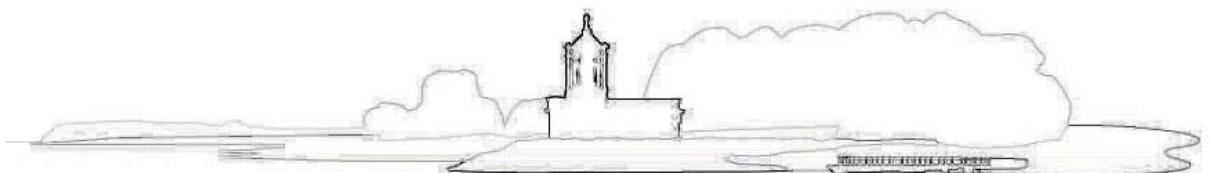




# Rutland County Council

## COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY AND PROCEDURE

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## **Summary of document**

Rutland County Council has reviewed the way in which it handles complaints. This document sets out how different complaints should be managed, provides guidance on dealing with unreasonable behaviour and includes a mechanism for recording compliments and general comments about services delivered by the Council.

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## 1. INTRODUCTION

- 1.1 Rutland County Council is committed to providing excellent services and to delivering those services right first time for our customers. Where we succeed or exceed, we welcome feedback from customers who may wish to compliment us on our service. Alternatively, customers may wish to comment on particular services the Council delivers and we welcome this interaction with our service users. However, where we fail to deliver or our standards fall below our customers' expectations, we expect officers to take ownership and work with customers to resolve any issues. There will also be times when customers feel dissatisfied with the service they have received and wish to make a complaint.
- 1.2 Rutland County Council recognises the value of customer feedback and strives to learn from and use the information to drive forward improvements to services. We want to share compliments and comments and resolve complaints quickly and effectively and where necessary, put things right.
- 1.3 We accept compliments, comments and complaints in all formats including:
- A 'Let us Know' form, which is accessible on our website.
  - By email to [Letusknow@rutland.gov.uk](mailto:Letusknow@rutland.gov.uk) or any department.
  - By telephone on 01572 722577 or any department.
  - In writing or in person at: [Customer Services](#)
  - By twitter @rutlandcouncil

Comments and compliments will be logged and then forwarded to the relevant department to respond and/or action accordingly. Complaints will follow a defined process, which is set out from 3. below.

## 2. OUR AIMS

We believe that our customers have the right to:

- Have their views heard
- Receive a good quality service
- Expect prompt action when our performance is below standard, balanced by the resources we have available

Our staff and those delivering services on behalf of the Council will be:

- Efficient and sensitive to the needs of customers
- Accessible and clearly identified with name badges
- Aware of the day to day concerns of our customers gained through ongoing analysis of compliments, comments and complaints

Our procedure will:

- Be easy to access and widely advertised

- Advise customers of the standard of service they should expect, a time limit for replying to their contact and their right of appeal in the case of a complaint
- Ensure we monitor contacts and learn from outcomes
- Ensure we meet our standards

### 3. HOW WE HANDLE A COMPLAINT

3.1 We define a complaint in the following way:

"Any expression of dissatisfaction about any of our services requiring a response"

3.2 We accept complaints from residents, local businesses, visitors to the county, suppliers of services, community groups and other groups or individuals that use or are affected by our services. We also accept complaints from people acting on behalf of someone else such as Councillors, Members of Parliament and other representatives.

3.3 If customers are dissatisfied with a particular service, they are encouraged to contact us through our complaints process. We operate a two stage complaints process, which gives the complainant the right to have their complaint reviewed at more senior levels should they be dissatisfied with the outcome of the initial response.

Stage one: A service review with Head of Service responsibility and sign off.

Stage two: A Director review, with the scope to direct a full investigation if necessary.

If a customer is still dissatisfied having progressed through both stages of the process, they will be informed of their rights to refer the complaint to the Local Government Ombudsman or the Council can refer the complaint to the Ombudsman directly.

3.4 We will acknowledge receipt of a complaint within **one working day**. Our acknowledgement will provide full contact details of the officer assigned to investigating the matter.

3.5 Complaints at Stage one, will be dealt with within **10 working days**. Complaints at Stage two will be completed within a further **10 working days**.

3.6 This is subject to a complaint being non-complex; if a complaint is more complicated, it may take us longer to resolve but we will always liaise closely with our customers to agree a timeframe if this is the case.

