



# **South Ribble Borough Council Customer Feedback Policy**

## **Dealing with Customer Comments, Compliments and Complaints**

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### Appendix A:

South Ribble Borough Council Policy on Dealing with Vexatious and Unreasonable Complainants

## **1. Introduction**

This document sets out how South Ribble Borough Council manages and responds to customer comments, compliments and complaints.

South Ribble Borough Council is committed to providing excellent customer service and since 2001 has achieved Customer Service Excellence accreditation for a number of services, including the front line provision provided by Gateway. This policy supports the Council's service standards and helps us maintain a culture of excellent customer service as an organisation which listens to its customers, recognises good practice, and acknowledges and investigates when things have gone wrong, putting in place actions to learn and improve in the future.

The views of our customers are important to the Council; they help us shape services to support the needs of our communities, provide insight into what we are doing well and where we can improve and enable us to provide a responsive service that changes and adapts in accordance with customer need.

The Council will treat comments, compliments and complaints with respect and seek to understand the customer's point of view.

The Council will endeavour to resolve problems at the time they are brought to its attention to the customer's satisfaction. In order to achieve this, all staff are empowered to deal, where possible, with issues and complaints at source. Where this is not possible, the formal complaints procedure will be applied.

## **2. Scope**

This document sets out how South Ribble Borough Council manages and responds to comments, compliments and complaints.

This policy supports the Council's priority of being an Efficient, Effective and Exceptional Council, and it incorporates the Council's Policy on Dealing with Vexatious and Unreasonable Complainants.

## **3. Comments, Compliments and Complaints - Definitions**

### **3.1 Comments**

A comment can be described as a volunteered personal opinion or belief, feedback or remark expressed by a customer. Unless specifically requested, there is not an automatic assumption that the Council will reply to comments. However, where it is felt appropriate or where the customer indicates they expect a reply, this should be sent within 10 working days.

### **3.2 Compliments**

A compliment is defined as a customer statement of positive recognition or praise for a service or member of staff.

### **3.3 Complaints**

A complaint is an expression of dissatisfaction or concern made by the customer about the standard of service, actions or lack of actions by the Council and its staff, affecting an individual customer or group of customers.

A complaint is not a service request. A service request is defined as a customer contact that, for the first time, brings a matter to the Council's attention and requests a service offered by the council.

### **3.4 Social Media**

The Council receives an increasing amount of feedback via social media such as Facebook and Twitter. Where possible comments, compliments and service requests should be dealt with at the first point of contact, which in many cases will involve a response using social media. Complaints should be dealt with in accordance with the Complaints Process below, although it will be appropriate to reply immediately via social media to confirm that the matter is being dealt with as a formal complaint and in accordance with the Council's policy.

## **4. Comments, Compliments and Complaints – Process**

The processes that are outlined below detail the maximum response times for responding to feedback – such as 10 or 20 working days. However, it is expected that feedback that is received will be treated as a priority and responded to expeditiously with the vast majority of cases having been investigated and responded to well within this timescale.

### **4.1 Comments Process**

Customer comments are managed outside of the complaints process. Comments made to the Customer Feedback Officer will be forwarded to the appropriate Core Manager to consider.

Unless specifically requested, there is not an automatic assumption that the Council will reply to comments. However, where it is felt appropriate or where the customer indicates they expect a reply, this should be sent within 10 working days.

Core Managers are encouraged to share information of this nature at regular team meetings and acknowledge the performance of the relevant individual and/or team.

### **4.2 Compliments Process**

Copies of all compliments should be forwarded to the Customer Feedback Officer who will maintain a central register of compliments.

Compliments should be celebrated and shared by Core Managers amongst teams and service areas, and may be publicised via the Council's communication channels (Connect, website, Forward and at Senior Management Team meetings).

### **4.3 Complaints Process**

The formal complaints process has a three stage structure. Stage one and two complaints are investigated by the Council, stage three complaints are investigated independently by the Local Government Ombudsman.

In all circumstances the Council will act in accordance with its Values; Teamwork, Integrity, Excellence, being a Learning Organisation and having a Positive Attitude to improve services and customer service.

Officers responding to complaints are encouraged to speak with complainants during the investigation of the complaint to help gain a greater understanding of the complainant's point of view.

### **Informal Stage**

Customers are asked, before submitting formal complaints, to contact us to establish whether we can deal with their concern promptly and satisfactorily. In cases such as a missed bin collection, this is more likely to result in an efficient resolution than awaiting a formal written response.

