

### Corporate Complaints Policy

(relevant extracts from Insite)

#### • **Complaint Types**

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- [Related complaints from the same complainant, that involve more than one section or department](#)
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#### **Complaints involving more than one department or section that are not linked in any way**

Complaints that do not appear to be linked in any way, e.g., a park and a housing repair, should be separated and sent to the departments concerned and separate responses sent on each part of the complaint. The complainant should be told to expect separate responses.

Only one letter of acknowledgement should be sent to the complainant, which should include the contact details of all Departmental Complaints Officers involved in the complaint.

#### **Related complaints from the same complainant, that involve more than one section or department**

For complaints that involve more than one section or department, establish what issue is the main part of the complaint. The department responsible should take the

lead on the complaint. If more than one department is involved, both Departmental Complaints Officers should be sent a copy of the complaint, and the lead department should provide a coordinated reply.

### **Complaints against Divisional Directors**

Should be sent to the relevant Strategic Director for investigation.

### **Complaints against a Strategic Director**

Should be passed on to the City Mayor for investigation.

### **Complaints alleging financial impropriety**

Should be sent to the Director of Finance for investigation by the Audit Team.

### **Complaints passed on by a Councillor or MP**

It is important that you inform your manager that you have received a complaint from/by a Councillor/MP.

Complaints received from members of the public via their Councillor or MP are dealt with in **5 working days**. The Councillor or MP should request the type of response that they are expecting from the department, e.g. a response directly to the constituent and a copy to the Councillor or MP. However, if this is unclear you should check with them.

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### **Complaints made by a Councillor or MP**

These will normally be sent to a senior manager in your department who will decide on the appropriate person to deal with the complaint.

If you receive a complaint and you are unsure how to deal with it, then always consult with your manager.

A Councillor or MP enquiry is different to a complaint – one is not automatically the other! However, a five-day response time applies to both.

The 5-day response time and monitoring arrangements will apply.

### **Complaints made about the conduct of a Councillor**

Elected Members are subject to a Local Code and any alleged breach should be reported to the Council's City Barrister and Head of Standards (Monitoring Officer), Kamal Adatia, tel:296302, email [Kamal.Adatia@leicester.go.uk](mailto:Kamal.Adatia@leicester.go.uk)

### **Insurance claims**

If the person contacting the Council wishes to make an insurance claim for the loss they have incurred, they should be advised to put the full details in writing and send this to Risk Management Services, Finance Department. Alternatively they can ring 252 7000 to arrange for a claims form to be sent to them.

Complaint forms should not be used for insurance claims, as this can slow down the process.

### **Anonymous complaints**

There may be a very good reason why someone does not wish to provide personal details when they make a complaint. Obviously it will not be possible for the complaint to be acknowledged or responded to in this circumstance. However it is important that all anonymous complaints are taken seriously and investigated as far as possible.

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### **Vexatious complainants**

Wherever possible, every effort should be made to find out what someone is complaining about, to investigate and respond. However, on occasion, complaints will be made that clearly do not substantiate claims or even justify further investigation. These types of complaints can be termed “vexatious complaints”. A vexatious complainant is one who does not have sufficient grounds for action and seeks only to annoy.

It is important that the complaints procedure is correctly implemented and all elements of a complaint are considered as even repeated or vexatious complaints may have issues that contain some genuine substance.

Judgement may become difficult on some occasions, however, complainants may be deemed to be vexatious where previous or current contact with them shows that they meet any of the following criteria:

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- Persist in pursuing a complaint after the correct procedure has been implemented and exhausted.
- Continually change the substance of a complaint or raise new issues
- Do not clearly identify the precise issues or identify concerns out of the council’s remit.
- Have threatened or used physical violence towards staff or families or associates.
- Have an excessive number of contacts with the council.
- Have harassed, been abusive or verbally aggressive towards staff.

- Display unreasonable demands or complainant expectations and fail to accept that these may be unreasonable.

If the relevant DCO believes the complaint is vexatious, and the all appropriate avenues of internal review or appeal have been exhausted and the customer continues to contact the council, a case conference should be held. [Read more in the Protocol for case conference on vexatious, repeated and aggressive complainants.](#)

The complaint procedure exists to provide an opportunity for those who are not happy with Council services to express themselves. It is important not to deny this opportunity. However, officer time is valuable, and if it is taken up dealing with vexatious complainants then this may detract from the service offered to the rest of the public.

