

# Public Document Pack



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| <b>JOINT OVERVIEW AND SCRUTINY COMMITTEE</b> |  |
| <b>DATE:</b>                                 | <b>THURSDAY, 18 JULY 2019<br/>9.30 AM</b>                      |
| <b>VENUE:</b>                                | <b>BRITTEN ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH</b> |

For consideration at the meeting on Thursday, 18 JULY 2019, the following additional or updated papers that were unavailable when the Agenda was printed.

## TABLED PAPERS

Page(s)

- 7      **JOS/19/3 AMENDMENTS TO THE JOINT COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY: UPDATE ON PROGRESS SINCE LAST MEETING.**      1 - 28

Existing Complaints Policy.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer Robert Carmichael, on: or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

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**BABERGH DISTRICT COUNCIL**  
 Corks Lane, Hadleigh, Ipswich, Suffolk IP7 6SJ  
 Tel: 01473 826622

**MID SUFFOLK DISTRICT COUNCIL**  
 Council Offices, 131 High Street, Needham Market, Suffolk IP6 8DL  
 Tel: 01449 724500

## DEALING WITH COMPLIMENTS, COMMENTS AND COMPLAINTS

Including  
**Persistent Complainant Behaviour**  
**Redress**

### Schedule of Authorisation

**A guide for staff and other providers of the councils' services**

If you need help to understand this information in another language or format including large print, please call the number below

|   |                   |
|---|-------------------|
| اطلاعات را به زبان دیگری دریافت کنید لطفاً به شماره زیر تلفن کنید.<br>اگر شما نیاز دارید که این                   | <b>Farsi</b>      |
| Jeĩ jums reikia pagalbos, kad suprastumėte šią informaciją, kita kalba, prašome paskambinti                       | <b>Lithuanian</b> |
| Jeżeli potrzebujesz pomocy w zrozumieniu tych informacji w swoim języku zadzwoń na podany poniżej numer.          | <b>Polish</b>     |
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**01473 826622**

BDC / MSDC Corporate Policy on Complaints

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## PURPOSE OF THIS DOCUMENT

The purpose of this document is to inform staff of the mechanisms in place for capturing customer feedback, in particular through the corporate complaints system. All sub-contractors and providers of services to the councils will also be expecting to adopt this methodology.

## WHY HAVE A CORPORATE SYSTEM FOR COMPLIMENTS, COMMENTS AND COMPLAINTS?

The main benefits of a council-wide system are:

- *It is better for the public* – everyone knows the way to register a compliment, comment or complaint and how that will be handled;
- *It is better for staff* – we can be confident about how a compliment, comment or complaint should be handled;
- *It is better for Councillors* – they can see on a regular basis if there are any issues and how they are being resolved;
- *It is fairer* – everyone is treated equally;
- *It helps us improve services* – because the issues have gone through the same system, they can be analysed and we can see how to make the services better.

## A SUMMARY OF THE PRINCIPLES FOR DEALING WITH COMPLIMENTS, COMMENTS AND COMPLAINTS

1. We will make our organisations accessible to receiving compliments, comments and complaints and will act on them appropriately.
2. When we receive a matter concerning our services we will deal quickly, effectively and appropriately with it.
3. At all stages, service users will be safeguarded and protected and we will take into account the wishes and feelings of the service user.
4. We will resolve issues at an early stage, through discussion and taking appropriate steps to implement any necessary changes to the way in which we deliver services in the future.
5. We will respond to compliments, comments and complaints by taking appropriate action and letting the customer know what we have done and the reasons why. If appropriate we will discuss the issue raised with the customer before deciding on the outcome.

BDC / MSDC Corporate Policy on Complaints

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## DEALING WITH COMPLAINTS

It is the councils' intention to operate a complaints procedure, which provides a satisfactory resolution of complaints from members of the public as soon as practicable.

### 1. DEFINITION OF A COMPLAINT

1.1 For the purposes of this procedure, a complaint is defined as:

**“Any expression of dissatisfaction or concern about the way in which a service is provided, the standard of that service or lack of action on the part of the councils or their employees”**

1.2 It should be noted that the complaints procedure is **not** intended to cover:

- Requests for a service;
- Requests for information or an explanation of council policy or practice;
- Complaints about formal decisions taken by committees or those delegated to staff;
- Complaints about the standard of service provided by or on behalf of the councils - a complaint can be made if we fail to meet the standard we set;
- Matters for which there is an existing right of appeal (either within the council itself or to an independent tribunal) or legal remedy;
- Matters where there is already active or pending litigation;
- Complaints about Councillors or co-opted Members of the council; these will be referred to the Monitoring Officer, who has a duty under the Local Government Act 2000 to deal with such matters;
- Complaints made more than 12 months after the event unless there are exceptional circumstances as to why the complaint could not have been brought within this time
- Complaints by staff about services provided by other staff.

1.3 Anonymous complaints will not be accepted for investigation.

The Complaints Procedure is also intended to uphold both councils' legal responsibilities in relation to the Equality Act 2010. This requires both councils to make a conscious effort to ensure that we treat everyone who wishes to complain with the highest standards of fairness and equality. Adhering to these standards will ensure any decisions made by either council are legally sound and best meets the needs of our diverse communities. Every effort should be made to assist anyone who has special requirements.

