

Feedback Policy

1. Introduction

North Warwickshire Borough Council (“The Council”) is committed to providing a high quality standard of service to all residents of the Borough. We strive to deliver excellent services however despite our best intentions, things do go wrong. We will ensure that it is easy to provide feedback and would welcome hearing your feedback upon how you view our services.

We will listen to your feedback and aim to respond within the timescales specified within this policy. We will put mistakes right and will ensure that we learn from these situations to improve our services.

This policy is designed to comply with the Council's legal and regulatory responsibilities.

2. Our Objectives

This policy applies to all employees working for the council, including those working from home or at locations other than the Council Offices and to consultants, agency staff and contractors who are engaged on behalf of the Council.

This policy ensures that there is a clear and systematic process by which customers can seek to resolve their complaints for failures in the service provision.

The Policy seeks to deliver the following results:

- A resolution in accordance with the timescales.
- To resolve complaints as soon as possible and at the earliest opportunity.
- Increase customer satisfaction.
- Learn from mistakes and ensure training is provided to employees.
- Identify and implement service improvements.

3. Policy Statement

Complaints

- 3.1 We aim to investigate and resolve complaints at the earliest opportunity. If we have made a mistake, we aim to put things right as quickly as possible. We will act promptly working with the Resident and explaining what will happen and will try to understand their perspective. We see complaints as an opportunity to identify what went wrong and the reason. We will seek to find a fair and reasonable solution to the complaint and will ensure that we have all the details and facts before making a decision.
- 3.2 We are committed to learning from the issues raised and improving our services.

Request for Service

- 3.3 Requests for service may include reporting a missed bin collection or an unmown grass verge should not be processed through the complaints system as long as:
- i. The individual is satisfied with the course of action proposed by the Council, and
 - ii. There is a recording measure in place to enable issues to be reported to the Management Team.

Expression of Dissatisfaction

- 3.4 At times a Resident will tell us that they are unhappy with something and may not want to make a formal complaint. These may be issues that can be easily and quickly resolved. We will always explain how we will handle the issue and explain the next steps. If the issue is serious, for example a Health and Safety issue, these matters will be handled as a formal complaint.
- 3.5 The employee who receives the expression of dissatisfaction is accountable for ensuring that the option to make a complaint is discussed. They are responsible for ensuring that it is passed to the relevant team. The relevant team will ensure that an acknowledgement is sent within five working days and a full response within twenty working days.
- 3.6 Expressions of dissatisfaction will not be treated as a formal complaint however are an important way for us to learn and improve our services and therefore should be recorded to ensure reporting to the Management Team in line with our performance reporting framework.

What is a complaint?

- 3.7 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the council, our employees, or those acting on its behalf, affecting an individual resident or group of residents.
- 3.8 Either the resident or the council can decide to deal with a matter as a complaint. However, residents sometimes use the term “complaint” to report problems or raise issues, it is therefore our responsibility to ensure that when an individual says they are unhappy that we explain their options, including considering whether the matter is a complaint.

4. Matters that will not be investigated under this policy:

- Requests for service, including reports of anti-social behaviour.
- Matters that are not the responsibility of the council such as Highways.
- Matters that have previously been considered under the complaints policy and have been concluded as not being the fault of the council.
- Matters where we have received an insurance claim.
- Matters subject to legal action such as where the council have commenced legal proceedings at court.
- Where there is a statutory procedure or right of appeal through an alternative process.
- Where the persistent contact/vexatious complaints procedure has been invoked, please refer to section 13.
- Complaints reported to us more than 6 months after the incident or issue occurred.
- Complaints relating to Freedom of Information (FOI), Environment Information Regulations (EIR), Environmental Impact Assessments (EIA) and Data protection Legislation, including data breaches.
- Matters where there is a right of appeal, such as:
 - i) Planning decisions, including consent, refusals, and enforcement decision.
 - ii) Homelessness decisions and housing register banding decisions.
 - iii) Parking appeals/notices.
 - iv) Council Tax and Housing benefit decisions.
 - v) Appeals against statutory notices.
 - vi) Regulatory matters (Environmental Health, Licensing and Community Safety).
 - vii) Conduct of elected Members (Councillors).

