

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to</b>	<b>THE EXECUTIVE AND THE COUNTY COUNCIL</b>
<b>Date</b>	<b>19<sup>th</sup> NOVEMBER 2012 AND 5 MARCH 2013</b>
<b>Subject</b>	<b>Concerns and Complaints Policy</b>
<b>Portfolio Holder</b>	<b>Councillor John Chorlton</b>
<b>Lead Officer</b>	<b>Lynn Ball – Head of Function (Legal and Administration – Monitoring Officer)</b>
<b>Contact Officer</b>	<b>Beryl Jones, Customer Care Officer (Tel. 01248 752588)</b>
<p><b>Nature and reason for reporting:</b>            The Council is requested to endorse the recommendation by the Executive on 19.11.12 that the Concerns and Complaints Policy and the Unacceptable Actions by Complainants Policy be adopted with an implementation date of 1<sup>st</sup> April, 2013.</p>	

<b>A – Introduction / Background / Issues</b>
<p>Report to the Executive 19.11.12 (Attached )</p> <p>The new Policy was reported to the Executive on 19<sup>th</sup> November 2012 and the Executive resolved as follows:-</p> <p>“To recommend to the County Council:-</p> <ul style="list-style-type: none"> <li>• That it adopts the new Concerns and Complaints Policy, together with the Unacceptable Actions by Complainants Policy;</li> <li>• That the implementation date of 1<sup>st</sup> April, 2013 be endorsed.</li> </ul> <p>Reason for the Decision</p> <p>To comply with the Welsh Government proposal to develop a common complaints handling system for public service providers in Wales”</p>

<b>B – Considerations</b>		
Please see attached report		
<b>C – Implications and Impacts</b>		
<b>1</b>	<b>Finance / Section 151</b>	
<b>2</b>	<b>Legal / Monitoring Officer</b>	The corporate administration of the Policy rests within this Section
<b>3</b>	<b>Human Resources</b>	Discussions underway regarding training programme for relevant officers
<b>4</b>	<b>Property Services</b>	
<b>5</b>	<b>Information and Communications Technology (ICT)</b>	Discussions underway regarding common recording system.
<b>6</b>	<b>Equality</b>	Undertaken by the Welsh Government
<b>7</b>	<b>Anti-poverty and Social</b>	
<b>8</b>	<b>Communication</b>	The new Policy will be widely advertised at implementation
<b>9</b>	<b>Consultation</b>	Internal consultation on the two draft policies has taken place and amendments incorporated in the attached documents
<b>10</b>	<b>Economic</b>	
<b>11</b>	<b>Environmental</b>	
<b>12</b>	<b>Crime and Disorder</b>	
<b>13</b>	<b>Outcome Agreements</b>	

<b>CH - Summary</b>
The Welsh Government strongly recommend that all public service providers in Wales adopt the Concerns and Complaints Policy in order to standardise the public's experience of complaints handling.

**D – Recommendation**

That the County Council adopts new Concerns and Complaints Policy, together with the Unacceptable Actions by Complainants Policy, with a start date of 1<sup>st</sup> April, 2013.

**Name of author of report: Beryl Jones**

**Job Title: Customer Care Officer**

**Date: 11.02.13**

**Appendices:**

Appendix 1 – Concerns and Complaints Policy

Appendix 2 - Unacceptable Actions By Complainants Policy

**Background papers**

None

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>MEETING:</b>	<b>The Executive</b>
<b>DATE:</b>	<b>19 November 2012</b>
<b>TITLE OF REPORT:</b>	<b>Concerns and Complaints Policy</b>
<b>REPORT BY:</b>	<b>Beryl Jones Corporate Complaints Officer</b>
<b>PURPOSE OF REPORT:</b>	<b>To Endorse a new Corporate Complaints Policy</b>

## **1. Introduction and Background.**

- 1.1 In 2009, the Welsh Government (WG) established the Complaints Wales Working Group, chaired by the Public Services Ombudsman. The Group was asked to develop a proposal for a common complaints handling system for public service providers in Wales.

