



Coventry City Council

Corporate Complaints Policy & Procedure

April 2013

1. Policy Statement

- 1.1 Coventry City Council is committed to providing excellent customer service and wants to encourage all residents to be involved in the decisions that it makes and in the development of its services. Customer feedback is an important part of this involvement and the Council therefore welcomes compliments, comments and complaints from its residents to help improve Council services
- 1.2 The Council will ensure it delivers a better service by monitoring its performance in dealing with comments, compliments and complaints. It will ensure that it follows a standard procedure to achieve consistency in how it deals with complaints and compliments and that comments are used for improving services.

2. Complaints Procedure

- 2.1 The aims of the Corporate Complaints Procedure are to make sure that:
 - The Complaints Procedure is simple and as straightforward as possible for customers to make complaints about Council services
 - Complaints are dealt with quickly, effectively and in a fair and honest way within the set timescales
 - The complainant feels that their complaint has been properly investigated and responded to, even if the outcome may not uphold their complaint
 - The complainant is kept informed of the progress of their complaint and is told who is dealing with it
 - There are lessons learned from complaints to help drive forward service improvements
 - The policy is fully understood by all staff and officers of the Council
 - All compliments and comments are recorded and forwarded to the relevant section for action as appropriate
 - That the Council meets its duty to promote equality in the way it delivers its services and that there are no discriminatory barriers to accessing and receiving services

3. What is a complaint?

3.1 Complaints are a result of dissatisfaction with the service provided. An initial request for a service is not a complaint and for the purpose of this procedure a complaint has been defined as:

'any expression of dissatisfaction about the standard of service, actions, or lack of action by the Council or its employees, which the customer feels should have been provided'

3.2 The Complaints Procedure is intended to cover issues such as:

- A failure to provide a service at the level or standard expected by the Council
- The unhelpful attitude of a Council employee
- Neglect or delay in answering a query or responding to a request for a service
- A failure to follow the Council's agreed policies, rules or procedures
- A failure to consider all information in coming to a decision
- A failure to inform people of their rights
- Malice, bias or unfair discrimination, and in particular discrimination or harassment on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.

3.3 Customer comments, requests for service, or reports of problems are not considered to be complaints and will not be recorded as such.

4. Who can complain

4.1 Anyone receiving or seeking a service from the Council or anyone acting for those unable or unwilling to complain personally i.e. a 'representative' can make a complaint. A 'representative' is someone acting on behalf of a complainant where that person is unable to make the complaint themselves, or has asked the person to act on their behalf.

4.2 If the Council has cause to believe that a representative is not acting in the best interests of a complainant or they are not a suitable person to represent them, the complaint will not be considered and both the complainant and the representative will be advised accordingly in writing.

4.3 Complainants can contact their local Councillor or Member of Parliament for help or support with their complaint at any stage. If they do not know who their councillor or Member of Parliament is they should telephone 024 7683 1039 or visit the Council's website at www.coventry.gov.uk/electedrepresentatives

5. Making a complaint

- 5.1 A complaint can be made to any employee either by telephone, social media, e-mail or writing. The Council is committed to ensuring that all people are given full and equal access to the Complaints Procedure.
- 5.2 The Council has set up a dedicated telephone line to help customers register their comment, compliment, or complaint by telephoning Coventry Direct on 0800 269 851
- 5.3 In addition the Council will ensure that the Complaints Procedure is accessible by:
 - providing a clear and simple complaints form in all Council receptions and contact centres
 - receiving complaints in writing or by e-mail speakup@coventry.gov.uk or website www.coventry.gov.uk/speakup
 - receiving complaints by the Council's social media channels listed at <http://www.coventry.gov.uk/socialmedia>
 - making sure, where necessary, translation and interpretation services are made available within reasonable timescales
 - providing text phones at the Contact Centre and main enquiry numbers, and
 - arranging sign language interpretation when appropriate
 - making sure that complaint forms are available in other formats on request
 - accepting and responding to correspondence in appropriate formats (e.g. large print, audiotape, computer disc and in Braille)
- 5.4 Complainants may be requested to provide equality monitoring information to help the Council make sure that all groups of people access and use the Complaints Procedure and are treated fairly.

