

Braintree District Council's Complaints Policy

Braintree District Council is pleased to hear from its customers when services are appreciated, but we also want to know when things go wrong. We are committed to dealing with complaints fairly and impartially and to providing a high quality service.

This policy explains the Council's complaints procedure which aims to resolve complaints as quickly as possible and to enable the council to learn and improve on the services it provides.

A complaint is:

"An expression of dissatisfaction, however made, about the standard of service received, action or lack of action taken by the Council or its staff, which affect a customer."

A complaint is not a request for a service. However, if we fail to respond to that request, this would give rise to a complaint.

A complaint can be made:

- By telephone direct to the service or via our Customer Service Centre
- By email direct to the service or via our Customer Service Centre
- In writing
- In person
- Via the council's website
- Via your Councillor or Member of Parliament

1. Stages of the Council's complaints procedure

Stage 1

When a complaint is received, an appropriate manager will carry out an investigation of the complaint and provide a full response.

We aim to provide a full response to all stage 1 complaints within seven working days but some complaints will take longer to investigate properly. In these cases, the customer must be told when they can expect a full reply.

Stage 2

Complaints that are not satisfactorily resolved at stage 1 will be escalated to stage 2 where a Director will deal with the complaint. This will involve a review of the complaint under stage one.

When a stage 2 complaint is received, a full response should be provided within 13 working days. If the complaint takes longer to investigate, the customer must be kept informed of the progress.

A summary of all stage 2 complaints will be published to Councillors classified by Ward level on a monthly basis.

Stage 3

Complaints that are not satisfactorily resolved at stage 2 will be escalated to stage 3 where the Chief Executive will deal with the complaint. This will involve a review of the complaint under the previous stages. The complaint will also be discussed with the appropriate Cabinet Member.

A full response should be provided within 20 working days and if the complaint takes longer to investigate, the customer must be kept informed of the progress.

This is the final stage of the Councils complaints procedure. If the customer is still not happy with the outcome of the complaint, they can contact the Local Government Ombudsman who is an independent government appointed representative who will act as an impartial investigator. For further details, please refer to section 4 of this document.

2. What customers can expect

When a customer complains, we need to ensure that all complaints are dealt with promptly and efficiently. All complaints must be acknowledged within two working days of receipt and will state:

- What will be done – *i.e. investigation of the issues raised*
- The stage of the complaints process the complaint is being dealt under and how long before a reply will be given – *i.e. stage one of the process and we aim to provide a full response within seven working days*
- Who to contact about the complaint

If a response cannot be provided within the timescales stated, the customer must be kept informed of the progress of the investigation of the complaint and advised of the timescales when the customer can expect a full response.

All responses to complaints must include details of any right of further redress, such as:

- Director – stage 2
- Chief Executive – stage 3
- Local Government Ombudsman when the council procedure has been exhausted.

Justified Complaints

Generally a complaint is justified if:

- the council has done something in the wrong way

- the council has done something that it should not have done
- the council has failed to do something that it should have done

If a complaint is fully or partially upheld, the customer can expect:

- **an apology** – *for the experience of the customer or for any errors made by the council*
- **An explanation** – *of what happened and what the council is proposing to do to ensure that such situations do not happen again*
- **The provision of a service** – *to meet the needs of the customer to put them back in the position the customer would have been in had things not gone wrong*

The remedy offered to the customer needs to be appropriate to the complaint. A remedy is an attempt to put the customer in the position they would have been in were it not for the error. An apology and explanation should be given as a matter of course and where the customer has identified a fault in our systems the appropriate procedures will need to be reviewed to prevent further issues of a similar kind for all our customers.

If the above remedies are not sufficient to put the customer in the position they would have been in were it not for the error, other action may need to be considered. As a last resort, financial compensation may be appropriate.

3. The role of the Local Councillor

Customers are quite entitled to approach their local Councillor for support at any stage of the complaints process.

Councillors must refer any complaint to the appropriate Senior Manager who will arrange for it to be recorded and investigated. Responses to complaints received via Councillors will always be copied to the Councillor. For multi-member Wards, all Councillors representing the Ward should be sent a copy.

A summary of all complaints escalated to stage 2 of the complaints process will be made available to members classified by Ward level providing details of the nature of the complaint and the outcome of the investigation including any remedy offered.

