

MAIDSTONE BOROUGH COUNCIL

COMPLAINTS HANDLING POLICY

1. What is a Complaint?

1.1. The Council defines a complaint as “a formal expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the council or its staff affecting a customer or group of customers”. It also stipulates that a complaint is not a request for service.

1.2. Complaints can broadly be placed into one of four categories:

- Complaints or inquiries about Council services;
- Complaints or inquiries about Council policies;
- Complaints or inquiries about Council administration; and
- Complaints about individuals; and

Complaints about policies, administration and individuals will be dealt with as set out below however, in the first instance, complaints and inquiries about council services (for example, a missed bin, pothole, streetlights out etc) will be dealt with as a request for service. In other words, the inquiry will be logged and dealt with in accordance with Council service standards. For example, a missed bin, if reported by mid-day will be collected the same day. If reported after mid-day, it will be collected the following day. If a service is then not carried out within the specified timescales, the inquiry will then be treated as a complaint as set out below.

1.2.1. If a customer is adamant that they wish to complain, then they will be able to fill out either a complaint form or an online e-form. In exceptional circumstances, a member of staff may help a customer complete a form but a vital element of the Council’s complaints procedure is that customers own their complaint and the Council will not accept anonymous complaints. In such circumstances, customers will be asked to sign the complaint form.

1.3. It should be noted that appeals against parking fines would be dealt with under the terms of the Road Traffic Act and would not be considered as being complaints. However, complaints about Council policy or about individuals would be dealt with as set out in this policy.

2. Stages of a Complaint

2.1. The Local Government Ombudsman (LGO) advises that “all complaints systems need at least two stages... More than three seems excessive”.

2.2. The Council operates a two-stage complaints procedure as, in the words of the LGO: “The more stages there are, the more difficult it is to resolve complaints quickly and without waste; and the complainant’s grievance can be increased by their having to jump through too many hoops”.

- Complaints at **Stage One** are the responsibility of a Head of Service.

- Complaints at **Stage Two** are handled by the Head of Corporate Law and the Council's Monitoring Officer who will also become the Council's Complaints Monitoring Officer.¹ This reflects advice received from the Local Government Ombudsman that Stage 2 complaints should be dealt with by an officer within the Chief Executive's department but not the Chief Executive. The Complaints Monitoring Officer will, however, draw to the Chief Executive's attention any trends or issues that may require his attention and will inform him of any complaints that have been escalated to the Ombudsman.

3. Recording Complaints

3.1. The Council will log all complaints through its Customer Relationship Management (CRM) software. This may add to the overall time taken to deal with complaints offers a number of advantages, namely:

- All complaints are logged and recorded centrally
- All complainants are given a reference number allowing them to track the progress of their complaint and ensuring that no complaint is escalated to Stage Two without first having been considered at Stage One (i.e. no complaint is escalated without a reference number)
- The Council has a mechanism to track complaints to ensure a response within the specified timescales.
- The system allows regular reports to be produced for discussion at either section meetings or directorate management teams.

3.2. The system for recording complaints is as follows:

3.3. Telephones:

3.3.1. Anyone receiving a complaint (regardless of whether it relates to their service area or not) should log it on the Council's CRM which will generate a reference number allowing the customer to track their complaint and escalate it if necessary.

3.3.2. If the person receiving the complaint is able to resolve it satisfactorily there and then, they should tick a box on CRM and the complaint will be treated as having been resolved at Stage 1.

3.3.3. If the person receiving the complaint is unable to resolve the complaint then they should inform the customer that their complaint has been recorded and that it will be dealt with within 10 days (in accordance with the Council's complaints timescales). The complaint will be routed to the appropriate Head of Service to coordinate a response. The complaints database will log who the complaint has been sent to and when a response is due enabling customers to track their complaint. When a complaint has been resolved, the CRM should be updated and any relevant documentation stored electronically.

¹ The Council's Complaints Monitoring Officer will assume overall strategic responsibility of the Council's complaints procedures. He/she will take a lead will also assume responsibility for providing advice on complaints issues such as: vexatious complainants, who should lead on cross-cutting complaints and compensatory payments