Copies of the Complaints leaflet are available in all reception areas and we will ensure all reception and telephone staff are aware of the leaflet and the procedure for processing a complaint.

A copy of the Procedure and an e-mail link are available on both the BDC and MSDC Websites ([www.babergh.gov.uk](http://www.babergh.gov.uk) or [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)).

If an officer decides that an issue is not a formal complaint, they must ensure that the enquiry is channelled through the appropriate office procedure to deal with the enquiry and inform the customer accordingly. Guidance on this is given at Appendix 3.

## 2. INFORMAL COMPLAINTS

- 2.1 All staff are responsible under these procedures, and in the first instance they should endeavour to resolve issues or requests for action before an individual feels the need to submit a formal complaint.

If the matter cannot be resolved the customer should be advised to make a formal complaint in writing where possible – either on a Complaints Form which is available through the websites ([www.babergh.gov.uk](http://www.babergh.gov.uk) or [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)), or which can be supplied to them by the officer or by contacting the Corporate Complaints Co-ordinator, or by letter or e-mail at [complaints@babbergh.gov.uk](mailto:complaints@babbergh.gov.uk). However staff will need to be alert to situations where the customer may not be able to put his/her complaint into writing and should offer assistance so as not to allow obstacles to prevent them putting in a complaint.

## 3. FORMAL COMPLAINTS

### 3.1 STAGE 1

- 3.1.1 Although the vast majority of Stage 1 complaints will be co-ordinated by the Complaints Co-ordinator, some will be handled successfully straight from first contact by the service. In these cases the Corporate Manager is only required to complete a summary of the information and notify the Complaints Co-ordinator.

Formal complaints, on a complaint form, in an e-mail or letter will go to the Complaints Co-ordinator (unless the complaint is about the Co-ordinator in which case it will be passed to the Corporate Manager - Customer Services). The Complaints Co-ordinator will date stamp the complaint when received, and aim to log all the relevant information on the complaints database (see section 6) within 3 working days and acknowledge receipt to the complainant giving details of who will be dealing with the matter and the timescale for reply.

The complaint will then be passed to the relevant Corporate Manager (unless the complaint is about a Corporate Manager, in which case the complaint will be referred to the relevant Head of Service or the Strategic Director as appropriate).

- 3.1.2 **Complaints about the performance of the Chief Executive will be referred to the Leader of the Council (MSDC) or to the Chairman of Strategy Committee (BDC).**
- 3.1.3 The Corporate Manager is expected to investigate the complaint and respond to the complainant within 10 working days of the receipt of the complaint. The response should always include a re-iteration of the original complaint (as it is understood by the officer), details of the investigation and outcomes with explanations, and if appropriate, an offer of a remedy. It should also contain an apology if this is appropriate (an apology is not always an admission of error, it can be an acknowledgement of the customer's dissatisfaction).
- 3.1.4 If for any reason the investigation cannot be completed within 10 working days, notification should be given to the complainant of the delay and when they can expect to receive a response. The Corporate Complaints Co-ordinator should also be notified.
- 3.1.5 The Corporate Manager must ensure they state that the complainant has recourse to Stage 2 of the complaints procedure if they are not satisfied by the Stage 1 response.
- 3.1.6 Once correspondence has been completed, a copy of the investigation report (see Appendix 1 and any correspondence should be returned/ forwarded to the Complaints Co-ordinator.

### 3.2 STAGE 2

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- 3.2.1 If, after completion of Stage 1, the complainant indicates that he/she is not satisfied with the response, the Complaints Co-ordinator will refer the matter to the Corporate Complaints Officer for an impartial unbiased investigation.

The Complaints Co-ordinator will send to the complainant details of who is dealing with the complaint. The Corporate Complaints Officer is expected to complete an investigation and respond to the complainant within 20 working days of receipt of Stage 2 complaints with a full and clear explanation of the results of their investigation.

- 3.2.2 If for any reason the investigation cannot be completed within 20 working days, notification should be given to the complainant of the delay and when they can expect to receive a response. The Complaints Co-ordinator should also be notified.
- 3.2.3 At the end of stage 2 the complainant will be given information concerning the further steps they can take if they still remain dissatisfied, such as referring them to the Local Government Ombudsman or to seek independent legal advice.
- 3.2.4 Complaints referred from the Ombudsman to the council to deal with under its Complaints Procedure will be dealt with by the Corporate Manager – Customer Services.
- 3.2.5 Inquiries or investigations by the Local Government Ombudsman outside and beyond this procedure will also be dealt with by the Corporate Manager – Customer Services.
- 3.2.6 This Policy does not cover Complaints against the performance or conduct of individual elected or co-opted Members of the Council; these will be referred immediately to the Monitoring Officer, who has a duty under the Local Government Act 2000 to deal with such matters.

