

**Mid Devon
District Council**

**Complaints and
Feedback Policy**

September 2015

1. Introduction

Complaints, compliments and comments provide valuable feedback and are used to assess service performance. The Council needs to address recurring problems, identify and learn from areas of good practice and ensure service delivery is continually improved.

This policy sets out Mid Devon District Council's standard for dealing with complaints, compliments and comments for ensuring feedback is recorded and appropriate action is taken. The policy details a two stage process that all staff should follow to ensure a consistent approach to dealing with complaints and feedback.

All complaints will be acknowledged within three working days and resolved within 10 working days where possible. If a longer investigation is required, the customer will be informed that a further period is required to investigate and resolve their complaint, up to a maximum of 12 weeks.

Step 1 will be to refer the complaint to the service manager. If the customer is still unhappy with the response, step 2 will result in a further investigation by a member of the Corporate Management Team or by the Chief Executive.

If the customer is still unhappy after stage 2, they will be given details of how they can make further referral to the Local Government Ombudsman. There is a different Ombudsman for Local Authority tenants, details and contact information is provided as appropriate.

2. Scope

The policy sets out the Council's approach to complaints and details the procedure for dealing with complaints received from our customers and is available to everyone who receives a service from Mid Devon District Council.

3. Process Maps

See appendices 1a, 1b and 1c.

4. Policy

Mid Devon District Council is committed to delivering quality services to all customers. The views of our customers are welcomed on what we get right and what we do wrong. We recognise that from time to time we do get things wrong and we do not provide the high standards of service expected.

We encourage customers to report complaints and would like to hear about each instance, as they give us an opportunity to put things right and learn from our mistakes.

Mid Devon District Council is using the Local Government Ombudsman's definition of what a complaint is:

"An expression of dissatisfaction about the council's action or lack of action or about the standard of a service, whether the action taken or the service was provided by the council itself or a body acting on behalf of the council".

A complaint is not...

An initial request for a service to be delivered.

Any member of the public, or their representatives, staff, businesses, public and voluntary bodies can make a complaint about the Council.

5. Aims and Objectives

In dealing with complaints from any party Mid Devon District Council will:

- ensure all staff are trained in dealing with complaints and feedback
- ensure that making a complaint is as easy as possible
- listen to the complainant's views and those of others
- treat complainants with respect, dignity and fairness, regardless of the section of society from which they come. Mid Devon District Council aims to be sensitive to the diverse needs of individuals and will endeavour to meet those needs wherever possible
- investigate the issues raised
- not restrict the ways in which our customers can make complaints
- deal with any complaint, promptly, politely and seriously
- respond to all complaints and include in our response:
 - an apology
 - an explanation of what our investigation has found
 - information on any actions taken or to be taken
 - confirmation of whether the complaint was upheld or not(suggested templates are provided at appendix 2a, b, c and d)
- learn from the complaint and use it positively to continually improve our services; a record of lessons learnt is recorded on each case and changes to working practices or policies are also recorded and reported on annually
- recognise that complaints are an invaluable tool and measure of the quality of service the organisation is delivering
- publish information on complaints
- seek to resolve complaints in an amicable and professional manner
- provide information in large print, Braille and other language formats upon request (there may be a slight delay in receiving these items)

- keep complainants informed of how their complaints are being dealt with
- record and monitor complaints to make sure they are dealt with within the time stated by us
- report to Members annually
- treat all complaints and appeals in strictest confidence
- provide information on how to contact the Local Government Ombudsman if we have been unable to resolve issues to the customer's satisfaction
- ask customers to complete equality monitoring to ensure our complaints system is meeting the needs of our customers.

6. Confidentiality

All complaints will be dealt with in the strictest confidence.

7. Assistance for complainants

Complaints do not have to be in writing and can be made in whatever format is most suitable for the complainant; this can be by phone, email, writing a letter, using our on-line form, or in person.

Complaints can be made on behalf of customers who are unable to make the complaint themselves. Customer First staff are available to help customers who are unsure what to do.

Support can be provided for those who have difficulty reading or writing.

Information about the complaints procedure can be provided in an alternative format on request.