- 3.3.4. If a complaint is considered urgent, a separate procedure applies (see 3.8)
- 3.3.5. If the person receiving the complaint does not have access to a computer or if, for any reason, they are unable to access the CRM, they should take details from the complainant, including a telephone number, inform them that someone will contact them, and pass the details on to the contact centre.
- 3.3.6. The Council will publicise a single telephone number for complaints.
- 3.3.7. The Council will continue to monitor and record calls received by the Contact Centre.
- 3.4. Complaints in Person:
 - 3.4.1. Where a complaint is received in person, the person dealing with the complaint (invariably a member of the contact centre) should follow the above procedure. Where a complaint can be dealt with immediately, this should be logged on CRM and the complainant informed their complaint will be dealt with as soon as possible (and in any event within 10 working days).
 - 3.4.2. As with complaints by telephone, if a complaint is considered urgent, a separate procedure applies (see 3.8)
- 3.5. E-mails:
 - 3.5.1. As with telephone calls, officers receiving a complaint via e-mail should log the complaint on CRM and, in so doing, receive a reference number. If they are able to resolve a complaint satisfactorily, they should respond, quoting the reference number. As with a telephone call, they should tick a box on CRM and the complaint will be treated as having been resolved at Stage 1.
 - 3.5.2. If they are unable to resolve a complaint satisfactorily, they should forward the e-mail, using the reference number as the 'subject' to 'complaints@maidstone.gov.uk' within the contact centre who will forward the complaint to the appropriate Head of Service to coordinate a response, making a note of who they have been sent to. As with telephone calls, when a complaint has been dealt with, the complaints database should be updated and any relevant documentation stored electronically.
 - 3.5.3. Over time, the Council will widely publicise a single e-mail address for complaints: 'complaints@maidstone.gov.uk'. E-mails coming into this address will be dealt with by the contact centre who will log the complaint on the CRM and forward the e-mail on to the appropriate Head of Service as set out above.
- 3.6. E-forms:
 - 3.6.1. An e-form (electronic form) will be developed, allowing customers to submit a complaint directly via the Council's website. These complaints will come directly to the contact centre where they will be logged and sent to the appropriate Head of Service for a response. Once the complaint has been

dealt with, the Head of Service must ensure that the e-form is updated and that any relevant documentation is sent to the contact centre by e-mail or in an envelope marked 'complaints' to be stored electronically.

3.7. Letters:

3.7.1. Any complaint received by letter will be dealt with as set out above. If the recipient is able to respond to the complaint, they should do so and close it on CRM, storing a copy of both the complaint and the response in DIP via the nearest scanpoint. If the recipient is unable to deal with the complaint, they should log it and take the letter to their nearest scanpoint with the CRM reference number.

3.8. Urgent Complaints

3.8.1. There will inevitably be occasions where a complaint, particularly if received via the telephone or in person will be urgent. In these circumstances, a complaint will be dealt within 48 hours.

3.9. Cross-Cutting Complaints

3.9.1. Where a complaint cuts across a number of service areas, each separate complaint should be logged individually.

3.10. Monitoring

3.10.1. By using the CRM, Heads of Service can be provided with a regular breakdown of performance in this area and complaints which are not being handled within the stipulated time periods can be drawn to their attention.

4. **Timescales**

4.1. The Council has a target to deal with all Stage 1 complaints within 10 days and all Stage 2 complaints within 20 working days. The CRM system will auto-generate letters informing customers that their complaint has been received and is being looked at.

4.2. Payment of compensation for failure to deal promptly with a complaint

4.2.1. As part of an effort to ensure that the Council meets its timescales for handling complaints, compensation will be paid to the complainant from the service in question where the Council has exceeded its stated deadlines for handling complaints. This will amount to £10 per month of delay. The compensation will not apply if the complainant has contributed to the delay or if a complaint is exceptionally complex and the additional time taken is reasonable. If there is a good reason for the delay, the complainant must have been kept informed of progress on the complaint. Compensation will only be approved by Corporate Management Team and the compensation policy will be overseen by the Complaints Monitoring Officer who will produce regular reports on payments that have been made.

5. **Persistent Complaints Policy**

- 5.1. A very small minority of complainants make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints in order to make life difficult for the Council rather than genuinely to resolve a grievance. This may involve making serial complaints about different matters, or continuing to raise the same or similar matters over and over again. A separate policy details the Council's approach to these matters.

6. **Compensation and Other Remedies**

- 6.1. Compensatory payments or other remedies fall into two categories: those that the Council makes as a result of a judgement by the LGO and discretionary payments. The situation with respect to discretionary payments has recently been clarified by Section 92 of the Local Government Act 2001 which has now removed all doubts by giving local authorities the express power to make compensatory payments.

- 6.2. A policy on remedies has been agreed by the Council which gives Heads of Service scope to consider whether discretionary payments or services should be granted where a justifiable complaint has been made.

6.3. Complaints Awareness

- 6.3.1. Clearly, if any complaints policy is to be successful, all staff will have to have confidence in the process and understand their responsibilities. Complaints will be provided alongside customer care training and resources such as standard letters and advice will be made available to staff.

6.4. Monitoring and assessing

- 6.4.1. By recording complaints, the Council will be in a better position to analyse trends in complaints and respond accordingly. Regular reports will be provided to Management Team, Standards Committee and the relevant overview and scrutiny committee and guidance will be issued to directorates on how complaints should be monitored and assessed. In addition, an annual report will be produced which will assess issues such as the number of complaints (with breakdown by directorate/issue) the timeliness of responses and any issues which may need addressing.

6.5. Contractors

- 6.6. Clearly, many Council services are no longer delivered by the Council but by contractors working on its behalf. As contracts come up for renewal, the Council will work to develop a situation whereby contractors use the same standards as the Council for dealing with complaints they receive. Where complaints are received by the Council, service level agreements will be developed which specify an identified point of contact from the contractor and timescales for providing required information. Contracts will also require contractors to provide the Council with information on complaints they receive to enable it to monitor and assess trends and patterns.