A letter was received from the WG in August 2010 stating that a Policy had been devised and was endorsed by the Welsh Ministers and commended to all public service providers, urging them to consider its use as the basis for a complaints procedure: “open and accessible to service users; designed to deal with complaints in the most efficient and effective way; and uses the outcomes of, and learning from, complaints resolution to inform the delivery of high-quality, citizen-centred public services”.

## **2. The New Policy**

2.1 In light of this strong recommendation, the Council is now asked to adopt a new Policy, based on the suggested model. The significant differences between the Council's current Policy, and the proposed new Policy, are:-

- Emphasis on customer care
- Systematic recording of ALL concerns ( not just complaints)
- Early resolution, including redress (compensation)
- Standard Information Leaflet and Complaint Form for the public
- Assess and prioritise complaints
- New investigation requirements
- High level reporting to the Executive and SLT
- Demonstrating lessons learnt and improvements implemented
- No internal appeal process/ no operational role for Members
- The requirement for the Council to adopt an “Unacceptable Actions by Complainants” Policy

## **3. Internal Consultation**

3.1 The draft “Concerns and Complaints” Policy and the draft “Unacceptable Actions by Complainants” Policy were sent out to Corporate Directors and Heads of Service for consultation on 26.9.12 and the responses received have been incorporated into the documents at Appendix 1 and Appendix 2 to this Report.

## **4. The New Policy**

4.1 **The new Policy is in 2 parts:-**

- **Part 1** to be issued to the public, and should be standardised across Wales, other than reflecting the nature of the service provider.
- **Part 2** is guidance and each public service provider may tailor their Policy according to the size and operational requirements of the organisation provided this does not impact on the public's experience of complaints

handing – “elements such as the form, the timescales and the number of stages should be consistent for all”.

## **4.2 The New Approach**

### **Stage 1 - Informal Resolution**

- This stage offers the opportunity for informal engagement at the point of service delivery to try and resolve complaints, either at the time the concern arises, or very shortly thereafter. This stage should be part of front line service delivery and not viewed as a separate stage. This step will normally be an explanation, or other appropriate remedial action, by frontline staff.
- The informal resolution stage should be done as quickly as possible and certainly take no longer than 10 working days. If it is not possible to resolve the concern within that timescale, then the matter should be escalated to the formal investigation stage.

### **Stage 2 Formal Internal Investigation**

- “Investigate once, investigate well” is the principle for this stage of the process. Emphasis is placed on one investigation to deal thoroughly with the concerns raised, rather than multiple investigations, at different levels of the organisation, which can result in protracted and, sometimes, open ended investigations.
- However, the Stage 2 element of the process is intended to be flexible and to respond appropriately to the complaint. “Investigating well” also means conducting an investigation in a manner that is proportionate to the nature and degree of seriousness of the complaint. Proportionate means that for less serious complaints, the investigation may not need to be so detailed/comprehensive.

## **5. The Unacceptable Actions by Complainants Policy**

This Policy addressed those complainants whose behaviour is unacceptable. The Council currently has no equivalent policy. This new policy defines the types

of behaviour that are deemed unacceptable and provides advice and guidance on how these behaviours will be managed.

## **6. The Way Forward**

In order for the new Policy to be introduced effectively the following actions need to be completed by all Services:-

1. Identify frontline staff who will need to receive training on the new Policy
2. Identify those staff who will be trained as investigators
3. Liaise with the Training and Development Officer to arrange training
4. Liaise with the ICT Service in order to ensure there is an adequate system in place to enable the recording of all concerns
5. Ensure signposting arrangement is in place so that Members know who to contact in order to receive assistance with queries from electors
6. Publicise the new Policy (corporately)

## **7. Implementation**

To allow time to complete steps 1 to 6 it is suggested that the implementation date is 1<sup>st</sup> April, 2013.

## **Recommendations:-**

1. That the Executive recommend and the Council adopt the Concerns and Complaints Policy, together with the Unacceptable Actions by Complainants Policy
- 2 That the implementation date of 1<sup>st</sup> April, 2013 be approved.



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

## Concerns and Complaints Policy

**Commitment Statement:** People will find it easy to complain and get things put right when the service they receive is not good enough



## **Preface**

This policy consists of two parts:

### **Part 1**

The first part of this policy is designed for customers. It advises customers what to do if they have a concern or complaint and how it will be dealt with by the Council. There is a separate Concerns and Complaints Information Leaflet that is to be made available to the public.

