

**HARPENDEN
TOWN COUNCIL**

CLOSER TO THE COMMUNITY

Complaints, Comments and Compliments Policy

**Approved:
March 2019**

**Review:
2 Yearly**

Complaints, Comments and Compliments

Summary

The Council welcomes feedback and sees it as an important way of helping the Council improve and maintain high quality services for everyone.

Where an individual believes that we have not delivered a service as expected, got something wrong or not acted in line with our own standards, we will have in place a fair, straight forward and consistent process for people to raise matters and have them resolved.

This policy sets out our approach to Complaints, Comments and Compliments.

Complaints

The Town Council defines a complaint as an 'expression of dissatisfaction with an area of Town Council business' that an individual or organisation wishes us to consider and respond to.

When we receive a complaint, we will log it against one of the following complaint categories:

- Failure to provide a service.
- Dissatisfaction with the standard of service provided.
- Neglected or delayed response to a contact with the Council.
- Failure to observe the Town Council's policies or procedures.
- Dissatisfaction or disagreement with a policy or procedure.
- Discourteous or dishonest conduct by a member of staff.
- Harassment, bias or discrimination.

There are some complaints that cannot be dealt with under this policy and will need to be dealt with in other ways. These include:

- Complaints that relate to business that is the responsibility of another organisation including a public body. This includes but is not limited to Highways, School Admissions, Planning, Housing and Benefits.
- Complaints about the conduct of Councillors. Under the Code of Conduct, these are dealt with by the Monitoring Officer at St Albans City & District Council.
- A complaint in relation to a request made under the Freedom of Information Act which would be dealt with in accordance with that legislation. Subject Access Requests or Environmental Regulations Requests will also be dealt with under the applicable legislation.
- A complaint regarding a planning decision or by a third party in relation to a planning application – these would be dealt with by St Albans City & District Council.
- A complaint about the Council's recruitment process or by an employee in relation to a personnel matter which would be dealt with under the relevant Council HR policies or procedures.

- A complaint where legal proceedings have already been initiated.

A complaint cannot also be considered or responded to if it is submitted anonymously (in which case it may be noted as a general comment).

If a customer wishes to submit a formal complaint for consideration under this process, in order to ensure all points of the complaint are captured and the Council is clear on the exact nature of the issue/s raised, the complaint must be submitted in writing, preferably by email, to the Central Services Officer, Jane Juby (jane.juby@harpenden.gov.uk)

If a complaint, compliment or comment is received that is for another body or authority (for example, the District Council), it will be logged, and we will provide the details of who the individual should contact at the respective organisation to make their complaint. We will not handle the passing on of that complaint on the individual's behalf.

Making a Complaint – the Complaint Process

The Council has a two stage complaints process which is designed to resolve complaints at the earliest opportunity and as close to the point of service delivery as appropriate. It is also designed to provide flexibility in resolving complaints with an option to stop the process where matters may have consequently resolved themselves or the complainant wishes to withdraw the complaint.

The Council will do all it can to resolve complaints to our customers' satisfaction and to meet the complainant's desired outcomes where these are realistic and appropriate; in return we ask for our customers' full co-operation with the process to try and achieve this.

Stage One – Service Resolution

Every attempt will be made at this stage to provide answers and resolve problems to address the complaint. Most complaints are expected to be resolved speedily at this stage to mutual satisfaction, through discussion with the Officer/s directly providing the service. Complaints at this stage will be dealt with by the Central Services Officer and the officer responsible for the service to which the complaint relates.

Upon receiving a complaint, the Council will acknowledge the complaint in writing (i.e. by letter or email) within 3 working days of receipt. The Officer will then attempt to resolve the matter informally or, if a more detailed response is required, provide a written response. A response will be provided within 10 working days of receipt.

If further information or clarification is needed from the complainant or if information is needed from another source which may take time to obtain, the above response timescale may be extended as appropriate and the complainant notified if this is the case.

Stage Two – Manager/Town Clerk Investigation

If the complainant is not satisfied with the response given at Stage One, they can request that the matter be progressed to Stage Two. This request should be submitted in writing and must be received by the Council within 28 days of the response being provided at Stage One. Progression to Stage Two will only be considered if:

1. The Stage One process has been completed.

2. The customer can demonstrate that the matter has not been fully addressed at Stage One. A complaint cannot be referred to Stage Two if it can be demonstrated that the Council has fully addressed the matter at Stage One and/or has taken all reasonable steps to try and meet the customer's expectations for resolution.

If it is decided that the complaint be referred to Stage Two of the complaints process, the following steps will be undertaken:

The Central Services Officer will record the referral of the complaint to Stage Two and will acknowledge this in writing to the complainant within 3 working days of receipt. The complaint will then be passed to the Town Clerk. If the request to refer a complaint to Stage Two is received by another Officer, this should be passed to the Central Services Officer for logging.

