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# Corporate Feedback Policy

## 1 Introduction

- 1.1 We are committed to giving everyone we deal with or who are affected by our services, the opportunity to express satisfaction or dissatisfaction. We are committed to changing our policies, systems and procedures, where appropriate, in order to improve our services.
- 1.2 We welcome your feedback, so we can learn from your experience to help us improve and enhance the services we provide. If we are doing something well please tell us about it, so that we can share good practice across all the Council's services. Equally if we are not, we want to put things right.
- 1.3 Any organisation that provides services on our behalf is required to have in place a procedure which meets the requirements of this policy to ensure that customer concerns are addressed.

## 2 Types of Feedback

### 2.1 What is a compliment?

A compliment is feedback about how well we may have delivered a service or how helpful an employee has been.

### 2.2 What is a suggestion?

A suggestion is feedback on how we may be able to improve.

### 2.3 What is a complaint?

A complaint is any expression of dissatisfaction which requires a response.

## 3 Learning from feedback

- 3.1 We will monitor trends and performance in our handling of feedback through regular reports to managers, to ensure all services are adhering to the policy and that the policy is operating effectively.
- 3.2 Details of the issues you have raised, along with your name and address is stored by us in a secure database. The details are only used to respond to your feedback, address any issues raised, and help towards improving our services. Your personal information will be processed in accordance with data protection legislation at all times.

3.3 We may contact you to ask for feedback on the service you have received. Anonymous reports will be used to monitor and develop our services.

#### 4 Encouraging feedback

4.1 You can provide us with feedback in any of the following ways:

- a) **Online** <https://www.nelincs.gov.uk/council-information-partnerships/complaints-compliments-and-suggestions/>
- b) **By e-mail** to [res-customerservices@nelincs.gov.uk](mailto:res-customerservices@nelincs.gov.uk)
- c) **In writing** to Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU; and
- d) **By appointment** by contacting the complaints team.

Should you need assistance in providing your feedback then please ask. All contact details are available online; <https://www.nelincs.gov.uk/council-information-partnerships/complaints-compliments-and-suggestions/>

#### 5 Handling of compliments

5.1 We will ensure your compliments are recorded and passed on to the relevant service or member of staff.

5.2 Where possible, compliments will be used to learn how we can improve services elsewhere.

#### 6 Handling of suggestions and comments

6.1 We will ensure your suggestions and comments are recorded and passed on to the relevant service.

6.2 We will ask the relevant officer to consider your suggestion or comment and send a response as appropriate.

#### 7 Handling of complaints

7.1 We are committed to providing a high standard of service. If problems occur we aim to provide a timely response and resolution to the issues raised, wherever possible by the service. The emphasis is always to seek a resolution to the matters raised.

7.2 For some issues, there are specific processes in place that we will use, rather than the complaints process. Where this is the case we will inform you that we are unable to address your concerns through this policy. Examples of the types of issues which are handled outside of the Feedback Policy can found in appendix A.

7.3 In order for some issues to be investigated it will be necessary to access your personal information. Where this is the case we may ask for proof of identity and current address. Investigations will only begin once these relevant checks have been completed.

7.4 If the issues or desired outcome are not clear we will need to make contact with you to clarify the complaint. For complex matters, where the complaint has been written by an

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officer of the Council on your behalf, you will be asked to sign and confirm that it is an accurate record of your complaint. The time allocated to investigate the complaint will not begin until clarification is received or a complaint is signed by you as a true record.

- 7.5 There may be instances where it is considered that an investigation into a complaint would not be appropriate as it may be deemed that the matters being complained about do not justify the expenditure of Council resources to investigate. This may also be considered where no personal injustice has been suffered. Any decision not to investigate will be made by the Complaints Manager or other authorised officers.
- 7.6 Normally the investigation of a complaint will commence with an investigation by the service being complained about. However, in certain circumstances it may be deemed more appropriate to commence an investigation at the independent review stage. Where this is the case we will inform you of the process.
- 7.7 If there are time-sensitive issues or actions being taken by the Council which you believe should be placed on hold pending the outcome of any investigation, then this should be made clear at the time of submitting the complaint. The decision to put any action on hold would be subject to approval by the appropriate officers.
- 7.8 The Feedback Policy cannot overturn a decision made through another process, it can only consider whether the appropriate policies, processes and legislation have been followed.
- 7.9 In certain circumstances where a complaint is made relating to alleged criminal offences or fraud, the matter may be referred to the Monitoring Officer (or an officer nominated by them) for consideration. Matters of this type can be found in more detail at Appendix B.

