



Title:	Constitution of the Council (Part 4C: Compliments, comments and complaints Procedure)
Owner:	John Teasdale
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Approved by Monitoring Officer:	John Teasdale

Adopted by Full Council on ~~11th December 2023~~

COMPLIMENTS, COMMENTS AND COMPLAINTS PROCEDURE

1 INTRODUCTION

- 1.1 This document sets out details of the Borough Council's compliments, comments and complaints procedures. Information on how to submit a compliment, comment or complaint is available on the Council's [website](#). ~~The Council's procedure is based on the Local Government and Social Care Ombudsman's Complaint Handling Code (link)~~
- 1.2 ~~An informal complaint/service request may be defined as "–a request that the organisation provides or improves a services, fixes a problem or reconsiders a decision". This provides the Council will the opportunity to resolve matters to an individual's satisfaction before they become a complaint.~~
- 1.3 ~~The Borough Council hopes that the majority of complaints will be dealt with informally and to the satisfaction of each individual, and when the issue is first raised with us. Should a person remain dissatisfied however, the procedure set out in this document provides an opportunity for any complaint to be pursued.~~
- ~~1.21.4~~ A complaint ~~is~~may be defined as "an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff or those acting on its behalf, affecting an individual or group of individuals" ~~to Council service~~ that requires a response.
- ~~1.31.5~~ A comment is a suggestion or observation about services provided.
- ~~1.41.6~~ A compliment is a positive remark about a service or an individual. (Internal compliments are excluded from this process)
- ~~1.51.7~~ When considering a complaint, a procedure has been adopted by the Borough Council.
- ~~1.6~~ ~~The Borough Council hopes that the majority of complaints will be dealt with informally and to the satisfaction of each individual, and when the issue is first raised with us. Should a person remain dissatisfied however, the procedure set out in this document provides an opportunity for any complaint to be pursued.~~
- ~~1.71.8~~ Whatever the outcome of any subsequent investigation which follows a complaint, a complainant can refer the complaint to the Local Government Ombudsman.
- ~~1.9~~ Further information on compliments and comments is available at section 6.

1.10 Where the Council asks for feedback about its services through a survey, details of how individuals can complain will be provided, so that they can pursue any dissatisfaction if they so wish.

1.81.11 This procedure is published on the Council's website, including details on the Local Government Ombudsman and its Complaints Handling Code.

2 AIMS AND SCOPE OF THE COMPLAINTS PROCEDURE

AIMS

- 2.1 The aims of the procedure are to ensure that:
- 2.1.1 The Borough Council responds to complaints within a reasonable time and in a courteous and efficient manner;
 - 2.1.2 The person feels that their complaint is being treated seriously even if the answer is not to their satisfaction;
 - 2.1.3 The Borough Council learns from the complaints and takes appropriate measures to improve its services.

SCOPE OF THE PROCEDURE

- 2.2 An informal complaint or service request may be defined as " a request that the organisation provides or improves a services, fixes a problem or reconsiders a decision" s-an expression of dissatisfaction with action taken or lack of action by the Council in response to a matter relating to services or functions of the Borough Council.
- 2.3 The Borough Council offers advice and assistance to any person wishing to make a complaint. However, complaints should only be made by:
- Our Citizens (people who live, work or study in the Borough);
 - Local businesses;
 - Community groups;
 - Visitors.
- 2.4 Anyone wishing to make a complaint can do so in two ways:

2.4.1 by using the relevant submission form on the Council's website:
<https://www.eaststaffsbc.gov.uk/comments-compliments-and-complaints>,
or;

2.4.2 writing to the Council at the following address:
PO Box 8045, Burton upon Trent, DE14 9JG or email
complaints@eaststaffsbc.gov.uk.

2.5 However, anonymous complaints will not be considered.

2.6 Once received a complaint will be directed to the relevant department for a response and resolution. At this stage, a complaint is regarded by the Council as informal or a service request.

2.6

2.7 A complaint is recognised as formal when a person remains dissatisfied following a response from the relevant department.

2.8 The complainant will have the right to have their complaint dealt with in confidence.

2.9 Complaints will generally include the following:

2.9.1 —failure to provide the service at the level or standard expected by the Council;

● —unhelpful attitude of an employee of the Borough Council;

2.9.2

2.8.1 —neglect or unreasonable delay in answering a query or responding to a request for a service;

2.9.3

● —failure to follow the Borough Council's agreed policies, rules or procedures;

2.9.4

● —failure to take proper account of relevant matter in coming to a decision;

2.9.5

● —failure to tell people of their rights; or

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2.9.6

2.9.7 malice, bias or unfair discrimination.