The Town Clerk will then undertake an investigation of the matter and prepare a response. This investigation will include an offer to meet with the complainant to discuss the matter further. The Town Clerk may also meet other individuals as part of the investigation.

A written response will be provided to the complainant within 20 working days of receipt of the request. If further information or clarification is needed from the complainant or if information is needed from another source which may take time to obtain, the above response timescale may be extended as appropriate and the complainant notified if this is the case.

Withdrawing or Suspending a Complaint

The individual making the complaint may at any time withdraw a complaint by notifying the Council in writing. This will be recorded by the Central Service Officer.

If matters consequently resolve themselves and either the customer or the Council considers the formal process may then reasonably be stopped; the Council or the customer may notify the other of this in writing.

For additional clarity, a flow chart of the complaints process is set out at Appendix A.

Comments and Compliments

Compliments will be logged by the Central Services Officer, acknowledged within 3 working days by the CSO and shared with relevant Officer/s.

Comments about services which are not formal complaints or compliments will be logged by the Central Services Officer. A comment may be an expression of disappointment, disagreement or the making of observations about a service which the customer may not necessarily wish to have a formal response to. The Central Services Officer will log the comment and pass this to the relevant service Officer for a response within 10 working days.

Unreasonable Behaviour and Vexatious Complaints Policy

In some circumstances, a complainant's behaviour may be deemed unreasonable or a complaint vexatious in nature. The Council has a policy for dealing with this and this

policy stands outside the complaints policy in its own right but is included in Appendix B for information.

Appendices

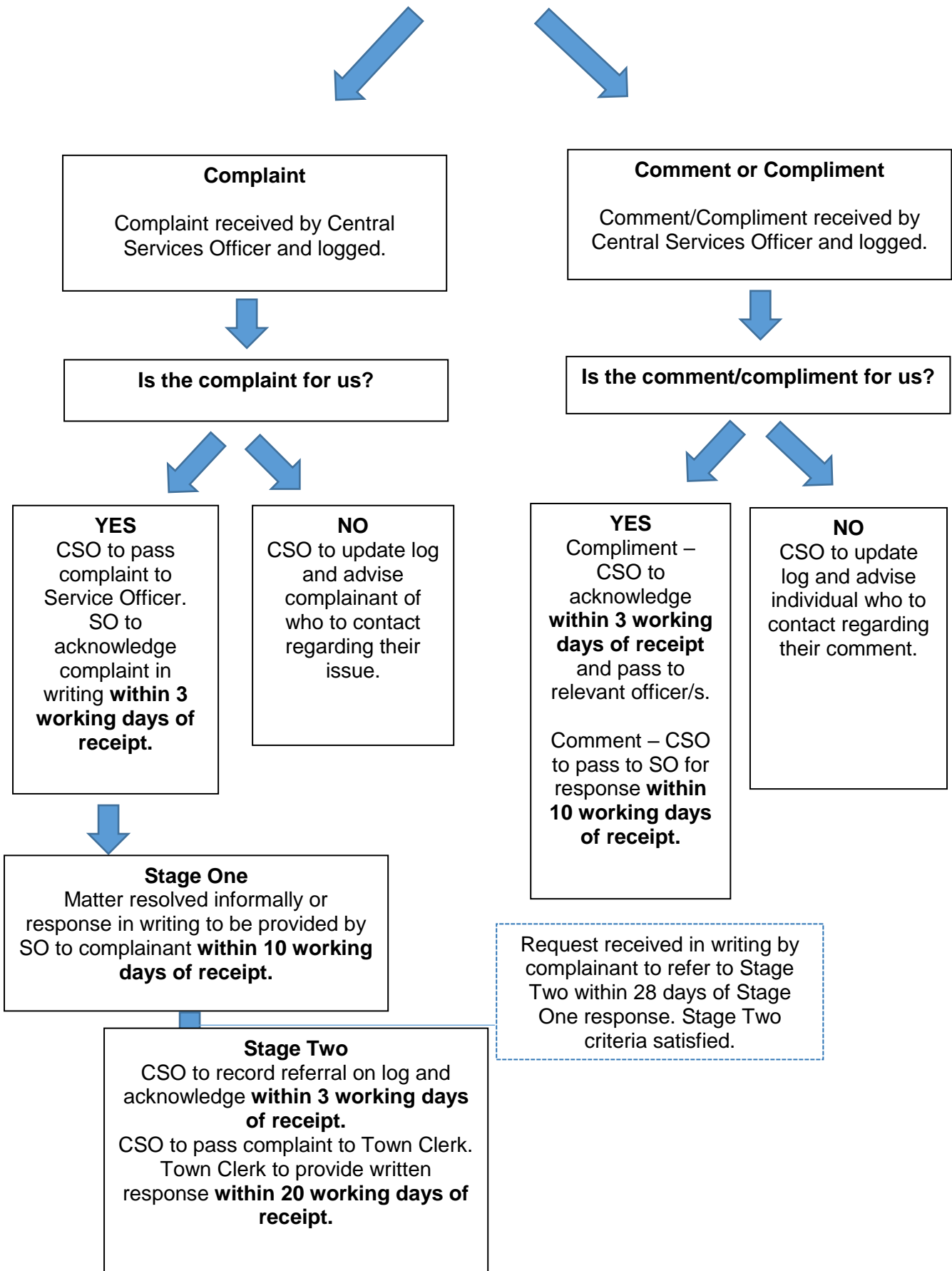
Appendix A – Flow Chart of complaint process

Appendix B - Unreasonable Behaviour and Vexatious Complaints Policy

APPENDIX A

FLOW CHART

Is this a complaint, comment or compliment?



