

**NORTH LINCOLNSHIRE COUNCIL  
OFFICER DECISION NOTICE AND RECORD  
(PUBLISHED)**

<b>1. DECISION TAKEN</b>			
To approve amendments to the Customer Complaints and Comments Policy			
EXECUTIVE	✓	NON-EXECUTIVE	
			(Please tick either)
IS THIS A 'KEY DECISION' ? (see definition overleaf)			No
DOES THIS DECISION RELATE TO EXEMPT INFORMATION?			No
EXEMPT PARAGRAPH REFERENCE (NOT TO BE PUBLISHED)			

<b>2. OFFICER DECISION TAKER</b>	<b>NAME</b> Becky McIntyre  <b>POSITION/POST</b> Director Governance & Partnerships    <b>SIGNATURE</b>  <b>DATE</b> 16 January 2020
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<b>3. REASONS FOR THE DECISION (Please ref to any report/minute/background documents attached)</b>	A Customer Complaints and Comments Policy was approved in January 2019. The policy is reviewed annually. As part of the 2019 annual review process a number of minor changes have been identified to help enhance the clarity of interpretation and understanding, as set out in the attached report.
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<b>4. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED (BY DECISION TAKER(S))</b>	To not approve the proposed amendments and retain the existing policy until a major revision is undertaken
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*TO BE COMPLETED BELOW - ONLY WHEN A DELEGATED OFFICER DECISION REQUIRES PRIOR CONSULTATION WITH A MEMBER (LEADER OF THE COUNCIL, CABINET MEMBER/CHAIRMAN OF A COMMITTEE) IN ACCORDANCE WITH THE 'SCHEME OF DELEGATIONS TO OFFICERS' OR DECISION/MINUTE OF COUNCIL/COMMITTEE OR DECISION/MINUTE OF CABINET/CABINET MEMBER.*

<b>5. DECISION REQUIRED TO BE TAKEN IN CONSULTATION WITH RELEVANT MEMBER</b>	<b>COUNCILLOR</b> .....  <b>POSITION</b> .....  <b>SIGNATURE</b> .....  <b>DATE</b> .....
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<b>6. ANY CONFLICT OF INTEREST DECLARED BY ANY EXECUTIVE (CABINET) MEMBER</b>	
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(S) CONSULTED, WHICH RELATES TO THE DECISION, OR (NON-EXECUTIVE) – ANY MEMBER OF THE COMMITTEE THAT DELEGATED THE DECISION TAKEN	
7. WITH REFERENCE TO 6. ABOVE - HAS ANY DISPENSATION BEEN GRANTED TO THE EXECUTIVE (CABINET) MEMBER? (ONLY APPLIES TO EXECUTIVE)	

**PLEASE REMEMBER TO ATTACH ANY ACCOMPANYING REPORT.**

**WHEN COMPLETE, PLEASE SEND TO SERVICE MANAGER: DEMOCRACY FOR PUBLISHING.**

**(The definitions of a key decision are when an executive decision is likely -**

**(i) to result in the Council incurring expenditure or the making of savings (including the receipt or loss of income) over £350,000 in any one financial year; or**

**(ii) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority).**

## **NORTH LINCOLNSHIRE COUNCIL**

### **REPORT TO THE DIRECTOR OF GOVERNANCE AND PARTNERSHIPS**

## **CUSTOMER COMPLAINTS AND COMMENTS POLICY – MINOR AMENDMENTS**

### **1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 The council has a formal complaints procedure which customers have recourse to if they are dissatisfied with the council's actions.
- 1.2 The existing Customer Complaints and Comments Policy was approved in January 2019. Whilst the policy does not need any major revision, a need has been identified for two minor amendments to the policy.
- 1.3 The amendments recommended will provide increased clarity for customers about the complaints process.

