

Complaints Policy

South Hams District Council

1. Introduction

“Studies have shown that an organisation that truly welcomes, values and uses complaints to inspire and guide improvement will be more successful than one that does not”

An effective complaint management system is an essential part of providing a quality service. It shows that we are responsive to service users, that we take their concerns seriously, that we welcome their feedback on services and are willing to use the information gained to continually improve service delivery. The benefit to our customers should ultimately be **improved services** and **increased satisfaction** with those services.

Having an effective process for managing complaints not only benefits the complainant, it can have real benefits for the organisation:

- It provides free feedback on service delivery
- It identifies areas needing improvement
- It presents an early chance to put things right
- It strengthens public support for the organisation

Complaints often provide an early warning of more fundamental problems in service design and delivery. If the evidence from complaints is made readily available to the decision-makers in an organisation, it gives them an opportunity to make improvements before problems escalate.

2. Policy Aims

This policy is based on guidance set out by the Local Government Ombudsman. The guidance sets out the basic principles on which the council's complaints policy is based.

Our 5 key aims are:

- To make the complaints process as accessible as possible
- To define how we recognise a complaint
- To provide an administrative process for dealing with complaints
- To set out a process to ensure we learn from our mistakes and use complaints to drive improvement
- To set out how we will review the effectiveness of the process

In order for this to work it is important that the complaints process is recognised throughout the council as an opportunity to learn, and not as a means for apportioning blame.

3. Definition of a complaint

3.1 Areas covered by the complaints policy

A complaint could be the:

- Failure to provide the standard or quality of service promised by the council.
- Dissatisfaction with the way the council policies are being applied or administered.
- Delays in responding to customer enquiries or requests.
- The treatment by, or unhelpful attitude of, a member of staff.
- Unlawful or unfair discrimination.

What distinguishes an official complaint from a matter that does not require escalation is not always easy to define. In many cases when a service failure is first reported we can simply rectify the mistake and resolve the issue without treating the case as an official complaint, but we accept that some cases are serious enough to be treated as a complaint immediately. In some situations the case will be escalated because of the repeated failure of what would on its own be insignificant. If there is any doubt whether an issue should be treated as a complaint, the decision should lie with the customer.

3.2 Areas not covered by the complaints policy

- Separate arrangements are in place for complaints about the conduct of Elected Members. To make a complaint about the conduct of a South Hams District Councillor, or a South Hams parish or town councillor, the complaint must be submitted in writing to:

The Monitoring Officer
South Hams District Council
Follaton House
Plymouth Road
Totnes
Devon
TQ9 5NE

- Where a statutory right of appeal exists i.e. where there is a formal process in place to challenge a council decision, these should be used rather than the complaints procedure. For example: appeals against planning decisions, housing benefit awards or car parking penalty notices. Customers disagreeing just with the decision itself should be advised to use the statutory appeals process and not the complaints

system. Details of statutory rights of appeal will be available when decisions to which they apply are made. The only exception to this is a complaint made about the way in which the appeal process was handled, these should be dealt with by this process.

3.3 Unacceptable complaints

There may be occasions when we deem the complainants actions or behaviour to be unacceptable and in rare cases this may alter the way we decide to deal with the complaint. These situations are covered under our Unacceptable Actions Policy.

4. How to make a complaint

Our complaint management process is designed to be truly accessible, and by this we mean:-

Easily understood - able to be appreciated or understood without any specialist knowledge.

Easily available - able to be used or experienced without difficulty.

In order to do this customers are able to make a complaint in any of the following ways:

- by telephoning
- by writing
- by filling in on-line complaint form on the website
- by using the printed complaints leaflet
- by email
- in person at Follaton House or at a Council led outreach event

All publicity and literature is written in plain English and publicity on the complaints system made available on the website and as a standing item in each edition of the South Hams magazine.

5. The complaints process

5.1 Receiving complaints

We will accept complaints by letter, email, via an on-line form, in person or by telephone.

5.2 Recording complaints

All complaints, however they are received, will be recorded centrally and their progress monitored corporately by the Customer Service Manager.

5.3 Acknowledging receipt of complaints

Complaints will be acknowledged within 3 working days with a full reply being given within a further 10 working days. If the case is complex and we are unable to resolve it in 10 days, the customer will be told when they will receive a reply.

5.4 Information we need

The customer's name and address is fundamental to the process, but some complaints are made anonymously. In those cases the Head of the Service being complained about, or the Customer Service Manager, will need to make a judgement as to whether the validity of the complaint has been compromised by the anonymity. They will also need to decide on the appropriate course of action required, on a case by case basis.

If further information is required from the customer it will be obtained by personal contact wherever possible, rather than by written request.

This will speed up the process as well as allowing us to understand what the customer perceives to have gone wrong, it is equally important that we have a sufficient understanding of what they think we need to do to put matters right.

5.5 Who will investigate?

The head of the relevant service is responsible for ensuring that complaints are investigated fairly and according to this policy. They may not investigate and resolve complaints themselves, but they will be fully aware of them, and sign off the replies to formal complaints from customers. If the complaint is about a member of staff, that person will be told that a complaint has been made and will be asked for their views. They will not be involved in looking into the complaint in any other way.

For complaints that span more than one service, the Heads of Service involved will decide which one will take overall responsibility for the reply. In most cases the response will then be compiled by that Head of Service, referencing the contribution from other services, but producing just one reply. If part of the complaint is the responsibility of another agency, then a copy of the complaint should be forwarded to the agency without delay. The response to the customer will include details of these actions and some contact details for their reference.

5.6 Approach to Investigation

Each complaint will be investigated in an open minded and impartial way. It is recognised that there can be no 'one size fits all' solution and responses will be proportionate to the complaint. When a complaint reveals problems with the service design or delivery, these will be addressed as part of the process to prevent the same thing happening again. If the complaint was found to be justified and as a result the customer has been financially disadvantaged by our actions, compensation will be considered at this stage.

5.7 Response

The Head of Service is responsible for ensuring that a full written response is sent within the timescale and will personally sign that response. If it is not possible to provide a full response within this timescale, a letter, again signed by the Head of Service, will be sent explaining why and detailing when a full response will be sent. If the enquiries show that the complaint about our service is justified, the response will include an apology and explain how the problem will be addressed. Where relevant, it will also include how we plan to make sure the mistake does not happen again. Finally the reply will explain the right of appeal and the appeals process if the customer is not satisfied with the response.

5.8 Lessons Learnt

Improvements and lessons learnt from complaints will be published on the Council website and in the South Hams magazine. Names and details of complainants, or information that may directly lead to the identification of a complainant, will not be published.

5.9 Appeals

If the customer is unhappy with the initial response to their complaint they will be given the opportunity to appeal against the outcome. Appeals will be considered by one of the Council's Corporate Directors and responded to in accordance with the timescales set out in 5.3. The final response will include details of how a further appeal is possible through the Local Government Ombudsman.

5.10 Evaluation

In order to test the effectiveness of our complaints procedure we will seek retrospective feedback from randomly selected customers once the complaints process has been completed. This will be carried out by the Customer Service Team and the resulting satisfaction levels will be reported to Senior Management.

6. Confidentiality

South Hams District Council handles all personal information in line with Data Protection Standards. For further information please refer to the Data Protection Act.

7. Policy availability and review

Copies of this Policy are available on the Council website and free of charge from the South Hams District Council office. South Hams District Council reviews this Policy on a regular basis to make sure that the aims of the Policy are being achieved.

The Policy is available on request in other languages and formats.