## 8 Timescales in which to make your complaint

- 8.1 Normally, you must make your complaint within 12 months of:
- a) the event you want to complain about; or
  - b) finding out that you have a reason to complain.
- 8.2 In certain circumstances, we may accept your complaint after the 12 month time limit. If you feel that the time limit should not apply to your complaint, please tell us why when making your complaint. The decision as to whether or not an investigation should take place will be subject to the Complaints Manager's or other authorised officers approval.

## 9 Service investigation

- 9.1 Your complaint will be investigated by an officer from the service you have made the complaint about. This is to ensure that those with the knowledge of the area can relate to any issues made and can identify the best way to resolve any concerns raised. If it is considered that the service may not be best placed to investigate your complaint, then alternative arrangements may be implemented. Should this be the case you will be informed of any changes.
- 9.2 We will acknowledge your complaint no later than five full working days from the day the complaint was received and tell you who will be dealing with it.

- 9.3 An investigation will take place and a response sent out by the Council no later than 10 full working days from the date of the acknowledgement. If this is not possible we will inform you and give you an indication of when a full reply will be sent.
- 9.4 A complaint can be escalated to an independent review
- a) If you are not satisfied with the outcome of the service investigation and can clearly explain why further investigation is needed; or
  - b) The Council determine your complaint cannot be resolved by the service; or
  - c) That an independent review would be the most appropriate way to reach a resolution.
- 9.5 Following the service investigation it may be considered that further action may help to resolve matters prior to an independent review. This may include meeting with the investigating officer to explain the findings or providing further clarity where needed. If this is the case the Council will expect complainants to engage in any efforts to reach a resolution. When reasonable efforts are not made by the complainant to reach a resolution, further investigation may not be undertaken.
- 9.6 In some circumstances a decision may be made by the Complaints Manager or other authorised officers that further investigation will not be undertaken. This decision will be made based on the overall value of any further use of public resources, whether the complaint has been fully upheld, and whether there is a realistic prospect of reaching a sound, fair and meaningful resolution.
- 10 Independent review
- 10.1 Your complaint will be investigated and reviewed on behalf of the Chief Executive by an officer who has had no previous involvement in the complaint and does not work within the area that carried out the service investigation. This officer will be appointed by the Director or Assistant Director with overall responsibility for the service area in question.
- 10.2 We will acknowledge your complaint no later than five full working days from receipt of your request advising who will be the investigating officer.
- 10.3 The officer carrying out the independent review may contact you to discuss your complaint in order to understand why you remain dissatisfied and what outcome you are looking for. We expect that when you escalate your complaint that details are provided about the reasons for this.
- 10.4 A response to your complaint will usually be sent out by the Council no later than 25 full working days from the date of the acknowledgement. If appropriate alternative timescales for the response will be arranged.
- 10.5 If we are unable to provide you with a full response within the agreed timescale, we will tell you as soon as we identify this. You will be advised of the revised timescales.
- 10.6 If you remain dissatisfied following the independent review the Council may consider what further action can be taken. This can include meeting with the investigating officer and/or service managers to explain the findings of the investigation.

11 Deciding whether a remedy is appropriate

- 11.1 Where it is found that an injustice has been caused by maladministration, the Council will seek a remedy that would, so far as is possible, put the complainant back into the position they would have been in but for the fault.
- 11.2 The Complaint's outcome cannot overturn a decision made by qualified professionals or a panel appointed to make a decision. It can only recommend that such decisions are reconsidered.
- 11.3 When coming to a decision on the potential of a remedy and what is appropriate the Council will consider the guidance issued by the Local Government and Social Care Ombudsman.
- 11.4 If any issues identified through an investigation affect more than one service user, consideration will be given as to whether it is appropriate to contact all those who may be affected.

