



Corporate Complaints and Compliments Policy

Responsible Officer:
Version Date:

Assistant Director Governance (Monitoring Officer)
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1. Introduction

Eden District Council believes that the needs of its customers are important and is committed to providing customers with services in the most effective and efficient ways possible.

The Council values feedback about its services and recognises the right of all its customers to complain, compliment or make a suggestion. The Council is committed to ensuring that it uses customer feedback to help improve services and to focus on the needs of customers.

2. Comments

2.1 How will we deal with a comment or suggestion?

We will record details of the comment or suggestion and acknowledge receipt within 10 working days. We will either explain how we will implement your suggestion or respond to your comment or explain why we are unable to put a proposal into practice.

3. Compliments

3.1 How will we deal with a compliment?

We will log the details within the relevant department and acknowledge receipt of your compliment within 10 working days.

We will thank you for taking the time to let us know that we are providing a good service.

4. Complaints

4.1 However, we realise that, even in the best run organisations, there may be times when things go wrong and customers may not be happy with the service they receive.

4.2 If this happens then customers should let us know. We will do all we can to investigate and solve problems as quickly as possible. In the first instance, if possible we will see if we can get things sorted informally and promptly.

4.2 Our complaints procedure aims to:

- Be easily available, well publicised and simple to use
- Show clearly how a complaint will be dealt with and by whom
- Respect confidentiality
- Be impartial
- Make recommendations to avoid future complaints
- Treat people fairly

What is a complaint?

4.3 We think that a complaint is **“an expression of dissatisfaction about a Council service”**

4.4 A complaint could be for example in relation to:

- A delay in taking action without good reason
- A failure to provide a service
- A mistake in the way a decision has been taken
- Not following the law or the Council’s own policies
- Giving incorrect or misleading information
- Bias or unfair discrimination
- Rude, unhelpful or inappropriate behaviour by staff
- Poor or inadequate communication
- The conduct of staff when delivering the service

4.5 A complaint can fall broadly into one of three categories:

- A complaint about a service
- A complaint about a member of staff
- A complaint about a policy

4.6 The following types of complaint are not covered by this policy and procedure:

Exceptions

Certain types of issues and complaints fall outside of this complaints policy and procedure because there are other processes more suitable for dealing with them, or because they are outside of the Council’s control. These include:

- Matters of law or central government policy.
- Complaints from staff about employment related issues; including appointments, dismissals, pay, pensions and discipline. These are dealt with separately under the Council’s HR policies and procedures.
- Commercial or contractual matters, for example contracts for the supply of goods and services to the Council. Complaints about the negotiation of council leases, or the disposal of Council land may be dealt with through this policy and procedure.
- Complaints where a customer or the Council has started legal proceedings but not where a customer has only threatened legal action.
- Complaints that have already been decided by a court or independent tribunal should not be accepted but complaints about the implementation of a court or tribunal’s decision should be investigated.
- Disagreement with a planning permission, enforcement decision or other consent under planning legislation.

- Services for which there are alternative statutory, appeal, tribunal or other processes, including appeals against the refusal of planning permission or planning enforcement, a refusal to grant or renew a licence or appeals against statutory notices, parking charges and housing benefit decisions.
- 4.7 A planning decision is binding and there is no right of appeal except by the recipient to the Planning Inspectorate. A third party may challenge a planning decision through judicial review. There is no scope for the Council's complaints process to set aside a planning permission, enforcement decision or other consent under planning legislation.
- 4.8 Where a customer is dissatisfied about the outcome of an appeal or tribunal decision, there are separate review procedures that remain outside of this policy and procedure and the Council's jurisdiction.
- 4.9 However, when a customer is dissatisfied about **the way that an appeal was handled**, for example a delay in preparing the Council's submission to the Housing Benefit Appeals Services, this may be dealt with under the Council's complaint policy and procedure.
- 4.10 If in doubt, the complaint should be recorded and investigated as a complaint. Staff are encouraged to clarify with the complainant the full details so that the issue can be properly assessed. If it is decided not to accept the complaint, a customer should be given a clear explanation as to why and if possible, an alternative approach should be given.
- 4.11 Where a complaint is about a single service failure, for example a missed refuse bag collection, it will be logged and dealt with promptly as a service request, without having to go through the complaint procedure. However if the complaint is that the refuse bags are being missed regularly, then this may be dealt with according to the complaint procedure.
- 4.12 In the same way, if the complaint is about a noisy neighbour, this will be passed to the Environmental Health Section to be dealt with as a service request.

Anonymous complaints

- 4.13 A judgement will be made on a case by case basis as to whether to look into an anonymous complaint. Normally anonymous complaints will not be investigated. When an anonymous complaint is made it will obviously not be possible for a response to be provided to that customer.