### **2. BACKGROUND INFORMATION**

- 2.1 The council is committed to being a customer-centred organisation and #BestCouncil for its residents.
- 2.2 A key element of our customer feedback processes is a formal complaints procedure which customers have recourse to if they are dissatisfied with the council's actions. A new Customer Complaints and Comments Policy was approved in January 2019.
- 2.3 Insight gained from applying the policy over the last year has identified a need for some minor amendments, as follows (and highlighted in green in the enclosed report):
  - Section 6: increased clarity that Stage 3 of the complaints process applies only to statutory children's complaints. These are complaints about services which are delivered under parts 3, 4 and 5 of the Children Act 1989. Complaints relating to other services which are delivered to children, are not eligible to be considered.

- Section 7: increased clarity that customers who have formally been declared persistent due to the unreasonable level or nature of their contact, may not re-submit their complaints via third parties.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 Approve the amendments to the policy.
- 3.2 Do not approve the amendments to the policy and retain the existing policy until a major revision is undertaken.

### **4. ANALYSIS OF OPTIONS**

- 4.1 Approving the amendments to the policy will ensure greater clarity for customers and officers around how the policy should be applied. It will also provide increased assurance for the council in its dealings with the Local Government and Social Care Ombudsman.
- 4.2 Not approving the amendments to the policy may mislead some customers as to how we will address their complaint. Incorporating the amendments into a major revision at a later date will delay increased clarity.

### **5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

- 5.1 No additional resources will be required to implement the policy.
- 5.2 We will publish the amended policy on our website.

### **6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

- 6.1 The policy supports the council priorities of growing the local economy; keeping people safe and well and enabling communities to flourish by giving customers a voice if they feel that there is fault in how the council has acted. Listening to customers and acting on their feedback is a key element of our Public Engagement Framework and Customer Service Standards.

### **7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

- 7.1 Not applicable.

## **8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 Not applicable.

## **9. RECOMMENDATIONS**

9.1 That the amendments to the Customer Complaints and Comments Policy (appendix) are approved and published.

HEAD OF COUNCIL STRATEGY, INFORMATION AND OUTCOMES

Church Square House  
SCUNTHORPE  
North Lincolnshire  
DN15 6NL  
Author: Janet Stopper  
Date: 2 January 2020

### **Background Papers used in the preparation of this report –**

Customer Complaints and Comments Policy – approved January 2019 and with recommended changes highlighted.

# North Lincolnshire Council

## Customer Complaints & Comments Policy

SAFE WELL PROSPEROUS  
CONNECTED

# North Lincolnshire Council

## Customer Complaints & Comments Policy

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<b>Document Purpose and Subject</b>	Customer Complaints and Comments Policy
<b>Author</b>	Lesley Cooper / Janet Stopper
<b>Document Owner</b>	Council Strategy, Information and Outcomes
<b>Last Review</b>	Dec 2019
<b>Information Marking</b>	Official
<b>Version Control</b>	Version 1.1 FINAL
<b>Issue Date</b>	December 2018
<b>Next Review Date</b>	December 2020
<b>Approved By</b>	Cabinet Member Public Participation and Culture
<b>Original Approval Date</b>	January 2019

### 1. Introduction and Policy Statement

North Lincolnshire Council is committed to delivering the highest quality and level of service to our residents. Listening to you and learning from your feedback enables us to improve our services and meet your needs more effectively.

The purpose of the Complaints and Comments Policy is to provide a council wide framework which helps us capture and learn from what we do well and resolve dissatisfaction about the council's actions, or standard and quality of service in order to continuously seek improvement.

## Policy Statement

North Lincolnshire Council is open and progressive, and as such welcomes complaints. We want to make it as easy as possible for you to let us know your views, including telling us what works well and making a complaint if you are dissatisfied. We will treat all customers equally and aim to resolve complaints as quickly as possible in a fair and honest way.

The aim of this policy is to provide a framework which helps resolve dissatisfaction at the earliest opportunity. It sets out how you can make a complaint or leave a comment, how we will deal with it and your rights of appeal.