#### **4. COMPLAINTS RECEIVED IN CONNECTION WITH CUSTOMER SERVICE DIRECT (CSD)**

Some Mid Suffolk District Council front line services are provided by Customer Service Direct (CSD). The following procedures apply to complaints arising from these services. These procedures are consistent with those detailed for complaints regarding services provided directly by MSDC **except** the ability of the council to award compensation for and on behalf of CSD. The following procedure will operate from Stage 1.

##### **4.1 Complaint received about CSD service (e.g. telephone response time, conduct of member of staff)**

- i) Complaints will initially be passed to the Complaints Co-ordinator who will log all the relevant information and forward the complaint to [Customercare@csduk.com](mailto:Customercare@csduk.com)
- ii) SD will respond directly to the complainant, and will provide a copy of the response to the Complaints Co-ordinator
- iii) Stage 2 complaints will be dealt with by the Corporate Complaints Officer

##### **4.2 Complaint received about MSDC service undertaken by CSD services**

- i) MSDC will be responsible for ensuring that a response is made to the complainant. The complaint will initially be passed to the Complaints Co-ordinator who will log all the relevant information and undertake the normal procedures for complaints as in 3.1.1 and forward the complaint to [customer care@csduk.com](mailto:customer care@csduk.com).
- ii) SD will undertake whatever internal investigation is detailed in their process and respond to the relevant Corporate Manager in time for the complainant to receive a response within 10

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working days. If there is no appropriate Corporate Manager the reply will be sent direct on MSDC letterhead.

- iii) Stage 2 will be dealt with by the Corporate Complaints Officer.

#### 4.3 **Complaints between CSD and MSDC**

These will be dealt with by means of the Formal Issues Resolution Process available on INFOWEB (CSD).

#### 5. **COMPLAINTS RECEIVED IN CONNECTION WITH THE SHARED REVENUES PARTNERSHIP (SRP)**

- i) Complaints received by BDC/MSDC will be passed to the Complaints Co-ordinator who will log all the relevant information and forward the complaint to SRP.
- ii) Complaints received by SRP either directly or from partners, should be dealt with within the agreed corporate time frame; 3 days to acknowledge complaint, 10 days to respond.
- iii) SRP will respond directly to the complainant, and will provide a copy of the response, and any other relevant paperwork, to the Corporate Complaints Co-ordinator once the complaint has been answered so that relevant details can be recorded.
- iv) Stage 2 complaints will be dealt with by the councils' Corporate Complaints Officer.

#### 6. **COMPLAINTS CO-ORDINATION AND RECORDING**

6.1 The Complaints Co-ordinator will maintain an electronic register of complaints received and will ensure that complaints are entered into this register.

6.2 Each entry will include at least the following details:

- Date complaint received
- What stage of complaint it is – Informal, Stage 1, Stage 2
- Complainant's contact details
- Date complaint acknowledged
- Reference number – issued by Complaints Co-ordinator
- Brief details/summary of complaint
- Date response required by
- Date response sent
- Name of Corporate Manager dealing with complaint
- Action taken
- Resolved – Yes/No
- Learning and Action points
- Equality Monitoring Information

6.3 The register, together with supporting documentation, will be held by the Complaints Co-ordinator and will be kept available for inspection for a period of at least six complete years.

#### 7. **REMEDIES FOR COMPLAINTS**

7.1 Under the principles of the Citizen's Charter, when things go wrong, a complainant is entitled to an apology, a proper explanation and a swift and effective remedy. In other words the complainant is entitled to redress.

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The aim of this section is to state what redress is available, in what circumstances it can be given and who is authorised to offer that redress.

7.2 There are three principal types of redress, and it is important to look at the circumstances and decide on the appropriate one. The type of redress offered needs to be tailored to the circumstances and to resolve the matter to the reasonable satisfaction of the complainant.

7.3 The three principal types of redress are:

**Apology** – the most direct form of redress is an apology and an explanation of why something went wrong. Where a complaint is found valid, it is likely that an apology would be merited. It should be the basis of every remedy. Nevertheless a clumsily phrased apology, however genuine, may cause further upset. In receiving an apology, a complainant should be able to recognise from the wording that the validity of their dissatisfaction or concern has been accepted.

**Putting Things Right** – the complainant is told of the investigation that has occurred; actions that are being taken to put things right; and what will happen to prevent another occurrence.

**Compensation** – it may not always be possible to put a particular matter right, it may be too late or be physically impossible, as financial loss or distress may have already been incurred. In these circumstances compensation may be appropriate. Compensation can take the form of a financial payment or it can be in the form of goods or services, or a gesture of goodwill.

## 8. POINTS TO BE CONSIDERED REGARDING THE ISSUE OF COMPENSATION

8.1 Complaints which started out as a genuine search for an explanation, corrective action and re-assurance that a lesson had been learnt, can “harden” into a fight for financial redress because of the way in which the complaint itself is handled.

8.2 Some of the complaints, which are pursued all the way to the Local Government Ombudsman, and ultimately result in the council being required to offer financial redress, might never have reached that stage if the council had responded more appropriately to the complaint at the outset.

