning Services:

Plans:

SDO – Dave Hankin 01509 634761 dave.hankin@chamwood.gov.uk

Deputy – Mick Morley 01509 634740 mickmorley@chamwood.gov.uk

Building Control:

SDO – Peter Banbury 01509 634750 peter.banbury@chamwood.gov.uk

Deputy – Clive Handley 01509 634751 clive.handley@chamwood.gov.uk

Property Services:

Asset Services:

SDO – Kevin Biddulph 01509 634688 kevin.biddulph@chamwood.gov.uk

Deputy – Vikki Walsh 01509 634978 vikki.walsh@chamwood.gov.uk

Building Contracts & Design Services:

SDO – Dianne Pownall 01509 634974 dianne.pownall@chamwood.gov.uk

Deputy – Peter Upton 01509 634676 peter.upton@chamwood.gov.uk

Housing Maintenance Services:

SDO – Glenn Cockle 01509 634679 glenn.cockle@chamwood.gov.uk

Deputy – Shaun Plant 01509 634689 shaun.plant@chamwood.gov.uk

Risk Management:

Legal Matters:

SDO – Karen Sullivan 01509 634580 karen.sullivan@chamwood.gov.uk

Deputy – Christine Taylor 01509 634620 christine.taylor@chamwood.gov.uk

Audit, insurance & performance review matters:

SDO – Karen Sullivan 01509 634580 karen.sullivan@chamwood.gov.uk

Deputy – Allan Barber 01509 634718 allan.barber@chamwood.gov.uk

Technical Services:

SDO – Peter Rook 01509 634695 peter.rook@chamwood.gov.uk

Deputy – Norman Perkins 01509 634681 norman.perkins@chamwood.gov.uk

Deputy – Michael Wardman 01509 634597 michael.wardman@chamwood.gov.uk

Deputy – Dave Woolsey 01509 634682 dave.woolsey@chamwood.gov.uk