12 Local Government and Social Care Ombudsman

- 12.1 If the Council has been unable to resolve your concerns you can contact the Local Government and Social Care Ombudsman: <http://www.lgo.org.uk/contact-us>.
- 12.2 The Ombudsman can only investigate your complaint if you believe that you have been caused injustice as a result of something we have or have not done. The Ombudsman will expect you to have taken your complaint through our Corporate Feedback Policy first.
- 12.3 Once an Ombudsman investigation has commenced, North East Lincolnshire Council will cease all internal investigations. Any final decision served by the Ombudsman cannot be investigated by the Council and is the final arbitration of the issues raised.

13 Dealing with complaints about our contractors or partners

- 13.1 Any complaint or issue relating to dissatisfaction with services provided on behalf of North East Lincolnshire Council can be directed to the organisation delivering the service or to the Council.
- 13.2 The initial investigation will be undertaken where appropriate by the organisation that provided the service you have complained about.
- 13.3 If you are dissatisfied with the response, an independent review of your complaint will usually be undertaken by an officer of the Council.

14 Dealing with complaints made on your behalf

- 14.1 You may ask an advocate or an elected representative (such as a Local Councillor or MP) to make a complaint on your behalf. In such circumstances we require confirmation that you consent for the Council to share your personal information with your nominated representative and that they have permission to raise issues on your behalf. This is to ensure the confidentiality of your complaint and prevent unauthorised disclosure of your personal information.

14.2 In circumstances where the complaint relates to personal and confidential information about an individual, including the person making the complaint, officers may need to seek proof of identity prior to commencing any investigation. In such cases the date the investigation commences from will be recorded from the day all relevant identity checks have been undertaken.

15 Contact during the investigation of the complaint

15.1 We treat all feedback in confidence, and appropriate information about individual complaints will only be given to those individuals where it is necessary for the investigation or management of the complaint.

15.2 If you have a query in relation to your complaint during its investigation or following its closure, we ask that to ensure your confidentiality is maintained, you only contact the officers nominated to deal with your complaint or the Council's Complaints team.

15.3 We may where necessary and if appropriate, contact you at any stage of a complaint to clarify issues or obtain further information in relation to your complaint.

15.4 You may be contacted so that checks can be undertaken as outlined in section 14.2 above to confirm your identity.

16 Outstanding information request where a complaint is made

16.1 If you have an outstanding Data Protection, Freedom of Information or Environmental Information request related to your complaint we will usually agree with you to put on hold the investigation of your complaint until the information request has been responded to. This is to ensure that all relevant information pertaining to your complaint is available to you prior to the service investigation commencing.

17 Subject Access and Freedom of Information requests for complaint information

17.1 The information held by the Council in relation to the investigation of a complaint may include personal information about a number of individuals. These may include the complainant, witnesses, the subject of the complaint and the investigating officer.

17.2 Where we receive a request for information held in relation to a complaint, it will be considered in accordance with data protection or access to information legislation.

18 Handling 'unreasonable complainant behaviour' and 'unreasonably persistent complainants'

18.1 Whilst we are committed to dealing with all complaints fairly, impartially, comprehensively and in a timely manner, in extreme cases where a complainant's behaviour is considered unreasonable, restrictions may be considered on their contact with officers of the Council, partner organisations or services.

18.2 The Council's Policy for handling 'unreasonable complainant behaviour' and 'unreasonably persistent complainants' can be found in Appendix C.

## Appendix A – Complaints dealt with through a different process

In some circumstances it will be more appropriate for your complaint to be dealt with through a different process, examples of this include:

- A1 Matters where a separate or statutory procedure is in place
- i) Adult's or Children's Social Care;
  - ii) Housing Benefit;
  - iii) Council Tax;
  - iv) Planning applications and enforcement decisions;
  - v) Penalty Charge Notices;
  - vi) School admission appeals;
  - vii) Special Educational Needs Tribunal;
  - viii) The handling of Freedom of Information, Environmental Information or Subject Access requests; or
  - ix) Breaches of Data Protection legislation.
- A2 A complaint currently being dealt with or was previously dealt with by legal proceedings
- A3 A complaint about another citizen or business, such as noise nuisance, which will be dealt with by the appropriate service in accordance with their procedures
- A4 A complaint where we have no responsibility for the delivery of the service
- A5 An employee or ex-employee's complaint about employment issues including pay, pensions, disciplinary and grievance issues, these will be dealt with in accordance the Council's Human Resources policies and procedures
- A6 A complaint made against an elected or co-opted Member of this Council or of a Parish or Town Council in the area, will be dealt with in accordance with the Code of Conduct
- A7 A complaint about a decision taken by Elected Members (or an officer under delegated powers) or regarding a policy in place
- A8 A complaint that has been, or is currently being investigated by any statutory body other than the Council, for example the Local Government and Social Care Ombudsman or the Care Quality Commission
- A9 A complaint where financial compensation is being sought for an injury or incident, such claims must be directed through the Council's Insurance Team
- A10 A complaint that is covered by other contractual arrangements, such as foster carers or individuals delivering services on our behalf
- A11 Complaints about a public-facing officer's proficiency in spoken English for the performance of their role, will be considered on the grounds that the authority has not met the fluency duty. Complaints about the individual's accent, dialect, manner or tone of communication, origin or nationality would not be considered under the fluency duty.

