

Amber Valley Borough Council

Customer Complaints Procedure

1. What is a customer complaints procedure?

A customer complaints procedure is a systematic method used by organisations for receiving, recording and responding to complaints made by their customers to ensure that complaints are responded to efficiently and effectively and learnt from. For the purposes of this procedure, customers are external customers. Separate arrangements exist for internal complaints and complaints against councillors. Customer complaints procedures also ensure that the valuable management information which is generated from customer feedback is used in a positive way to improve the effectiveness of the organisation.

A complaint is defined as:

An expression of dissatisfaction about a council service (whether that service is provided directly by the council or by a contractor or partner) that requires a response.

2. Why do we need a customer complaints procedure?

A customer complaints procedure:

- provides a way for customers to express their dissatisfaction with services, policies and decisions of the council and to suggest improvements;
- gives valuable management information regarding the effectiveness of services provided, policies implemented, and decisions taken;
- helps improve communication between the council and its customers;
- helps demonstrate that the council wants to listen and learn from the public; and
- offers assurance that a consistent approach will be followed when responding to complaints

3. What are the aims and objectives of the customer complaints procedure?

To ensure that:

- customer complaints are dealt with promptly, efficiently, courteously and systematically;
- customer complaints are treated confidentially and fairly; and
- customers are kept informed of the progress and outcome of their complaints

4. How can complaints be made to the council?

Complaints may be made:

- in person; or
- by telephone; or
- in writing (letter, fax, complaints form or email); or
- via a councillor

Please also note Section 12, below, regarding unreasonable complainant behaviour.

5. What are the stages in the procedure?

There are three stages in the procedure.

Stage 1 – Manager investigation

In the first instance concerns should be raised with the manager of the team providing the service to look into the complaint and try to put things right.

Details of the complaint will be entered onto the complaints system so that the council can make sure complaints are learnt from and how well they are responded to is monitored.

Stage 2 – Chief officer investigation

If it has not been possible to resolve complaints at stage one, the complaint can be referred to the person in charge of the department concerned, the chief officer, for investigation. There may be occasions when it is decided that a complaint should be investigated by another chief officer, outside of the directorate concerned. This may be when the complaint refers to senior officers and/or the director.

Stage 3 – Ombudsman consideration

If a complainant is still unhappy with the way the complaint has been dealt with they can contact the Local Government and Social Care Ombudsman. The ombudsman is impartial and is independent of the Government and local authorities.

At any time, the customer may refer his/her complaint to the Local Government and Social Care Ombudsman. However, the council will normally be given the opportunity to resolve the complaint locally before the ombudsman investigates. This means that in most cases the customer complaints procedure will precede any detailed involvement with the Local Government and Social Care Ombudsman. The address and telephone number are as follows:

LGO Advice Team

Local Government and Social Care Ombudsman

PO Box 4771

Coventry

CV4 0EH

Tel: 0300 061 0614

Text: "callback" to 0762 481 1595

Email: advice@lgo.org.uk

Website: www.lgo.org.uk

6. What can customers expect from our customer complaints procedure?

We will:

- value customer complaints;
- record complaints effectively;
- acknowledge complaints within 5 working days if a full response cannot be given straightaway;
- respond within 15 working days, although complex complaints may take longer;

- keep the customer informed about progress where we are not able to respond to the issue within 15 working days;
- comply with the Data Protection Act and the General Data Protection Regulation and treat all information given in the strictest confidence; and
- use information from complaints to improve council services.

7. When is a complaint not covered by the complaints procedure?

The following types of complaints cannot be considered under the customer complaints procedure.

- Complaints made by a member of the public to a business unit against a third party, for example a complaint to environmental health about noise from a factory. This type of complaint is a request for a service and not a complaint against the council.
- Appeals against benefit decisions by claimants. A separate procedure required by law already exists for this purpose.
- Appeals by applicants against planning application decisions. A separate procedure already exists for this purpose.
- Complaints that are made regarding matters that are the subject of legal proceedings.
- Complaints or queries regarding the levels of Council Tax. Separate procedures already exist for this purpose.
- Political complaints – these should be made directly to councillors.
- Complaints made anonymously, although issues of serious concern will be investigated.
- Complaints about the conduct of a member of Amber Valley Borough Council or a member of one of our town/parish councils (councillor complaints). These are dealt with under a separate procedure

