



THE COUNCIL'S COMPLAINTS PROCEDURE

1. Purpose of the Procedure

- 1.1 The purpose of the complaints procedure is to ensure that:
- (a) the customer has an easy accessible, straightforward means of making formal representations to the Council which offer prompt action and speedy resolution of complaints;
 - (b) the customer is confident that his/her complaint is being dealt with effectively and fairly, even if the outcome is not to his/her complete satisfaction;
 - (c) the Council uses complaints positively and takes subsequent action to maintain and improve service quality and responsiveness;
 - (d) the Council demonstrates that it does care and considers the procedure as an important aspect of service delivery.

2. Principles

- 2.1 A complaints procedure is a key element of the Council's overall approach to customer care and customer service. By following the procedure we can help maintain and improve the level of service the Council provides to the people of Shetland. We can identify where mistakes have been made and genuine grievances have arisen and ensure that these are rectified to the satisfaction of the customer and that similar circumstances do not re-occur
- (a) The procedure will be designed to build on the individual departmental schemes already in place.
 - (b) Complaints should be dealt with promptly, efficiently and courteously.
 - (c) The complainant and/or those acting on his/her behalf will be kept informed of the progress and outcome of the complaint.
 - (d) Formal complaints will be recorded and monitored periodically with the aim of improving effectiveness of service provision.

- (e) Managers will be responsible for ensuring agreed response targets are adhered to.

3. Definition

- 3.1 It is important that any complaints procedure has a clear definition of what constitutes a complaint. This is especially important since use of the word “complaint” has become synonymous (for some) with a request for services, e.g. “I am complaining about a broken window in my Council house” or “I’m complaining about the street light being off outside my house”. Such requests are not true complaints at this first-contact stage. They only become complaints if no action is forthcoming after a reasonable period of time.
- 3.2 An informal complaint is an initial approach by a customer to the Council outlining dissatisfaction with some aspect of the Council’s service or actions. Such approaches are likely to be made in person or by telephone and sometimes in writing.
- 3.3 A formal complaint is an expression of dissatisfaction with the action or lack of action taken by the Council, on a matter which is the responsibility of the Council and which has been previously raised by the customer and where he/she remains dissatisfied with the response received.

A formal complaint will need to be in writing, preferably using the Council’s complaints form (Appendix A1).

4. Categories of Complaint

- 4.1 The following are categories of complaint which indicate in general terms the range of complaints which fall within the procedure.
 - (i) Dissatisfaction with the way Council policies are being carried out.
 - (ii) Complaints regarding employee/Member attitudes and actions of individual employees/Members in dealing with Council matters.
 - (iii) Delays in responding or complaints about administrative processes.
 - (iv) Failure to provide a service
 - (v) Failure to achieve standards of service.
 - (vi) Failure to fulfill statutory responsibilities.
 - (vii) Bias or unfair discrimination.

5. Exclusions

5.1 It is also important to define exclusions from the definitions shown in paragraphs 3 and 4.

- (i) An initial request for service (faulty street light, housing repair, etc)
- (ii) complaints which are essentially criticisms or disagreements with council policies rather than the way in which they have been carried out
- (iii) complaints against individual employees or Members which arise directly from the customer's dissatisfaction with a Council policy or decision where no other basis for complaint exists.
- (iv) a planning or building control matter or housing benefit or homelessness matter where a right of objection or appeal exists, unless the complaint relates specifically to the way this matter has been previously administered.
- (v) a complaint against a decision of the Council where regulatory powers are being exercised unless the complaint relates specifically to the way the matter has been administered.
- (vi) a matter which is, or could reasonably be, expected to be the subject of court or tribunal proceedings.
- (vii) complaints which constitute a disagreement with or refusal to accept a rule of law which the Council is applying.
- (viii) complaints by parents or pupils which will be dealt with at school level in the first instance, and would only be referred to the Education Department if parents are not satisfied with the manner in which the complaint has been handled by the school.

6. Responsibilities

6.1 Directors and Divisional Managers are responsible for ensuring the procedure is effectively implemented within their department.

6.2 All staff dealing with the public are required to understand this procedure.

7. Monitoring Complaints

7.1 A record of the numbers and nature of all formal complaints will be maintained at the General Enquiry Office and a follow up system instituted to ensure that response times are met.