At the initial point of contact with the customer, the officer should, where possible, determine the extent to which the concerns being raised can be addressed through simple steps to put things right or an apology, without recourse to the formal procedure. Where such a solution is not possible or appropriate, the customer should be advised that the Council's formal procedure will be followed.

### **Stage 1**

Stage one complaints will be registered and acknowledged (within three working days) by the Customer Feedback Officer. The Customer Feedback Officer must be provided with a copy of any complaints that are received directly by a service area immediately upon receipt.

Registered complaints will be passed to the appropriate Team Leader or Core Manager, who will review the complaint and either respond personally or arrange for an appropriate officer to respond (within 10 working days of receipt of the complaint, unless exceptional circumstances exist). A response may be sent by letter or email, or by any other method requested by the complainant.

The response must contain details of what the complainant needs to do if they remain dissatisfied with the outcome and wish to progress the complaint to stage 2. A copy of the response must be sent to the Customer Feedback Officer.

### **Stage 2**

A complaint will enter stage two of the process if a customer advises that they are dissatisfied with the result of stage one.

Stage two complaints will be registered and acknowledged (within three working days) by the Customer Feedback Officer. The Customer Feedback Officer must be provided with a copy of any stage two complaints that are received directly by a service area immediately upon receipt.

Registered complaints will be passed to the appropriate Core Manager or Director, who will review the complaint and either respond personally or arrange for an appropriate officer to respond (within 20 working days of receipt of the complaint,

unless exceptional circumstances exist). A response may be sent by letter or email, or by any other method requested by the complainant.

The response must contain details of what the complainant needs to do if they remain dissatisfied with the outcome and wish to progress the complaint to stage 3. A copy of the response must be sent to the Customer Feedback Officer.

### Stage 3

If a complainant is dissatisfied with the outcome of the stage two complaint they may wish to enter stage three of the complaints process and contact the Local Government Ombudsman directly.

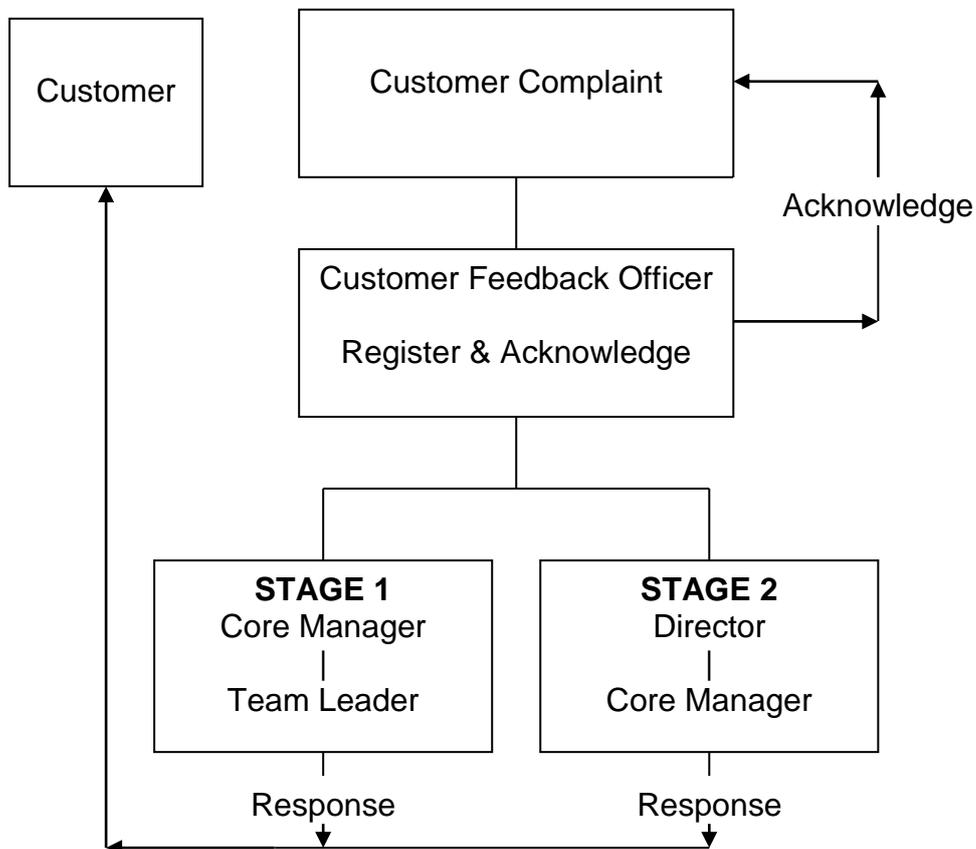
A complainant may approach the Local Government Ombudsman at any stage of the complaints process, although the Ombudsman will not usually investigate complaints unless the Council has had an opportunity to investigate at stages one and two first.