8. Unreasonable, unreasonably persistent and vexatious complaints

We recognise that the Council may receive complaints from persons with widely varying ways of expressing themselves and who may possibly feel angry, impatient, frustrated or extremely worried, depending on their circumstances. We will therefore only very exceptionally wish to categorise a complaint as unreasonable, unreasonably persistent or vexatious.

This policy identifies situations and ways of responding where a complainant, either individually or as part of a group, might be considered to be making complaints that are unreasonable, persistent or vexatious. In this policy the terms mean:

- unreasonable - exceeding the bounds of reason, not listening to reason
- persistent - to continue, firmly or obstinately
- vexatious - not having sufficient grounds for action and/or seeking to annoy.

The policy is intended to assist in managing people by categorising them within these terms and agreeing the actions to be taken.

The term complaint in this guidance also covers requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998 and reference to our complaints policy or procedures includes requests made under these Acts.

Unreasonable, persistent and vexatious complaints can be a problem for staff and Members. The difficulty in handling such complaints is that they are time consuming and repetitive and can take up excessive officer and Member time that could be used on other Council priorities.

Officers and Members will endeavour to respond appropriately according to the individual complainant's needs, and in compliance with our complaints policy, but this guidance is to cover occasions where nothing further can be reasonably done to assist or rectify a real or perceived problem.

Complaints received about District, Town or Parish Councillors should be referred to the Monitoring Officer.

9. Action to be taken on unreasonable, unreasonably persistent or vexatious complaints

An individual assessment will need to be made in each case to determine if the complaint is to be categorised as unreasonable, persistent or vexatious. To assist with this, you need to consider if there has been repeated and/or obsessive pursuit of:

- Unreasonable complaints
- Complaints where there is an expectation of unrealistic outcomes
- Reasonable complaints made in an unreasonable manner
- Repeated complaints that have already been responded to in full

Where a complaint continues and officers have identified the complaint as unreasonable, persistent or vexatious, as set out in Appendix 3, they should refer the case to the Council's Legal Services Manager, using the template at appendix 4. The Legal Services Manager will investigate the issues and provide a response within 10 working days, whenever possible. In complex cases this time may be extended to maximum of 12 weeks. The complainant should be notified that the complaint is being investigated to determine if it is unreasonable, persistent or vexatious.

It is essential that any new contacts are checked and only sent to the Legal Services Manager if they relate to the current complaint under investigation. Any new service requests or complaints should be logged separately and dealt with by the service area.

The Council's Legal Services Manager, following discussions with the relevant service officer, will determine if the complaint should be classified in this way and will inform Management Team of the decision. Appendix 5 lists the options available. By taking the decision to Management Team all services can be made

aware of the decision and what actions are to be taken. Any appeal against the decision will be determined by the Chief Executive.

It is important that all staff, and especially front line staff, are made aware of any restrictions to access of our services or officers that are placed on service users/members of the public.

The Council's Legal Services Manager will notify the complainant in writing of the reason why the complaint has been classed as unreasonable, persistent or vexatious and of the actions to be taken. The Legal Services Manager will also inform the ward member.

Once a complaint has been determined as unreasonable, persistent or vexatious, its status will be kept under review and if the complainant demonstrates a more reasonable approach, their status or any restrictions applied to access to our officers will be reviewed.