2.10 The following types of complaint are excluded from the procedure:

~~1.1.1.~~ 2.10.1 a matter which came to the attention of the complainant more than 12 months ago or where the lapse of time means there is no merit in taking action now;

~~1.1.2.~~ 2.10.2 those which amount to a disagreement with a policy decision of the Council rather than the way the decisions have been carried out;

~~1.1.3.~~ 2.10.3 a planning or development control matter where a right of objection and/or a right of appeal exists, unless the complaint relates to the way the matter has been handled;

~~1.1.4.~~ 2.10.4 a decision of the Council where regulatory powers are being exercised (e.g. licensing) and a right of appeal exists (e.g. housing benefit), unless the complaint relates to the way the matter has been handled;

~~1.1.5.~~ 2.10.5 a matter which is or could reasonably be expected to be the subject of court or tribunal proceedings;

~~1.1.6.~~ 2.10.6 complaints which amount to a disagreement with or refusal to accept a rule of law which the Council is applying.

2.11 If a complaint is excluded from this procedure, an explanation will be provided to the complainant setting out reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.

2.92.12 Separate procedures exist for dealing with grievances by Council employees about their employment.

MONITORING OF COMPLAINTS

2.102.13 The Principal Democratic Services Officer will monitor and escalate, as required, all formal complaints in accordance with this procedure.

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~~2.112.14~~ Analysis of compliments, comments and complaints received is reported annually to a meeting of the Council's Cabinet and includes a self-assessment.

3 COMPLAINTS PROCEDURE

3.1 Set out below is the procedure to be followed in dealing with complaints received.

3.2 A flowchart summarising the complaints process can be found at section ~~78~~.

INFORMAL COMPLAINTS/SERVICE REQUESTS

3.3 Staff handling complaints must apply the guidelines set out in section ~~55~~.

3.4 A complaint when initially received must be directed to the appropriate department concerned. If appropriate, a person may look to make an appointment to see the relevant Manager to discuss and hopefully resolve the complaint.

3.5 A person who remains dissatisfied following the matter being raised with the appropriate department must notify ~~the Council's Principal Democratic Services Officer~~. At this point a complaint is regarded as formal and will be acknowledged within 48 hours.

3.6 Reasons for why a complaint needs to be escalated and regarded as formal must be given. A complaint will not be escalated if reasons have not been provided therefore if necessary, reasons will be requested.

FORMAL COMPLAINTS

~~3.7~~ Where the Council complaint response is handled by a third party (e.g. contractor) at any stage, it should form part of the 2 stage process set out. Individuals should not be expected to go through 2 complaints processes.

~~3.73.8~~ **Stage 1** - the following procedures will come into operation where the complainant remains dissatisfied with a response to an informal complaint or service request and reasons have been given for why they remain dissatisfied.

~~3.83.9~~ Reasons must be provided or a complaint will not be considered and may ultimately lead a complaint being regarded as closed.

~~3.93.10~~ Formal complaints are received by the Principal Democratic Services Officer and details are recorded for future statistical analysis.

~~3.103.11~~ The complaint will be acknowledged within 48 hours, a timeframe for a response will be confirmed and the complaint will be referred to the appropriate

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Manager with a request to formally consider and attempt to settle the complaint. This will involve the complaint being dealt with personally by the appropriate Manager.

3.12 A response to the complaint will be made in writing within **10 working days** from the date that the complaint is received and acknowledged. This date of response will be confirmed by ~~the Principal~~ Democratic Services ~~Officer~~

~~3.11~~3.13 in accordance with when the complaint is received. Depending on the complexity of a complaint, a response may take longer than 10 working days. If this is the case, the complainant will be notified of the revised anticipated date of response and the reason(s). When informed of the extension to the timescales, the individual will be provided with the contact details of the Ombudsman.

3.14 The appropriate Manager will

- Clarify with the individual any aspects of the complaint they are unclear about;
- Deal with complaints on their own merits, act independently and have an open mind;
- Give the complainant a fair chance to set out their position;
- Take measures to address any actual or perceived conflict of interest and
- Consider all relevant information and evidence carefully.