We will not normally accept anonymous complaints although dependent upon the situation we may make a decision to accept an anonymous complaint, for example if the matter is serious and the customer has a clear reason to remain anonymous.

Where we decide not to accept a complaint, a detailed explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. This does not apply to requests for service.

5. Who can make a complaint?

We will accept complaints from any Resident or any other individual or organisation who has had any relevant interaction with the Council. Where an individual asks a third party to act on their behalf, we will expect a signed authorisation to deal with the nominated person.

6. How to Make a Complaint

Our main priority is to resolve any concerns raised by residents as soon as they are brought to our attention. We would encourage residents who have any feedback or concerns to first approach a member of the team of an employee of the Council in the relevant service area to try and resolve the matter. If after raising your concerns you remain dissatisfied with the proposed solution, you can make a formal complaint to the council:

Via the Council website

By Emailing complaintsandcompliments@northwarks.gov.uk

By letter addressed to Complaints and Compliments at the Council

By telephoning 01827 715 341

In person by visiting the Council House

Through your local Councillor, nominated friend or relative

7. What will happen when a complaint is made?

When the Council receives a formal complaint from a customer, the nature and type of the complaint is assessed by one of our nominated and trained Complaints Handling Officers, who will:

- Clarify with the Resident any aspects of the complaint they are unclear about;
- Deal with complaints on their merits;
- Give the Resident a fair chance to set out their position;
- Take measures to address any actual or perceived conflict of interest;
- Consider all information and evidence carefully; and
- Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.

8. Response Timescales

Complaints	Working days from receipt
<u>Stage 1</u>	
Acknowledgment letter	5 days
Full response letter	20 days

<u>Appeals - Stage 2</u>	
Acknowledgment letter	5 days
Full response letter	20 days

The above table details the maximum response time in working days for responses to be provided, the working days will be counted from the date the Council receives the complaint. In certain circumstances, we may need to clarify with the individual any aspects of the complaint we are uncertain about, in these circumstances the response time will be from the date clarification is received. In the event the timescales will not be met then an extension shall be sought from the Resident.

9. Stage 1- Investigation

We will acknowledge a complaint within five working days of receipt and will send a formal response within twenty days of the complaint being acknowledged. The Resident will be provided a unique reference which will be used until the complaint is resolved and may assist in the event that they need to contact the Council.

In exceptional circumstances, the response time may need to be extended for a maximum of ten working days, however in these circumstances the Resident will be given an explanation as to why the extension is required and a clear timeframe will be provided.

In the event further clarification is required to assist the investigation, the response time will be placed on hold until the information has been received. A revised timeframe will be provided upon receipt of the information.

10. Stage 2 - Review

If you are not satisfied with the outcome of your complaint at Stage 1, then you can request that your complaint be escalated to Stage 2. You are not required to explain your reasons for the request at Stage 2. Your complaint will be escalated to the Senior Management Team for investigation and response. The officer dealing with the Stage 2 will not be the same person who investigated the matter at stage 1.

We will acknowledge your request within five working days of receipt and will send a formal response within twenty working days of your request being acknowledged. This request must be made with 28 days. In the event we require further time to review and investigate the case, we notify you with an explanation as to why the extension is required and a clear timeframe will be provided. The maximum time the Stage 2 can be extended for is for a further twenty working days.

11. Contacting the Ombudsman

If you are still unsatisfied with our Stage two response, you can refer the matter to the Local Government and Social Care Ombudsman who may carry out an independent investigation of the complaint.

The Local Government and Social Care Ombudsman will not handle complaints unless you have been through our internal complaint's procedure first.