#### **4. WHAT INFORMATION DO WE NEED TO INVESTIGATE A COMPLAINT?**

- 4.1 We will make a detailed record of the complaint so it is important that we are given all the information. We will then direct the complaint to the relevant department to handle. We expect our staff to keep regular personal contact with our customers until the complaint is resolved.
- 4.2 We will remove barriers which might deter or exclude customers from accessing the complaints process. To ensure equal access for all we can provide:
- Home visits
  - Fully accessible meeting locations
  - Advice on advocacy or representation
  - Translation and interpretation, including sign language, Braille and large print
  - Full confidentiality
- 4.3 We will not normally consider a complaint that is made more than twelve months after the individual first became aware of the issue they want to complain about. There are exceptions to this where the Council accepts that such a delay was reasonable.
- 4.4 When we do not provide the right service at the right time it costs the Council money. We learn from complaints by offering timely and effective remedies. This gives us the best outcome in terms of cost efficiency and customer service. Where a complaint highlights a need for changes in working practice, systems, staff training, procedure or policy, the officer is required to highlight this and other learning points to the Governance Team. They will work with the service concerned to make sure the necessary actions to bring about the change are carried out. Lessons learned will be highlighted in a quarterly Compliments, Comments and Complaints report so that learning and good practice can be shared across the Council.
- 4.5 There are certain complaints that will not be dealt with under this policy because there are specific policies for processes for dealing with these. They are:
- Matters for which there is a statutory right of appeal such as awards of Housing Benefit.
  - Complaints where legal proceedings , court of tribunal action is being taken (although related issues that are not subject to legal proceedings may be considered)
  - Housing matters which are being dealt with under the arbitration process
  - Most social services complaints concerning adults and children where special procedures apply by law
  - Employee complaints about terms and conditions of employment, working conditions or personnel issues which come under the employee complaints procedure

- Matters which are subject to an insurance claim
- Complaints that are submitted anonymously (although we may still investigate)
- Routine service issues, such as missed waste collections or pest control
- Complaints against Elected Members.

More about these types of issues can be found on the Council's Compliments, Comments and Complaints page at [\(insert link to webpage when page developed\)](#).

4.6 The Data Protection Act 1998 regulates the way in which organisations can use personal information. When dealing with local authority complaints there are specific issues which need to be kept in mind:

- A complaint cannot be discussed with, or information disclosed to, a third party without the written permission of the customer. For example, where a solicitor is making a complaint on behalf of a customer a letter of authorisation must be obtained.
- An exception to this rule allows a constituent's own ward Councillor or Member of Parliament to be given information when following up a complaint made on their behalf.
- However, where a Councillor is acting on behalf of a constituent of a different ward, the customer's permission must be sought before onward disclosure.
- If a Councillor wishes to involve another Councillor in seeking to resolve a matter, he or she must seek the customer's authorisation before sharing any information with another party.

4.7 Our first priority is to resolve failures and put them right. We will consider a range of remedies if we feel that the Council has failed in any aspect of its service delivery. Each case will be considered on its merits and remedies will be appropriate and proportionate. Compensation will only be considered where the complaint investigation has identified maladministration, which is a mistake or delay that has caused a customer to suffer an injustice, such as a delay in processing a housing benefit claim or a failure to investigate or respond to a complaint of noise nuisance, and the Council, or those working on behalf of the Council are wholly or partially at fault.

4.8 As a Council, we will use the information we collect through the Compliment, Comment and Complaint process to shape and improve our future service delivery. We will analyse our data regularly, ensure agreed actions are followed up and report on performance and outcomes to Members annually.

## 5. VEXATIOUS COMPLAINANTS

5.1 In a minority of cases, people pursue their complaints in a way which is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede

the investigation of their complaint and can have significant resource issues for the Council.

- 5.2 The Local Government Ombudsman describes unreasonable complainant behaviour (vexatious behaviour) as something which may include one or two isolated incidents, as well as something which is usually a build-up of incidents or behaviour over a longer period.
- 5.3 The Council has developed a protocol for dealing with this type of complaint; it is set out at Appendix A of this policy.

## **6. FURTHER INFORMATION**

- 6.1 For further information on Compliments, Comments and Complaints you can:
- Visit our website [www.rutland.gov.uk](http://www.rutland.gov.uk)
  - Email [letsusknow@rutland.gov.uk](mailto:letsusknow@rutland.gov.uk)
  - Telephone on 01572 722577

Contact details for the Local Government Ombudsman are:

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Address: Local Government Ombudsman, PO Box 477, Coventry CV4 0EH

Telephone: 0845 602 1983



## **PROTOCOL FOR DEALING WITH VEXATIOUS COMPLAINANT CONDUCT**

### **1. Introduction**

Council staff will inevitably come into contact with a small number of complainants who take up an unwarranted amount of Council resources or impede the investigation of their complaint. The aim of this protocol is to identify situations where the customer making the complaint could be considered vexatious and advise how to deal with such circumstances.

It is important to distinguish between people who make a number of complaints because they really believe things have gone wrong, and people who are simply being difficult. Customers may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.

However, we do not expect our officers to tolerate unacceptable behaviour by customers.

Councillors who also experience unreasonable behaviour when dealing with constituent service requests may engage this protocol. Advice on this can be sought from the Head of Corporate Governance.

Examples of unacceptable behaviour are:

- Using abusive or foul language on the telephone
- Using abusive or foul language face to face
- Sending multiple emails, and
- Leaving multiple voicemails

The aim of this protocol is to contribute to our overall aim of dealing with all corporate complaints in ways which are demonstrably consistent, fair and reasonable.

It sets out how we will decide which complainants will be treated as vexatious and what we will do in those circumstances. This protocol is for the information of officers, Councillors, partner organisations and customers.

