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Corporate Feedback Policy

1 Introduction

- 1.1 North East Lincolnshire Council 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 best 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 comply with the requirements of this policy.

2 Types of Feedback

2.1 What is a compliment?

A compliment is when a customer gives us feedback about how well we deliver a service or how helpful an employee has been to them.

2.2 What is a suggestion?

A suggestion is when a customer gives us feedback on how we may be able to improve our delivery of a service.

2.3 What is a complaint?

A complaint is any expression of dissatisfaction, whether justified or not, which requires a response. This can include the following situations:

- a) A delay in providing a service
- b) Failing to provide a service
- c) Providing a poor quality service or making a mistake
- d) Providing an inappropriate service
- e) Removing or withdrawing a service
- f) Charging an inappropriate cost for a service
- g) Where an employee's behaviour causes a customer upset
- h) Where a policy unreasonably disadvantages a customer
- i) Unfair discrimination against a customer

3 Learning from feedback

- 3.1 We will monitor trends and performance in our handling of customer feedback through regular reports to senior managers, to ensure all directorates are adhering to the policy and the policy is operating effectively

4 Encouraging feedback

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

- a) **In person** at one of our Customer Access Points;
- b) **By telephone** on (01472) 313131;
- c) **By e-mail** to res-customerservices@nelincs.gov.uk
- d) **In writing** to Cleethorpes Civic Offices, Knoll Street, Cleethorpes, North East Lincolnshire, DN35 8LN; and
- e) **Online** <http://www.nelincs.gov.uk/council/the-council-as-an-organisation/compliments--complaints-and-suggestions/>

5 Handling of compliments

- 5.1 Our customer services team will ensure your compliments are recorded and passed on to the relevant service and member of staff.

6 Handling of suggestions and comments

- 6.1 Our customer services team will ensure your suggestions and comments are recorded and passed on to the relevant service.
- 6.2 We will ask the relevant service manager to consider your suggestion or comment and send a response to you within fifteen working days. We will either explain how your suggestion or comment will be implemented or explain why we are unable to do so.

7 Handling of complaints

- 7.1 We are committed to providing everyone with a high standard of service. Where problems occur we aim to provide you with a timely response and resolution to the issues you have raised, wherever possible by the people who provide the service.
- 7.2 We aim to resolve problems as quickly as possible, and in many cases it should be possible to sort them out straight away.
- 7.3 For some issues, specific processes are in place to deal with a complaint, rather than the Corporate Complaint process. Where this is the case we will always inform you of the process that will be followed in the investigation of your complaint. Examples of the type of complaints which are handled outside of the Corporate Complaints process can be found in appendix B.
- 7.4 Normally the investigation of a Corporate Complaint will commence at stage 1 of the process. However, in certain circumstances it may be appropriate in order to ensure a timely and satisfactory conclusion is reached for both you and the Council, to commence an investigation at stage 2 of the process.

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Where this is the case we will always inform you of the process that will be followed in the investigation of your complaint.

Timescales in which to make your complaint

- 7.5 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.
- 7.6 In certain circumstances, we may accept your complaint after the 12 months time limit. If you feel that the time limit should not apply to your complaint, please tell us why. Details of how to contact us can be found in section 4 of this policy.

Stage 1 service investigation:

- 7.7 Your complaint will be investigated by an officer within the service you have made the complaint about.
- 7.8 We will acknowledge your complaint within 2 working days, and tell you who will be dealing with your complaint and what will happen next.
- 7.9 Within 10 working days of the date of the acknowledgement letter, you will receive a full response explaining any action to be taken. If this is not possible we will inform you within 10 working days and give you an indication of when a full reply will be sent.
- 7.10 A complaint can be escalated to stage 2 of the process
- a) If you are not satisfied with the outcome of your complaint at stage 1, or the Council's handling of your complaint; or
 - b) The Council determine your complaint cannot be resolved at stage 1.

