

**Mid Devon District Council**

**Complaints and Feedback Policy**

**March 2024**

## Version Control Sheet

*Title:* **Complaints and Feedback Policy**

*Purpose:* To detail the commitment of the authority to encourage and accept customer feedback of all types and to enable identification of recurring issues and learn from mistakes. Also to set standards for all staff in recording and managing feedback received.

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*Review Frequency:* Every 2 years or sooner if required

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**Consultation This document was sent out for consultation to the following:**

Corporate Managers

Leadership Team

Cabinet Member

## Document History

This document obtained the following approvals.

| <b>Title</b>       | <b>Date</b>   | <b>Version Approved</b> |
|--------------------|---------------|-------------------------|
| Corporate Managers | <b>Mar 24</b> | <b>5.0</b>              |
| Leadership Team    | <b>Apr 24</b> | <b>5.0</b>              |
| Cabinet            | <b>Jun 24</b> | <b>5.0</b>              |
| Scrutiny           | <b>Jan 25</b> | <b>5.1</b>              |

## 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 complaints process that all staff should follow to ensure a consistent approach to dealing with complaints, feedback, and redress.

This policy is relevant to Mid Devon District Council (MDDC) AND Mid Devon Housing (MDH). Compliance and regulatory oversight of the application of this policy is provided by the Local Government and Social Care Ombudsman (LGCSO) and the Housing Ombudsman Service (HSO) respectively.

All complaints will be acknowledged within 5 working days of receipt and resolved within 10 working days where possible (Stage 1). If a longer investigation is required, the customer/tenant will be informed that a further period is required to investigate and resolve their complaint. This will usually be no longer than an additional 10 working days. If the complaint is of such complexity that it will require further time the matter will be referred to the designated officer responsible for complaints to agree an appropriate response time.

**Stage 1** will be to refer the complaint to the relevant service manager or Housing Complaints Officer. If the customer/tenant is still unhappy with the response, **Stage 2** will result in a further investigation by an alternative officer or more senior officer as appropriate.

If the complaint is about a named officer, the case will be assigned to a more senior manager/officer, independently of the service, or the MDH Complaints Officer as appropriate.

At each stage, the customer/tenant will be given details of how they can make further referral to the [Local Government Ombudsman](#) OR [Housing Ombudsman](#). Details of how to do this can be found in these links and on our website.

## 2. Scope

The policy sets out the Council's approach to complaints and details the procedure for dealing with complaints received from our customers/tenants and is available to everyone who receives a service from MDDC or MDH.

## 3. Process Maps

See Appendices 1a, 1b and 1c.

## 4. Policy

MDDC and MDH are committed to delivering quality services to all customers/tenants. The views of our customers/tenants 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/tenants 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.

MDDC is using the Local Government Ombudsman's definition of what 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 or group of individuals".***

MDH is using the Housing Ombudsman Service definition of what a complaint is:

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

A complaint is not a service request.

A **service request** is a request from a customer/tenant to the organisation/landlord requiring action to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly. MDDC/MDH should have the opportunity to deal with a service request before a complaint is made.

A **complaint** may be raised when the individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. The council/landlord will not stop its efforts to address the service request if the individual complains.

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

## **5. Exclusions**

The council/landlord will accept a complaint unless there is a valid reason not to do so. If the council/landlord decide not to accept a complaint an explanation will be provided to the complainant. Each complaint will be considered on its own merits.

Acceptable exclusions include:

- The issue giving rise to the complaint occurred over twelve months ago
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court
- The matter has been previously considered under the complaints policy

The council/landlord will accept complaints referred to us within 12 months of the issue occurring or the customer/tenant becoming aware of the issue unless they are excluded on other grounds. The council/landlord may decide to apply discretion to accept complaints made outside this time limit where there are good reasons to do so, e.g. Health and Safety, Safeguarding or conduct matters.

If the council/landlord does not accept a complaint, an explanation will be provided to the customer/tenant setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may instruct the council/landlord to take on the complaint.

## 6. Aims and Objectives

In dealing with complaints from any party MDDC/MDH will:

- ensure all staff are trained in dealing with complaints and feedback
- ensure that making a complaint is as easy as possible
- ensure that all staff can log a complaint on behalf of customers/tenants
- 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. MDDC/MDH 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
- 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 via our council/landlord web pages
- seek to resolve complaints in an amicable and professional manner
- provide information in alternative formats e.g. large print 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 as a minimum
- treat all complaints and appeals in strictest confidence
- provide information on how to contact the relevant Ombudsman if we have been unable to resolve issues to the customer's satisfaction

- ask customers/tenants to complete equality monitoring questions to ensure our complaints system is meeting the needs of all customers/tenants
- ensure objective investigation of any complaints about officers by assigning independent and/or senior officer oversight of the investigation of the complaint. In the case of MDH complaints these will be referred to the MDH Complaints Officer

## **7. Confidentiality**

All complaints will be dealt with in the strictest confidence.