In each of these situations the customer should be advised of the appropriate procedure and provided with any relevant documentation

8. Relationships with disciplinary procedures

If a customer complaint is about the behaviour or attitude of an individual and/or collective the officer receiving the complaint should pass it to their line manager or chief officer for consideration as to whether the disciplinary procedure may need to be invoked. No officer named in a complaint should respond to the complaint. If the disciplinary procedure is invoked - and the customer who made the complaint does not wish to be present at a formal disciplinary hearing – the record of the customer's complaint and any subsequent correspondence may be used in the disciplinary procedures. For further clarification refer to the council's disciplinary procedure.

9. Responsibilities of all officers receiving a customer complaint

All council officers receiving complaints are required to ensure that complaints are recorded on the complaints system and dealt with in accordance with the council's complaints procedure. This helps identify the issues concerning customers and ensure that any lessons learned are shared and acted upon. Where possible the member of staff should try to resolve the issue on the spot or involve someone else who can. Where this is not possible they should ensure that the complaint is investigated, and the customer is advised of the outcome of the investigation.

10. Satisfaction Sampling

A periodic and random sample will be made of customers who have used the customer complaints procedure, in order to monitor the effectiveness of the procedure.

11. Data Protection Act and the General Data Protection Regulation

The information provided by customers will be held for the purpose of monitoring the amount and nature of customer complaints and as a record of contact. Personal information will only be disclosed to responsible officers investigating the comment and administering the procedure.

12. Unreasonable complainant behaviour

The council is committed to dealing with all complaints fairly and impartially, and to making its complaints procedure as accessible as possible but must safeguard that procedure against unreasonable complainants' behaviour.

The council will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants. When it occurs, it will take proportionate action to protect the wellbeing of its staff and the integrity of its processes.

The council's investigative officers cannot use their time and resources to best effect if someone tries to dominate the council's attention with frequent, lengthy contacts and repetitive information. This hinders the consideration of their, or other people's, complaints. When necessary, the council will take action to restrict access to its complaints service when unreasonable behaviour of this nature persists.

In most instances when the council considers someone's behaviour is unreasonable it will explain why and ask them to change it. It will also warn them that, if the behaviour continues, the council may take action to restrict their contact with council officers.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of council staff the matter may be reported to the police or the council may consider taking legal action. In such cases, the council may not give the complainant prior warning.

An executive director or the council's monitoring officer will decide whether the circumstances justify any restriction of access. They will record the reason for their decision and explain it to the person concerned. They will state how long any restriction will apply for before it is reconsidered.

The sort of restrictions imposed could include:

- restricting telephone calls to specified days and limited times;
- limiting contacts to one form only (for example, a maximum of one letter or email a week);
- requiring contact to take place with one named staff member;
- requiring the complainant to enter into an agreement about their future behaviour before their case proceeds; and/or
- managing contact with the help of an independent advocate.

Other suitable options will be considered in the light of the complainant's circumstances. The council's objective, wherever possible, is to complete consideration of the complaint on its merits in a managed way.

If the complaint is still under consideration six months later, the council will review whether the restrictions imposed are still necessary and should remain.

If a complainant continues to behave unreasonably, or overrides the restrictions placed on access to the council's service, the council may decide to terminate contact with them and end any investigation into their complaint.

13. Remedies for complaints

In determining a suitable remedy in circumstances where the council is at fault and caused injustice, the investigating officer will take account of:

- the outcome the complainant wants to achieve by complaining;
- what has gone wrong;
- the nature of the personal injustice;
- whether it is possible to take action to put the person affected back in the position they would have been in if nothing had gone wrong;
- whether there is an actual quantifiable financial loss, such as costs incurred or payments not received;
- the basis on which loss of non-monetary benefit can be calculated;
- the severity of any other impact in terms of distress, harm or risk;
- whether the actions or inactions of the complainant or a third party contributed to or lessened the injustice; and
- whether there is a more appropriate form of payment than cash.

Overall, the officer will endeavour to ensure that the remedy is proportionate, appropriate and reasonable based on all the facts of the case.

The council will take account of the guidance issued by the Local Government and Social Care Ombudsman, 'Guidance on Good Principles: Remedies (May 2018).