### **Part 2**

The second part of this policy is designed for officers of the Council and describes how concerns and complaints will be managed internally subject to statutory guidance e.g. on education or social care complaints.

Note: Hereafter whenever reference is made to a 'concern' or 'complaint' it refers to both concerns and complaints.

## Concerns and Complaints Policy

Anglesey County Council is committed to dealing effectively with any concerns or complaints you may have about our services. We aim to clarify any issues about which you are not sure and learn from our mistakes and use the information we gain to improve our services.

### When to use this policy

When you express a concern or a complaint, we'll usually respond in the way we explain below. However, sometimes you may have a statutory right of appeal e.g. against a refusal to grant planning permission or the decision not to give your child a place in a particular school so, rather than investigate your complaint, we'll explain to you how you can appeal. Sometimes, you might be concerned about matters that aren't decided by us e.g. if you have a complaint about your GP, we'll advise you about how to make your concerns known.

This policy doesn't apply if you have a concern or complaint relating to Data Protection, Freedom of Information or Environmental Information Regulations. In these instances, you should write, giving full details of your complaint, to the Customer Care Officer, Legal Section, Isle of Anglesey County Council, Council Offices, Llangefni, LL77 7TW or send an e-mail to the following e-mail address:

- [legalpolicy@anglesey.gov.uk](mailto:legalpolicy@anglesey.gov.uk)

### Have you asked us yet?

If you're approaching us for a service for the first time e.g. reporting a faulty street light, a missed bin collection or a housing repair then this policy doesn't apply. You should first give us a chance to respond to your request. If you make a request for a service and then are not happy with our response, you'll be able to make your complaint known as we describe below.

## Step 1 - Informal Resolution

If possible, we believe it's best to deal with things straight away rather than try to sort them out later. If you have a concern, raise it with the service you're dealing with and the Member of Staff will try to resolve it for you there and then. If there are any lessons to learn from addressing your concern then the member of staff will draw them to our attention. If it's not possible to resolve the matter there and then they will explain why and you can then ask for a formal investigation.

You can express your complaint in any of the following ways:

- You can ask for a copy of our concerns and complaint form from the person with whom you are already in contact.
- You can get in touch with our Customer Care Officer:

**e-mail:** *details to be inserted*

**the website:**

**phone:** 01248

**writing to:** Complaints, Legal Section, Isle of Anglesey County Council, Council Offices, Llangefni, Anglesey, LI77 7TW.

Copies of this policy and the concerns and complaint form are available in Welsh, other languages and as audio, large print etc. on request.

## Dealing with your concern

- We'll formally acknowledge your complaint within 5 working days from receipt and let you know how we intend to deal with it.
- If you have not already told us, we'll ask you to tell us how you would like us to communicate with you e.g. by e-mail or telephone, your language preference and if you have any particular requirements e.g. if you have a disability.
- We'll deal with your complaint in an open and honest way.

- We'll make sure that your dealings with us in the future do not suffer just because you have expressed a concern or made a complaint.

Normally, we'll only be able to look at your complaint if you tell us about it within 6 months from when the problem occurred. This is because it's better to look into your complaint while the issues are still fresh in everyone's mind.

There may be exceptions where we may be able to look at complaints which are brought to our attention later than this. However, you must give us strong reasons why you have not been able to bring it to our attention earlier and we'll need to have sufficient information about the issue to allow us to consider it properly. (In any event, regardless of the circumstances, we will not consider any concerns or complaints about matters that took place more than three years ago).

If you're expressing a concern or complaint on behalf of somebody else, we'll need their written agreement for you to act on their behalf as we may share personal sensitive information with you.

### **What if there is more than one organisation involved?**

If your complaint covers more than one organisation e.g. a Housing Association and the Council, we'll usually work with them to decide who should take a lead in dealing with your complaint. We'll tell you if we need to speak to another organisation and how long this will take. You will then be given the name of the person responsible for communicating with you while we consider your complaint.

If the complaint is about an organisation working on our behalf e.g. housing repair contractors, you may wish to raise the matter informally with them first. However, if you want to express your concerns to us, we'll look into this ourselves and respond to you.