It is expected that only a very small percentage of complaints will be treated as vexatious.

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### **Abusive complaints**

It is important that you are prepared for some complainants who may approach you in an abusive manner. Whilst it is appreciated that these situations are not easy to deal with, there are techniques that may be able to help you diffuse the situation and actually assist the complainant. The following suggestions may help:

- Try and keep calm – if you get angry this may make the situation worse.
- Be patient – if you allow the complainant time he/she may start to calm down.
- Listen to what is being said – even if the complainant is shouting, you may get enough of an idea as to what the problem is and to help.
- Explain that you want to help them – you could add that there is little that can be done if they don't give you a chance to help.
- Stay silent – and listen. The complainant may actually stop talking when they realize that you have not said anything and give you a chance to speak.

If will not always be possible to manage every situation. Remember that staff are not expected to be subjected to verbal abuse. If all else has failed you should calmly explain that you are not prepared to deal with him/her unless they stop this behaviour. If you are uncomfortable call for a more senior officer or your manager to deal with the situation.

## **Remedies policy**

When a complaint is found to be justified it is important that a remedy is offered. The remedy should reflect the circumstances of the complaint.

When a complaint is found to be justified you should always apologise to the complainant and explain why mistakes were made or why the problem arose. In addition the remedy should seek to do three further things:

### **1. Put the user back in the position they should have been in if the problem had not arisen**

This will usually involve the appropriate section taking corrective action e.g. carrying out repairs, clearing rubbish, correcting benefits. This should be done as soon as possible.

### **2. Compensate for any distress, inconvenience or loss resulting from the Council's actions**

Where there has been loss, for example, damage to property or the need to make excessive telephone calls, then it will be clear what steps can be taken. It may be that some offer in kind e.g. free use of Leisure Centre facilities may be appropriate.

Where the loss is less obvious, in the case of inconvenience and distress, the action to take may not be so clear.

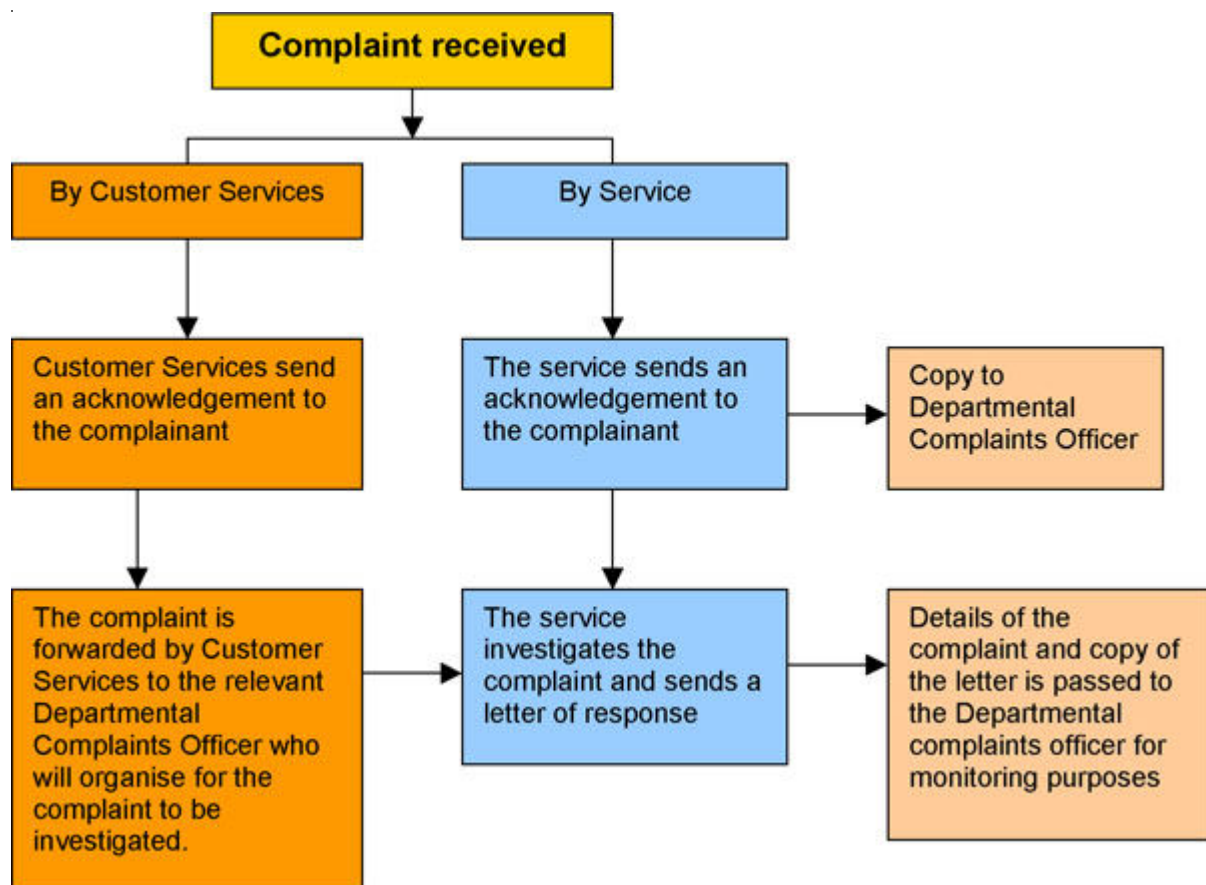
In more serious cases e.g. being wrongly summoned to appear in court, persistent failure to carry out building repairs, the remedy may need to take some form of financial compensation. In such circumstances it is important that officers consult with their managers to clarify their authority for making such payments.