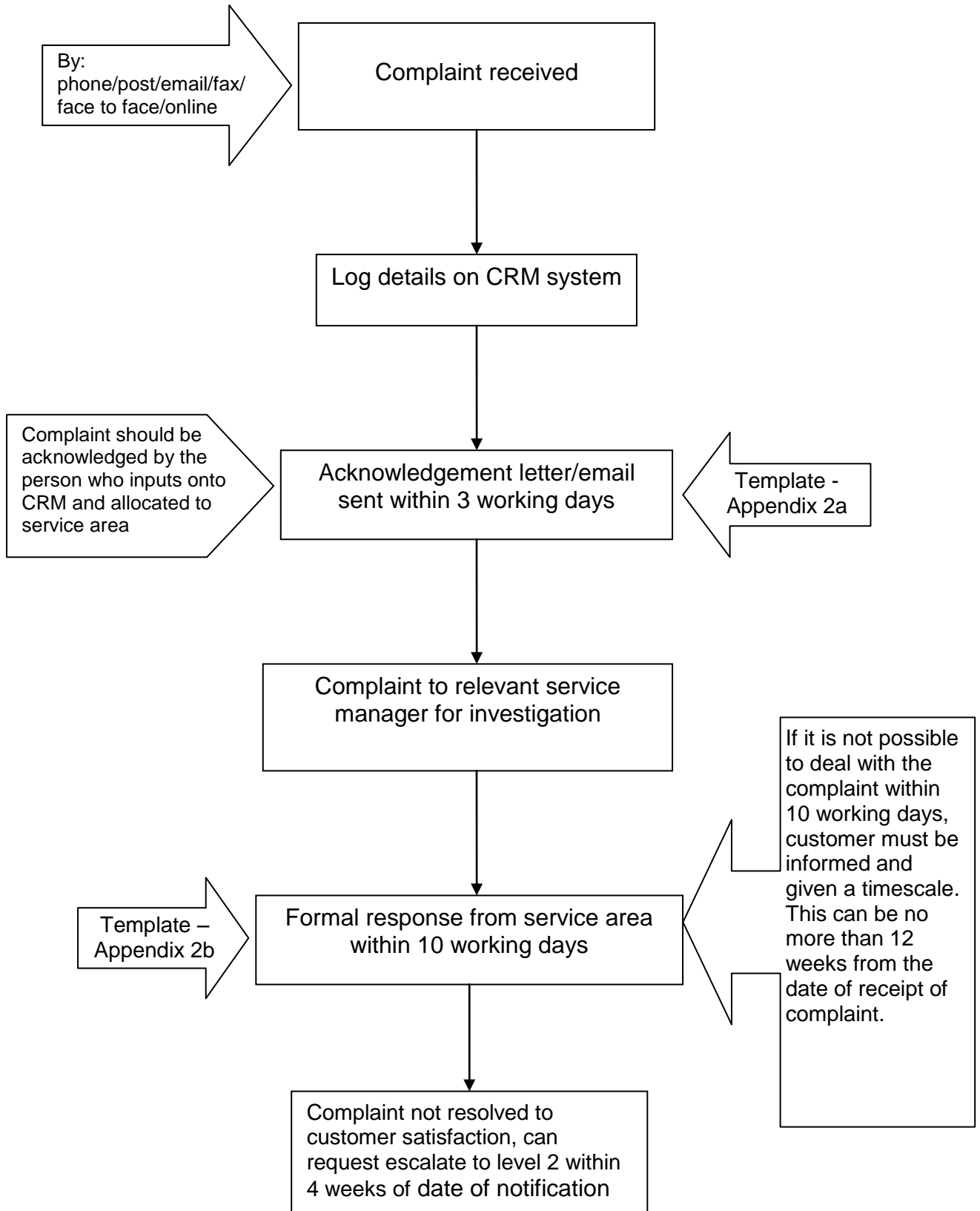
10. Review

This policy will be reviewed within three years in order to incorporate legislative, regulatory or best practice developments. Policy and procedural amendments will be made as and when new services or systems are introduced to improve the quality of complaint monitoring. Reviews will be undertaken in consultation with customers.