## **8. Provision of Information**

We will protect customer/tenant privacy both in face-to-face discussions and in the transfer and storage of information.

All staff complete data protection training at induction and have regular updates on their responsibility in relation to the protection of personal information.

Where customers/tenants provide information, we will make it clear what is required and only retain as much data as is required for that purpose.

Customers/tenants should be aware that if a complaint is about a 3<sup>rd</sup> party/contractor who provides services on behalf of MDDC, then to expedite the complaint the minimum data necessary will be shared to resolve the issue.

## **9. 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 Services 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.

## **10. Unreasonable, unreasonably persistent, and vexatious complaints**

We recognise that the council/landlord may receive complaints from persons with widely varying ways of expressing themselves and who may 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 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.

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/landlord 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.**

#### **11. 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. When considering whether a complaint should fall within this category, consideration will need to be given to the extent of the complaints made to date and/or meet the criteria below:

- are unduly repetitious and/or potentially an obsessive or unreasonable pursuit of the matter
- continuing to deal with the matter is incompatible with the wider public interest.
- complaints where there is an expectation of unrealistic outcomes
- reasonable complaints made in an unreasonable manner

The District Solicitor will investigate the issues and provide a response within 10 working days, whenever possible or such longer time as considered appropriate in the case. The complainant should be notified that the complaint is being investigated to determine if it is unreasonable, persistent, or vexatious following receipt of the latest relevant complaint.

It is essential that any new contacts are checked and only sent to the District Solicitor 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 District Solicitor will notify the relevant officers, the complainant and where appropriate the ward member in writing of the reason the complaint has been classed as unreasonable, persistent, or vexatious and of the actions to be taken.

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.

Staff who may potentially be involved in service delivery concerning the complainant will be made aware of any restrictions imposed which may affect their service area.