### **2. Definitions**

We define vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, hinder our consideration of their or other people's complaints.

Examples include the way or frequency that complainants raise their complaint with officers, or how complainants respond when informed of our decision about the complaint.

Features of a vexatious complainant include the following (the list is not exhaustive):

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious).
- Refuse to specify the grounds of a complaint despite offers of assistance
- Refuse to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuse to accept that issues are not within the remit of the complaints procedure despite having been provided with information about the scope of the procedures (for example, planning appeals).
- Refuse to accept that issues are not within the power of the Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation).
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint).
- Make what appear to be groundless complaints about the officers dealing with the complaints, and seek to have them reprimanded, replaced or dismissed.
- Make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of officers and/or the complaints procedure after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responds to numerous, frequent and/or complex letters, telephone calls or emails).
- Harass or verbally abuse or otherwise seek to intimidate officers dealing with their complaint by use of foul or inappropriate language.
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- Introduce trivial or irrelevant new information whilst the complaint is being addressed that were no part of the complaint at the start of the complaint process.
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- Deny statements he or she made at an earlier stage in the complaint process.
- Electronically record meetings and conversation without the prior knowledge and consent of the other person involved.
- Adopt an excessively 'scattergun' approach, for instance pursuing a complaint or complaints not only with the Council, but at the same time with a Member of Parliament, other Councils, Councillors, the Police, the Local Government Ombudsman etc.
- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- Make the same complaint repeatedly, with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints, which should be put through the full complaints procedure.

- Persistently approach the Council through different routes about the same issue.
- Persist in seeking an outcome, which has been explained is unrealistic for legal or other valid reasons.
- Refuse to accept documented evidence as factual.
- Complain about or challenge an issue based on a historic and irreversible decision or incident.
- Combine some or all of these features.

### 3. Imposing Restrictions

We will ensure that the complaint is being, or has been, managed properly according to the Council's complaint procedure before considering any restrictions. In the event we do move to apply restrictions, the following action will be taken:

#### Stage One:

In first instance, the Team Manager will liaise with the Head of Corporate Governance prior to issuing a warning to the complainant. The Team Manager will contact the complainant either by telephone, in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The Team Manager will explain the actions that the Council may take if the behaviour does not change. This action will be recorded centrally on a corporate register, which is held by the Governance Team.

#### Stage Two:

If the disruptive behaviour continues, the Head of Corporate Governance will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact us in future will be restricted. The Head of Corporate Governance will make this decision and inform the complainant in writing of what procedures have been put in place and for what period.

Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time restriction. In most cases, restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases restrictions would be reviewed on a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party, for example Solicitor/Councillor/representative acting on their behalf.
- Banning the complainant from sending emails to individuals and/or all Council officers and insisting they only correspond through one designated email address.
- Banning the complainant from using some/or all of the Council's services, for example libraries or leisure centres.

- Banning the complainant from accessing any Council building except by appointment.
- Requiring contact to take place with one named Council officer only.
- Requiring any personal contact to take place in the presence of an appropriate witness.
- Placing limits on the number and duration of contacts with officers per week or per month
- Letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint. (The Head of Corporate Governance will read any future correspondence and determine whether or not it relates to existing issues).

When a decision has been taken to apply restrictions to a complainant, the Head of Corporate Governance will contact the complainant in writing to explain:

- Why the Council has taken the decision,
- What action the Council is taking,
- The duration of that action,
- The review process of this protocol, and
- The right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as a vexatious complainant.

The Head of Corporate Governance will enclose a copy of this Protocol in the letter to the complainant.

Where a complainant continues to behave in a way which is unacceptable, the Head of Corporate Governance, in consultation with the Director of Resources, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of officers and/or other customers, the Council will consider other options, for example, reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of this action.

#### 4. New complaints from complainants who are treated as vexatious.

New complaints from those who have come under this protocol will be treated on their merits. The Head of Corporate Governance will decide whether any restrictions which have been applied before, are still appropriate and necessary in relation to the new complaint. The Council will not ignore genuine service requests or complaints where they are founded.

#### 5. Review

The status of a complainant judged to be vexatious will be reviewed by the Head of Corporate Governance after three months and at the end of every subsequent three months within the period during which the protocol is to apply.

The complainant will be informed of the result of this review if the decision to apply this protocol against them has been changed or extended.

#### 6. Referring vexatious complainants to the Local Government Ombudsman

In some cases, relations between the Council and vexatious complainants can break down completely with little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all stages of the complaints procedure. Where this occurs the Local Government Ombudsman may be prepared to consider a complaint before the Council's procedure has run its course.

#### 7. Record keeping

Comprehensive records will be retained by the appropriate Team Manager of the details of the case and the action that has been taken. The Head of Corporate Governance will retain a record of:

- The name and address of each person who is treated as vexatious.
- When the protocol and any subsequent restriction(s) came into force and is due to end
- What the restrictions are
- When the customer and departments were advised

Details of all cases where the protocol and subsequent restrictions have been applied will be reported to the Resources Scrutiny Panel as part of the annual Compliments, Comments and Complaints reporting procedure.

**A large print version of this document is available on request.**



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