## 9. GUIDELINES FOR OFFERING COMPENSATION

9.1 If it is decided that compensation is to be offered, then the following basic guidelines should be applied:

- Where specific financial losses have been incurred then a straightforward reimbursement of the loss is likely to be appropriate (together with consideration of whether interest should be paid).
- If exceptional worry, distress or inconvenience has been caused to the complainant, then payment in recognition of these factors may be considered.
- When the complainant has had to spend an unreasonable or significant amount of time pursuing his/her complaint, then a payment based on costs of travel, telephones and time may be appropriate (i.e. time and trouble payment).
- When devaluation of property is alleged, then an independent valuation should be sought with a view to compensating the complainant for any difference in value arising from the action complained of. Please note that the level of compensation in this type of case will probably require reference to Executive Committee (see following paragraph).

9.2 Redress must be financed from the budget of the service in which the fault occurred.

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## **10. SCHEDULE OF AUTHORISATION FOR OFFERING FINANCIAL COMPENSATION**

- 10.1 Assistant Directors are authorised to offer redress up to a maximum value of £500 (insofar as the redress is directly related to complaints about the provision of services is their responsibility).
- 10.2 Directors may offer redress up to a maximum value of £1,000.
- 10.3 Senior Leadership Team May offer redress up to a value of £1,500.
- 10.4 Any figure exceeding £1,500 must be referred, in the form of a recommendation, to the Joint Audit and Standards Committee.

## **11. COMMENTS AND COMPLIMENTS**

- 11.1 Any comments and compliments received should be recorded by the Complaints Co-ordinator. All relevant information, letters /e-mails etc. should be forwarded to the Complaints Co-ordinator for storage and the Corporate Manager - Communications for corporate use.

## **12. UNREASONABLE AND PERSISTENT COMPLAINTS**

- 12.1 If, in the opinion of a Strategic Director or the Chief Executive, a complainant only repeats matters which have already been addressed fully under this Complaints Procedure, correspondence with the complainant on the specific complaint may be terminated. A copy of the "Policy and Guidance on Unreasonable and Persistent Complainant Behaviour" is contained at Appendix 2.

## **13. MONITORING AND REPORTING COMMENTS, COMPLIMENTS AND COMPLAINTS**

- 13.1 The Comments, Compliments and Complaints register, with any additional information, will be reviewed on a quarterly basis by the Corporate Manager – Customer Services, Corporate Complaints Officer, Corporate Complaints Co-ordinator and the 3 Corporate Managers – Business Improvement to ensure that individual service areas are managing the process and that any learning is identified and acted upon.
- 13.2 The Corporate Manager – Customer Services will report to the Head of Service Team (HOST) quarterly on complaints received by the councils. The report will be considered by HOST to identify trends and address ways to resolve shortfall in performance and address customer satisfaction.
- 13.3 As part of this process, new Key Performance Indicators have been introduced which will be monitored, these are:
- Stage 1 – 90% of Complaints responded to within 10 working days
  - Stage 2 – 90% of Complaints responded to within 20 working days
- 13.4 A copy of the HOST Board report will be shared with the Management Board and with Members.

## **14. MEMBERS**

- 14.1 Members are an integral part of the operation of the councils, and so should be fully aware and updated on the progress of relevant complaints. But it is imperative that complaint handling is conducted in accordance with the Data Protection Act, which means that specific/personal data cannot be shared.
- 14.2 Because of the Data Protection Act, unless a complainant has copied their ward member in on a complaint, staff will not be able to share the details. In order to ensure that members are aware and engaged with the Comments, Compliments and Complaints process Members will receive a copy of

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the HOST quarterly report as part of the monitoring process. This will include information as mentioned in section 14.

- 14.3 If Members receive complaints from their constituents, they should forward these to the Corporate Manager – Customer Services, so that they can be processed in line with the policy and will then be managed and monitored effectively.

## 15. EQUALITY MONITORING

- 15.1 The Customer Feedback form asks complainants to provide information on their ethnicity, gender, age, disability etc. Whilst this information enables us to monitor our performance and meets a number of statutory requirements, as set out in our Equality Scheme, complainants are under no obligation to provide this information. Staff should make this clear to any complainant who may be concerned about completing this section of the form.
- 15.2 The Complaints Procedure is intended to uphold both councils' legal responsibilities in relation to the Equality Act 2010. This requires both councils to make a conscious effort to ensure that we treat everyone who wishes to complain with the highest standards of fairness and Equality. Adhering to these standards will ensure any decisions made by either council are legally sound and best meets the needs of our diverse communities. Every effort should be made to assist anyone who has special requirements.