## **What if I am dissatisfied with the response I receive?**

### **Step 2 - Investigation**

If you're not satisfied with the response you receive from us when you first complain, you can ask for your complaint to be formally investigated.

We will tell you the name of the officer asked to look into your complaint. We'll set out to you our understanding of your complaint and ask you to confirm that we've got it right. We'll also ask you to tell us what outcome you're hoping for if you haven't already done so.

The Officer looking at your complaint will usually need to see the files we hold relevant to your complaint. If you don't want this to happen, it's important that you tell us.

If there is a simple solution to your problem, we may ask you if you're happy to accept this. For example, where you failed to receive a service you requested and we see straight away that you should have had it; we'll offer to provide the service.

We'll aim to resolve complaints as quickly as possible and expect to deal with the vast majority of Step 2 complaints within 20 working days from receipt. If your complaint is more complex, we'll:

- Let you know within 20 working days why we think it may take longer to consider;
- Tell you how long we expect resolution to take;
- Give you regular updates and tell you whether any developments might change our original estimate.

The officer considering your complaint will aim firstly to establish the facts. The extent of an investigation will depend on how complex and how serious the issues you have raised are. In some instances, we may ask to meet you to discuss your complaint. Occasionally, we might suggest mediation or another method to try to resolve disputes.

We'll look at relevant evidence. This could include files, notes of conversations, letters, e-mails or whatever may be relevant to your particular complaint. If necessary, we'll talk to employees or others involved and apply our policies and any legal entitlement and guidance.

## **Outcome**

We'll let you know what we have found in your preferred form of communication and your preferred language. This could be by letter or e-mail, for example. If necessary, we'll produce a report. We'll explain how and why we came to our conclusions.

If we find that we got something wrong, we'll tell you what and why it happened. We'll show how the mistake affected you, and where possible rectify the mistake.

If we find there is a fault in our systems or with the way we do things, we'll tell you what it is and how we plan to change things to stop it happening again.

If we got something wrong, we will apologise.

## **Putting things right**

If we didn't provide a service you should have received, we'll aim to provide it straight away if that's possible. If we haven't done something well, we'll aim to do it better. If you've lost out as a result of a mistake on our part we'll try to put you back in the position you would have been in if we had got it right first time.

If you had to pay for a service yourself, when you should have received one from us, or if you were entitled to funding which you did not receive we will usually aim to make good what you have lost.

### Step 3

#### Ombudsman

If we're unable to resolve your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:

- Have been treated unfairly or received a bad service through some failure on the part of the Council;
- Have been disadvantaged personally by a service failure or have been treated unfairly.

The Ombudsman expects you to bring your concerns to our attention first and to give us a chance to put things right. You can contact the Ombudsman by:

**phone:** 0845 601 0987  
**e-mail:** [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)  
**the website:** [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)  
**writing to:** Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

There are also other organisations that consider complaints. For example, the Welsh Language Commissioner for services provided in Welsh. We can advise you about such organisations.

## Learning lessons

We take your concerns and complaints seriously and try to learn from any mistakes we've made.

Where there is a need for change, we'll develop an action plan setting out what we'll do, who will do it and a timescale of when we plan to do it. We'll let you know when any changes we have promised have been made.

## If you need help

Our employees will aim to help you make your concerns or complaint known to us. If you need extra assistance, we'll try to put you in touch with someone who can help. You may wish to contact organisations such as:

### **Age Cymru Gwynedd & Môn**

Phone 01286 677711

Fax 01286 674389

e-mail: [info@acgm.co.uk](mailto:info@acgm.co.uk)

[www.ageuk.org.uk/cymru/gwyneddmon](http://www.ageuk.org.uk/cymru/gwyneddmon)

### **Citizens Advice Bureau**

Phone 08444 772020

Fax 01407 769300

[www.ynysmoncab.org.uk](http://www.ynysmoncab.org.uk)

### **Taran Disability Forum Ltd**

Phone 01407 721956

[www.tarandisability.co.uk](http://www.tarandisability.co.uk)

### **Carers Outreach**

**(Gwynedd, Conwy & Anglesey)**

Phone 01248 370797

Fax 01248 371302

[www.carersoutreach.co.uk](http://www.carersoutreach.co.uk)

