

WORTHING BOROUGH COUNCIL

A CORPORATE PROCEDURE FOR DEALING WITH CUSTOMER COMMENTS, COMPLIMENTS AND COMPLAINTS

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1. INTRODUCTION

- 1.1. This document explains how Worthing Borough Council deals with customer comments, compliments and complaints. It is a detailed procedural note for the guidance of staff. A separate more 'customer friendly' leaflet is available for distribution to the public.
- 1.2. The Council is committed to providing high quality services and welcomes the opportunity to put things right when they have gone wrong.
- 1.3. There are separate procedures that customers must use to obtain information under the Data Protection Act, Freedom of Information Act and Environmental Information Regulations.
- 1.4. The procedure does not extend to complaints by staff about employment or human resources management related issues.

2. COMMENTS AND COMPLIMENTS

- 2.1. A comment is a positive or negative expression of opinion about a service. A comment will not normally involve an investigation but a negative comment may need to be treated as a complaint.

- 2.2. Customers can send us comments and compliments by:

- Visiting one of our offices and speaking to a member of staff
- Telephoning us at the customer services centre on 01903-239999, the Help Point on 01903-221234 or by Minicom on 01903-204500.
- Completing the form in our Comments, Compliments and Complaints leaflet and sending it to the following address:

Worthing Borough Council
Freepost BR1575
Town Hall
Chapel Road
Worthing
West Sussex
BN11 1SB

Or by faxing it to 01903-236552

- Visiting our website at www.worthing.gov.uk or sending an e-mail to worthing.bc.help.point@westsussex.gov.uk

3. COMPLAINTS

- 3.1. A complaint is when a customer tells us that they are not happy about something we have or have not done, or are not satisfied with the service we have provided.

- 3.2. The majority of requests are not classified as complaints:
 - Requests for services
 - Requests for routine information.
- 3.3. This procedure specifically excludes some issues:
 - Complaints about services not provided by the Council
 - Complaints about third parties, such as neighbour disputes
 - Legal matters that involve action by or against the Council
 - Insurance matters involving claims by or against the Council or its insurers
- 3.4. Some enquiries and complaints are covered by separate statutory, regulatory or other procedures, for example:
 - Data Protection
 - Freedom of Information
 - Environmental Information
 - Planning applications and decisions
 - Housing and Council Tax Benefit determinations
 - Complaints about Councillors
 - Enforcement procedures for which there is a right of appeal
 - Licensing applications
- 3.5. Staff cannot resolve complaints about Council policy because this is decided by elected Members, but we will record policy complaints and pass them to the relevant Service Head, so that residents' views can be fed into policy development.
- 3.6. We will accept complaints by any form of communication, including telephone, Minicom, letter, personal visit, e-mail and fax. The same procedure applies to all types of media.
- 3.7. A customer can nominate a personal representative such as a friend or advocate to make a complaint and speak on their behalf.
- 3.8. We will deal with complaints about Council contractors in the same way as Complaints about the Council, after first inviting contractors and complainants to resolve matters between themselves.

4. THE COMPLAINTS PROCEDURE

- 4.1. There are three stages to our complaints procedure. At each stage, if the matter is not immediately resolved to the customer's satisfaction, we will send them within 5 working days a written acknowledgement with contact details of the person who will investigate the complaint. We will try to reply fully in writing within 10 working days but, if we are unable to do so, we will contact the customer to explain the delay and how long it will take to respond.

- **Stage 1**

The customer should speak to a member of staff, or telephone, or write to the person they have been dealing with, explaining their complaint. If the customer prefers not to contact that person they can contact their manager. If

the matter is not immediately resolved to the customer's satisfaction, we will send a copy of our Comments, Compliments and Complaints leaflet with our Stage 1 response and advise them how to appeal.

We will not consider a complaint more than three months after the alleged incident took place.

- **Stage 2**

If the customer is not satisfied with the response at Stage 1 they may contact the head of the service they are complaining about. The Service Head will investigate the complaint further or delegate the matter to a manager not involved in the original investigation.

We will not consider a complaint at Stage 2 of this procedure if the customer does not request a further investigation within three months of the completion of Stage 1.

- **Stage 3**

If the customer is still not satisfied, they may ask the Chief Executive to review their complaint. They should say why they are not satisfied and what they think should be done to put things right.

We will not consider a complaint at Stage 3 of this procedure if the customer does not request a further investigation within three months of the completion of Stage 2.