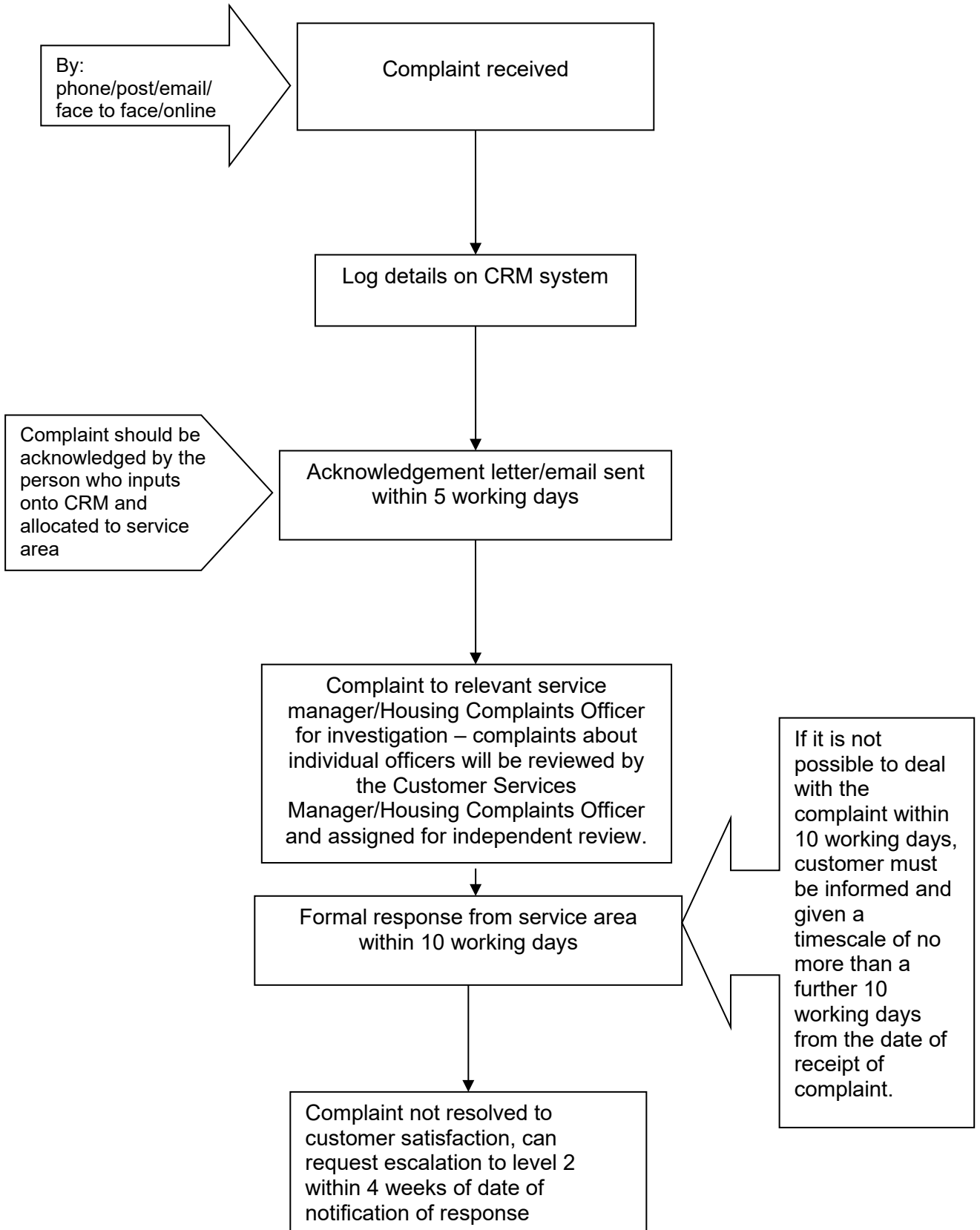
#### **12. Review**

This policy will be reviewed within two years 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. Periodic reviews will be undertaken in consultation with members.

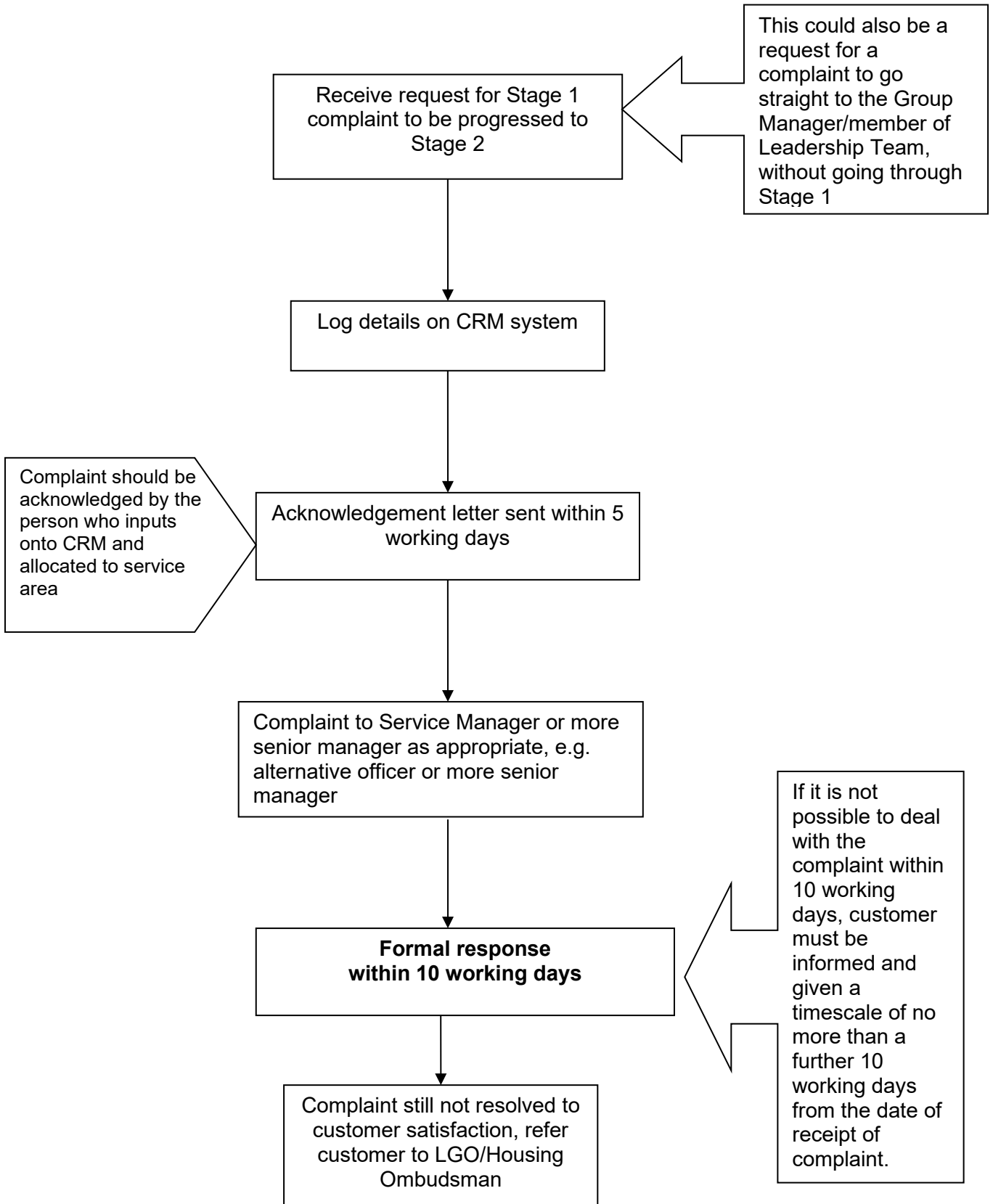
### **13. Customer/Tenant Consultation and Surveys**

We will ask customers/tenants 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.”