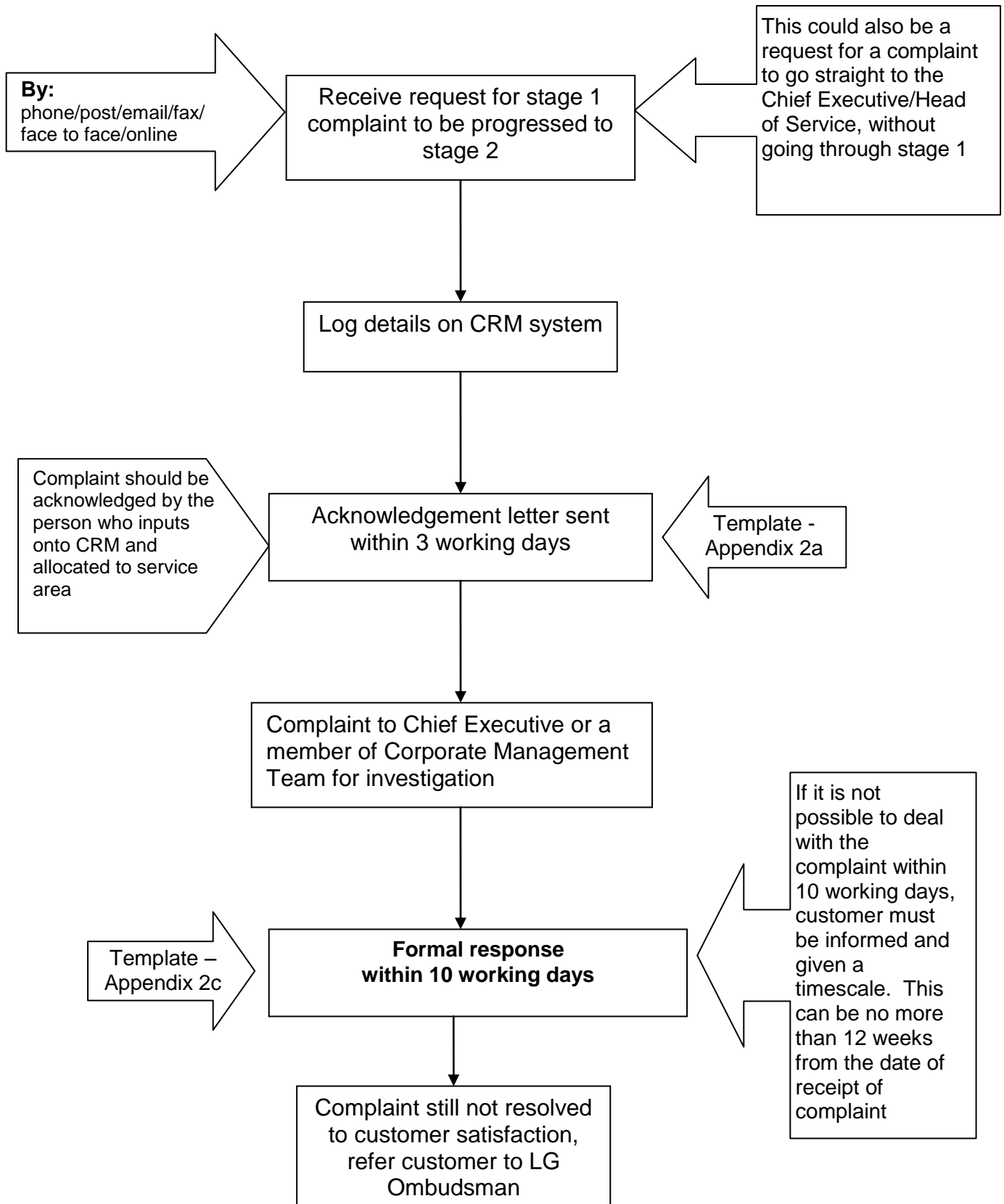
11. Customer consultation and surveys

We will ask customers that have used the complaints system to let us know how easy it was to make their complaint and if they found the procedure to be fair and covered all their needs. We will use the information from these surveys when reviewing our policy to inform changes and ensure our complaints procedure is "fit for purpose".

