



# Complaints Policy

FINAL v.3 (JUNE 2022)

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## **Introduction**

Dover District Council aims to continually improve customer services and the effectiveness of the way we interact. Staff are empowered to deliver services to the public without constant reference to a line management structure.

The Council has a complaint procedure, which is set out in this document, and staff are encouraged to take ownership of complaints and be equipped to resolve them at the earliest possible opportunity.

Complaints and compliments should be viewed as valuable feedback and, as a 'learning organisation' the Council should endeavour to use the lessons learnt from this feedback to improve the services we provide.

## **What is a request for service?**

This is separate from a complaint and is defined by the Council as:

"A request from a member of the public that initiates a service action which has been agreed as part of service delivery. Service requests are not used in response to a failure or degradation of service."

For requests for service there will be a process in place to deal with an issue. This could be an online or telephone reporting process to register the issue or a contact number to arrange for a service provider to visit to rectify the issue.

For example, in the event of a missed waste collection there is a reporting method to register the missed collection and enable the service to arrange for the missed bin to be collected. For general household or communal repairs there is an email address and telephone number to arrange with the council's contractor for works to be undertaken.

However, if the resident has used the reporting method and the matter was not satisfactorily resolved then it would be a potential failure or degradation of service and therefore would be dealt with as a complaint.

## **What is a complaint?**

The Council's definition of a complaint is:

"An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents"

As mentioned earlier, this will most commonly take the form of a complaint relating to a failure or degradation of service provision.

## **Matters Falling Outside the Scope of the Complaints Procedure**

The Council must accept a complaint unless there is a valid reason not to do so. Matters falling outside the scope of the complaint's procedure are set out below:

- Something that the complainant has known about for more than 6 months unless there is good reason for the delay or if there are safeguarding or health and safety issues.

- Something that can be appealed about to a tribunal (such as the Housing Benefit Appeals Service) or go to court about, unless there is a good reason the complainant should not be expected to do so.
- Where legal proceedings have already started by a Claim Form or Particulars of Claim have been filed at Court.
- Something affecting all or most of the people living in the district, such as a complaint regarding the setting of council tax.
- Something that has already been considered under the complaints policy.
- The Council's main housing repairs contractor has its own complaints process so where a tenant's complaint relates to a repairs issue dealt with by that contractor, the tenant will receive a response direct from the company in the first instance. If the tenant remains dissatisfied following the response it can be considered through the Council's complaints process.
- Allegations that a Councillor has failed to comply with the Code of Conduct for Members (Please see page 10).

If the Council takes the decision not to accept a complaint, a detailed explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process and the right to take the decision to the appropriate Ombudsman. Where the Ombudsman does not agree the Council may be instructed to accept the complaint.

## **Handling Complaints**

- An officer of the council is expected to manage the customer's expectations and be clear as to whether the desired outcome is unreasonable or unrealistic.
- A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the customer and whether there are any urgent actions required.
- The officer dealing with the complaint must seek clarification from the customer if any aspect of the complaint is unclear
- The Council will deal with the customer's representative provided the customer provides their authority that the representative can act on their behalf.
- Customers will be kept informed on the progress of their enquiry/complaint.
- A clear explanation will be provided as to why decisions have been made and should include any legal obligations where applicable.
- The response to the complaint must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- Where a problem is a recurring issue, the officer should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the customer.

- Where the customer raises additional issues during the investigation, these should be incorporated into the investigation and response if they are relevant, and the response has not yet been finalised/issued. Where the response has been issued, or it would unreasonably delay the response, the complaint should be logged as a new complaint.
- At completion of each stage, the officer must confirm the following in writing to the customer;
- Details of any remedies
- Details of any outstanding actions
- Details of how to escalate the complaint if the customer is not satisfied with the answer

## **The Complaints Procedure**

When a customer contacts the Council the member of staff should do all they can to resolve the issue and if this is not possible refer the matter to their Line Manager. If further enquiries are needed to resolve the matter, or if the resident requests it, the issue must be logged as a complaint.