Stage three complaints will be registered and acknowledged (within three working days) by the Customer Feedback Officer.

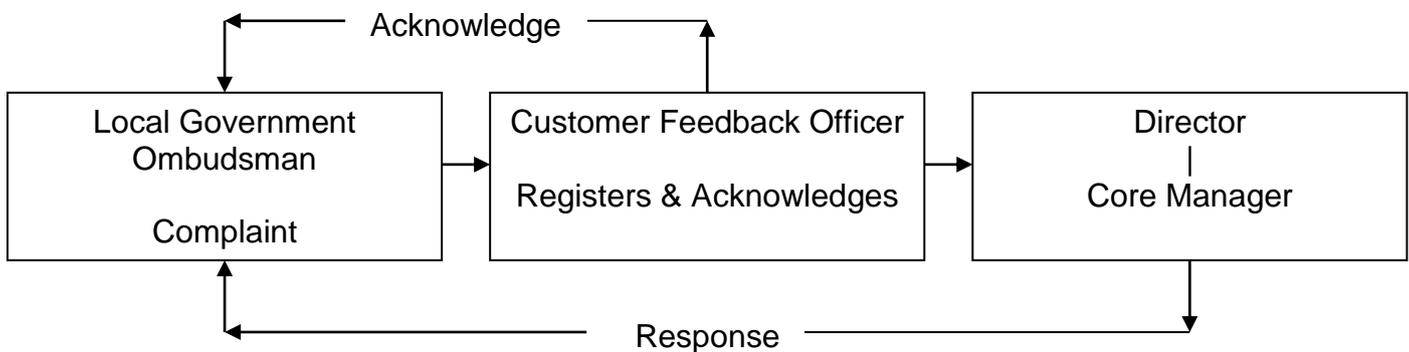
Registered complaints will be passed to the appropriate Director, who will review the complaint and either respond personally or arrange for the appropriate Core Manager to respond directly to the Local Government Ombudsman within 28 days, unless exceptional circumstances exist.

A copy of the response must be provided to the Customer Feedback Officer.

### Stage 1 & 2 Complaints Flowchart



### Stage 3 Local Government Ombudsman Complaints Flowchart



## 5. Exceptions

The following exceptions apply to this policy:

- The Complaints Process outlined above will not be used to deal with matters where an alternative statutory appeals process is in place to enable a decision to be challenged. Examples of this include planning applications, entitlement to housing benefit and decisions made in respect of homeless applications. For example, a customer may complain to the Council about the length of time taken or the process to determine entitlement to benefit but could not complain about the decision itself, with that decision being dealt with by the Social Security Appeals Tribunal.
- Unless the Chief Executive or a Director determines that there are exceptional circumstances, the Council will not investigate complaints relating to issues that are greater than 12 months old.
- The complaints process cannot be used to complain about the conduct of Councillors. Complaints of this nature should be directed to the Monitoring Officer at South Ribble Borough Council.
- The complaints process excludes complaints made by our suppliers, partners and other public authorities regarding our business relationships.

## 6. Learning from complaints

The Council values complaints and uses the information to inform service planning to shape services that support the needs of the customer. To this end all respondents to complaints are required to complete a 'Learning from Complaints Form'.

The Learning from Complaints Form provides an opportunity for officers to review the complaint and identify any lessons learnt and any corrective action taken. A copy of the form must accompany a copy of the response sent to the Customer Feedback Officer before the complaint can be deemed to be closed.

Learning from Complaints forms will be recorded centrally by the Customer Feedback Officer and reported to the Senior Management Team and the Portfolio Holder on a quarterly basis. Lessons learned will be shared across the Council.

## **7. Reporting complaints and compliments**

Complaints handling performance and key learning points will be reported to the Senior Management Team and the Portfolio Holder on a quarterly basis.