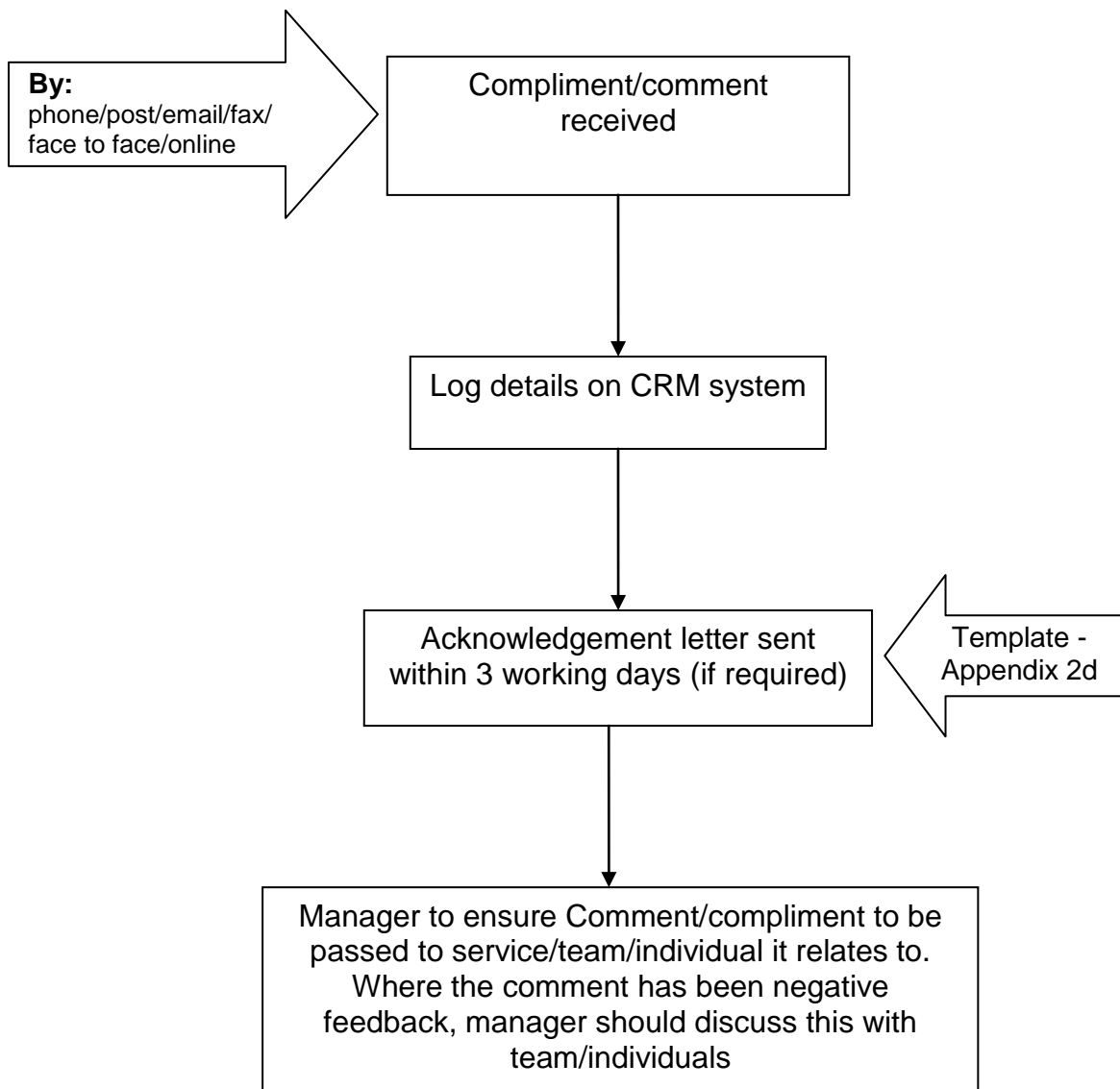
Stage 1 complaint process map



Stage 2 complaint process map



Compliment/comment process map



Appendix 2a

[TITLE] [LASTNAME]
[ADDRESS]

[SERVICENAME]
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
www.middevon.gov.uk

Your Ref:
Our Ref: [CALLREF]

Contact: [SERVICENAME]
Telephone: 01884 255255
Email: customerservices@middevon.gov.uk
Fax / DX: 01884 234935

Date [PRNDATE]

Dear [TITLE] [LASTNAME]

Your stage 1 or 2 complaint – Ref [CALLREF]
Re: [SUBJECT]

Thank you for your letter/email/phone call, dated [PRNDATE RECEIVED].

Your concerns have been logged as an official complaint and have been passed to [INVESTIGATOR] for investigation and response in accordance with the Council's complaints procedure.

You should receive a full response within the next 10 working days. If it is not possible to respond within this timescale we will contact you and keep you informed of progress and the additional time needed to conclude the investigation, up to a maximum of 12 weeks.

If you would like help from someone else, there are several choices:

- Your District Councillor is there to represent you and, if you wish, you can ask him or her to help you.
- You could also contact an advisory agency such as the Citizens Advice Bureau.

If you have any queries regarding the process, or if there is anything else you would like to add to your complaint, please get in touch. It would help if you provide the reference [CALLREF] whenever you contact the Council about this matter.

When the investigation into your complaint has been completed you will be provided with details of the outcome. If you remain dissatisfied you have the right to request a stage 2 review; the request must be made within 4 weeks of the notification of the outcome of your stage 1 complaint.

More details about our complaints procedure can be found on our website at www.middevon.gov.uk.