## **Appendix B – Complaints relating to alleged criminal offences or fraud**

- B1 Where any individual is aware of any wrongdoing, committed by or related to the actions of Council employees, elected members, contractors or consultants in the course of their work for the Council; and reports it, the Council will investigate those concerns and, where appropriate, take action.
- B2 The Council is committed to preventing any harassment, victimisation or unfair treatment of any person raising such matters, and where appropriate, will take disciplinary action against any employee responsible for such harassment, victimisation or unfair treatment. Detriment towards an individual who raises a disclosure is not acceptable.
- B3 In certain circumstances where a complaint relates to allegations listed below, the matter will be referred to the Monitoring Officer (or an officer nominated by them) for consideration. In such cases the complaint may be escalated immediately to the independent review stage as defined in this policy. This may apply where matters are raised about activities including:
- criminal offences
  - failure to comply with an obligation set out in law
  - miscarriages of justice
  - endangering of someone's health and safety
  - damage to the environment
  - covering up wrongdoing in the above categories
- B4 Where an allegation of this nature is made it is important that all relevant evidence and information is provided to ensure an investigation can be fully carried out. Should there be any officers of the council who you feel should not be aware of the complaint for any reason, this should be stated when making your complaint and any concerns or reasons for this explained.
- B5 On conclusion of any investigation you will receive a response which will detail the findings and recommendations, within the constraints of legislation. The outcome of the investigation may determine that it needs to be referred to an outside agency such as the police, external Auditor or the Local Government and Social Care Ombudsman.
- B6 If an allegation is made but subsequently, following an investigation, not upheld then no action will be taken against the instigator providing they:
- have acted in the reasonable belief that the disclosure is in the public interest;
  - believe that the information disclosed, and any allegation contained in it, is substantially true;
  - have not acted for personal gain and
  - have not acted maliciously or made a false allegation.
- B7 It should be noted that if an allegation is made maliciously, falsely or for personal gain, appropriate action may be considered against the person making the allegation.

**Appendix C – Policy for Handling ‘unreasonable complainant behaviour’ and ‘unreasonably persistent complainants’**

- C1 Dealing with a complaint is normally a straightforward process, however in a minority of cases, people may pursue their complaints in a way which can either hinder the investigation of their complaint or can have significant resource issues for the Council, affecting the needs of the wider community. These actions can occur either while the complaint is being investigated, or after the investigation into the complaint has closed.
- C2 To describe these actions we use the terms ‘unreasonable complainant behaviour’ and ‘unreasonably persistent complainants’. These are defined as ‘complainants who, because of the frequency or nature of their contacts with the Council, hinder our ability to consider their or other people’s complaints.’
- C3 Below are some of the actions and behaviours which would identify unreasonable and unreasonably persistent complainants. It is by no means an exhaustive list but they are examples that the Council considers relevant:
- i) Refusing to specify the grounds of a complaint, despite offers of assistance with this from Council staff;
  - ii) Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved, i.e. withholding evidence;
  - iii) Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure’s scope;
  - iv) Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
  - v) Making what appear to be groundless complaints about the staff dealing with their complaint, and seeking to have them replaced;
  - vi) Changing the basis of the complaint as the investigation proceeds and / or denying statements they made at an earlier stage;
  - vii) Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered;
  - viii) Pursuing a complaint or complaints with different officers or services within the Council at the same time, and / or with other third parties including a Member of Parliament, a Councillor, the authority’s independent auditor, the Standards Board, police, solicitors or the Ombudsman;
  - ix) Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by, for example, excessive telephoning or emailing, regularly writing lengthy and/or complex letters or expecting immediate responses;
  - x) Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions / variations which the complainant insists make these ‘new’ complaints which should be put through the full complaints procedure;
  - xi) Refusing to accept the decision – repeatedly arguing the point and complaining about the decision;
  - xii) Complaints that are instituted, without sufficient grounds, which are intended to cause annoyance and embarrassment;
  - xiii) Complaints that are not serious or sensible in content, attitude or behaviour, and unworthy of serious sensible treatment;