These reports will include the following data:

- Volume of complaints
- Complaints by stage
- Complaints by corporate area
- Acknowledgement and response rate
- Theme of complaints
- Learning from Complaints

Feedback will also be gathered via a survey of closed complaints. The survey will gather the following information:

- Complaint handling satisfaction
- Communication satisfaction
- Complaint process satisfaction
- Speed of response satisfaction

Shared Assurance Services will include compliance with this policy on the annual Service Assurance Statements that are completed by services. When undertaking an audit of a service, Shared Assurance Services will ensure, where they deem it to be necessary, that the service is recording and dealing with complaints in accordance with this policy and will include their findings in the Final Report as appropriate. They may liaise with the Customer Feedback Officer to ensure that complaints are being correctly recorded and responded to within the timescales outlined in this policy.

The Customer Feedback Policy will be reviewed on an annual basis or when statutory requirements change.

## **8. Unreasonable or unreasonably persistent complaints**

The Council recognises that customers may exert pressure on the authority when making a complaint, as they believe that the Council has failed in its service to them. Such pressure may be persistent, but in most cases this is reasonable and acceptable.

A small minority of complainants may pursue their complaints in ways that can impede the investigation of their complaint, or impose a significant and disproportionate resource requirement on the authority. Such actions can occur during the investigation of a complaint, or once investigations have been completed. In these cases, a complainant may be considered unreasonably persistent.

The Council's Policy on Dealing with Vexatious and Unreasonable Complainants should be used when considering restrictive measures with customers. A copy of this policy is at Appendix A to this document.

Violent or abusive behaviour towards staff will not be tolerated under any circumstances. In the event that such an incident occurs action should be taken in accordance with the Council's Verbal and Physical Abuse Policy, and should be reported in accordance with the Council's procedure for reporting incidents of verbal or physical abuse, as appropriate.

## **9. Anonymous complaints**

Anonymous complaints should be passed to the Customer Feedback Officer who will register the complaint and pass to the appropriate Core Manager or Team Leader for investigation.

## **10. Confidentiality**

In accordance with the 1998 Data Protection Act, the Council will maintain the confidentiality of all personal information, and not disclose it outside of South Ribble Borough Council without the express permission of the customer.

## **11. Role Descriptions**

This section describes the roles and responsibilities of individuals and teams involved in the Comments, Compliments and Complaints Policy.

### **11.1 Members and Officers of the Council**

Members and Officers of the Council are required, in the first instance, to forward all complaints and compliments to the Customer Feedback Officer.

Where Members are submitting complaints on behalf of residents, and are acting as advocates for residents, they will receive copies of all relevant correspondence relating to the complaint and may be the principal point of contact. In all cases, Members are invited to liaise with the Customer Feedback Officer to determine when an enquiry should be treated as a complaint, based upon the guidance given in Section 3 above, and explore how the council can provide the optimum support to ensure a satisfactory resolution for all parties.

Members and Officers receiving customer comments should forward these comments to the appropriate Core Manager or Team Leader.

### **11.2 Customer Feedback Officer**

The Customer Feedback Officer will register and acknowledge all complaints within three working days. Compliments will also be registered and maintained on a central record.

Complaints and Learning from Complaints Forms will be passed to the appropriate Core Manager or Team Leader. The Customer Feedback Officer will also provide the response due date.

Responses and Learning from Complaints forms will be registered with the original complaint and a central record will be maintained. The Customer Feedback Officer will analyse Responses and Learning from Complaints forms and consider whether there are any opportunities for the Council to improve customer service. This may be in a specific service area or across the Council as a whole, with findings being reported to the Senior Management Team and the Portfolio Holder on a quarterly basis.

Complaints and compliments will be reported in accordance with section 7 of this policy.

### **11.3 Directors and/or Core Managers**

Directors and/or Core Managers are responsible for reviewing all complaints for the services under their management, although a complaint may be responded to by a Team Leader.

### **11.4 Responding Officer**

The responding officer is responsible for investigating and responding to a complaint in accordance with the standards detailed below:

- The timescales for responding to complaints that are outlined in this policy will be adhered to.
- If, due to exceptional circumstances, the investigation into the complaint will not be completed within the appropriate timescale, a letter will be sent to inform of the progress and expected timescales by the responding officer.
- The responding officer will also provide a copy of this letter to the Customer Feedback Officer, who will maintain a central register of complaints and response times.