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~~3.12~~3.15 The reply will advise the complainant that if they remain dissatisfied they should contact ~~the Principal~~ Democratic Services ~~Officer~~ who will arrange for the complaint to be escalated to the next stage in the process. ~~Reasons for remaining dissatisfied must be may be provided. or if not provided reasons for dissatisfaction are unclear these~~ will be requested. The appropriate Manager will immediately inform ~~the Principal~~ Democratic Services ~~Officer~~ of the action/decisions taken and send them a copy of the correspondence which concludes Stage 1 of the process.

3.16 **Stage 2** – following confirmation that a complainant remains dissatisfied, The complaint will be acknowledged within 48 hours, a timeframe for a response will be confirmed and an appropriate Chief Officer (in consultation with the Chief Executive) will review the complaint within 20 working days from the date that they received the complaint. Depending on the complexity of a complaint, a response may take longer than 20 working days. If this is the case, the complainant will be notified of the revised anticipated date of response and the reason(s). When informed of the extension to the timescales, the individual will be provided with the contact details of the Ombudsman.

Commented [JT1]: 20 working days, but it could be less. 20 Working Days is what is suggested by the LGA.

~~3.13.17~~

~~3.18~~ The reply from the Chief Officer will confirm:

- ~~• The complaint stage;~~
- ~~• The organisation's understanding of the complaint;~~
- ~~• The decision on the complaint;~~
- ~~• The reasons for any decisions made;~~
- ~~• The details of any remedy offered to put things right;~~
- ~~• Details of any outstanding actions;~~
- ~~• Details of how to escalate the matter to the Ombudsman if the complainant remains dissatisfied.~~

~~3.14~~ advise the complainant that if they remain dissatisfied, they should contact the Principal Democratic Services Officer who will arrange for the next stage in the process. Reasons must be provided or if not provided, will be requested. If reasons are not provided, this may ultimately lead to a complaint being closed.

~~3.19~~ The response will either:

- ~~3.19..1 issue an instruction to the appropriate Chief Officer concerned aimed at resolving the complaint; or~~
- ~~3.19..2 refer the complaint to the Complaints Panel; or~~
- ~~3.19..3 advise the Complainant that the Council cannot take any further action and if they wish to pursue the matter it should be referred to the Local Government Ombudsman.~~

~~3.15.20~~ The relevant Chief Officer will immediately inform ~~the Principal Democratic Services Officer~~ of the action/decisions taken and send them a copy of the correspondence which concludes Stage 2 of this process.

~~3.16~~ ~~Stage 3~~ following confirmation that a complainant remains dissatisfied, the Chief Executive will review the complaint in consultation with the Leader or an appropriate Cabinet Member. The complaint will be reviewed within **10 working days** from the date that the complaint has been received. Depending on the complexity of a complaint, a response may take longer than 10 working days. If this is the case, the complainant will be notified of the revised anticipated date of response.

~~3.17~~ Reasons must be provided or if not provided, will be requested. If reasons are not provided, this may ultimately lead to a complaint being closed.

~~3.18~~ The Chief Executive will either:

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- ~~3.18.1 issue an instruction to the appropriate Chief Officer concerned aimed at resolving the complaint; or~~
- ~~3.18.2 refer the complaint to the Complaints Panel; or~~
- ~~3.18.3 advise the Complainant that the Council cannot take any further action and if they wish to pursue the matter it should be referred to the Local Government Ombudsman.~~

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COMPLAINTS PANEL

~~3.193.21~~ If the complainant still remains dissatisfied after a direction has been issued by the Chief Officer in consultation with the Chief Executive under 13.18.8.1 above, they may request that the complaint be referred to the Complaints Panel by the Chief Executive. **This course of action will only be possible where the Chief Officer in consultation with the Chief Executive has decided not to invoke paragraph 3.18.3 above.**

~~3.203.22~~ Prior to calling a meeting of the Complaints Panel the Chief Executive will obtain a written report from the appropriate Chief Officer concerned with the subject of the complaint. He will also, if necessary, interview the complainant in order to ensure that the precise nature of the complaint is clear.

~~3.213.23~~ A meeting of the Complaints Panel will be convened within **10 working days** or as soon as possible after in accordance with Part 3f of the Constitution. The Panel will consider the report from the Chief Executive incorporating details of the complaint and the written report from the Chief Officer concerned. The complainant (together with his/her local Councillor if appropriate) and the relevant Chief Officer or his/her representative will be entitled to attend the Complaints Panel to put over their view with assistance of witnesses (if appropriate). The Chief Executive or his representative will advise the Complaints Panel.