### **North Wales Advice and Advocacy Association**

Phone 01286 670852

[www.nwaaa.co.uk](http://www.nwaaa.co.uk)

### **RNIB Cymru – supporting blind and partially sighted people**

Phone 0303 123 999

[www.rnib.org.uk](http://www.rnib.org.uk)



## **National Youth Advocacy Service**

e-mail: [help@nyas.net](mailto:help@nyas.net)

phone 0800 616101

[www.nyas.net](http://www.nyas.net)

## **North Wales Deaf Association**

phone 01492 542235

Minicom 01492 542236

fax 01492 542238

Videophone 01492 549987

[www.deafassociation.co.uk](http://www.deafassociation.co.uk)

You can also use this policy if you are someone under the age of 18. If you need help, you can speak to someone on the Meic Helpline by phone 080880 23456 and further information can be found on their website at [www.meiccymru.org](http://www.meiccymru.org)

You can also contact the Children's Commissioner for Wales by phone 01492 523333 or by e-mail [post@childcomwales.org.uk](mailto:post@childcomwales.org.uk) and further information can be found on their website at [www.childcom.org.uk](http://www.childcom.org.uk)

### **What we expect from you**

In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a complaint. We don't view behaviour as unacceptable just because someone is forceful or determined.

We believe that all complainants have the right to be heard, understood and respected. However, we also consider that our employees have the same

rights. We, therefore, expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence. **We have a separate policy to manage situations where we find that someone's actions are unacceptable – please see our “Unacceptable Actions by Complainants Policy”.**

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## Concerns and Complaints Policy - Part 2

### 1. Introduction

#### 1.1 Purpose of the policy

1.1.1 The Welsh Government's vision for improving public services in Wales recognises that complaints systems and redress\* can make an important contribution to the improvement of services.

1.1.2 The Council has adopted the Welsh Government's model policy for dealing with concerns and complaints in Wales (hereafter referred to as the "policy") to establish across the spectrum of public service providers common principles for the effective handling of concerns and complaints.

1.1.3 In adopting the model policy, the Council has followed guidance provided by the Welsh Government to enable:

- Common data collection procedures across Wales;
- Common methods for learning from concerns and complaints;
- Common means to identify and disseminate good practice.

1.1.4 This policy came into effect on .....

*\* Redress: appropriate redress can take many forms, this includes an explanation and an apology, remedial action, on occasion financial compensation, or a combination of these. Redress should seek to put the complainant back in the position they would have been in if nothing had gone wrong. Where this is not possible – as will often be the case – the remedy should fairly reflect the harm the complainant has suffered.*

## **2. Definition and principles**

### **2.1 What is a complaint?**

2.1.1 Whether about the Council itself, a person acting on its behalf, or a partnership, a complaint is:

- An expression of dissatisfaction or concern;
- Either written or spoken or made by any other communication method;
- Made by one or more members of the public;
- About the Council's action or lack of action or;
- About the standard of service provided.

2.1.2 A complaint is not:

- An initial request for a service, such as reporting a missed bin collection;
- An appeal against a properly made decision;
- A means to seek change to legislation or a properly made policy decision;
- A means for lobbying groups/organisations to seek to promote a cause.

### **2.2 Principles for dealing with complaints**

2.2.1 When someone complains they inevitably have an issue about a service which has been received or not received. Complaints need to be handled in such a way that the complainant is the focus and not the process itself. It is within this context that the following principles apply to this policy:

#### **(i) Accessible and Simple**

- Well publicised;
- Easy to find, understand and use – both for public and employees;
- Simple with clear instructions about how to make a complaint;

- Flexible to meet the different needs of different people ensuring that those who face challenges in access are not excluded;
- Provides information on advocacy and support services;
- The stages in the complaint handling process are kept to a minimum.

**(ii) Fair and Impartial**

- Complaints are dealt with in an open-minded and impartial way;
- Complainants are assured that making a complaint will not adversely affect their future dealings and contacts with the Council;
- Ensures that complainants get a full response and that decisions are proportionate, appropriate and are fair;
- The employees complained about are treated as fairly as complainants.