Yours sincerely

[LETTERWRITER]

Appendix 2b

[TITLE] [LASTNAME]
[ADDRESS]

Service Area
Phoenix House
Phoenix Lane
TIVERTON
EX16 6PP

Tel: 01884 255255

www.middevon.gov.uk

Your Ref:
Our Ref: [CALLREF]

Contact: [LETTERWRITER]
Telephone: 01884 255255
Email: customerservices@middevon.gov.uk
Fax / DX: 01884 234935

Date: [PRNDATE]

Dear [TITLE] [LASTNAME]

Your stage 1 complaint – Ref [CALLREF]

I am writing in response to your recent complaint dated [PRNDATE RECEIVED].

I understand you were unhappy about the following issues: *(summarise complaint using bullet points where appropriate)*

My investigation has shown that *(give a brief description of how you reached your decision)* and I therefore can confirm that I *am/am not* able to *uphold/partially uphold* your complaint.

As a result of my findings, I *have/propose to (explain what action if any has or will be taken as a result, ensure timescales are given)*.

I apologise for *(outline mistakes that may have been made)* and to help ensure this situation does not arise again I have *(explain steps taken to prevent recurrence)*.

This concludes my response to your complaint in accordance with Stage 1 of Mid Devon District Council's complaints and feedback procedure. If you remain dissatisfied, you may request your complaint be progressed to a stage 2 complaint. This request must be made within 4 weeks of the date of this letter; please state why you are not happy with this response and action that has been taken.

Please ensure you quote reference [CALLREF] in any correspondence.

Yours sincerely

[LETTERWRITER]

Appendix 2c

[TITLE] [LASTNAME]
[ADDRESS]

Service Area
Phoenix House
Phoenix Lane
TIVERTON
EX16 6PP

Tel: 01884 255255

www.middevon.gov.uk

Your Ref:
Our Ref: [CALLREF]
Date: [PRNDATE]

Contact: [LETTERWRITER]
Telephone: 01884 255255
Email: customerservices@middevon.gov.uk
Fax / DX: 01884 234935

Dear [TITLE] [LASTNAME],

Your stage 2 complaint – Ref [CALLREF]

I am writing in response to your recent complaint dated [PRNDATE RECEIVED].

I understand you were unhappy about the following issues: *(summarise complaint using bullet points where appropriate)*

My investigation has shown that *(give a brief description of how you reached your decision)* and I therefore can confirm that I *am/am not* able to *uphold/partially uphold* your complaint.

As a result of my findings, I *have/propose to* *(explain what action if any has or will be taken as a result, ensure timescales are given)*.

I apologise for *(outline mistakes that may have been made)* and to help ensure this situation does not arise again I have *(explain steps taken to prevent recurrence)*.

This concludes my response to your complaint in accordance with Stage 2 of Mid Devon District Council's complaints and feedback procedure. If you remain dissatisfied you may wish to take the matter further by contacting the Local Government Ombudsman who carries out an independent investigation of complaints against local authorities.

Contact details:-

- Local Government Ombudsman website at www.lgo.org.uk
- Telephone 0300 061 0614 or 0845 602 1983
- Write to The Local Government Ombudsman, PO Box 477, Coventry, CV4 0EH

Yours sincerely
[LETTERWRITER]

Appendix 2d

[TITLE] [LASTNAME]
[ADDRESS]

[SERVICENAME]
Phoenix House
Phoenix Lane
TIVERTON
EX16 6PP

Tel: 01884 255255

www.middevon.gov.uk

Your Ref:
Our Ref: [CALLREF]
Date: [PRNDATE]

Contact: [LETTERWRITER]
Telephone: 01884 255255
Email: customerservices@middevon.gov.uk
Fax / DX: 01884 234935

Dear [TITLE] [LASTNAME]

Your feedback – Ref: [CALLREF]

Thank you for taking the time to provide feedback on *insert> service/officer* on [PRNDATE RECEIVED]

Free text – or delete /Give details of the compliment/comment and what has been done as a result, has it been fed back to teams/individuals concerned, was there any resulting action required.

Your comments are much appreciated and have been passed on to all concerned.