8. The Complaints Procedure

8.1 This procedure outlines the actions which will be taken by the Council when a complaint is received.

8.2 Initial Stages - Stage 1

- 8.2.1 Officers of the relevant departments who provide services to customers will deal with initial approaches by customers and attempt to resolve their concerns. Such approaches are likely to be made in person or by telephone, and less frequently, in writing.
- 8.2.2 Often such an approach is not a complaint but a request for action, information or reporting a problem. When identified as such, it should be actioned with the department in the normal way or referred to the relevant officer within the council for action to be taken.
- 8.2.3 It may well be possible to provide information or arrange action which will satisfy the customer. At this stage the emphasis should be on resolving the complaint whenever possible at the point of service delivery. If it cannot be resolved immediately, the person dealing with the matter will send an acknowledgement within five working days letting the customer know when a full reply might be expected.
- 8.2.4 Customers who remain dissatisfied with the Council's response are to be provided with a copy of the Council's Complaints Leaflet which explains the procedure to be followed should they wish to pursue the matter.
- 8.2.5 If a complaint about Social Work is received from outwith that department, it should be sent to the Director of Social Work for consideration and implementation under that department's complaints procedure.

8.3 Formal Complaints - Stage 2

- 8.3.1 This stage will come into operation when the customer clearly indicates that he/she remains dissatisfied with the Council's previous response on an issue which falls within the remit of the procedure. Written details of the complaint, whether by letter or on the Council's Complaint Form (Appendix A), will be accepted as a formal complaint provided that the matter has **firstly** been raised with the relevant Department but has not been resolved to the satisfaction of the complainant.
- 8.3.2 All formal complaints will be addressed to the Chief Executive's Office. On receipt, the Chief Executive's Office will acknowledge receipt of the complaint within three working days. Full details will be recorded for monitoring purposes.
- 8.3.3 The complaint will then be passed to the Director of the service area or areas to which the complaint relates, who will acknowledge receipt of the complaint within five working days. A full reply to the complaint will be provided within 15 working days of departmental acknowledgement. If for any reason this is not possible the customer will be informed of the delay and advised when they might expect to receive such reply.

- 8.3.4 The Director will provide a copy of any responses to the Chief Executive's Office at the time they are forwarded to the complainant.
- 8.3.5 Where the nature of the complaint being processed within a department involves some actual or potential contravention of any rule of law or code of practice, or maladministration or an alleged injustice then the Director will inform the Council's Monitoring Officer of progress and action proposed and seek appropriate advice should the complainant remain dissatisfied.
- 8.3.6 Complaints of financial impropriety will also need to be referred to the Monitoring Officer and the Director of Finance and Housing.
- 8.3.7 It is hoped that the vast majority of complaints will be handled by these two stages. However, for the few which remain unresolved and the customer is still dissatisfied, a further stage is available.
- 8.3.8 All complaints shall be fully investigated and if it is clear that the department was at fault, the department shall apologise and try to put things right as soon as possible. Otherwise they shall send a written explanation and if they can offer any advice about other ways of pursuing the matter, they shall do so.
- 8.3.9 A report of all formal complaints and their outcome shall be produced by the Chief Executive's Office at 1 April each year and submitted to the Policy and Resources Committee.

8.4 Stage 3

- 8.4.1 If the customer is still dissatisfied and wishes to take the matter further it is, on request, referred to the Chief Executive for investigation. This stage would only be invoked once both departmental stages have been fully exhausted.

9. Complaints via the Local Ombudsman

- 9.1 Complainants who express a wish, at any stage during the Council's Complaints Procedure, to make a formal complaint to the Local Government Ombudsman must be advised of their right to do so and provided with a copy of the Local Government Ombudsman's leaflet. However, complainants must be made aware that the Local Government Ombudsman has to give the Council an opportunity to seek a local solution to the complaint within a reasonable time period.

10. Role of the Monitoring Officer

- 10.1 The Council's Monitoring Officer has a statutory duty to take certain action to deal with any proposal, decision or omission by the Council which has given rise, or is likely to give rise to maladministration or which is in contravention of any code of practice or rule of law. A report of all formal complaints received will be forwarded to the Monitoring Officer for information and review.

11. **Publicity**

- 11.1 It is important that such a procedure is brought to the attention of the public. A complaints information leaflet will be produced (Appendix B) and will be available at all Council offices, Citizens Advice, Bureau, library, etc.
- 11.2 A poster (Appendix C) has also been drafted to bring the procedure to the attention of the public and these will be posted in all Council offices, library, recreational centres, rural post offices, etc.

12. **Training**

- 12.1 Copies of the procedure document will be on hand in all Council departments.
- 12.2 Staff involved in receiving and processing complaints should be given advice and training in the operation of the procedure as a key element of customer care.

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