The investigation of a complaint should be conducted in accordance with the Council Values; Teamwork, Integrity, Excellence, being a Learning Organisation and having a Positive Attitude to improve services and customer service. Investigations should be carried out objectively and responding officers should aim to resolve the complaint to the customer's satisfaction within the limitations that apply.

The response should be sent direct to the complainant and a copy provided to the appointed Customer Feedback Officer.



## **South Ribble Borough Council**

### **Policy on Dealing with Vexatious and Unreasonable Complainants**

#### **1. Introduction**

- 1.1 The Local Government Ombudsman (LGO) recommends that councils have a policy in place to deal with vexatious or unreasonably persistent complainants.
- 1.2 Complainants who are vexatious or unreasonably persistent are few in number but they can have a great impact on the Council in terms of cost, officer time and staff morale.
- 1.3 We do not expect staff to tolerate unacceptable behaviour. We will take all appropriate action to protect staff from such behaviour. If a complainant behaves in an unreasonably persistent or vexatious way, then this policy will be applied.
- 1.4 This policy will provide a robust but fair procedure to ensure all complaints can be dealt with equitably, comprehensively, and in a timely manner.

#### **2. Aims of the Policy**

- To identify the point when a complaint or complainant could justifiably be considered vexatious or unreasonably persistent.
- To outline a strategy to deal with vexatious/unreasonable complaints and complainants

#### **3. Behaviour**

- 3.1 In putting together this policy the Council has taken account relevant advice issued by the LGO.

- 3.2 The LGO has defined an 'unreasonable complainant', as one who 'because of the frequency or nature of their contacts with the authority, hinder the authority's consideration of their or other people's complaints'.
- 3.3 The LGO has defined a 'vexatious complaint' as one brought without sufficient grounds of success, purely to cause annoyance.
- 3.4 There are a number of characteristics that may identify a complainant as being vexatious or unreasonable (please see the Annex to this policy for general guidance). It will be for the relevant Director/Head of Service to decide whether a particular complainant should be treated as a vexatious or unreasonable complainant.

#### **4. Guidance for Staff**

- 4.1 Even where a person is deemed to have made vexatious or unreasonable complaints in the past, assumptions must not be made that the new complaint is also vexatious or unreasonable. Each complaint must be considered.

#### **4.2 *Complaints about the same matters***

- 4.21 The following applies if the complainant:
- refuses to pursue the complaint to the next stage (as outlined in our Complaints procedure); or
  - repeatedly refuses to follow Council procedures; or
  - the Council's Complaints and Ombudsman processes have been exhausted; or
  - the complainant continues to correspond.

#### **4.22 *a) No new information***

If no significant new matters are raised or new information presented, the Director/Head of Service will write to the complainant to warn them that the Council will not enter into any further correspondence on the matter. If the complainant continues, the Director/Head of Service may decide that any further correspondence of such sorts may be filed with no acknowledgement sent.

#### **4.23 *b) New information***

If the complaint contains new information, this must be evaluated by the officer dealing with the complaint. A response should be sent to the complainant. The letter must detail the next appropriate stage in the complaints procedure.

#### **4.3 *Complaints about similar matters***

- 4.31 The most difficult vexatious/unreasonable complaints to deal with are often complaints that are slightly different to the original complaint, but about the same broad area of activity. A decision will have to be made as to whether or not the matters are sufficiently different to justify being considered as a new complaint. This decision will be taken by the relevant Director/Head of Service.

- 4.32 It is of course Council policy to respond to any service requests or complaints; however, on rare occasions the Council may choose not to.

#### **4.4 *Complaints about different matters***

- 4.41 If a complainant keeps making complaints about different matters, each complaint should ordinarily be considered in the usual way under the complaints procedure.

The following are exceptions to the rule:

- If the volume of correspondence starts to impact on Council resources, it may be useful to hold a meeting with the complainant to find if there is a more effective way for the correspondence to be dealt with. This may bring to light an underlying, common cause for the various complaints
- If the new complaints are about entirely trivial matters, or matters that have clearly not caused the complainant any injustice, it may be appropriate to close down the complaint at stage 1. This should only be done by the Director/Head of Service concerned. The complainant will be told, and there will be no right to appeal other than to the Ombudsman. Subsequent complaints should then be simply noted.
- A complaint to the Council does not have to be made in writing. However, if a complainant is repeatedly telephoning either to discuss an existing complaint or to make a new complaint, and this is causing serious disruption, it may be reasonable to consider restricting future contact.