How to complain

- 4.14 Customers can make a complaint in the most appropriate way. The Council encourages any customer who has a concern or suggestion about a particular service to make contact with us straight away, where the aim will be to resolve the issue promptly.
- 4.15 If the complaint is resolved at the first point of contact it should be recorded so the Council has greater awareness and understanding of customer issues.

- 4.16 Contact can be made:
- By telephone, 01768 817817
 - By letter to Eden District Council, Town Hall, Penrith, Cumbria, CA11 7QF
 - By email customer.services@eden.gov.uk;
 - In person at a the Town Hall or Mansion House
- 4.17 Assistance will be provided if customers need help in gaining access to any of these methods of contact.
- 4.18 Complainants may wish to have a third party act on their behalf. A third party is any person or organisation acting on behalf of or making enquiries for the complainant. For example, third parties may include:
- advice organisations
 - professionals such as social workers, community psychiatric nurses, doctors or solicitors
 - family members or friends
- 4.19 Where a third party is helping a complainant with a particular complaint, we need the complainant to tell us that they want contact to be through the third party. Where we have this authority, we will take all possible steps to keep the third party informed of progress on the complaint.
- 4.20 A written or emailed complaint will be acknowledged within five working days. A complaint may not be accepted if it is believed to be vexatious, repetitious or is inappropriate in any other respect.
- 4.21 To make a formal complaint:

Please read our [complaints procedure](#) before making a formal complaint. A formal complaint can be made in one of the following ways:

- complete the [online formal complaints form](#)
- print and complete the [complaint form \(PDF: 39 Kb / 2 pages\)](#)
- email dcls@eden.gov.uk
- Write to: Assistant Director Governance (Monitoring Officer), Eden District Council, Town Hall, Penrith, CA11 7QF
- Telephone: 01768 817817
- Visit in person: the reception at the Town Hall, Penrith or the reception at the Mansion House, Penrith.

Appendix 1

Corporate Complaint Procedure

If at all possible, staff should remedy or deal with complaints informally before they reach the stage of a formal complaint. However we recognise that some customers will insist that they wish to go through the Corporate Complaint Procedure and for some types of complaint, this may be the most appropriate procedure. The Council has a two stage procedure that is designed to support the effective management of complaints.

When a customer cannot be provided with a full response within the time-scale quoted, the customer will be notified as soon as possible and given a revised time-scale as to when they can expect a full response to their complaint.

It is expected that complaints will go through each stage in turn and should only be escalated to the next stage if the customer believes that the response is unclear, unhelpful, incomplete or wrong in some respect.

Complaints about Decisions made by Councillors

On occasions complaints may be made about a decision which has been made by the Council, a Committee or the Executive. There may be a formal appeal process to another body about the merits of the decision itself. A formal complaint about a decision of the Council, a Committee or the Executive may be made under this procedure and policy provided it does not relate to the merits of the decision if there is another appeal process and relates, for example, to the procedure or process which was adopted. A complaint about a decision of the Council, a Committee or the Executive will be considered at Stage 2. The panel of Councillors who consider the complaint, if possible, should not have been involved previously in the subject matter of the complaint.

Stage One Complaints

All stage one formal complaints will be referred to the Director who has responsibility for the relevant service. The Director may allocate the investigation of the complaint to a service manager within his/her service, but the Director has overall responsibility for the consideration of the complaint.

It may be necessary for the investigating officer to clarify with the customer the circumstances of the complaint or to seek to resolve the complaint.

The expected amount of time given for responding to a stage one complaint in full is **10 working days**, with a customer receiving an acknowledgement of the receipt of the complaint from the office of the Assistant Director Governance within three working days.

If, however a complaint is complicated and likely to take longer to resolve the investigating officer will set a reasonable and appropriate revised timescale and keep the customer informed of this and of its progress.

An investigation may involve interviews with relevant staff and appropriate witnesses.

The investigating officer will produce a written response to the complaint. The response will set out:

- the Investigating Officer's findings
- any recommendations
- any proposals
- whether or not the complaint has been resolved.

Where appropriate, an apology will be given and it may be that a previous decision will be reviewed and any relevant procedure or practice revised.

Stage Two Complaints

If after receipt of the response to the formal complaint, the customer is still dissatisfied because they believe that response at Stage One is considered to be unclear, unhelpful or incomplete, or wrong they can request that the complaint is reviewed by a panel of up to three Councillors drawn from the Human Resources and Appeals Committee.

The request should be made in writing to the Assistant Director Governance (Monitoring Officer), Town Hall, Penrith, CA11 7QF within 10 working days of the response to the Stage One complaint.

The request should set out the reasons why a review is considered necessary and why the customer is dissatisfied with the response given at Stage One.

The request will be acknowledged within three working days by the office of the Assistant Director Governance (Monitoring Officer).

A review hearing will be arranged as soon as practicable and within 20 working days of the request whenever possible.