~~3.223.24~~ The parties to the complaint will withdraw while the Complaints Panel considers the complaint following which they will be recalled and advised of the Complaints Panel's decision. The Complaints Panel may approve a course of action, make recommendations to Cabinet, another appropriate Committee or Panel or call for further reports to a future meeting.

~~3.233.25~~ The complainant will be informed in writing by the Chief Executive of the Complaints Panel's decision and of his/her right to refer the matter to the Local Ombudsman, if within their jurisdiction, if they remain dissatisfied.

RELATIONSHIP WITH DISCIPLINARY PROCEDURE

3.243.26 This complaint procedure is distinct from the Council's disciplinary procedure for employees. If the nature of the complaint is such that disciplinary action against an employee may be involved, the Chief Officer concerned will decide whether the disciplinary procedures will be invoked. Neither the Chief Executive nor the Complaints Panel, in exercising these powers under the Complaints Procedure, will have the right to change the decision of the appropriate Chief Officer in respect of disciplinary action against any employee.

ROLE OF MONITORING OFFICER

3.253.27 The Local Government and Housing Act 1989 provides that the Monitoring Officer, has a statutory duty to deal with any proposal, decision or omission by the Council which has given or is likely to give rise to maladministration or which is in contravention of any Code of Practice or rule of law. The Monitoring Officer will have regard to those duties in relation to issues arising from official complaints including the need to report to Full Council should this be necessary.

4 GUIDELINES FOR INTERACTING WITH CUSTOMERS

4.1 The following are a set of guidelines which staff should observe when interacting with members of the public in person either on the telephone or by personal visit:

- **Be positive** - If you are defensive you will merely enhance the impression that you are not interested in the customer's problem.
- **Try to defuse the situation** - The customer may be angry or upset if he/she feels that the Council has let him/her down. The customer's aggression may arise from problems experienced in the past or an expectation that the Council will not help. Stay calm and friendly, indicate that you understand that there is a problem and let the customer know that you are prepared to listen.
- **Ask questions in a calm manner to get at the facts** - If the customer tells you that an aspect of the Council's service is bad, try to find out exactly why he/she thinks that. Once the reason for dissatisfaction is indicated you can identify the problem and find a way of solving it.
- **Understand and relate to the customer** - Show that you understand why he/she is dissatisfied and let him/her know you want to help.

- **Accept responsibility for the problem** - Never criticise or blame the customer. If the problem arises from a mistake or misunderstanding on the customer's part, you should clarify the situation without directing personal criticism at the customer.
- **Try to solve the problem** - You may be able to arrange action which will satisfy the customer. If you cannot do this or do not have the authority, involve another officer who will be able to help. Do not pass the customer on to another officer or Service without checking that they will be able to take action or provide information. If you cannot provide an answer immediately make an arrangement to contact the customer later the same day or the following day and make sure you keep to the arrangement. In any event give the customer your name, designation and extension so that follow up requests can be dealt with effectively.
- **Check the customer is satisfied** - Thank him/her for bringing the matters to the Council's attention. If appropriate, advise your superiors of any necessary improvement in services or procedures highlighted.
- **If the customer remains dissatisfied** - Advise him/her how to go about making a complaint.

4.2 Throughout the above, remember that the way you act and sound is just as important as what you say.

4.3 [The Council also has a Single Equality Scheme that sets out four equality objectives that staff should be aware of when interacting with members of the public. In particular, the requirement to monitor complaints, respond appropriately and reflect on specific services or processes to ensure inclusiveness in relation to the diverse needs of people in the communities.](#)

5 COMPLIMENTS AND COMMENTS

5.1 It is recognised that customers may express disappointment, disagreement or observations about services without necessarily wanting to complain, and the Council values comments on how it can improve its services.

5.2 The Council also welcomes compliments about its staff and services. This allows the Council to acknowledge and commend where appropriate.

5.3 Compliments and comments can be submitted in the following way:

5.3.1 by using the relevant submission form on the Council's website:

<https://www.eaststaffsbc.gov.uk/comments-compliments-and-complaints>

~~or, or;~~

~~5.3.2~~ writing to the Council at the following address:

PO Box 8045, Burton upon Trent, DE14 9JG.

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- 5.4 For compliments and comments, the Council will acknowledge your compliment or comment and will make sure that the person or service it relates to receives it. The Council will also report this information to senior managers and Councillors so that they can see suggestions and positive feedback.