Appendix B - Unreasonable Behaviour and Vexatious Complaints Policy

Summary

This policy should be read in conjunction with the Council's **Complaints, Comments and Compliments Policy** and sets out the procedure for dealing with unreasonable behaviour or vexatious complaints.

Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way that is unreasonable, persistent or excessive and which negatively impacts upon the Council's resources, officer time and its ability to provide services to other customers. This can happen either while their complaint is being investigated, or once the Council has finished dealing with the complaint.

We are committed to dealing with all complaints equally and in a timely manner as set out in our Complaints, Comments and Compliments Policy. We will not normally limit the contact which complainants have with Council staff or offices.

We do not expect staff to tolerate unacceptable behaviour by complainants. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening.

We will act to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to the complaint being regarded as vexatious.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent.

What is an Unreasonably Persistent or Vexatious Complaint?

We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the Council, hinder our consideration of their or other peoples' complaints or the provision of our wider services to the community. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a complaint.

An unreasonably persistent and/or vexatious complaint may be one where:

- there are insufficient or no grounds for the complaint and it is made only to vexate (or for reasons that the complainant does not admit or make obvious);
- the complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- the complaint is about issues not within the power of the Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this;
- the complainant insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice;

- it causes distress to Council officers which may include the use of hostile, abusive or offensive language, making threats, harassment and personal insults;
- making repeated complaints about the same issue, contacting the Council through different routes about the same issue in a persistent manner;
- refusing to accept a decision, repeatedly arguing points with no new evidence;
- not following agreed complaint procedures or not co-operating with the process (for example, refusing to provide information requested to clarify a complaint);
- excessive demands on the time and resources of officers with the expectation of an immediate response – for example frequent and lengthy telephone calls, repeated emails on the same subject, letters sent every few days;
- changing the basis of a complaint as the matter proceeds;
- persisting in pursuing a complaint where the Council's complaints process has been fully and properly exhausted;
- making complaints 'repeatedly or as a habit' without justification; complaints made about various unrelated issues to the extent that the complainant appears to be a 'complainer by nature';
- refusing to accept evidence provided in response to a complaint, making repetitive complaints and allegations which ignore the replies that Council Officers have supplied in previous correspondence;
- the complainant electronically records meetings and conversations without the prior knowledge and consent of the other person involved;
- the complaint is the subject of an excessively "scattergun" approach; for instance, the complaint is not only submitted to the Council, but at the same time to a Member of Parliament, other councils, elected Councillors of this and other councils and others;
- the same complaint is made repeatedly, perhaps with minor differences, after the complaint's procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaint's procedure.

Imposing restrictions

In determining whether or not behaviour or a complaint is unreasonable or vexatious, the Council will first ensure that the complaint has been dealt with properly in line with its policy and every effort to satisfy the customer's expectations and resolve the complaint has been made.

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

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

- banning the complainant from making contact by telephone except through a third party acting on their behalf;
- banning the complainant from communicating with an individual and/or all Council officers in a certain way;
- banning the complainant from accessing any Council building except by appointment;

- requiring contact to take place with one named member of staff only;
- restricting telephone calls to specified days / times / duration;
- requiring any personal contact to take place in the presence of an appropriate witness;
- letting the complainant know that the Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence);
- informing the complainant that any further complaints from him or her will only be considered if the Town Clerk agrees that it warrants investigation.

The decision to deem behaviour unreasonable or a complaint vexatious will be made by the Town Clerk in consultation with the Town Mayor. Details of any individual's behaviour deemed to be unreasonable or a complaint vexatious will be reported to the next meeting of the Human Resources Committee.

When the decision has been taken to apply this policy to a complainant, the Town Clerk will contact the complainant in writing to explain:

- why the Council has taken the decision,
- what action the Council is taking,
- the duration of that action,
- the review process of this policy, and

The Town Clerk will enclose a copy of this policy in the letter to the complainant.

Where a complainant continues to behave in a way which is unacceptable, the Town Clerk may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

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

New complaints from complainants whose previous complaints have been treated as abusive, vexatious or persistent

New complaints from people to whom the policy has already been applied will be treated on their own merits. The Town Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The Council does not support a "blanket policy" of ignoring genuine service requests or complaints where there are genuine grounds for the complaint.

The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the Council.