A formal procedure will be adopted at the hearing, although the process and atmosphere of the meeting itself should be informal. The customer may attend in person or they give their comments and concerns in writing. He or she will be invited to explain why he or she is dissatisfied and to explain the nature of the complaint.

Normally a customer would not be expected to have someone to represent him or her. A representative may be appropriate if the person's first language is not English or he or she has a disability which would place him or her at a disadvantage. If a customer thinks that they should have representation this should be mentioned when the hearing is requested.

The procedure at the hearing is set out in Annex 1

The Panel of Councillors will notify the customer of their decision in writing within **five working days** of the hearing.

Where appropriate, an apology will be given and it may be that a previous decision will be reviewed and any relevant procedure or practice revised.

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- email dcls@eden.gov.uk

- Write to: Assistant Director Governance (Monitoring Officer), Eden District Council, Town Hall, Penrith, CA11 7QF
- Telephone: 01768 817817
- Visit in person: the reception at the Town Hall, Penrith or the reception at the Mansion House, Penrith.

Local Government Ombudsman (LGO) complaints

Although a customer can take a complaint to the LGO at any stage, customers are expected to give the Council the opportunity to investigate the complaint in the first instance.

If the LGO does become involved, initial contact with the Council is made through the Assistant Director Governance (Monitoring Officer).

When the Council receives a complaint from the LGO the case is referred to the relevant Director to ensure appropriate action is taken in response.

The Council must submit a response to the LGO within the time period specified by the LGO.

Complaints about the conduct of Councillors

A complaint about the conduct of a Member of Eden District Council (or a Parish Council) will be dealt with under the arrangements for dealing with standards allegations under the Localism Act 2011.

The complaint must be submitted in writing, using the on-line form, a letter or email, to the Assistant Director Governance who is the Monitoring Officer.

The Monitoring Officer will review every complaint received where a Member has alleged to have breached the Code of Conduct and, after consultation with the Independent Person and assessment panel, take a decision on what action should be taken.

Complaints made by other Council Officers

Officers working for the Council at some time may need to make a complaint as a customer of the Council. Officers making a formal complaint still need to comply with this policy.

Officers handling staff complaints need to deal with the complaint like any other complaint received from members of the public, by following this policy.

Staff should ensure:

- Letters are sent to the staff member's home address
- Email contact is to their private email address
- Meetings are arranged in a proper manner
- Complaint updates do not take place, in passing, in the corridor
- Progress chasing should be made using the proper channels and not by using access to databases

Complaints about the Chief Executive

Any request about the Chief Executive will be investigated by the Assistant Director Governance (Monitoring Officer) in consultation with the Leader of the Council.

Complaints Monitoring

The Assistant Director Governance will monitor performance by departments on an on-going basis and report to Management Team and Councillors as required.

Equality and Diversity Policy Statement

The Council is committed to eliminating discrimination in service delivery, procurement and employment on the grounds of all protected characteristics as described in the Equality Act.

We will not treat you less favourably than anybody else because of your:

- age
- disability
- gender reassignment
- marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
- pregnancy and maternity
- race-this includes ethnic or national origins, colour or nationality
- religion or belief-this includes lack of belief
- gender
- sexual orientation

The Council will monitor its activity to make sure this happens and take decisive action against those found to be in breach of the equality scheme.

- We are committed to ensuring that all people are given full and equal access to this policy
- We will monitor customer feedback to make sure all individuals and interested parties have easy access to the policy and associated procedures

Annex 1

Procedure at Review Hearing

The Panel may be assisted by an officer who will act as the clerk and advise on procedure and the law. The clerk will not have been involved in the complaint at any previous stage.

1. You will be invited into the room at the same time as the Investigating Officer.
2. The Chairman will explain the procedure to all present.
3. The Investigating Officer will be invited to speak first and will present all the information which he/she believes is relevant to your complaint.
4. When he/she has finished speaking you will be able to ask him/her questions.
5. Each Panel Member may ask questions.
6. You will then have the opportunity to explain your position and add any information that you think is relevant. You should ensure that you say everything you want about your complaint.
7. When you have finished the Investigating Officer and the Panel Members may ask you questions.
8. The Investigating Officer will have an opportunity to sum up what he/she has said.
9. You will have the final say and will be able to sum up your complaint.
10. You and the Investigating Officer may be asked to leave the room whilst the Panel decides the matter.
11. When the Panel has made its decision, you and the Investigating Officer will be invited back and be informed of the decision.
12. You will be informed if your complaint is upheld and of any remedy or recommendations the Panel has decided in writing within five working days.

If you do not wish to attend a review hearing you may ask for the complaint to be considered on the basis of written representations. In this case the Investigating Officer will be asked to make written comments too. The Panel will decide the review by taking all the written material it has received into account. The Panel may seek to clarify some points. You will be notified of the decision in writing within five working days of the meeting.

On occasions it may be appropriate for interested parties, including Councillors, to attend and observe a panel hearing. Any observer cannot take any part in the process.