## Exclusions to the Policy

Complaints regarding the following are outside the scope of this framework:

- **Schools** – complaints about a school should be made to the Head Teacher of the school concerned. Complaints about Head Teachers should be made to the Chair of Governors of the school concerned.
- **Data Protection, Freedom of Information & Environmental Information Regulations** – [complaints in relation to data protection, Freedom of information and EIR requests](#) are covered by separate processes;
- **Councillors** – councillors work to a code of conduct; if you feel that a councillor is in breach of the code of conduct, there are separate arrangements for making a complaint. [Complaints about elected members](#).

Where customers are unhappy with a decision or outcome of a process, there may be a separate appeals procedures. This includes:

- Decisions in relation to Business Rates, Council Tax and Housing / Council Tax benefits. However, other customer service issues associated with this service, are included within the scope of this policy
- Planning application decisions
- School admissions decisions
- Matters that are already subject to legal proceedings
- Ongoing insurance claims against the council
- Issues that have arisen and are being handled through the council's 'Whistleblowers' scheme



- Objections to car parking penalty notices

Contact details for these processes are set out in the 'Contact Us' section.

## 2. Definitions

### Definition of a Customer

*A customer of the council is anyone who accesses, uses or receives any council service, or is affected by any council policy or action.*

### Definition of a Comment

*A comment is an expression of an opinion about the council's actions or standard and quality of service.*

### Definition of a Complaint

*A complaint is any expression of dissatisfaction about the council's actions, or standard and quality of service where a detrimental consequence has occurred – and which requires a response.*

The response may be to put things right straightaway, or to investigate the matter further and find out what went wrong.

A complaint could include any of the following concerns:

- You **cannot access** a service
- We **delay** or **fail to deliver** a service
- We provide a **poor quality** service
- A policy is **inappropriately applied** or **disadvantages** you
- A member of staff's **attitude** or **competence** causes concern
- We **fail to meet** our statutory responsibilities

A complaint **is not**:

- A first request for service – for example the reporting of routine matters such as fly tipping, dog fouling, noise nuisance
- A query about service provision
- A query about progress of a specific issue
- A general comment about a service
- A suggestion for service improvement or enhancement
- An insurance claim

- A disagreement about something which is set in legislation or national policy

### 3. Our Commitment to You

The council will adopt a restorative approach to addressing your complaint, wherever possible. This means that we will:

- have an honest and respectful conversation with you where we listen carefully and seek to gain a clear understanding of what has happened
- seek to address the complaint at the earliest opportunity, avoiding the need for you to escalate your concerns, but understand that that is your right, if you are still dissatisfied
- explain to you what has happened and what we propose to do about it
- apologise when we have got something wrong and put it right
- treat you fairly and with dignity

We will also:

- endeavor to acknowledge your complaint within 1 working day
- respond to your complaint in the timescales outlined at each stage
- contact you if the response is going to be longer than anticipated
- observe confidentiality and adhere to the General Data Protection Regulations
- pass any compliments or comments on to the individual, team or service concerned

In return, we ask you to:

- treat our staff with respect at all times
- be clear about what you are complaining about
- provide us with all of the information that we have asked for
- tell us what you would like us to do to resolve your complaint and what your desired outcome is
- report complaints promptly as we will not normally investigate complaints about something which happened more than a year ago, unless there are exceptional circumstances

### 4. How to Submit a Complaint or Comment

You may send a complaint or comment via our website by clicking the 'Contact Us' link on the home page. You can also write to us, email or telephone us.

See the 'Contact Us' section below, for ways to contact the council.

### 5. How We Will Deal With Your Complaint

## Informal Resolution

Wherever possible we aim to resolve complaints at the point of service delivery and as quickly as possible. We encourage you in the first instance to contact the service you wish to complain about. The service will do all it can to put things right and resolve the issue informally.