**Appendix 1**  
**COMPLAINTS INVESTIGATION REPORT – STAGE 1**

|  |                         |                   |
|--|-------------------------|-------------------|
| CORPORATE MANAGER:   | DATE:                   | REFERENCE NUMBER: |
| TYPE OF COMPLAINT: STAGE 1   |                         |                   |
| COMPLAINANTS NAME:   | CONTACT DETAILS:        |                   |
|  | POSTCODE:               | PHONE NUMBER:     |
| SUMMARY OF COMPLAINT:  |                         |                   |
| PAPERS RECEIVED / ATTACHED   |                         |                   |
| DATE BY WHICH RESPONSE REQUIRED (10 DAYS FROM RECEIPT)   |                         |                   |
| <b>THE FOLLOWING SECTION TO BE COMPLETED BY CORPORATE MANAGER</b>  |                         |                   |
| DATE INVESTIGATION UNDERTAKEN:   |                         |                   |
| STAFF INVOLVED / INTERVIEWED:  |                         |                   |
| OUTCOME OF INVESTIGATION: <input type="checkbox"/> UPHELD <input type="checkbox"/> PARTIALLY UPHELD <input type="checkbox"/> NOT UPHELD<br>DETAIL: |                         |                   |
| RECOMMENDED ACTION / LEARNING IDENTIFIED   |                         |                   |
| COMPENSATION? YES / NO   | BUDGET CODE TO BE USED: |                   |
| AMOUNT - £   |                         |                   |
| REFERRED FROM OMBUDSMAN:   |                         |                   |
| YES/NO   | DATE:                   |                   |

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**Please complete and return this form together with all correspondence to Corporate Complaints Co-ordinator on 10<sup>th</sup> working day.**

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**COMPLAINT INVESTIGATION REPORT - STAGE 2**

|  |       |                   |
|--|-------|-------------------|
| CORPORATE INVESTIGATIONS OFFICER:                      | DATE: | REFERENCE NUMBER: |
| DATE BY WHICH RESPONSE REQUIRED (20 DAYS FROM RECEIPT) |       |                   |
| SUMMARY OF STAGE 2 COMPLAINT:                          |       |                   |
|  |       |                   |
| PAPERS RECEIVED / ATTACHED                             |       |                   |

**THE FOLLOWING SECTION TO BE COMPLETED BY CORPORATE INVESTIGATIONS OFFICER**

|  |                         |
|--|-------------------------|
| DATE INVESTIGATION UNDERTAKEN:   |                         |
|  |                         |
| STAFF INVOLVED / INTERVIEWED:  |                         |
|  |                         |
| OUTCOME OF INVESTIGATION: <input type="checkbox"/> UPHELD <input type="checkbox"/> PARTIALLY UPHELD <input type="checkbox"/> NOT UPHELD<br>DETAIL: |                         |
|  |                         |
| RECOMMENDED ACTION / LEARNING IDENTIFIED   |                         |
|  |                         |
| COMPENSATION? YES / NO   | BUDGET CODE TO BE USED: |
| AMOUNT - £   |                         |
| REFERRED FROM OMBUDSMAN:   |                         |
| YES/NO   | DATE:                   |

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**Please complete and return this form together with all correspondence to Corporate Complaints Co-ordinator on 20<sup>th</sup> working day.**

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## Appendix 2

### POLICY AND GUIDANCE ON UNREASONABLE AND PERSISTENT COMPLAINANT BEHAVIOUR

#### Generally

Babergh and Mid Suffolk District Councils are committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service we do not normally limit the contact complainants have with us.

#### Definition

Complainants who behave unreasonably and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with the Council's, hinder the Council's consideration of their or other people's complaints or the efficient conduct of Council business.

Complainant behaviour which is unreasonable may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

Examples of actions and behaviours of unreasonable and unreasonably persistent complainants. The following, non-exhaustive list, are examples of the actions and behaviours of unreasonable and unreasonably persistent complainants which may cause the policy to be invoked:

- a) Refusing to specify the grounds of a complaint, despite offers of assistance with this from Council staff.
- b) Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- c) Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- d) Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- e) Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- f) Changing the basis of the complaint as the investigation proceeds and/or denying statements made at an earlier stage.
- g) Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- h) Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.

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- i) Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous Council staff, writing lengthy complex letters every few days and expecting immediate responses.
- j) Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- k) Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- l) Combinations of some or all of the above examples.

### **Unreasonably persistent complainants**

There are a small number of complainants who, because of the frequency of their contact with the Council's offices, hinder consideration of their or other people's complaints or the efficient conduct of Council business. Such complainants are referred to as 'unreasonably persistent complainants' and, exceptionally, action will be taken to limit their contact with the Council.

### **Considerations prior to taking action**

Different considerations will apply depending on whether the investigation of the complaint is ongoing or whether it has been concluded. If the complaint has been concluded and the complainant is simply refusing to accept the answer, the Council has the option of ending all communication with the complainant. Where appropriate the complainant may be referred to the Ombudsman. However, where the complaint is ongoing there needs to be some continuing contact with the complainant.

The decision to designate someone as an unreasonable or unreasonably persistent complainant is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied the Council should be satisfied that:

- a) the complaint is being or has been investigated properly;
- b) any decision reached is the right one;
- c) communications with the complainant have been adequate; and
- d) the complainant is not now providing any significant new information that might affect the Council's view on the complaint.

If the Council is satisfied on these points it should consider whether further action is necessary prior to taking the decision to designate the complainant as unreasonable or unreasonably persistent. Examples of further action include:

- a) If no meeting has taken place between the complainant and an officer/staff, and provided that the Council knows nothing about the complainant which would make this unadvisable, offering the complainant a meeting with an officer of appropriate

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seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.