6. Withdrawing a complaint

- 6.1 A complaint can be withdrawn verbally or in writing at any time by the complainant or the representative. The withdrawal of a complaint will be acknowledged in writing.
- 6.2 If at any time a complainant decides not to pursue a complaint further the relevant service must decide if the matter has been satisfactorily concluded. Any outstanding issues to be investigated or addressed will be followed up in accordance with internal management review procedures and not the complaints process.

7. Contracted out services

- 7.1 Where the service complained about is provided by a contractor, the contractor will be required to investigate and respond in the first instance. Customers who remain dissatisfied after their complaint has been investigated by the contractor will be able to request a review of the complaint by the Council department that manages the contract.

8. Compliments and Comments

- 8.1 It is recognised that customers may express disappointment, disagreement or observations about services without necessarily wanting to complain. Feedback of this nature will be recorded as a comment on the central system and forwarded to the relevant service area for consideration and action. Customers will not receive an acknowledgement of this unless they specifically ask for one. Comments can be made by telephone, social media, e-mail or in writing.
- 8.2 Customers may also provide compliments or expressions of gratitude to particular officers or services. These will be recorded and forwarded to the relevant service area for feedback. Compliments can be made by telephone, social media, e-mail or in writing.

9. Issues that fall outside of this policy

- 9.1 Certain types of complaint are not intended to be dealt with by the corporate complaints policy and are more appropriately dealt with through other channels. These include:
- Complaints relating to recruitment and selection to a vacancy with Coventry City Council. These are dealt with separately by completing a Recruitment and Selection questionnaire which can be found on the following hyperlink: [Recruitment and Selection Complaints](#)
 - Complaints by Council employees – unless they are made as service users. Matters relating to their employment, for example pay, pensions, disciplinary or grievance matters, are more appropriate to be dealt with under the Council's Human Resources policies and procedures
 - Complaints about schools – These are dealt with by the school itself and each governing body should have its own complaints procedure. In the first instance complaints about a school should usually be addressed to the head teacher. If the complainant is unhappy with the response, they can then make a formal complaint in writing to the chair of the governing body.
 - Complaints about the social care aspects of the Community Services' and Children, Learning and Young People Directorates. These are covered by statutory procedures for which there is specific procedural guidance
 - Planning appeals, school admission or exclusion appeals or penalty charge notice challenges. However, complaints about how these processes were carried out can be considered.
 - Matters that are the subject of ongoing legal action, which also includes complainants who themselves are subject to an investigation for any breaches of legislation enforced by the Council or subsequent legal proceedings taken by the Council.
 - Hate crime incidents that are not related to Council services or the conduct of Council employees. A hate crime incident is any incident which is perceived by the victim or any other person to be motivated by prejudice against someone's sex, racial heritage, religion, disability or sexual orientation. A full up-to-date listing of reporting centres can be obtained from the Hate Crime Reduction Officer on 024 7683 2118

- Complaints about Councillors – if a complainant believes that a Councillor has broken the Council's Code of Conduct they can make a complaint to the Council's Monitoring Officer in the first instance. Full details can be found on the following web link: [Complaints about Councillors](#)
- Complaints about issues covered by the Data Protection Act 1998 or the Freedom of Information Act 2000
- Complaints relating to issues/actions that occurred more than 12 months before the date of the complaint, unless it is considered that there is good reason to accept the complaint.
- Complaints about approved Council policies – these will be forwarded to the relevant lead officer for a response and explanation. Issues raised will be logged and reported to relevant cabinet members. The Corporate Policy, Partnership and Performance Team are available to advise on any policy related queries.
- Unreasonably persistent or vexatious complaints –see section 17
- Complaints about matters which have been referred to the Local Government Ombudsman and on which the Ombudsman has already made a decision.