Stage 2 an independent review:

- 7.11 Your complaint will be investigated and reviewed on behalf of the Chief Executive by a service manager who has no previous involvement in the complaint.
- 7.12 We will acknowledge your complaint within 2 working days.
- 7.13 The officer dealing with your complaint at stage 2 will contact you to discuss your complaint in order to understand why you remain dissatisfied and what outcome you are looking for.
- 7.14 You will normally receive a full response to your complaint within 25 working days of the officer dealing with your complaint contacting you. Where appropriate alternative timescales for the response can be agreed with you.
- 7.15 If we are unable to provide you with a full response within the agreed timescales, we will tell you as soon as we identify this to provide you with an update on our progress and agree revised time limits with you.

Local Government Ombudsman:

- 7.16 If after exhausting all the stages of our complaints process, you are still unhappy with the way your complaint has been dealt with, or feel you were treated unfairly, you can contact the Local Government Ombudsman.
- 7.17 Contact details for the Local Government Ombudsman can be found on their website at <http://www.lgo.org.uk/contactus/>
- 7.18 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 (maladministration). The Ombudsman will expect you to have taken your complaint through our Corporate Complaints process first.

Dealing with complaints about our contractors or partners:

- 7.19 Any complaint or issue relating to dissatisfaction with services provided on behalf of North East Lincolnshire Council should be made using this complaints procedure.
- 7.20 Stage 1 investigations will be undertaken where appropriate by the organisation that provided the service you have complained about.
- 7.21 Where you are dissatisfied with the stage 1 response, the stage 2 review of your complaint will be undertaken by an officer of the Council.

Dealing with complaints made on your behalf:

- 7.22 You may ask an advocate such as an elected representative (Local Councillor or MP) to make a complaint on your behalf.
- 7.23 Before dealing with the complaint, we will need to confirm that you have given your permission for the advocate to act on your behalf. This is to ensure the confidentiality of your complaint and prevent unauthorised disclosure of your personal information. Once permission is confirmed your complaint will be handled in line with this policy.

Contact during the investigation of the complaint:

- 7.24 We treat all feedback in confidence, and appropriate information about individual complaints will only be given to officers acting on behalf of the Council, where that information is necessary for them to investigate or manage the complaint.
- 7.25 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.
- 7.26 We may, where necessary and appropriate contact you at any stage of a complaint to clarify issues or obtain further information in relation to your complaint.

8 Requests for information in relation to complaints

Outstanding information request where a complaint is made

- 8.1 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 Stage One investigation commencing.

Subject Access and Freedom of Information requests for complaint information

- 8.2 The information held by the Council in relation to the investigation of a complaint may include personal information about a number of individuals including the complainant, witnesses, the subject of the complaint and the investigating officer.
- 8.3 Under the Data Protection Act individuals have the right to request information held about them (Subject Access Request), this includes information held in complaints files. This right does not however give a right of access to information held about anyone else (third parties).
- 8.4 Under the Freedom of Information Act, an individual can request access to any information held by a public authority (i.e. North East Lincolnshire Council). Request for information about themselves will be handled in accordance with the Data Protection Act. Whilst the Freedom of Information Act potentially provides a right of access to information held about third parties, this information will only be provided where disclosure of the information would not breach the data protection principles.
- 8.5 Where we receive a request for information held in relation to a complaint, we will consider the information held to determine whether the information is personal information, and if it is, whether its disclosure would be reasonable in all circumstances, or would breach the data protection principles.

9 Policy for handling with 'unreasonable complainant behaviour' and 'unreasonably persistent complainants'

- 9.1 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.
- 9.2 To describe these actions we use the terms 'unreasonable complainant behaviour' and 'unreasonably persistent complainants' which we define 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.'
- 9.3 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 Council staff or services.

- 9.4 The Council's Policy for handling 'unreasonable complainant behaviour' and 'unreasonably persistent complainants' can be found in Appendix A

10 Deciding whether a remedy is appropriate

- 10.1 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.
- 10.2 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 Ombudsman.