- b) If more than one directorate is being contacted by an unreasonably persistent complainant:
  - i. agreeing a cross-departmental approach; and
  - ii. designating a key officer to co-ordinate the Council's response(s).
- c) If the complainant has special needs, an advocate might be helpful to both parties and the Council should consider offering to help the complainant find an independent advocate.
- d) Before applying any restrictions giving the complainant a warning that if their actions continue the Council may decide to treat them as an unreasonably persistent complainant, and explaining why.

### **Options for Action**

The precise nature of the action to take in relation to an unreasonable or unreasonably persistent complainant should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the Council at that time.

The following is a list of possible options for managing a complainant's involvement with the Council from which one or more might be chosen and applied, if warranted. It is not an exhaustive list and there may be particular factors which will be relevant in deciding what might be appropriate action.

- a) Placing time limits on telephone conversations and personal contacts.
- b) Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week).
- c) Limiting the complainant to one medium of contact (telephone, letter, email etc) and/or requiring the complainant to communicate only with one named member of staff.
- d) Requiring any personal contacts to take place in the presence of a witness.
- e) Refusing to register and process further complaints about the same matter.
- f) Where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, faxes, or emails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence.

### **Decision to restrict access**

The decision to restrict access will be taken at Strategic Director level or above. In the case of a persistent complainant, they will have already received prior warning about their behaviour

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### **What happens if a decision is taken to restrict access?**

If a decision is taken to apply the policy, staff should write to inform the complainant that:

- a) the decision has been taken;
- b) what it means for their contacts with the council;
- c) advice about which staff/members of the authority are to be informed that contact with a named complainant is being restricted and why, and who will have access to that information;
- d) how long any restrictions will last; and
- e) what the complainant can do to appeal against the decision. Enclose with the letter a copy of the policy.

### **Who needs to be notified of decisions taken under the policy?**

Every time a person is designated, pursuant to the policy, their details should be entered on to the Corporate Persistent Complainers list, on the Revenues\$ (\\babbergh-nas01) (R:) drive and managed by the Corporate Complaints Co-ordinator. This should ensure that people who have been designated under the policy are not able to continue pursuing their complaint via other staff. All Management Board, Heads of Service and Corporate Managers will be notified.

For the same reason, ordinarily (i.e. unless there are any overriding confidentiality considerations) the relevant local ward councillor should also be notified of a designation affecting one of his or her constituents.

### **Keeping adequate records of all contacts with complainants**

Adequate records of all contacts with unreasonable and unreasonably persistent complainants must be maintained, for example:

- a) when a decision is taken not to apply the policy when a member of staff asks for this to be done, or to make an exception to the policy once it has been applied; or
- b) when a decision is taken not to put a further complaint from such a complainant through the complaints procedure for any reason; or
- c) when a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the complainant are checked to pick up any significant new information.
- d) These details/information should be entered onto the Corporate Persistent Complainers list, contained on the Revenues\$ (\\babbergh-nas01) (R:) drive managed by the Corporate Complaints Co-ordinator.

### **Who can review the decision?**

Where a complainant appeals against a decision to restrict their contacts or the council's responses to them, a review of that decision should be carried out by another member of the councils' Management Board. The council should write to advise the complainant of the

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outcome of the appeal and, if restrictions are to continue to be applied, when they will next be reviewed.

**Terminating contact with a complainant**

Where a complainant continues to behave in a way which is unreasonable, the council may decide to terminate contact with that complainant.

Where a complainant whose case is closed persists in communicating with the council about it, the council may decide to terminate contact with that complainant. In such cases all correspondence from that complainant will be read but, unless there is fresh evidence which affects the decision on the complaint, the council will, on the first occasion, simply acknowledge its receipt and any subsequent communications will be placed on the file without acknowledgement.

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**Keep any restrictions under review**

These arrangements will be reviewed on a quarterly basis by the Corporate Manager – Customer Services and the 3 service Corporate Managers - Business Improvement on whether there has been any further contact from the complainant in the previous 6 months. If a complainant has had no contact with the council within that period, the position should be reviewed and a decision taken on whether any restrictions placed on the complainant's contacts should be cancelled. The outcome of this review should be noted on the councils' records. If the restrictions are cancelled, urgent consideration should be given to re-introducing the restrictions if the behaviour which led to the original decision re-commences.

**What about complaints about new issues?**

When unreasonable and unreasonably persistent complainants make complaints about new issues these should be treated on their merits, and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

**What happens if the complainant then complains to the Ombudsman?**

A complainant who has been designated an unreasonably persistent complainant may make a complaint to the Ombudsman about the way in which he or she has been treated. The Ombudsman is unlikely to be critical of the councils' action if it can show that its policy has been operated properly and fairly.

**Referring unreasonable and unreasonably persistent complainants to the Local Government Ombudsman**

If relations between the council and unreasonable and unreasonably persistent complainants break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome, then there is little purpose in following through all stages of the councils' complaints procedure.

Where this occurs the Ombudsman has indicated that he may be prepared to consider complaints before complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures.

**Extreme unreasonable behaviour**

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the councils' staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the council may not give a complainant prior warning of that action.