## Formal Resolution

If it is not possible to resolve your complaint informally, the complaint will be investigated through the relevant formal procedure as set out below. Note that if your complaint concerns statutory Adults or Children’s services, special provisions apply in line with relevant legislation. This is why the response times are not the same for all types of complaint. These are detailed below.

We endeavour to acknowledge all complaints within 1 working day. We will then investigate your complaint in line with the following timescales (timescales relate to working days):

### Stage 1

Stage 1	Statutory Complaints About Adult Services*	Statutory Complaints About Children’s Services*	Other Complaint
We will complete the Stage 1 investigation and provide you with a response within:	15 days (or 20 days if it is complex)	10 days (or 20 days if it is complex)	15 days (or 20 days if it is complex)
<p>You may ask for your complaint to be re-examined at Stage 2 of this process. You must request this within 20 days of the date of our response. However, in circumstances where we consider that reasonable resolution has been reached and further investigation cannot add further to the findings and outcome, we may consider the matter concluded at Stage 1 and we will inform you of this decision.</p> <p>However, if your complaint is about Adult Services, in line with legislation, Stage 1 is the final stage of the formal complaint process. You have the right to appeal to the Local Government and Social Care Ombudsman.</p>			

\* The complaints process for Adult’s and Children’s Social Care is prescribed by national guidance; therefore, the timescales reflect the legislative framework.

\*\* Certain complaints regarding Adults and Children’s Social Care may fall under the non-statutory “Other Complaint” process. We will notify you when this applies.

## Stage 2

Stage 2	Statutory Complaints About Adult Services*	Statutory Complaints about Children's Services*	Other Complaint
We will complete the Stage 2 investigation and provide you with a response within:	Not applicable – see above	25 days*	25 days
At Stage 2, a senior officer will be appointed to review whether the investigation was conducted properly. If your complaint falls under the Statutory complaints process regarding Children's Services, this stage will be undertaken by an independent external investigator.			
For complaints which are not about Adults or Children's Services, there is no further right of appeal to the council following completion of the investigation at Stage 2. However, you may appeal to the Local Government and Social Care Ombudsman, as explained below.			

## Stage 3 (Statutory Children's Services only)

You may ask for a Statutory complaint about Children's Services to be reviewed by an independent panel. You must do this within 20 days of receiving the Stage 2 response. This is the final stage of the complaints process.

### How to Appeal Against the Outcome of a Complaint

Where a complaint has progressed to the end of the formal complaints procedure and you are still not satisfied, you may appeal to the Local Government and Social Care Ombudsman. The Ombudsman is the final stage for complaints against the council.

The Ombudsman is an independent body that exists to review complaints made to local authorities where the matter has not been resolved to the complainant's satisfaction. They investigate complaints in a fair and independent way and do not take sides. This is a free service.

See 'Contact Us' section for details.

## 6. Complaint Outcome Explanation

### • Complaints – Upheld

Where we have made a mistake or failed to provide the expected standard or quality of service, we will acknowledge and apologise for this. We will also set out the actions we will take to put things right and improve our services. This could include:

- reinstating a service
- changing how we deliver our services
- reviewing and amending information about our services
- reviewing council policies or procedures
- providing appropriate staff training and guidance

### • Complaints – Not Upheld

Where we have investigated and do not uphold the complaint, we will:

- explain the reasons for our decision clearly
- provide any relevant evidence to support the decision
- inform you how to progress your complaint if you remain dissatisfied

### • Complaints – Not Found

In a minority of cases, it may not be possible to establish any grounds for a complaint and therefore the complaint cannot be “upheld” or “not upheld”. In these cases, we may conclude that the complaint is “not found”.

## 7. Persistent and Unreasonable Complainants

We aim to respond to all complaints positively, and ensure that you are satisfied with the way your complaint has been handled.

In a small number of cases, some customers may pursue a complaint or complaints in an unreasonable or persistent way which, because of the nature and frequency of their contacts, impacts significantly on council resources and hinders the council’s capacity to respond effectively and quickly to the complaint and to other customers’ complaints.