4. Local Ombudsman

The Local Ombudsman is independent and investigates complaints of maladministration.

Customers are entitled to refer complaints to the Local Ombudsman. However, the Ombudsman will not normally investigate a complaint until the Council has put it through its own Complaints Procedure first. The Local Government Ombudsman normally expects that a complaint should be considered through all stages of the council's complaints procedure and has decided that 12 weeks should usually be allowed for this to happen.

For further information on the Ombudsman Service, please refer to the booklet 'Complaint about the Council? How to complain to your Local Government Ombudsman', a copy of which can be obtained from the Ombudsman's website: www.lgo.org.uk

5. Vexatious Complaints

A small minority of customers make complaints that are deemed to be vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the Council rather than genuinely to resolve a grievance. This may involve making a series of complaints about different matters, or continuing to raise the same or similar matters over and over again. The frequency of contact with the council can hinder the consideration of their complaints and the ability of officers to provide a quality of service to customers as a whole.

Even though someone has made a vexatious complaint in the past, it cannot be assumed that the next complaint will also be vexatious. Each complaint must be considered and a decision made as to whether it is vexatious or genuine. Customers will often be frustrated and aggrieved and it is therefore important to consider the merits of their case rather than their attitude.

How to handle vexatious complaints

Complaints about the same matter

If the customer:

- refuses to pursue the complaint to the next stage; or
- the corporate complaints and ombudsman procedure have been exhausted ; and
- the customer continues to correspond; then

The complaint must be read by an officer familiar with the complaint. If it raises no significant new matters and presents no new information, the Director will write to the customer to warn them that the Council will not enter into any further correspondence about the matter.

If the customer still does not take this advice, the Director may decide that any further correspondence that does not raise any significant new matters or present any new information may be filed with no acknowledgment sent.

If the complaint does contain new information of a material nature, this must be evaluated by the officer dealing with the complaint and a response should then be sent to the customer. The complaint will then re-enter the complaints process at the appropriate stage.

Complaints about similar matters

The most difficult vexatious complaints to deal with are often complaints that are slightly different from 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.

Complaints about different matters

If a customer keeps making complaints about different matters, each complaint should normally be considered in the usual way under the complaints procedure.

However, if the new complaints are about entirely trivial matters, or matters that have clearly not caused the customer any injustice, it may be appropriate to close down the complaint at stage 1. This should only be done by the Chief Executive in consultation with the Monitoring Officer or deputy. The customer should be told this, and there is no need to provide any right to appeal other than to the Ombudsman. Subsequent complaints should then be noted.

Vexatious customers often contact many different people within the council and can try and take advantage of the differing responses they may receive. It is important to try and ensure that a vexatious customer has one main contact within the council. In such circumstances, the councils Governance Lawyer will be able to advise on the best approach, usually by identifying a single point of contact.

6. Registering a complaint

Each department has a nominated 'complaints officer' who will log all complaints received in the department on a complaints register and also maintain the complaints register.

Officers dealing with complaints must ensure that they notify their complaints officer when they have received a complaint and provide an update as to when a response has been sent.

At the end of each month, the complaints register is forwarded to the complaints monitoring officer who will analyse the complaints data and provide a monthly complaints report to each Head of Service to ensure that staff and the service as a whole team learn from customer feedback and make improvements to service delivery where necessary.

7. Exceptions to the Policy

The Council requires all complaints to be dealt with under the 3 stages as detailed. However, there are exceptions which will relate to the following:

- Complaints that are more than 12 months old
- Matters where the customer has a separate right of appeal or review such as:
 - A Town and Country planning appeal against refusal of planning permission
 - A complaint in relation to housing benefit for which there is a statutory appeals process

- A complaint about Council Tax levels which must be challenged by way of judicial review
- Traffic penalty tribunal (contesting parking tickets)
- Homelessness decisions
- Any other instance where an alternative appeal mechanism exists
- Complaints regarding the conduct of members as they should be reported to the Councils Governance Lawyer who will arrange for the matter to be considered by the Allegations Panel
- Matters that are, or have been the subject of court proceedings.

8. Further advice

For further information or advice about the Council's Complaints Procedure, please contact the Customer Service Centre on 01376 552525