**Record Keeping**

In line with the new Joint Complaints Procedure, any information/correspondence in relation to this Policy will be stored centrally by the Corporate Complaints Co-ordinator and reviewed quarterly by the Corporate Manager – Customer Services, The Customer Complaints Co-ordinator and the 3 Corporate Managers – Business Improvement.

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## APPENDIX 3

### EXAMPLES OF COMPLAINTS AND OBSERVATIONS

In some cases, it can be difficult to distinguish complaints from observations and comments. This can cause some issues raised by customers to be unnecessarily progressed through the corporate complaints procedure. This can result in frustration for both the complainant and staff dealing with the issue concerned.

As a general rule a complaint is when the customer believes we have done something wrong or badly; we have not done something we should have done; we have been unfair or treated someone badly, this is sometimes not immediately obvious.

Set out below are some examples of complaints and observations to help staff decide whether it is necessary to progress a complaint through the corporate procedure.

#### EXAMPLES OF COMPLAINTS

- 'I contacted you three weeks ago asking for advice on how I apply for planning permission and you have not replied to me'
- 'When I phoned to report that you had not emptied my black bin you said this would be collected within 24 hours. You failed to do this'
- 'Although you repaired the roof on our leased industrial unit we continue to have problems with water leaks'
- 'The Council Officer I spoke to was rude and didn't fully answer my query'

#### EXAMPLES OF OBSERVATIONS

- 'I am very concerned about the proposals for the site'
- 'I don't like this new refuse collection system. The Council should empty my black bin on a weekly basis'
- 'I only overstayed my time by five minutes in the car park and you issued me with a ticket.

This is unfair'

- 'The bus shelters should be cleaned on a more regular basis'

#### HOW TO DEAL WITH A COMPLAINT – GENERAL POINTS TO CONSIDER

A complaint may be received through a number of means, for example, a telephone call, face-to-face, at a meeting, by letter, by email or by receipt of a completed Customer Feedback form. When dealing with a complaint there are some general points that should be considered:

- always introduce yourself. We may be very busy but we should still take time to listen and respond with our full attention to the customer;
- always listen to the complaint before commenting. Do not immediately start explaining the complaint away; the complainant may assume that you have already made your mind up that the council is not at fault;

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- take full notes of all complaints made in a face-to-face or telephone complaint. Check the details with the complainant so that there is no misunderstanding and inform the customer of exactly what process is going to happen with their complaint;
- support colleagues – ‘own the problem’. Do not pass the complaint onto another person unless you are sure that they can handle it. Being passed around to two or three people only makes the situation worse;
- if the complainant is uncertain which department can help, offer to find out for them. If necessary, take a message and get back to them as soon as possible with the relevant details;
- if a mistake has been made, explain this to the customer and indicate what will be done to put it right;
- treat others as you would wish to be treated if you were making a complaint about a service you’re unhappy with;
- if you are faced with aggressive behaviour from an angry complainant, try to be a calming influence by listening attentively, establishing what the problem is and, if possible, providing positive advice. **If it appears that there may be trouble, seek help;**
- it is not always possible to offer the answers the complainant wishes. Some expectations are unreasonable or impractical. Try to explain why it is not possible to help; and
- complaints should be taken seriously, dealt with promptly, and resolved when possible to the satisfaction of both the complainant and the Council.

#### **Face-to-face**

- Introduce yourself
- Listen
- Be understanding and friendly
- Body language is important
- Use open questions (such as ‘what would you like us to do?’)
- Maintain a calm manner
- Have a positive attitude
- Give your contact details

#### **Telephone**

- Introduce yourself
- Listen. Allow customers to ‘let off steam’ if necessary
- Use positive phrases
- Maintain a calm manner
- Have a positive attitude
- Give your contact details

#### **Written**

- Use clear and simple English in all communications with customers
- Write concisely and clearly
- Explain procedures to customers
- Give your contact details

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## APPENDIX 4 PAYING A COMPLIMENT OR MAKING A COMPLAINT

Please complete all the relevant sections of this form (if you require assistance in completing this form please contact our Complaints Co-ordinator on 01473 826622) An On-line version is available at either [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) or [www.babergh.gov.uk](http://www.babergh.gov.uk) or you can e-mail your complaint to [complaints@babergh.gov.uk](mailto:complaints@babergh.gov.uk) (this e-mail address is for both Babergh and Mid Suffolk District Councils) The Council is always happy to receive Compliments or Comments.

The Council is unable to accept anonymous complaints.

|                      |             |          |
|----------------------|-------------|----------|
| Title:               | First Name: | Surname: |
| Address              |             |          |
|                      |             |          |
|                      |             |          |
|                      | Postcode:   |          |
| Daytime Phone Number |             |          |
| Evening Phone Number |             |          |
| E-Mail Address       |             |          |

1. What do you consider the Council has done right / wrong or failed to do? Please give us as much detail as possible including times and dates where you have them. If you know the names of any staff involved in the matter, please include these as it will assist us in passing on your compliment/comment or investigating your complaint.

|  |
|--|
|  |
|--|

2. Please explain the circumstances which you are complimenting on or the harm or inconvenience you feel that you have suffered as a result.

|  |
|--|
|  |
|--|

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|  |
|--|
| 3. What do you think the Council did right or can do to sort things out? |
|  |

|  |
|--|
| 4. Please list any contacts you may already have had with the Council about this matter. |
|  |

|                                 |       |
|---------------------------------|-------|
| Signed (or returned by E-mail): | Date: |
| Name of Ward Member notified    |       |

Babergh and Mid Suffolk District Councils want to make sure that they are dealing with all people correctly. You can help us with this by answering the following questions about yourself.