Where there is uncertainty as to the level of a payment, advice should be sought from Legal Services or from the Ombudsman Link Officer

### **3. Take action to ensure that the problem doesn't arise again**

Sections and teams should review their working practices in the light of complaints received with a view to making improvements and so avoiding similar problems arising in the future

- **The Council’s Corporate Complaint Procedure**



There are two stages to the corporate complaints procedure.

### Stage one – Making a Complaint

1. A complaint is received: A complaint may be received by post, email, via internet, by phone or face-to-face.

Complainants are asked to provide their contact details, details of their complaint and if relevant what they would like to be done as a result of their complaint.

2. Complaint Acknowledgement: An acknowledgement of the complaint must be sent to the complainant within 24 hours of receipt providing them with a contact name and number (the Departmental Complaints Officer) to be used in the event of any further queries.

Customer Services will issue an acknowledgement for all complaints made via them on behalf of services.

Services receiving complaints directly must send their own acknowledgement letter, see [Template - Standard acknowledgement letter](#).

3.1 For complaints received via Customer Services: The complaint documentation / information will then be passed on to the appropriate Departmental Complaints

Officer who will record the complaint for monitoring and reporting purposes. The Departmental Complaints Officer will then pass the complaint on to the manager of the relevant service in order for the complaint to be investigated and responded to.

3.2 For Complaints received directly by a service: The complaint documentation / information should be passed to the manager of the service in order for the complaint to be investigated and responded to. A copy of the complaint and the letter of acknowledgement should also be passed to the Departmental Complaints Officer for reporting and monitoring purposes.

4. Responding to the complaint: Once a full investigation of the complaint has been undertaken, the team/service manager will produce a response, which is sent to the complainant. The target for responding to complaints is 10 working days from the date of receipt.

5. Details of this response should be provided to the Departmental Complaints Officer for monitoring information to be updated.

## **Stage Two - Not Satisfied with the Response**

In the event that the complainant is unhappy with the response that they have received to their initial complaint then they may ask for their complaint to be reviewed. This is stage 2 of the process.

The process for stage 2 complaints mirrors the procedure for stage 1 complaints, with the following exceptions:

- Full details of why the complainant isn't happy with the response they received to stage 1 of the process should be recorded by the officer receiving the escalated complaint.
- Rather than being passed to the manager of the service being complained about, the Departmental Complaints Manager will pass the complaint for investigation and response to a senior manager in a service not connected with the area involved in the Stage 1 complaint.

As with Stage 1 complaints, the timescales for acknowledging the complaint (24 hours) however stage 2 complaints should be investigated and responded to within 20 working days or earlier wherever achievable.

**Please Note:** When the complaint is responded to following this investigation the complainant will need to be told how to pursue their complaint further if they remain dissatisfied with the outcome at stage 2.

**The response to the complainant should state that Stage 2 is the final stage of the Council's procedure and include advice regarding the Local Government Ombudsman's service. See [The Local Government Ombudsman](#) guidance.**