Complaints are divided into three types:

- Complaint regarding service delivery
- Complaint regarding a member of staff
- Complaint regarding a Councillor (complaints that a councillor has failed to comply with the Code of Conduct for Members are outside the scope of this Complaints Policy and are subject to separate arrangements. Please see page 10).

Complaints can be made:

- in writing (letter or email),
- using the on-line complaint form  
[http://www.dover.gov.uk/customer\\_services/comments\\_complaints.aspx](http://www.dover.gov.uk/customer_services/comments_complaints.aspx)
- Using the Council's Complaint leaflets (these are available at the Whitfield Reception or can be posted to the resident)
- Via the telephone
- In person by appointment.

### **Procedure for dealing with a complaint regarding service delivery**

(See also attached flowchart – Annex A)

The Council has a two-stage complaints procedure. There is a third stage for complaints relating to housing management and maintenance if the tenant/lessee wishes to use it (note the procedure below).

#### **A. Stage 1**

- When a complaint is received by the Corporate Services Team it is acknowledged within 5 working days maximum, usually within 2 working days, and the complainant is advised of the process involved.

- The complaint is referred to the Service Manager, or a member of their team, who has **10 working days** in which to respond to the customer. Where extra time is required, the customer will be kept informed.
- The complaint handler must:
  - Deal with complaints on their merits.
  - Act independently and have an open mind.
  - Take measures to address any actual or perceived conflict of interest.
  - Consider all information and evidence carefully.
  - Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.