6 UNREASONABLE COMPLAINANTS AND UNACCEPTABLE BEHAVIOUR

- 6.1 The Borough Council recognises that there may be a need to complain to the Council. At the same time though, the Council is also accountable for the proper use of public money and must ensure that the money is spent wisely and achieves value for complainants and the wider public.

~~6.2~~ The Borough Council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service, it will not normally limit the contact complainants have their offices. However, the Council do not expect Members or their staff to tolerate behaviour by complainants which is unacceptable - for example, behaviour which is abusive, offensive or threatening - and they will take action to protect Members and staff from that behaviour.

~~6.2~~ **Unreasonable Complainants**

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- 6.3 There are a small number of complainants who the Council classifies as "unreasonable complainants", because the frequency of their contact with the Borough Council's officers and/or Members is time consuming and wasteful of resources in terms Officer and Member time and displaces scarce human resources that could otherwise be spent on other Council priorities, as well as hindering the Council's consideration of complaints (those of other people as well as of the

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unreasonable complainant). In exceptional circumstances we will take any action to limit an unreasonable complainant's contact with both Members and officers. The decision to restrict such access will be taken by the Chief Executive and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- Requesting contact in a particular form (for example, letter only);
- Requiring contact to take place with a named officer;
- Restricting telephone calls to specified days and times and/or
- Asking the complainant to enter into an agreement about their future contacts with the Council.

- 6.4 In all cases where we have decided to treat someone as an unreasonable complainant, we will write to tell the complainant why we believe his or her behaviour falls into this category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. Within 7 days of the receipt of the notification the complainant can request a review setting out why s/he considers s/he was not unreasonable. If we decide to carry on treating someone as an unreasonable complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.
- 6.5 Once a complainant has been determined to be unreasonable, their status will be kept under review for six months.
- 6.6 Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with the complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.
- 6.7 New complaints from people who have come under the unreasonable complainants' policy will be considered appropriately.

Referral to the Local Government Ombudsman

- 6.8 In extreme cases, the relationship between the complainant and the Council may breakdown. In these cases the Council may consider the following actions:
- Invite an early referral to the Local Government Ombudsman before all stages of the complaints procedure have been exhausted;

- Explain in writing to the complainant that the Council cannot assist them further and inform them of their right to approach the Local Government Ombudsman. This may occur when the Council does not believe the complaints are substantively valid and cannot agree a way forward with the complainant (for example, the complainant makes allegations and states they have supporting evidence but consistently fails to produce the evidence).

Unacceptable Behaviour

- 6.9 The Council will adopt a similar approach to what it deems to be unacceptable behaviour. When we consider that a complainant's behaviour is unacceptable, we will tell them why we find their behaviour unreasonable and we will ask them to change it. If the unacceptable behaviour continues, we will take action to restrict the complainant's contact with both Members and our officers.
- 6.10 The decision to restrict such access will be taken by the Leader and the Chief Executive and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:
- Requesting contact in a particular form (for example, letters only);
 - Requiring contact to take place with a named officer;
 - Restricting calls to specified days and times; and/or
 - Asking the complainant to enter into an agreement about their conduct
- 6.11 In all cases, we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.
- 6.12 Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint
- 6.13 Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Borough Council's Members and staff, we will consider other options, for example reporting the matter to the Police and/or taking legal action. In such cases we may not give the complainant prior warning of that action. In those types of case it is also likely that we would add the complainant to the Council's Violent and Threatening Behaviour Database which is a computerised database that contains names and/or addresses of persons who have initiated incidents of violent,

aggressive and threatening behaviour against East Staffordshire Borough Council employees or whilst on Council premises. If a complainant is added to that database we will write to advise them that this is the case.

6.14 Throughout any consideration of the restrictions identified at 6.3 and 6.10, the Council will give full consideration to any potential impacts on protected characteristics (as defined in the Equalities Act 2010). If any protected characteristic has been made known to the Council during any stage of the processes at 6.3 and 6.10, this will inform any decision which is made in respect of restrictions.

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~~6.14 where these have been made known to the Council, which will inform the decision on those restrictions. For example, where a complainant makes known to the Council that they have a disability that makes a particular form of contact difficult, the Council will consider a more appropriate, alternative form of contact. This applies to both unreasonable complainants and unacceptable behaviour.~~

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7 COMPLAINTS PROCESS FLOWCHART