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- xiv) Complaints that have been previously considered and responded to through the complaints process and found not to be justified, unless sufficient new evidence can be provided; or
- xv) Combinations of some or all of the above.

C4 We recognise that individuals may sometimes act out of character at times of stress, anxiety or distress and will make reasonable allowances for this. All incidents of harassment or aggression will nevertheless be documented.

C5 Where it is considered that the actions of a complainant are unreasonable as defined above, the matter will be referred to a senior manager to consider the complainant's behaviour and decide on the appropriate actions to be taken.

C6 The restrictions we apply will always be appropriate and proportionate to the individual circumstances of the complainant, and may include:

- i) Deciding that the complainant's behaviour does not fall within the scope of this policy, and therefore no action will be taken and the complaints will progress following the normal procedure;
- ii) Provide the complainant with assistance in formulating their complaint;
- iii) Issuing a written warning, explaining why the complainant's behaviour is causing concern, asking them to change this behaviour and outlining the potential actions that we may take if the unreasonable behaviour does not change;
- iv) Explaining to the complainant that the Council's Corporate Feedback Policy has to be followed and asking them to enter into an agreement about their future contact with us, such as:
  - a) Nominating a single point of contact within the Council for the complainant (including a dedicated telephone number, voicemail or email);
  - b) Restricting contact to a particular form (such as e-mail, letter); or
  - c) Restricting telephone calls to specified days and times.
- v) Refusing to investigate the complaint until the complainant provides further information;
- vi) Refusing to investigate the complaint;
- vii) Refusing to respond to further questions on a complaint already considered and referring the complainant to the Local Government and Social Care Ombudsman. In such cases, we will read all subsequent correspondence relating to the same issue 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.

C7 Where the behaviour of a complainant is so extreme that it threatens the immediate safety and welfare of others, we will consider other options, including reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

C8 If a complainant is considered to be rude or abusive, or takes an excessively long time to explain their complaint on the telephone, the Council may take the decision to terminate the conversation. Where this is applicable the complainant will be informed that the conversation is being terminated.

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- C9 If the decision is taken to apply any restrictions, we will write to the complainant with a copy of this policy to explain:
- i) Why the decision has been taken;
  - ii) What it means for their contacts with us;
  - iii) How long any restrictions will apply to the complainant;
  - iv) How restrictions can be lifted;
  - v) When the restrictions will be reviewed and by whom; and
  - vi) Their rights of appeal.
- C10 In most cases restrictions will be put in place, initially for 6 months. These will be reviewed after this period to decide if the restrictions should continue. If after review it is considered that contact remains unreasonable, the review period may be extended.
- C11 In addition to informing the complainant of the restrictions put in place, we will also inform all relevant individuals acting on behalf of the Council. This may include but is not limited to:
- i) Senior management,
  - ii) Appropriate services;
  - iii) Customer Services;
  - iv) The Complaints team and Feedback Officers; and
  - v) Ward Councillor(s), Portfolio Holder(s) and / or Group Leaders.
- C12 Only these individuals with a justified purpose will be entitled to the detailed information concerning the reasons for the restrictions. Representatives of the complainant will only be provided with this information once written consent is received.
- C13 As the decision to impose any restriction is taken by the Chief Executive, if the complainant is unhappy with that decision they would need to submit their complaint, along with their objection to the decision of the Chief Executive not to investigate their complaint to the Local Government and Social Care Ombudsman.
- C14 A record of all the decisions taken under this policy will be retained by the Complaints team.
- C15 New complaints from a person who has come under the unacceptable behaviour / unreasonably persistent complainant process will be considered on its individual merits to ensure any restrictions are still appropriate and necessary.