**(iii) Timely, Effective and Consistent**

- Within the parameters of what is appropriate and possible, frontline employees themselves should seek to resolve complaints;
- Investigate Once, Investigate Well – when a complaint requires investigation, this will be done thoroughly to establish the facts of the case;
- Dealt with as quickly as possible;
- Consistent so that people in similar circumstances are treated in similar ways;
- Complaints involving more than one public service provider are dealt with in such a way that the complainant's experience is of one system.

**(iv) Accountable**

- Provides honest, evidence-based explanations and gives reasons for decisions;
- Information is provided in a clear and open way;

- When concerns are found to be justified, as appropriate:
  - acknowledge mistakes;
  - apologise in a meaningful way;
  - put matters right;
  - provide prompt, appropriate and proportionate redress.
- Follow up to ensure any decisions are properly and promptly implemented;
- Where appropriate, the complainant is told about the lessons learnt and changes made to the service, guidance or policy;
- Ensures that complainants are informed of their right to complain to the Public Services Ombudsman for Wales (or of other appropriate routes open to them, for example, the Welsh Language Commissioner in respect of complaints about compliance with Welsh Language Schemes or Welsh Language Standards; Equality and Human Rights Commission).

**(v) Delivers Continuous Improvement**

- Lessons learnt from complaints are gathered and feedback is used to improve service design and delivery;
- An appropriate electronic system in place to record, analyse and report on the learning from concerns;
- The leadership of the Council:
  - takes ownership of the complaints process;
  - regularly reviews and scrutinises its effectiveness;
  - receives regular complaints monitoring reports; and
  - demonstrates what the Council has done to improve service delivery as a result of complaints.

### **3. Complaint handling arrangements**

3.1.1 The aim of this policy is to provide a common approach for handling complaints that is simple, flexible and places emphasis on getting the most appropriate outcome for individuals and services. It requires officers to take a proactive approach to dealing with complaints by focusing on people's needs.

3.1.2 The policy is designed to streamline complaints arrangements across the Council and make it easier to deal with complaints that relate to more than one service area.

### **3.2 Commitment statement**

3.2.1 The Welsh Government has published a principle on redress for public services (Making the Connections – Building Customer services, March 2007). This is the touchstone for the model complaints policy and every public service provider in Wales in adopting the model will in turn publish a commitment statement as follows:

*“People will find it easy to complain and get things put right  
when the service they receive is not good enough”*

3.2.2 Note: The above statement applies to circumstances where there has been a failure to deliver a service someone is entitled to receive. However, it does not apply in circumstances where people are making a request for an initial service.

### **3.3 The people who may put forward a concern or complaint**

3.3.1 Any member of the public, including a child, who has received, or was entitled to receive, a service from the Council may make a complaint. The same applies if they have suffered due to the inappropriate action or lack of action by the Council.

3.3.2 Where a complaint is made by a young person or child, the Council will provide them with such assistance that they may reasonably require in order to pursue the complaint. This should include making the young person or child aware of the help that could be provided by the Children's Commissioner for Wales.

3.3.3 A complaint can also be put forward by someone on behalf of another person:

- (a) Someone who has died;
- (b) A child;
- (c) Those who lack the capacity (as defined by the Mental Capacity Act 2005(1));
- (d) They have been asked to do so by the person affected.

3.3.4 In the case of (b), (c) and (d), we must satisfy ourselves, as far as the circumstances of the person affected allow for it, that the representative is acting with the authority of that person and if possible obtain their signature to confirm this.

3.3.5 This policy is not a means for a member of staff to raise employment issues. There are other internal mechanisms for these type of concerns, for example, whistleblowing, bullying, or grievance procedures.

### **3.4 Roles**

3.4.1 The Deputy Chief Executive is responsible for ensuring this policy is adopted and followed by officers. *{Each organisation should appoint a named officer with responsibility for ensuring that the policy is adopted}*

3.4.2 The Customer Care Officer (Central Complaints Handler) is responsible for recording all complaints received and must be informed of all complaints dealt with under Step 1.



- 3.4.3 All formal complaints must be channelled through the Customer Care Officer.
- 3.4.4 Frontline Staff – role to be defined
- 3.4.5 Directorate Complaints Officers – role to be defined
- 3.4.6 Senior Officers within Departments who will investigate complaints

### **3.5 Resources**

3.5.1 The Council will ensure that the necessary resources are made available to enable delivery of this policy, this includes:

- Staffing
- Training;
- Complaint handling systems e.g. ....

