

**Complaints Procedure
South Cambridgeshire District Council**

30 April 2007

Issue 1

J Mitchell

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GLOSSARY OF ABBREVIATIONS

CSO Customer Service Officers

CSPO Customer Service Project Officer

SMT Senior Management Team

RSICS PFH Resources, Staffing, Information and Customer Services Port Folio Holder

1 DEFINITION OF A COMPLAINT

1.1 The Council operates a complaints policy, which ensures the quick and satisfactory resolution of complaints from members of the public.

1.2 A complaint is defined as:

“A complaint is an expression of dissatisfaction by one or more members of the public about the council’s action or lack of action or about the standard of a service, whether the action was taken or the service provided (or not provided) was by the council itself or a person or body acting on behalf of the council.”

This definition means that residents are entitled to complain if we have not done what we said we would do or have not followed the Council's own policies and procedures. These include our Service First customer service standards, please see:

www.scams.gov.uk/CouncilAndDemocracy/CustomerStandards.

It also includes the Council's commitment to promoting equality in service provision. Particular attention is drawn to the Council's Equality Schemes, for more information, please see:

www.scams.gov.uk/CouncilAndDemocracy/Equality/.

1.3 The complaints procedure is not intended to cover the following issues. Other routes should be pursued for resolution:

1.3.1 Requests for service (e.g. reporting of structural or electrical faults within properties, reporting of nuisance or hazards to environmental health, application for additional housing benefit etc).

1.3.2 Requests under Data Protection and Freedom of Information Acts. These queries should be directed to the Assistant Solicitor, alternatively you can find information regarding these issues on the intranet under ‘documents’.

1.3.3 Allegation of breaches of confidentiality. These queries should be directed to the Assistant Solicitor.

1.3.4 Matters of which there is already a statutory right of appeal (e.g., valuation of properties for council tax purposes, planning applications, etc.) These queries should be redirected to the relevant Service Manager.

1.3.5 Disagreements with Council policy or procedure. These queries should be redirected to the relevant Service Manager.

- 1.3.6 Legal action against the Council. These queries should be directed to the Legal Services team.
- 1.3.7 Insurance claims against the Council (including services provided by contractors). These queries should be directed to the Insurance officer.
- 1.3.8 Complaints made against elected, or co-opted Members of Council committees will be dealt with in the first instance by the Monitoring Officer. Queries on this procedure should be directed to Democratic Services: email democratic.services@scams.gov.uk. Alternatively, you can visit the Standards Board for England website: www.standardsboard.co.uk.
- 1.3.9 Complaints made about Members of Parliament should be referred to the office of the Parliamentary Commissioner for Standards. These queries should be directed via their website, for information see:

<http://www.parliament.uk/documents/upload/PCFSCComplaintsLeaflet.pdf>

- 1.3.10 Complaints about the Chief Executive will be referred to the Leader of the Council, however will be acknowledged and logged in the procedure outlined in Section Two, 'The Complaint Process'.
- 1.4 Complaints received from Councillors or Members of parliament, on behalf of customers should be referred to the relevant Corporate Manager, with a copy sent to the CSO, and should be dealt with in accordance with the process outlined in Section Two, the 'Complaints Process'.
- 1.5 Complaints made by a third party will be accepted if the complainant is not able to complain personally due to age, mental or physical disability or other special circumstances. Confirmation may be requested that the customer wishes the third party to act on his/her behalf
- 1.6 Anonymous complaints will not be investigated as a formal complaint. These will be passed to the relevant Corporate Manager. No further formal action need be taken within this procedure on a complaint which is confirmed as being anonymous, however the matter will still be investigated.

- 1.7 Complaints will only be accepted if they are regarding incidents that have occurred within the last twelve months.

2 THE COMPLAINT PROCESS

2.1 Identification of an Incident

Officers should try and resolve “issues or requests for action” on the spot and before a customer feels the need to submit a formal complaint. Officers should try to resolve the customer’s query/issue and try to reassure the customer that we will work towards preventing the same incident occurring again. If this cannot be achieved, for whatever reason, and the customer is still dissatisfied, then the customer should be told that they can make a formal complaint. The customer should then be informed of how to make a formal complaint and be given the choice of whether they receive a copy of “Unhappy with our services? How you can complain to the Council”.