The Ombudsman can be contacted at the following address:

The Local Government & Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

12. Putting Things Right

When a complaint is upheld, the Council will acknowledge things have gone wrong and set out the actions it has already taken or intends to take to put things right. These may include:

- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Making an apology;
- Taking action if there has been a delay;
- Reconsidering or changing a decision;
- Amending a record;
- Providing a financial remedy/compensation;
- Reviewing policies, procedures or practices.

The Council will set out what will happen and by when, in agreement with the resident and will be followed through to completion. In regard to compensation, the Council will consider if any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a Resident has been put to as well as any distress and inconvenience caused will be taken into consideration.

13. Unreasonable Behaviour and Vexatious Complaints

The Council recognises the need to respond to complaints. We are committed to dealing with all complaints fairly and impartially, and to making our service as accessible as possible. Due to the nature or frequency of their contact with the Council, a minority of Residents behave unreasonably and hinder the consideration of their own, or other Residents', cases and the general work of the Council.

The Feedback Policy provides a definition of when a customer's behaviour may be considered unreasonable or vexatious. The Council's approach in this area is to align with the published guidance on unreasonable behaviour from the Local Government Ombudsman, as the external body where customers may ultimately take escalated complaints for review: single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to

manage and/or interferes with proper consideration and conclusion of the complaint. Behaviour may be considered unreasonable or vexatious when a customer is:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaint investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various council departments.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the Resident insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Harassing or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the customer or complaint. Staff will document all instances of harassment, abuse, or verbally aggressive behaviour.
- Threatening or using physical violence towards staff at any time – this will, in itself, cause personal contact with the Resident and/or their representatives to be discontinued and the contact will, thereafter, only be continued through written communication. All such incidences will be documented.
- Recording meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved.

If a member of the Management Team considers that a person has habitually, persistently and without reasonable grounds, behaved unreasonably or vexatiously in accordance with the policy criteria, the matter will be referred to the Monitoring Officer. The Monitoring Officer will investigate the referral, and if the Monitoring Officer considers that reasonable grounds for the referral exist, they will arrange for the customer's behaviour to be investigated in accordance with the procedure detailed below. In exceptional circumstances, immediate action may be taken without following the procedure. The Monitoring Officer will write to the customer informing them that their behaviour is being investigated in accordance with this policy. Following the investigation, the Monitoring Officer will write to the person concerned informing them of the outcome. If the customer's behaviour is considered unreasonable or vexatious, the Council will:

- Identify the Council's concerns regarding the behaviour and/or number and/or nature of the complaints they have been making,
- That consideration is being given to restricting the customers contact with the Council or use of the Council's complaints procedure, and/or other alternative courses that the council could follow, e.g. allowing the Resident to contact only one nominated officer in the future; and
- Giving them the opportunity to make representations in writing. If, having considered any representations received, the Monitoring Officer is satisfied that unreasonable or vexatious behaviour has been substantiated, they will inform the person of this, and that any or some of the following actions may be applied:
 - Their use of the Council's complaints system will be limited to a single point of contact,
 - Such contact shall be restricted to letter only,
 - The Council will not respond to any further contact,
 - Their license to enter Council premises will be restricted or removed. The Monitoring Officer will inform the person of when this decision will be reviewed and of their right to complain to the Ombudsman.

14. Equalities and Diversity Monitoring

Equality monitoring is the collection of information about the characteristics of people such as their age, disability, sex, ethnicity, sexual orientation, religion or belief. Having this kind of information about customers helps the Council to make sure services are delivered fairly to everyone.

15. Data Protection and Confidentiality

We collect, hold and process information in accordance with the requirements of the UK General Data Protection Regulation and the Data Protection Act 2018. We will ensure the Data Protection principles are adhered to and all personal information provided as part of a complaint will be kept in line with our retention policy and only shared with other Council departments or contractors where it is necessary to do so.

All complaints are treated in confidence and are covered by the Council's privacy notice. We have a culture of learning from and welcome all feedback. Providing feedback about a service or an individual will not impact the service you expect to receive in the future.

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