### **3.6 Accessibility and publicising the complaints procedure**

3.6.1 The concerns and complaints policy is accessible to everyone. The complaints process is widely published e.g.

- Promotion via website and newsletter;
- Bilingual concerns and complaint forms and the Policy are readily available at public reception points and local offices of relevant advice and advocacy organisations;
- A copy of the policy is also available in alternative formats such as on CD, in large print, Braille, etc.

### **3.7 The complaints leaflet and complaint form**

3.7.1 The wording of the concerns and complaint information leaflet is as per the Welsh Government's model policy.

3.7.2 In raising a concern, ideally people should complete a concern and complaint form either printed version or the form on the Website. However, people may prefer to present their complaint by telephone, e-mail, or in person (or other method). In doing so employees dealing with the complaint should ensure that they have gathered the same information as that being sought on the complaint form and ensure it is recorded on the ..... system.

### **4.0 The concerns and complaints procedure**

#### **4.1.1 Step 1**

4.1.2 This policy consists of three steps (two internal and one external step) for dealing with complaints.

4.1.3 Step 1 offers the opportunity for informal engagement at the point of service delivery to seek to resolve complaints either at the time the complaint arises or very shortly thereafter. This stage should be part and parcel of front line service delivery and not viewed as separate from it. This first step will normally be an explanation or other appropriate remedial action by frontline staff or service manager. Staff are empowered to deal with complaints as they arise with the aim of resolving issues on the spot. However, staff will be trained to recognise the seriousness of a complaint and understand when it should be referred to a more senior member of staff.

4.1.4 The complaint should be recorded on the ..... system at the first point of contact and given an unique reference number which should be quoted on all correspondence.

- 4.1.5 The aim at Step 1 is to respond to the complaint within 10 working days. If the complaint can be dealt with immediately then there is no need to send an acknowledgement. If however it is unlikely that the complaint will be dealt with within 5 working days an acknowledgement must be sent. This acknowledgement should state that the matter will be dealt with within 10 working days of the date of receipt of the complaint and confirm the name and telephone number of the contact officer. If the service is unable to respond within 10 working days then on the eighth day a holding letter, e-mail, or phone call should be sent. It is very important to keep the customer informed and just as important to update the record to show that the matter is in hand.
- 4.1.6 Although every effort should be made to direct the complainant to the service area in the first instance, there will be occasions when the complainant chooses to contact other officers or service areas, such as the Chief Executive, Monitoring Officer, Internal Audit, Customer Services Team, Welsh Language Officer etc.
- 4.1.7 In these situations the recipient of the complaint will need to decide whether they will deal with it or pass it on to a different service area. Whatever the decision it is important to record the details on the ..... system and ensure that the Customer Care Officer is aware of the complaint.
- 4.1.8 Employees may receive complaints that do not involve their own service, but that of another department. It may be difficult to know whom the complainant should be referred to, but at the very least all employees should be able to direct the complainant to the Customer Care Officer who will then be able to advise the complainant appropriately.
- 4.1.9 In a similar vein, employees may receive a complaint that not only involves their own service but that of another section/department. In these instances – since it is unlikely that the employee will have the necessary authority to resolve a complaint on behalf of another service –

details of the complaint should be taken and then referred to the Customer Care Officer.

4.1.10 When the complaint has been dealt with the .....system must be updated to reflect this. It is important to record the action taken and where appropriate a copy of the correspondence (letters and e-mails) should be attached to the record. If this is not possible then a copy should be sent to the Customer Care Officer clearly marked with the unique reference number. The reason for this is to hold a central record just in case the complainant is not satisfied with the response or they make a similar complaint again in the future.

4.1.11 If after an employee has given the matter full consideration they feel that there is nothing more that can be added, the employee must advise the complainant how to progress their complaint to Step 2 if they are not satisfied with the outcome of their complaint at the end of Step 1. The following should be included in the Step 1 response:

“If you are not satisfied with this response please contact the Customer Care Officer by e-mail, post or telephone – *details to be inserted*. You will be asked to explain why you are not satisfied with the outcome and you will be given the opportunity for the matter to be considered under Step 2 of the concerns and complaints policy”

4.1.12 Complainants may wish their complaint to be ‘fast tracked’ straight through to Step 2. This may particularly be so if there have been disagreements with employees directly responsible for delivering the service. It is the complainant’s prerogative to seek to take their complaint directly to Step 2 of the procedure and employees should advise how they may do so.