2.2 Receipt of a complaint

Formal complaints may be received in a variety of ways:

- 2.2.1 In writing: customers are encouraged to put their complaint in writing as this will help make clear what they are complaining about and what remedy they seek. However, the council recognises that some customers may not be able to write their complaint and we will be flexible in receiving complaints through other means.

Written complaints, whether a letter or an email, are dealt with and logged according to Section 2, ‘The Complaints Process’. Written complaints will be responded to in the method they were received.

- 2.2.2 Online. There is an online Complaints form for customers to fill in, should they wish to complain this way. Customers can be directed to: www.scams.gov.uk/complaints
- 2.2.3 Personal Visit. The Complaints form is available to customers in the reception area at South Cambridgeshire Hall.
- 2.2.4 Telephone, although it is not encouraged due to the amount of time and resources it takes up.

Customers who are making a complaint via the telephone should be encouraged to either write in and make a complaint outlining as much detail as possible, or to use the online Complaints form.

For those customers who are unable to write in, or do not have access to a computer, then the officer taking the call may write down their complaint, on the customers behalf, into a complaints form. The officer should read to the customer what they have written for them to verify that it is correct. The Complaints form should then be passed to the CSO.

2.3 Logging of Complaints

2.3.1 The CSO will maintain a record of complaints received and will ensure that complaints are entered into a database.

2.3.2 Each entry will include at least the following data:

- Name, address and telephone number of complainant
- SCDC Complaint reference number and indication of which stage the complaint is at
- Brief details of the complaint
- Type of complaint
- The identity of the service about which the complaint was made
- The identity of the relevant officer and their job title that is dealing with the complaint.
- The date the complaint was received
- The date the final response is due

2.3.3 The record of complaints will be kept by the CSO, together with supporting documentation, and will be available for inspection for a period of six years after administrative use is concluded.

3 Formal Complaint – Stage 1

3.1 All formal complaints will initially be passed to the CSO. The CSO will log all relevant information (name and address of complainant, date received, nature of complaint, etc) for tracking progress. Refer to point 2.3.

3.2 The CSO will acknowledge receipt of all formal complaints within 3 working days of when the complaint was received by the Council.

3.3 The CSO will then pass the complaint to the Corporate Manager without delay.

3.4 It is the responsibility of the Corporate Manager to liaise with the appropriate Service Manager in dealing with the complaint.

3.5 The Corporate Manager will be responsible for the investigation of the complaint and preparing and sending the written response, which will explain the reason behind any decisions made and/or action taken. If appropriate the reply will contain an apology.

- 3.6 All responses to the complainant informing them of the outcome of the investigation should always include a re-iteration of the original complaint, a full description of the investigation, and if appropriate, an offer of appropriate remedy.
- 3.7 The Corporate Manager will send the written response to the complainant as soon as possible, within 10 working days of the Council receiving the Complaint. The response will include a statement, which makes clear that the complainant, if not satisfied with the original response, can proceed to Stage 3 of the complaints procedure.
- 3.8 At the same time, the Corporate Manager will pass a copy of the written response, along with any other relevant correspondence or documents, or reference to any other relevant documents, within 10 working days of the Council receiving the complaint, to the CSO.
- 3.9 If for any reason an investigation and a full written reply will take longer than 10 working days, then the Corporate Manager will send a holding letter to the complainant. The holding letter will give the reason for the delay and advise the complainant of a revised date when they will receive a full response.
- 3.10 The CSO will then log these documents on to the system.
- 3.11 Logging final details
After the complaint has been resolved, the following information will be added to Anite by the CSO:
- Details of action to resolve the complaint
 - Details of whether the complaint was a justified complaint or not
 - Details of resolutions being made.
- 3.12 Complaints that involve more than one service area will be dealt with by the relevant Nominated Service Managers from those services involved, keeping the CSO informed at each step.