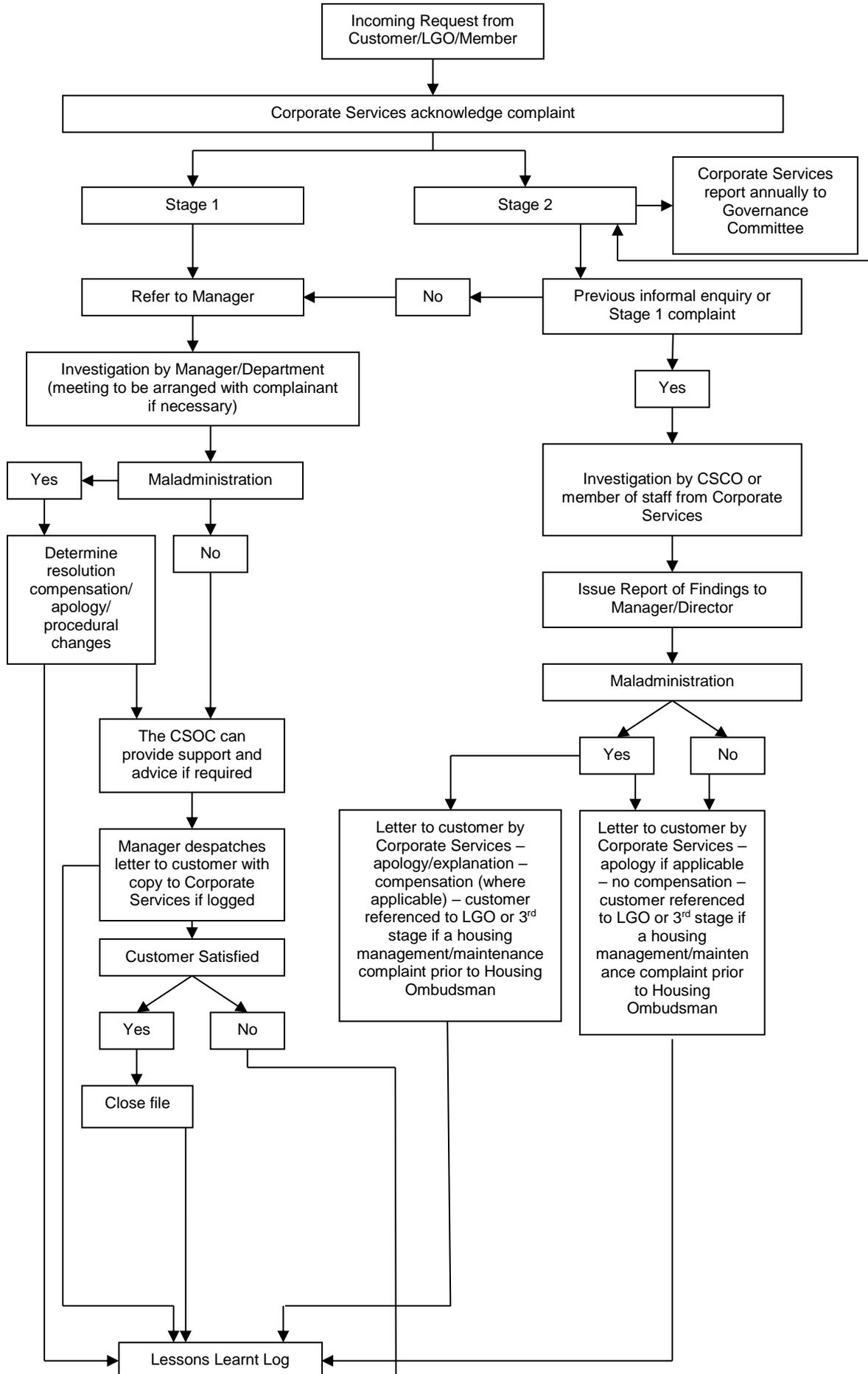
#### B. Stage 2

- If the complainant wishes to escalate their complaint to stage 2, the request should be received within 20 working days (or such timescale to be agreed with the complainant).
- If a complainant requests that their complaint be investigated further or if a complaint comes to Corporate Services that has already been considered by the Service Manager as a stage 1 complaint, it will be dealt with at stage 2 of the complaint's procedure.
- The complainant will be provided with a timescale of how long the investigation will take. This would normally be up to **20 working days**, but the complainant should be kept advised of progress.
- The complaint will be considered by a member of staff from Corporate Services team.
- The Corporate Services Officer will write to the complainant with the findings and appropriate resolution. The response must include details of how to contact the Local Government and Social Care Ombudsman in case the complainant is dissatisfied with the outcome and wishes to take the matter further. With regard to complaints in respect of housing matters please refer to C – Stage 3 below.

#### C. Stage 3 – Housing Management and Maintenance Complaints Only

- If the complainant is dissatisfied with the outcome of the stage 2 review, they have the option to refer their complaint to a 'designated person' for a review or wait 8 weeks from the date of the stage 2 complaint response and then complain directly to the Housing Ombudsman.
- The designated person stage provides an impartial option to resolve the housing complaint at a local level.
- At Dover District Council the 'designated person' is the Portfolio Holder for Social Housing and Port Health or the MP.