10. Framework for managing complaints

10.1 Employees should be able to deal with the majority of issues that customers raise quickly and informally and will be encouraged to do so. However, if the customer insists their issue is recorded as a formal complaint, it will be logged and treated as such. Those issues that cannot be dealt with straight away may need to be dealt with through the complaints procedure. Customers will be advised as to how their issue is being dealt with e.g. either informally or within the formal complaints procedure.

10.2 It is important that customers are aware that this procedure applies to formal complaints only. For example, it does not apply to 'service requests' or 'reporting a problem' e.g. request for fly-tipping removal, nor does it apply to a planning application objection or a complaint about Council policy or policies etc, although these may become complaints if, for example, a service request or reporting of a problem is not properly and promptly dealt with.

10.3 There are two stages to the formal Complaints Procedure as defined below:

- **Stage 1 – Service Investigation**
- **Stage 2 – Service Investigation Review**

11. Stage 1 – Service Investigation

11.1 If it has not been possible to resolve the complaint informally, Coventry Direct will raise it as a Stage 1 complaint and forward it to the relevant service area for investigation and feedback to the complainant.

- 11.2 The Council will take all reasonable steps to resolve the complaint at Stage 1, and will respond within 10 working days. Where this is not possible, the complainant will be sent an update with an estimate of the likely timescale for a response.
- 11.3 Complainants will be notified in writing of the outcome of the Council's consideration of the complaint whether the complaint has been upheld or not, the reasons and the complainant's right to a service investigation review (Stage 2).

12. Stage 2 - Service Investigation Review

- 12.1 If the complainant is not satisfied with the outcome of the investigation at Stage 1, and they consider that one or more of the following apply:

- relevant information was not taken into account in investigating the complaint;
- procedures have not been properly applied in handling the complaint;
- there has been an incorrect interpretation of Council policy,

they can ask for the complaint to be reviewed at Stage 2. The Stage 2 review will either be conducted by a senior manager of the service or, a senior officer or manager outside the line management of the service depending on the circumstances. The complainant will be expected to explain, in writing or verbally, the grounds for seeking a Stage 2 review.

- 12.2 The Council will normally respond to the complainant within 20 working days from receipt of the request for a Stage 2 review. Where this is not possible, they will be sent an update with an estimate of the likely timescale for a response.
- 12.3 Complainants will be notified in writing of the outcome of the Council's review of the service investigation, whether the complaint has been upheld or not, the reasons why, and the complainant's right to take their complaint to the Local Government Ombudsman, who might decide to carry out an independent investigation of the complaint.
- 12.4 Ordinarily complainants will have 20 working days from the date of the Council's response to make a request for their complaint to progress to the next stage of the complaints procedure. The complainant will be advised if different statutory timescales apply.

13. Local Government Ombudsman

- 13.1 If a complainant is unhappy about the way that the Council has dealt with their complaint they can contact the Local Government Ombudsman, who is independent and can investigate complaints about most Council matters. The Ombudsman would normally expect a complaint to be made within 12 months of when the complainant first knew of the problem that they are complaining about. Contact details are as follows:

- Call **0300 061 0614**
or go to <http://www.lgo.org.uk/making-a-complaint/>

- **Local Government Ombudsman**
PO Box 4771
Coventry
CV4 0EH

- 13.2 The Local Government Ombudsman normally requires all complainants to go through **all stages** of their Council's own Complaints Procedure before considering the complaint. However, in certain circumstances the Ombudsman has the discretion to waive this requirement. This might be because delay could cause harm to the complainant. The complainant should be advised of the normal requirement to complete the Council's Complaints Procedure but also that they can contact the LGO Advice Team for further advice.
- 13.3 Full details of how the Local Government Ombudsman deals with complaints can be found on the Ombudsman website www.lgo.org.uk