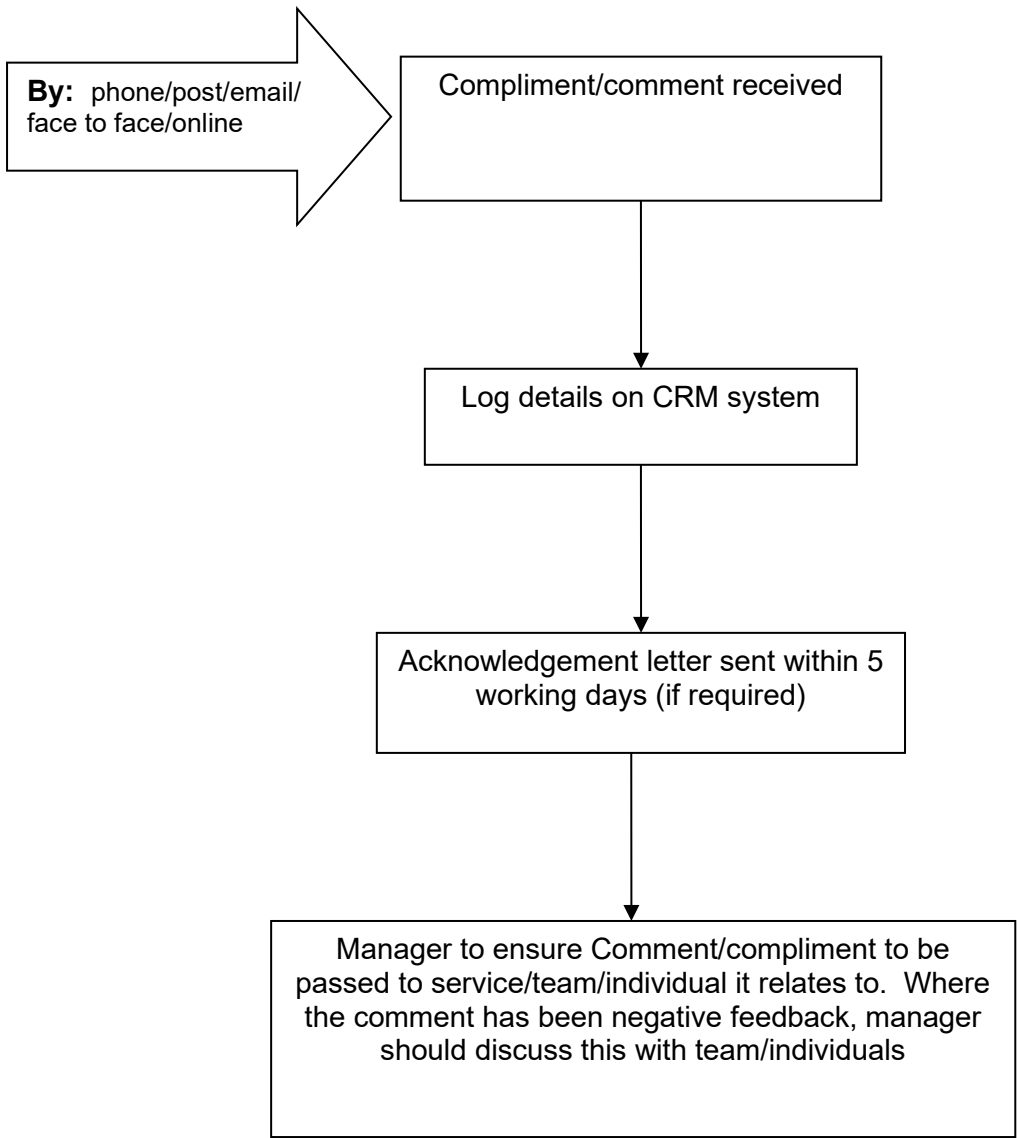
### Stage 1 Complaint Process Map



### Stage 2 Complaint Process Map



### Compliment/Comment Process Map



### **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 despite correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify when a lengthy 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 while 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, considering 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.

### **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 District Solicitor 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.