### **5. Considerations Prior to taking Action under this Policy**

- 5.1 Different considerations will apply depending on whether the investigation of the complaint is ongoing or whether it has been concluded. With the latter, the Council has the option of ending all communication with the complainant, and where appropriate, referring the complainant to the LGO. Where there is an ongoing complaint, there needs to be some continuing contact with the complainant.
- 5.2 In deciding which restrictions are appropriate, careful consideration will be given to balance out the rights of the complainant with the need to ensure that staff do not suffer any disadvantage and that the resources of the Council are used effectively.

### **6. Options for dealing with Vexatious/Unreasonable Complainants**

- 6.1 Any actions taken will be approved by the relevant Director/Head of Service and will be proportionate to the complainant's current behaviour and circumstances. The options set out below are those which are most likely to be used – they may be used singularly or in combination:
- Requiring contact to be with only one named officer (and a named deputy in their absence).

- Requiring that the complainant should not make contact with the Council by telephone except through a third party, e.g. solicitor/councillor/friend acting on their behalf
- Preventing the complainant from contacting the Council, either in person, by telephone, by fax, by letter, by e-mail or any combination of these, provided that one form of contact is maintained
- Preventing the complainant from accessing any Council building except by appointment
- Restricting telephone calls to specified days / times / duration
- Requiring any personal contact to take place only in the presence of an appropriate witness, and in a suitable location
- Refusing to register and process further complaints about the same matter
- Temporarily suspending all contact with the complainant while seeking advice or guidance from Legal Services or other relevant agencies, such as the LGO

## **7. Operating the Policy**

7.1 Where this policy is applied, the complainant must be informed in writing to explain:

- why the decision has been taken,
- what action is being taken,
- the duration of that action,
- the review process of this policy,
- the right of the complainant to contact the LGO.

7.2 Records must be kept when placing a vexatious/unreasonable status on a complainant. A note will be made in the relevant files and computer records relating to that complainant.

7.3 The complainant will have no right of review of a decision that he is to be treated as a vexatious/unreasonable complainant.

## **8. Reviewing Vexatious/Unreasonable Status**

8.1 A vexatious status should ordinarily be reviewed every 6 months by the relevant Director/ Head of Service. However, if problems have persisted for over 12 months then the relevant Director/Head of Service may decide that the vexatious status should continue for whatever time they consider to be reasonable.

- 8.2 A decision will be made as to whether any restrictions are still appropriate and necessary. The complainant will be informed of the result of this review, with the reasons explained.

## **9. Central Record**

- 9.1 A Central Record of all vexatious/unreasonable complainants will be maintained by Legal Services.
- 9.2 Legal Services will liaise with the relevant Director/Head of Service to ensure that reviews of vexatious status are carried out on a timely basis.

## **ANNEX**

### **Examples of Conduct that may be considered to constitute unreasonable conduct**

Set out below are examples of unreasonable conduct. This is not intended to be an exhaustive list – rather this list is intended to assist officers in giving them specific examples of the sort of conduct that this policy is designed to cover.

- Insufficient or no grounds for the complaint
- The complaint would appear to have been made only to annoy
- Making what appear to be groundless complaints about the staff dealing with the complaints
- Refusing to specify the grounds of a complaint despite reasonable efforts of assistance from Council staff
- Refusing to co-operate with the complaints investigation process while still wishing for their complaint to be resolved
- Repeatedly unwilling to accept documented evidence as being factual
- Unwilling to accept that facts can sometimes be difficult to verify when a long period of time has elapsed
- Making unreasonable demands and failing to accept that these may be unreasonable
- Refusing to accept that certain issues are not the responsibility of the Council
- In relation to a complaint having made an excessive number of contacts with the Council. Discretion will be used in determining what the precise number of excessive contacts would be in the specific circumstances of that complaint.

- Adopting a ‘scattergun’ approach: pursuing a complaint(s) with a particular department of the Council, and at the same time, with other departments of the Council, and/or with various other bodies such as a Councillor or MP
- Lodging numbers of complaints in batches over a period of time, resulting in related complaints being at different stages of a complaints procedure
- Using valid new complaints to resurrect issues which were included in previous complaints
- Persistently raise subsidiary or new issues whilst a complaint is being addressed that were not part of the initial complaint
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with minor additions/variations
- Submitting of falsified documents
- Regularly focusing on a trivial matter which is out of proportion to its significance
- Have harassed or been personally abusive or verbally aggressive towards staff dealing with the complaint