14. Complaints service standards

- 14.1 Service standards have been developed to ensure complainants receive the same standard of service regardless of the service area about which they make a complaint. The standards are:
- Acknowledge receipt of the complaint within three working days - the acknowledgement will inform the complainant who is dealing with their complaint and who they should contact if they want more information.
 - Send a full reply within 10 working days - if the complaint is complex or translation/interpretation is required or, for other reasons, a full reply cannot be sent within the 10 working days, an interim reply will be sent reporting on progress and providing the date for a final reply.
 - The deadline for response at Stage 2 of the Complaints Procedure is 20 working days.
 - In the case of many social care complaints timescales for responses are different and are set down in statutory procedures for which there is specific procedural guidance. These mostly relate to the services provided by the Community Services and Children, Learning and Young People Directorates.

15. Recording and monitoring complaints

- 15.1 It is important that complaint monitoring is effective. Consequently, a comprehensive monitoring system has been established to ensure that complaints information is recorded consistently across the different Council Directorates and services.
- 15.2 In addition complaints monitoring and reporting are incorporated within the performance management framework so that managers and councillors can learn from complaints and services can be improved. Key information relating to complaints, including the numbers received, performance against the acknowledgement and response standards and service improvements made as a result of complaints will be reported at Directorate and Corporate level.

16. Evaluating our response to complaints

- 16.1 A sample of complainants will be contacted after a complaint has been dealt with to complete a customer satisfaction form. The aim of this form is to provide information to help the Council determine whether the complaint system was accessible and easy to use and levels of satisfaction with the way the complaint was handled and with the remedy offered
- 16.2 Customer satisfaction forms will be sent to closed complaints from service areas but not Local Government Ombudsman complaints. This will also include equality monitoring information to help the Council make sure that all groups of people access and use the Complaints Procedure and are treated fairly.

17. Remedy and compensation

- 17.1 A complaint will normally have three outcomes - **upheld, partially upheld and not upheld.**
- 17.2 A complaint is upheld when the Council confirms it was at fault in its actions or lack of actions and that the responsibility for this lies predominantly with the Council.
- 17.3 A complaint is partially upheld when the Council was partially at fault in its actions, but the actions of the complainant or a third party also contributed significantly to the situation that resulted in the complaint
- 17.4 A complaint is not upheld when the Council decides it was not at fault in its actions and acted in accordance with policy and procedures, and in good faith
- 17.5 Where a complaint investigation identifies that things have gone wrong, an appropriate remedy will be determined. The general principle in determining a remedy is that, as far as possible, the complainant should be put in the position he or she would have been in had things not gone wrong.
- 17.6 The appropriate remedy will depend on the individual case. Often, an apology may be the only necessary action. In other cases, more will be required but an apology will be given to the complainant, especially when the complaint is upheld or partially upheld.
- 17.7 Other appropriate remedies include:
- an explanation of what went wrong and why
 - the provision, within a stated timescale of any service that was not provided, or was provided but not to an acceptable standard, that resulted in the original complaint
 - clear action and steps to put things right

17.8 In rare circumstances where it is decided, following investigation of a complaint, that a complainant has suffered an injustice and/or hardship resulting in direct or indirect financial loss due to the Council's actions, the investigating officer will determine whether compensation is an appropriate remedy. This will be done by looking at all the evidence, including how much the complainant can demonstrate what they have lost or what extra costs they have incurred as a result of the Council's actions. The Council will follow the Local Government Ombudsman's guidance on good practice when determining the level of any financial compensation.

18. Unreasonably persistent or vexatious complaints

18.1 The Council acknowledges that certain complaints can be difficult to resolve and can cause anxiety and distress to complainants, employees and councillors. Whilst the Council's aim is to try to find a way to resolve matters, from time to time complainants are encountered who become unreasonably persistent or vexatious in their quest to obtain the outcome they want.

18.2 The Council wants to ensure that, in using the Complaints Procedure, complainants who are unreasonably persistent or vexatious are dealt with fairly, honestly and properly, that the resources of the Council are used as effectively as possible and that other service users or employees of the Council do not suffer any detriment as a result of their behaviour. All reasonable measures will be taken to try to resolve complaints through the Complaints Procedure.