4.2 Customers can send us complaints by:

- Visiting one of our offices and speaking to a member of staff
- Telephoning us at the customer services centre on 01903-239999, the Help Point on 01903-221234 or by Minicom on 01903-204500.
- Completing the form in our Comments, Compliments and Complaints leaflet and sending it to the following address:

Worthing Borough Council
Freepost BR1575
Town Hall
Chapel Road
Worthing
West Sussex
BN11 1SB

Or by faxing it to 01903-236552

- Visiting our website at www.worthing.gov.uk or sending an e-mail to worthing.bc.help.point@westsussex.gov.uk

5. COMPLAINTS INVOLVING MORE THAN ONE SERVICE

- 5.1. Some complaints will include elements that fall within the responsibility of several services. Where this happens, the officer who initially receives the complaint will be the contact point for the complainant and be responsible for ensuring that a co-ordinated response is made within the proper time scales.

6. REDRESS, REMEDY AND REIMBURSEMENT

- 6.1. When a complaint has been upheld, the Service Head must tell the complainant and consider:

- Offering an apology
- Asking the complainant what remedy they consider to be appropriate
- Telling the complainant what action has been taken
- Making a goodwill gesture
- Providing reimbursement

- 6.2. The Council has adopted the following policy to cover those circumstances where some form of compensation may be appropriate:

"In cases where the Council has clearly failed to provide the service that could be expected by members of the public or local residents, then the Council will consider a payment or similar benefit to reflect any direct financial loss incurred. In those circumstances where there is no direct financial loss, payment or some other benefit may be made in compensation for significant inconvenience caused."

- 6.3. A payment (or benefit) worth up to £50 may be made after consultation with the Service Head and up to £100 after consultation with a Strategic Director. Amounts over £100 require the approval of the Leader of the Council. These payments must be financed from existing resources, as there are no separate corporate budgets.

7. DRIVING SERVICE IMPROVEMENTS

- 7.1. Service Heads will make arrangements to record comments, compliments and complaints so that the data can be used for Performance Management purposes.
- 7.1. It is good practice to acknowledge constructive suggestions and to share them with other customers via 'you said – we did' notice boards in public areas.

8. COMPLAINANTS' CONDUCT

- 8.1. Vexatious complainants are people who persistently complain about a number of different issues or who persistently make the same complaint and

do not accept the findings of any properly conducted investigation or seek an unrealistic outcome. They may include people who make the same complaint from different angles or routes. The decision to label a complainant as vexatious will be taken and notified to the complainant by the Assistant Director (Legal Services). Thereafter, the Council will screen all further contact from that person and, if future complaints do not have substance, the complainant will be reminded that they have lost the right to be heard because of misuse of the system.

- 8.2. The Council's customers have the right to expect good service. We will try to provide that service with respect and dignity. In return, we ask the same from our customers. The Council reserves the right to ask anyone who abuses staff, verbally or physically, to leave the building. Staff may terminate abusive telephone calls. The Council will support its staff against malicious or personal attacks.
- 8.3. The Council will not tolerate violent, aggressive, abusive or threatening behaviour and, in order to protect its employees, such behaviour may be recorded and shared within the Council. The Council may also impose sanctions that will stop some from being able to visit Council premises, except at pre-arranged times and under conditions that the Council will determine. To help protect staff, a Council-wide 'Customers of Concern Register' is being set up. Once this protocol is operational all staff will be able to access the register via the Intranet and will be sent messages when new entries are made. All staff must be familiar with the names on the register and must report any incidents or concerns that they have about customers, to their line manager, as soon as possible.
- 8.4. The Council will not hesitate to report incidents to the Police where it believes that this is necessary to safeguard its employees. If it takes such action, offenders may be prosecuted.

9. EQUAL OPPORTUNITIES AND RACISM

- 9.1. This procedure aims to provide a clear, simple and straightforward means by which all service users can make comments, compliments and complaints. We can provide this information in different languages and media.
- 9.2. The Council believes that everyone who lives, works or visits Worthing has the right to be treated with dignity and respect and to live without fear of discrimination. If you are the victim of racism or witness a racist incident, please report it by telephoning our Equalities and Diversity Officer.

10. WARD COUNCILLORS AND MEMBER OF PARLIAMENT

- 10.1. Customers can get help from their local ward Councillors and Members of Parliament. A list can be obtained by:
 - Visiting the Help Point in the Town Hall or telephoning 01903-221234
 - Visiting our website at www.worthing.gov.uk
 - E-mailing us at worthing.bc.help.point@westsussex.gov.uk

- 10.2. A Councillor or MP may represent or accompany a complainant at all stages of the process. This might give rise to data protection issues. To avoid misunderstandings, the Council recommends that Councillors and MPs obtain the complainant's written consent.