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

- A1 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.
- A2 To describe these actions we use the terms ‘unreasonable complainant behaviour’ and ‘unreasonably persistent complainants’ which we define 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.’
- A3 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
 - 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) Electronically recording meetings and conversations without the prior knowledge or consent of the other persons involved
 - ix) Adopting a ‘scattergun’ approach: 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, local police, solicitors or the Ombudsman
 - x) Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by, for example, excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses
 - xi) 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
 - xii) Refusing to accept the decision – repeatedly arguing the point and complaining about the decision

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- xiii) Complaints that are instituted, without sufficient grounds, which intend to cause annoyance and embarrassment
 - xiv) Complaints that are not serious or sensible in content, attitude or behaviour, and unworthy of serious sensible treatment
 - xv) 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
 - xvi) Combinations of some or all of the above.
- A4 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.
- A5 Where it is considered by the Complaints team that the actions of a complainant are unreasonable as defined above, the matter will be referred to the Chief Executive / Strategic Director to consider the complainant's behaviour and decide on the appropriate actions to be taken.
- A6 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 Complaints 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 or voicemail)
 - b) Restricting contact to a particular form (such as e-mail, letter)
 - 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 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, with a record of why no further action has been taken.
- A7 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.
- A8 If a complainant is rude or abusive, or takes an excessively long time to explain their complaint on the telephone, the Council may take the decision to

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terminate the conversation. Where this is applicable the complainant will be informed that the conversation is being terminated, and a record will be made of the conversation.

- A9 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
 - vi) Their rights of appeal.
- A10 In most cases restrictions will be put in place for 6 months, and then reviewed on a quarterly basis to decide if the restrictions should continue.
- A11 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) The Council Management Team
 - ii) Appropriate Business Managers and officers within their department
 - iii) Customer Services
 - iv) The Complaints team and Directorate Feedback Officers
 - v) Ward Councillor(s), Portfolio Holder(s) and / or Group Leaders.
- A12 Only these individuals with a justified purpose will be entitled to the detailed information concerning the reasons for the application of the exemption. Representatives of the complainant will only be provided with this information once written consent is received.
- A13 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 Ombudsman.
- A14 A record of all the decisions taken under this policy will be retained by the Complaints team. The details and reasoning behind any restrictions will be retained for five years after any restrictions have been lifted.
- A15 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.

Appendix B – Complaints dealt with through a different process

In some circumstances it may be more appropriate for your complaint to be dealt with through a different process, rather than through the Corporate Feedback Policy, examples of this include:

- B1 Matters where a separate or statutory appeal procedure is in place
- 1) Adult Social Care
 - 2) Children's Social Care
 - 3) Housing and Council Benefit reviews
 - 4) Planning applications and enforcement decisions
 - 5) Car parking fines
 - 6) School admission appeals
 - 7) Special Educational Needs Tribunal
 - 8) The handling of Freedom of Information requests
 - 9) The handling of Environmental Information requests
 - 10) The handling of Data Protection Subject Access Requests.
- B2 A complaint that is more appropriate for consideration under our "Whistle Blowing" procedure <http://www.nelincs.gov.uk/council/the-council-as-an-organisation/council-departments/whistleblowing-policy/>
- B3 A complaint that is being dealt with or was previously dealt with by legal proceedings
- B4 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
- B5 A complaint where we have no responsibility for the delivery of the service
- B6 An employee's complaint about employment issues including pay, pensions, disciplinary and grievance issues, these will be dealt with in accordance with the Council's Human Resources policies and procedures
- B7 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 <http://www.nelincs.gov.uk/council/councillors-democracy-elections/standards/north-east-lincolnshire-council-s-arrangements-dea/?scmOverrideRecord=22b039c1jx8k>
- B8 A complaint about an actual policy decision taken by Elected Members (or an officer under delegated powers)