Yours sincerely

[LETTERWRITER]

Appendix 3

Criteria for determining unreasonable, persistent or vexatious complaints

A complaint may be classed as unreasonable, persistent or vexatious if the complainant meets one or more of the following criteria:-

1. Persists in pursuing a complaint where the Council's complaint process has been fully and properly implemented and exhausted and where the complainant has failed to escalate the complaint to the appropriate Ombudsman.
2. Persistently changes the substance of a complaint or continually raises new issues that prolong the contact and make it more difficult to respond effectively. It is important that any completely new issue is raised as a new complaint if appropriate.
3. Is repeatedly unwilling to accept documented evidence or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
4. Repeatedly make complaints but does not identify the precise issues which they wish investigated.
5. Regularly focuses on trivial matters to an extent which is out of proportion to its significance and continues to focus on this point. It is important to recognise that determining what is trivial can be subjective.
6. Have threatened or used physical violence towards employees at any time, this will mean that the complainant can only contact us in writing and staff will be informed what access to staff and buildings they are permitted to.
7. Have in the course of dealing with their complaint made an excessive number of contacts with the Council, placing unreasonable demands on employees. Contacts can be in person, phone, email, fax, letter or web-form. Judgement will be used to determine excessive contact, taking into account the specific circumstances of each individual case.
8. Have harassed or been verbally abusive on more than one occasion towards employees dealing with the complaint. Employees recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. The individual circumstances of each person need to be considered and treated sensitively.
9. Makes unreasonable demands on the Council and its employees and fail to accept that these may be unreasonable, for example, insist on responses to complaints or enquiries being provided more urgently than is reasonable or within the Council's complaints procedure or normal recognised practise.
10. Makes unreasonable complaints which impose a significant burden on the human resources of the Council and where the complaint:

- a. does not have any serious purpose or value
- b. is designed to cause disruption or annoyance
- c. has effect of harassing the public authority
- d. can otherwise fairly be characterised as obsessive or manifestly unreasonable
- e. is using the Council as a means of causing harassment to another member of the public.

11. Makes repetitive complaints and allegations which ignore the replies which Council officers have supplied in previous correspondence.

Appendix 4

[TITLE] [LASTNAME]
[ADDRESS]

SERVICE AREA
Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
www.middevon.gov.uk

Your Ref:
Our Ref: [CALLREF]

Contact:
Telephone: 01884 255255
Email: **customerservices@middevon.gov.uk**
Fax / DX: 01884 234935

Date [PRNDATE]

Dear [TITLE] [LASTNAME]

Following the investigation and response to your complaints as listed below, I am referring your complaints to the Council's Legal Services Manager to investigate if these fall into the category of unreasonable, persistent or vexatious, as detailed in the Council's complaints policy.

You will be notified of the outcome of the investigation within 10 working days of the date of this letter. If this is not possible you will be advised of the time needed to conclude the investigation up to a maximum of 12 weeks.

Full details of our complaints policy can be found on our website www.middevon.gov.uk.

Yours sincerely

Summary of complaints received from _____

Date received	Complaint – brief details	Response – brief details

Reason referred to Legal Service Manager as detailed in the complaints policy: _____

Signature of MDDC officer: _____

Date: _____

Appendix 5

Options for dealing with unreasonable, persistent and vexatious complainants

The options below can be used singularly or in combination depending on the circumstances of the case.

1. Send a letter to the complainant setting out responsibilities for the parties involved if the Council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
2. Decline contact with the complainant, either in person, by telephone, by fax, by letter, by e-mail or any combination of these, provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact (and a named deputy in their absence). The complainant will be notified of this person.
3. Notify the complainant, in writing, that the Council has responded fully to the points raised and has tried to resolve the complaint and there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, because they have been classed as an unreasonable, persistent or vexatious and the Council does not intend to engage in further correspondence relating to the complaint.
4. Inform the complainant that in extreme circumstances the Council will seek legal advice and if appropriate commence court proceeding for an injunction.
5. Temporarily suspend all contact with the complainant, in connection with the issues relating to the complaint being considered as unreasonable, persistent or vexatious, while seeking advice or guidance from its solicitor or other relevant agency, such as the Local Government Ombudsman.

If any of the above actions are taken, the Council's Legal Services Manager will ensure that all services are advised of the actions to avoid any repetition across services and to ensure the complainant is treated in the same way regardless of how he/she contacts the Council.