11. LOCAL GOVERNMENT OMBUDSMAN

- 11.1. If the customer is still not satisfied they have the right to complain to the Local Government Ombudsman. Normally, the Ombudsman will only investigate a complaint if it has already been dealt with through the Council's own complaints procedure.
- 11.2. The Ombudsman only deals with complaints about 'maladministration' by a council that has caused injustice. This means something that a council has done wrong, or failed to do, that directly affects the complainant. The Ombudsman cannot question whether a council's decision or action is right or wrong simply because the complainant disagree with it. For example, the Ombudsman will not consider if the Planning Committee has made the right decision on a planning application, but they may consider a complaint that neighbours were not properly consulted. Similarly, the Ombudsman will not consider a complaint that Housing Benefit has not been granted but they may investigate a complaint that relevant information was not taken into consideration in arriving at the decision. The Ombudsman may not investigate a complaint if they decide that an injustice is only slight.
- 11.3. Customers can find more details in the leaflet 'How to Complain to the Local Government Ombudsman', which is available from the Help Point in the Town Hall, or by contacting:

The Local Government Ombudsman
Millbank Tower
Millbank
London SW1P 4QP
Telephone: 020 7217 4620
www.lgo.org.uk/complain.htm

12. ENQUIRIES UNDER THE FREEDOM OF INFORMATION ACT

- 12.1. People can ask for access to information held by public authorities, including the Council. All requests must be made in writing. Letters and faxes should be addressed to the Assistant Director responsible for the relevant service. E-mails should be sent to the Freedom of Information Act general enquiry address for the department concerned, which can be found on the Council's website at www.worthing.gov.uk.
- 12.2. Enquirers must state clearly what information they are requesting and supply their name and address. They do not need to say why they want the information. We will respond within 20 days or explain why we cannot do so and let the customer know when they will receive a reply.

- 12.3. If a request for information is declined, the customer can ask us to reconsider our decision. They should do so by writing to the Chief Executive. If they are still not satisfied they can ask the Information Commissioner to review the decision. Customers can get more information and assistance by contacting the Help Point in the Town Hall or the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF
Telephone: 01625 545 745
E-mail: mail@ico.gsi.gov.uk

- 12.4. There are broadly similar provisions that apply specifically to environmental information under the Access to Environmental Information Regulations. Enquiries should be addressed to:

Worthing Borough Council
Health and Housing Services
Portland House
Richmond Road
Worthing
West Sussex BN11 1HS

The Information Commissioner would ultimately deal with any complaints about a request under these provisions.

13. DATA PROTECTION

- 13.1. People can ask for personal information held about them by public authorities. All requests must be made in writing. Letters and faxes should be addressed to the Council's Data Protection Officer, Town Hall, Chapel Road, Worthing, West Sussex BN11 1HB. E-mails should be sent to data.protection@worthing.gov.uk
- 13.2. Enquirers must supply their name and address, the service or services that they believe hold information about them, and any additional reference numbers or information to help us uniquely identify them. We will respond within 40 days.
- 13.3. If the customer believes the data is inaccurate, out of date, or doesn't make sense, they should initially contact the Council's Data Protection Officer, who will seek to resolve the enquiry. If the customer is still not satisfied with the response and believes that information is being withheld, they may write to the Chief Executive or complain to the Information Commissioner's Office at the address shown above.

14. RECORDING, MONITORING AND REPORTING

- 14.1. The 'Lead Officer' for this corporate procedure will be the Assistant Director (Legal Services) who will co-ordinate and respond to complaints addressed to

the Chief Executive. Some aspects of the recording, monitoring and reporting arrangements will be delegated to Services Heads and members of the Democratic Services team.

- 14.2. All complaints received, irrespective of their format, should be recorded and their progress monitored. Service Heads should designate a member of staff in each service area to undertake this work.
- 14.3. At six-monthly intervals, a member of the Democratic Services team will seek details from each service area of the number of complaints received and number dealt with inside and outside the 10 day target, and convey this information to the Assistant Director (Legal Services) to facilitate the preparation of a report for the information of Members.

15. TRAINING

- 15.1. Service Heads are responsible for ensuring that all their staff are aware of this procedure and trained in its use, as necessary.

16. PUBLICITY

- 16.1. The Council will publish a Comments, Compliments and Complaints leaflet for use throughout the organisation. The leaflet will be made available at all reception points and on the website.