4 Formal Complaint – Stage 2

- 4.1 If after Stage 1 the complainant indicates continued dissatisfaction then the matter will be passed, via the CSO for logging and acknowledgement within 3 working days, to either the Chief Executive or the Executive Director for an investigation. Refer to point 2.3.
- 4.2 Within 20 days of receiving notification of continued dissatisfaction, the CSO will send out a reply from either the Chief Executive or Executive Director. The reply will provide a full, final and clear response. The response will include a statement, which makes it clear that if, after Stage 2, the complainant still remains dissatisfied they can contact the Local Government Ombudsman.

- 4.3 All responses to the complainant informing them of the outcome of the investigation should always include a re-iteration of the original complaint, a full description of the investigation, and if appropriate, an offer of appropriate remedy.
- 4.4 If for any reason an investigation and a full written reply will take longer than the identified time scales, then the CSO will send a holding letter to the complainant. The holding letter will give the reason for the delay and advise the complainant of a revised date when they will receive a full response.
- 4.5 The CSO will then log all relevant correspondence and documents on to the system.
- 4.6 Logging final details
After the complaint has been resolved, the following information will be added to Anite by the CSO:
- Details of action to resolve the complaint
 - Details of whether the complaint was a justified complaint or not
 - Details of resolutions being made.

5 Formal Complaint – Stage 3

- 5.1 If after Stages 1 and 2, the complainant still indicates dissatisfaction, then they should be given/sent information regarding contacting the Local Government Ombudsman.
- 5.2 The Chief Executive or Executive Director will deal with complaints received by the Ombudsman, in accordance with Local Government Ombudsman procedure, however they will still be acknowledged and logged in the procedure outlined in Section 2, 'The Complaint Process'. For more information regarding Ombudsman procedure, please refer to the Local Government Ombudsman website:
<http://www.lgo.org.uk/complain.htm>.

6 Remedies for a complaint

6.1 Apology

The most direct form of redress is an apology, accompanied by an explanation of why something went wrong. It should be the basis of every remedy. If we are at fault, it should be an apology for how we have failed/treated the customer. However, if the complaint has occurred through no fault of our own, an apology for the way the customer feels is appropriate, i.e. 'We are sorry you feel this way, however...' In receiving an apology, the complainant should be able to

clearly determine whether their complaint has been accepted as valid.

6.2 Putting Things Right

The complainant is told of the investigation that has occurred and the action that is being taken to put things right and is reassured that SCDC will make reasonable efforts to ensure that the same thing does not happen again.

6.3 Compensation

6.3.1 If it is decided at any stage of the Complaints Procedure that compensation is to be considered, then the following guidelines should be applied:

- a) Where specific financial loss has been incurred then a straightforward reimbursement of the loss is likely to be appropriate (together with consideration of whether interest should be paid).
- b) When devaluation of property is alleged, then an independent valuation should be sought with a view to compensating the complainant for any difference in value arising from the action complained of.
- c) When the complainant has had to spend an unreasonable or significant amount of time pursuing the complaint, then a payment based on costs of travel, telephone calls and time may be appropriate (Time and Trouble).
- d) If exceptional worry, distress or inconvenience has been caused to the complainant then payment in recognition of these factors may be considered.

6.3.2 Compensation can be awarded by the Cost Centre Manager, Corporate Manager, Executive Director or Chief Executive, as per the appropriate financial limitations that are set out in the authority matrix.

6.3.3 Redress will be financed from the budget of the activity in which the fault occurred.

7 Learning from Complaints

The reasons behind complaints will be analysed by the CSPO to enable possible improvements to services to be identified. The analysis will be reported to the relevant groups in accordance with point 7.1. Any services that are receiving a high amount of complaints will be informed and supported in order to improve the service.

7.1 Reporting Complaints

7.1.1 Complaints will be reported on quarterly through the Quarterly Report to the Service First Project team, SMT, the RSICS PFH and members.

7.1.2 Complaints will be reported on six monthly to the Scrutiny and Overview Committee.

7.1.3 Complaints will be reported to Cabinet annually by the Chief Executive.

7.1.4 The report will include:

- Total number
- The number by Service Area
- The number by complaint type
- The number closed at Stage 1
- The number closed at Stage 2
- The number referred by the Ombudsman
- The outcome of those referred by the Ombudsman
- Total amount of compensation awarded
- Compensation awarded by Service Area
- A brief summary of the types of remedy