# Complaint About Service Delivery

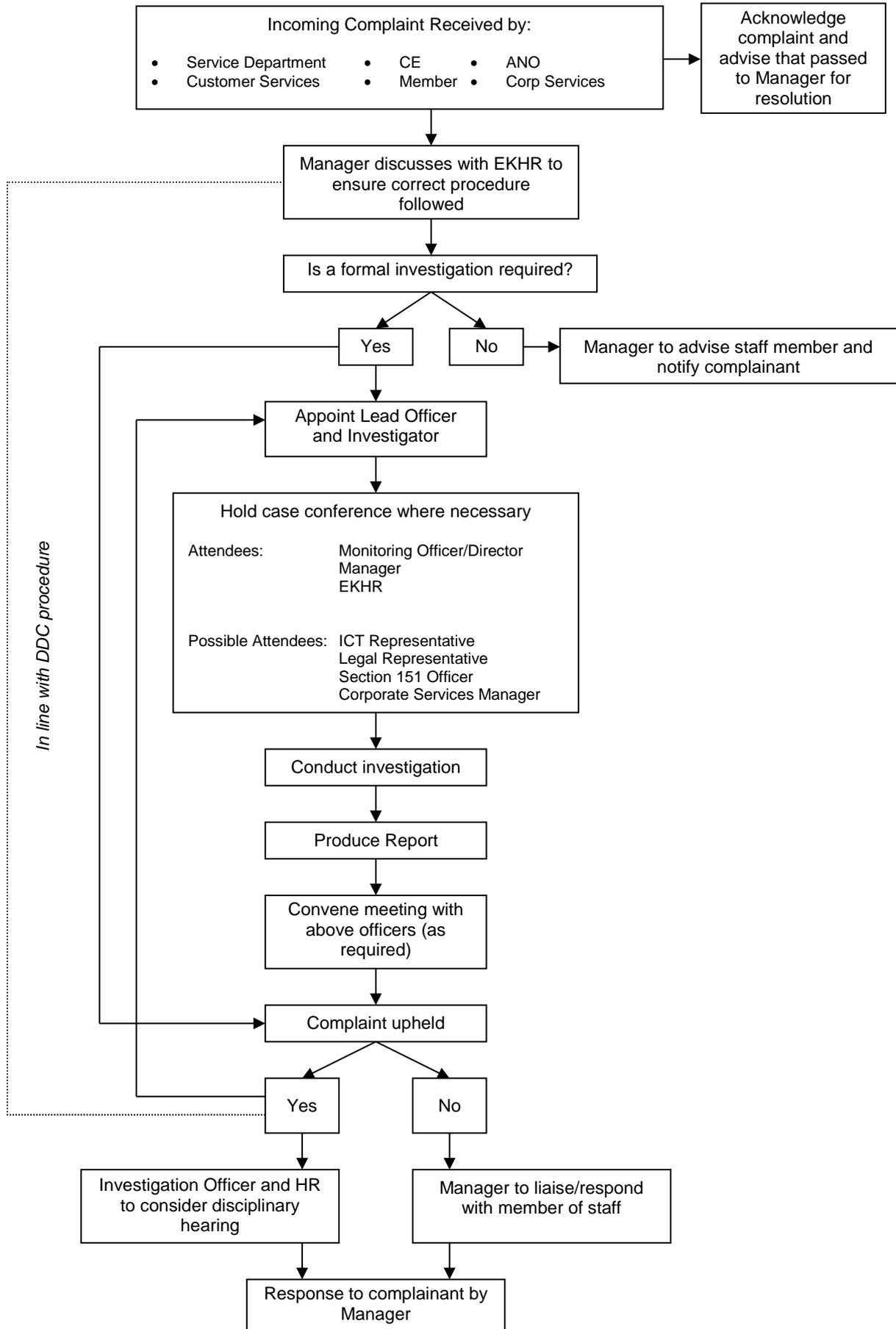


## **Procedure for dealing with a complaint against Member of Staff**

(See also attached flowchart – Annex B)

- Where a serious complaint is made concerning a member of staff this will be referred to their Line Manager.
- Listed below are examples of a serious complaint although this list is not exhaustive:
  - Fraud
  - Rude/disrespectful
  - Theft
  - Corruption
  - Offences of dishonesty
  - Incitement to or acts of discrimination
  - Fighting
  - Physical assault
  - Drunkenness or being under the influence of illegal drugs at work.
- The Manager will investigate the allegation (seeking advice from HR where appropriate).
- If the matter can be easily resolved e.g., there is a satisfactory explanation for the member of staff's actions or the evidence is available and clearly demonstrates that the complaint is not upheld, the Manager will liaise with the member of staff and respond immediately to the complainant.
- If the matter requires investigation a Lead Officer and Investigator will be appointed. (The Investigator would normally be the Line Manager). At this stage the Monitoring Officer or Director will advise the member of staff and, subject to HR advice, the officer concerned may be suspended.
- Once the investigation is complete a report will be produced, and the Monitoring Officer or Director will convene a case conference meeting. If the complaint is upheld the Investigating Officer, taking appropriate advice from EKHR will consider the required course of action, which may include disciplinary measures.
- If the complaint is not upheld the Monitoring Officer or Director will immediately liaise with the member of staff.