18.3 It is not possible to provide an exhaustive list to define unreasonably persistent or vexatious complaints. However, the Council would consider this to be the case if complainants or anyone acting on their behalf:

- make repeated demands for action or information that would impact substantially and unreasonably on the Council
- persistently pursue a complaint when the Corporate Complaints Procedure has been fully implemented and exhausted
- continually change the substance of a complaint, or raise additional issues or seek to prolong contact by continually raising further concerns or questions
- are unwilling to accept documented evidence as being factual in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed
- do not clearly identify the precise issues which they wish to be investigated, despite reasonable efforts to help them specify their concerns
- continually focus on a trivial matter to an extent that is out of proportion to its significance.
- have threatened or used actual physical violence towards employees at any time
- have, in the course of their contacts with the City Council, used foul and abusive language or have verbally assaulted or harassed Councillors or employees causing them to feel humiliated, intimidated or distressed.

- repeatedly contact the Council, Councillors or employees with letters of complaint or telephone calls placing unreasonable demands on staff
- are known to have recorded meetings or face to face/telephone conversations without prior knowledge and consent of other parties involved
- display unreasonable demands or expectations and fail to accept that these may be unreasonable

19. How the Council will manage unreasonably persistent or vexatious complaints

19.1 Where circumstances permit, the Council will give the complainant a warning that, if their behaviour or actions continue, the Council may need to take action or apply restrictions. In all cases where it is decided that someone is unreasonably persistent or vexatious the action the Council takes will be appropriate and proportionate, and may include one or more of the following options:

- requesting contact in a particular form (for example, letters or e-mails only)
- requiring contact to take place with a named officer
- restricting telephone calls to specified days and times of the week
- placing time limits on telephone conversations and personal contact
- banning a complainant from attending some or all of the Council's premises
- asking a complainant to enter into a written agreement about his/her future contacts with the Council
- referral of the case to Community Safety and Legal Services under the serious incident protocol (work related violence)
- block a person's access from some or all the Council's social media channels

19.2 When making decisions about appropriate action, the interests of the complainant will be balanced against the effects which his/her behaviour or actions are having on employees, other service users and the efficient use of resources. Use of abusive or foul language, threats, intimidation or harassment of employees by complainants is deemed to be unacceptable behaviour.

19.3 If a decision is taken to apply the policy the relevant Service Manager will write to tell the complainant why his or her behaviour is considered to be unreasonably persistent or vexatious, what action we are taking, and the duration of that action. The Council will also tell the complainant how they can request a review of the decision.

19.4 Reviews of decisions to take action or to restrict contact will be taken by the relevant Assistant Director of the Service. Where a complainant persists in communicating with the Council about either a complaint that has been completed at all stages of the Complaints Procedure, or a complaint which he or she has decided not to pursue at the next stage, the Council may decide to terminate contact with that complainant. In such cases the complainant will be informed in writing that, if he or she persists in communicating with the Council about the complaint, the Council will not respond further. The Council will read all correspondence from that complainant, but unless there is fresh evidence that affects a decision on the complaint, the Council will file the correspondence but not reply.

- 19.5 The complainant will be reminded of his/her right to approach the Local Government Ombudsman. If the complainant continues to contact the Council by telephone or in person about the original complaint it may be decided to limit communication by one of the methods described above. The City Council has implemented specific policies and protocols to address verbal and physical assaults by complainants on councillors and employees. The Prevention of Work Related Violence Policy gives guidance and definition around assaults and appropriate response following incidents. This policy is further supported by the 'Protocol for serious incidents of violence and aggression'.
- 19.7 Staff will be required to report all verbal and physical assaults to the Council's Health and Safety Team via the 'SHE Air' reporting system. Incidents will be investigated and appropriate action taken, including reporting to the police where appropriate.