Ways in which we will consider a customer to be unreasonably persistent or vexatious in pursuing their complaint include (but is not limited to):

- refusing to clearly specify the grounds of a complaint or to fully co-operate with the investigation process
- refusing to accept investigation conclusions and decisions

- repeatedly making the same or similar complaint, including submitting minor additions/variations and insisting that these make it a 'new' complaint
- refusing to accept that certain issues are not within the scope of a complaints procedure
- raising many detailed but unimportant questions, and insisting they are all answered
- making regular and excessive demands on the time and resources of staff with lengthy phone calls or numerous emails to council staff and expecting immediate responses
- persistently approaching the council through different routes about the same issue
- complaining about or challenging an issue based on a historic and irreversible decision or incident
- using other family members or third parties to attempt to re-open a complaint already closed
- unreasonable fixation on an individual officer
- using aggressive, threatening or intimidating behaviour or language towards officers
- showing a lack of respect for council officers, including posting comments on social media, filming or recording them, seeking to have them removed from their post
- posting comments on social media which identify and show a lack of respect for council officers

## How We Will Respond to Persistent and Unreasonable Complainants

Continuing to respond to these complainants can take up a lot of time and reduce capacity to deal with other complaints effectively. We will therefore write to the complainant to inform them that their complaint has become unreasonable and we will explain the reasons why. We will take any of the following actions as appropriate and set a review date:

- refuse to accept further complaints or requests about the same or similar matters
- advise the customer that we will no longer enter into any correspondence about such cases, unless new information becomes available
- require the customer to communicate only with one named member of staff (single point of contact)
- limit the customer to one method of contact (telephone, letter, email, etc)
- require any personal contacts to take place in the presence of a witness and in a suitable location

- place limits on the number and duration of contacts with staff
- limit or prevent access to premises owned or operated by North Lincolnshire Council.

## 8 Contact us

- **On-Line:** On the council's website by clicking the 'Contact Us' link on the home page: <https://www.northlincs.gov.uk/>
- By email to [customerservice@northlincs.gov.uk](mailto:customerservice@northlincs.gov.uk)
- By telephoning 01724 297000
- In person by contacting one of our advisors at a North Lincolnshire Council office.
- In writing to Complaints Manager, Church Square House, 30-40 High Street, Scunthorpe, North Lincolnshire DN15 6NL

## Service-Specific Processes

For service-specific appeals please log onto the council's website and click the 'Contact Us' link on the home page: <https://www.northlincs.gov.uk/> or by email [customerservice@northlincs.gov.uk](mailto:customerservice@northlincs.gov.uk)

**Complaints about Schools** – contact the head teacher of the school concerned or go on-line at <http://www.northlincs.gov.uk/schools-libraries-learning/schools-colleges-education/schools-colleges-and-education/complaints-about-a-school/>

**Complaints about Council Tax & Housing/Council Tax Benefits** – Use our on-line complaints form, as above, or telephone 01724 297000 or e-mail [customerservice@northlincs.gov.uk](mailto:customerservice@northlincs.gov.uk)

**Complaints relating to Data Protection / Freedom of Information / Environmental Information Regulations requests** – see details online at <https://www.northlincs.gov.uk/your-council/about-your-council/information-and-performance/information-governance/information-complaints/>

**Objections to car parking notices:** online at <https://www.northlincs.gov.uk/?s=parking+penalty>

**General complaints relating to councillors** – Use our on-line councillor complaints form at <https://www.northlincs.gov.uk/your-council/have-your-say/councillors-and-mps/complaints-about-councillors/>

## Local Government and Social Care Ombudsman

Telephone: 0300 061 0614 or on-line at: [www.lgo.org.uk](http://www.lgo.org.uk)

## Getting Involved

If you would like get involved in the work of the council and contribute to achieving better outcomes for North Lincolnshire, visit

[www.northlincs.gov.uk/engagingwithyou](http://www.northlincs.gov.uk/engagingwithyou)