# Serious External Complaint Against Member of Staff



## **Procedure for dealing with an alleged breach of the Member Code of Conduct**

Section 28 (6) Localism Act requires the Council to have in place arrangements under which allegations that a district, town or parish councillor has failed to comply with the Code of Conduct for Members can be investigated and under which decisions on allegations can be made. The Council has such arrangements in place.

The Localism Act provides that a failure to comply with an authority's code of conduct is not to be dealt with otherwise than in accordance with the arrangements.

Those arrangements are separate from and outside the scope of this Complaints Policy and can be viewed here

[http://www.dover.gov.uk/council\\_democracy/councillors\\_decisions\\_meeti/councillors/councillor\\_complaints.aspx](http://www.dover.gov.uk/council_democracy/councillors_decisions_meeti/councillors/councillor_complaints.aspx)

## **Remedies Guidance and Complaint Resolution**

This guidance sets out the Council's approach to remedies, the types of remedies available and how to resolve a complaint.

A remedy is the means by which we put things right for the complainant. Where an officer identifies that the Council has done something wrong, or not done something it should have done, officers need to consider each complaint on a case-by-case basis and respond as follows

- acknowledge what has gone wrong
- set out the proposed actions or actions already taken to put things right and the timescale in which they will be done
- any remedy must reflect the extent of any service failure and the level of detriment caused to the customer as a result
- consideration should be given to the impact of the action or behaviour of the customer as well as the actions of the Council
- the Council must not promise anything that cannot be delivered or would cause unfairness to other residents
- what lessons need to be learnt or service improvements to prevent it happening again; and

### Putting things right

The Council aims to put the complainant back into the position they would have been had the error not occurred.

A remedy must set out the measure(s) that will correct the error or service failure. There are various options that can be considered depending upon the type or nature of the complaint and severity of the mistake.

### Types of remedy

This needs to be tailored to the circumstances of the complaint. Below are some of the options available:

#### Apology

In some circumstances an apology is all that is required. An apology can be made in person but ideally should be in writing, so the Council has a record of how the matter was dealt with. An apology should:

- acknowledge the error or service failure
- accept responsibility for it
- explain clearly why it happened
- express sincere regret

### Specific action

Is there some practical action which would provide all, or part of a suitable remedy?

For example, can the Council:

- perform or not perform any of the contractual or other obligations existing between the Council and the complainant
- exercise or not exercise any of the rights existing between the Council and the complainant
- undertake or refrain from undertaking works for example to repair a property
- take such other reasonable steps to put things right as are within the Council's legal powers, for example review or change a decision on the service given to the complainant or do something else to make things better for the complainant.

### The Council's policies and procedures

Remedial action may include improvements to the Council's policies or procedures. For example:

- Revising published material
- Revising procedures to prevent the same thing happening again
- Providing additional training for staff on the relevant process.

### Financial Compensation

There may be occasion when an apology and actions do not fully remedy the complaint. If a complainant requests financial compensation or the officer believes that this is appropriate, consideration must be given to:

- Actual quantifiable financial loss sustained as a direct result of the error or service failure identified; and/or
- Any statutory payments which may be due for example under the Right to Repair scheme
- Other financial redress, for example in recognition of avoidable inconvenience or other unfair impact of the error or service failure which has been identified.

Our compensation calculations are always based on what the Council considers to be fair depending on the particular circumstances of the case being considered.