This information will be kept secure and only used for the purposes of monitoring the complaints received by the Council to ensure that no discrimination is occurring. It will only be viewed by those staff dealing with your complaint and the team that oversee this activity. It will not be shared with Ward members unless you let us know you have told them.

You may choose the "Do not wish to answer" option (please tick the box), in which case there is no need to complete the remainder Equality and Diversity Information.

|                       |                          |
|-----------------------|--------------------------|
| Do not wish to answer | <input type="checkbox"/> |
|-----------------------|--------------------------|

Please tick all the relevant boxes, or feel free to mark the "Prefer not to say" on any particular questions.  
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**1. How would you describe your gender?**

|     |  |       |  |                   |  |
|-----|--|-------|--|-------------------|--|
| Man |  | Woman |  | Prefer not to say |  |
|-----|--|-------|--|-------------------|--|

**Is your gender different to that assigned to you at birth?**

|     |  |    |  |                   |  |
|-----|--|----|--|-------------------|--|
| Yes |  | No |  | Prefer not to say |  |
|-----|--|----|--|-------------------|--|

**2. How old are you?**

|          |  |         |  |         |  |         |  |                   |  |
|----------|--|---------|--|---------|--|---------|--|-------------------|--|
| Under 15 |  | 16 – 24 |  | 25 – 34 |  | 35 – 44 |  | 45 - 54           |  |
| 55 – 64  |  | 65 – 74 |  | 75 – 84 |  | Over 85 |  | Prefer not to say |  |

**3. Do you have a disability or long-standing health problem that affects your day to day activities?**

|     |  |    |  |                   |  |
|-----|--|----|--|-------------------|--|
| Yes |  | No |  | Prefer not to say |  |
|-----|--|----|--|-------------------|--|

**If yes, which of the following best describes your disability or health problems?**

|   |  |
|---|--|
| I have sight problems   |  |
| I have hearing problems   |  |
| I use a wheelchair  |  |
| I have problems getting around  |  |
| I have learning difficulties  |  |
| I have a mental health problem  |  |
| I have a medical condition that will get worse as I get older                         |  |
| I have a long term illness or condition   |  |
| I have a condition that is not described above (please give details in the box below) |  |
|   |  |
| I prefer not to disclose the nature of my disability                                  |  |

**4. What is your ethnic origin?**

**Asian or Asian British?**

|  |  |
|--|--|
| Bangladeshi  |  |
| Indian   |  |
| Pakistani  |  |
| Any other Asian background (please give details below) |  |
|  |  |

**Bi-racial / dual heritage background**

|  |  |
|--|--|
| White and Asian  |  |
| White and Black African                                    |  |
| White and Black Caribbean                                  |  |
| Any other bi-racial background (please give details below) |  |
|  |  |

**Black or Black British**

|  |  |
|--|--|
| African  |  |
| Caribbean  |  |
| Any other Black / African / Caribbean background (please give details below) |  |
|  |  |

**Chinese**

|         |  |
|---------|--|
| Chinese |  |
|---------|--|

**Other ethnic group**

|   |  |
|---|--|
| Any other ethnicity (please give details below) |  |
|   |  |

**White**

|  |  |
|--|--|
| British  |  |
| Irish  |  |
| Irish Traveller  |  |
| Romany   |  |
| Any other White background (please give details below) |  |
|  |  |

|                   |  |
|-------------------|--|
| Prefer not to say |  |
|-------------------|--|

**5. What is your religion?**

|  |  |
|--|--|
| Atheist  |  |
| Buddhist                                       |  |
| Christian                                      |  |
| Hindu  |  |
| Jewish   |  |
| No religion                                    |  |
| Muslim   |  |
| Sikh   |  |
| Any other religion (please give details below) |  |
|  |  |
| Prefer not to say                              |  |

**6. How would you describe your sexual orientation**

|   |  |
|---|--|
| I am Bi-sexual  |  |
| I am a Gay man  |  |
| I am a Gay woman / Lesbian  |  |
| I am Heterosexual   |  |
| None of the categories above describe my sexual orientation (please give details below) |  |
|   |  |
| Prefer not to say   |  |

Please return this form to the Complaints Co-ordinator.

You can complete this form on-line on either of the Council Websites, at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk) or [www.babergh.gov.uk](http://www.babergh.gov.uk) or you can e-mail your details directly to the Council's at [complaints@babergh.gov.uk](mailto:complaints@babergh.gov.uk)

If you complete a paper copy then please return it to either:

Complaints Co-ordinator  
Mid Suffolk District Council  
131 High Street  
Needham Market  
IP6 8DL

Complaints Co-ordinator  
Babergh District Council  
Corks Lane  
Hadleigh  
IP7 6SJ

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