4.1.13 Employees are encouraged to provide appropriate information on advice and advocacy support at Step 1. However, it is recognised that they may not have (nor could they be expected to) the breadth of knowledge of all types of help available, particularly when operating in a specialist field

themselves. Nevertheless, a housing officer, for example, should be sufficiently knowledgeable to advise a complainant with a housing complaint about the services of organisations such as Shelter Cymru.

4.1.14 The Customer Care Officer is a source of support for frontline employees in respect of local resolution.

## **5.0 Step 2 – Formal Internal Investigation**

5.1.1 “Investigate once, investigate well” is the principle for this step of the process. Emphasis is placed on consideration of the complaint to deal thoroughly with the concerns raised, rather than multiple investigations at different levels which can result in protracted and sometimes open ended investigations. However, the Step 2 element of the complaints process is flexible to respond appropriately to the complaint. “Investigating well” also means conducting an investigation in a manner that is proportionate to the nature and degree of seriousness of the complaint. Proportionate means that for those complaints not so serious in their nature, the investigation may not need to be so detailed.

5.1.2 Step 2 complaints should be sent by the complainant to the Customer Care Officer and any employee who receives a complaint form should forward it promptly.

5.1.3 Having formally received a Step 2 complaint an acknowledgement will be sent by the Customer Care Officer as soon as is possible but within 5 working days.

5.1.4 If the complaint is “out of time” i.e. the issue being complained about is older than 6 months (from the time that the complainant first became aware of the problem), consideration will be given as to whether there are good reasons as to why it should nevertheless be accepted.

5.1.5 The Customer Care Officer will offer to discuss the matter with the complainant, including:

- Helping the person who is complaining understand the process;
- Confirming with them their preferred method of communication and what they want as an outcome to making the complaint;

5.1.6 The information will be recorded on the ..... system by the Customer Care Officer.

5.1.7 Depending on the nature of the complaint it may be necessary to obtain the complainant's permission to access their personal file. If the complainant refuses to give permission, then it will be explained to them that this will have an effect on the ability to conduct a thorough investigation.

5.1.8 If the complainant is complaining on behalf of someone else, consideration will be given as to whether written consent is needed to investigate the complaint.

5.1.9 Once satisfied that they sufficiently understand the details of the complaint the Customer Care Officer should:

- Allocate the complaint to the Officer identified within the Council with sufficient seniority, credibility and independence from the source of the complaint to undertake the investigation;
- Depending on the nature of the complaint, this may still be someone within the service section/department, but it may require someone independent from the section/department, including the Customer Care Officer themselves;
- When deciding who the contact officer will be, the Customer Care Officer will take account of whether the investigation will need to span across more than one service and the level of seniority required to investigate across all those areas;

5.1.10 The Customer Care Officer will keep track of (and record) progress and take responsibility for monitoring the smooth running of the investigation, ensuring that timescales are met. Step 2 complaints should normally be concluded within 20 working days. Where this is not possible complainants will be informed of the reasons and there will be regular contact with the complainant, updating them on progress on the case.

5.1.11 A complainant may withdraw their complaint at any time, however, the Council may continue to investigate if it feels that it is necessary to do so.

5.1.12 If after the matter has been given full consideration and an investigation carried out if necessary, there is nothing more that can be done the complainant should be informed of their right to complain to the Public Services Ombudsman for Wales.

## **5.2 Complaints Investigations**

5.2.1 A complaint investigation should be a fact finding exercise which is impartial, open and transparent and proportionate to the seriousness of the complaint. For serious complaints, a plan will be drawn up enabling the complaint to be investigated systematically.

5.2.2 However, even though the complaint has reached Step 2, there may still be potential for resolving the concern to the complainant's satisfaction through a 'quick fix' and without having to undertake a full and lengthy investigation. Consideration will be given to the possibility of this. Consideration will also be given as to whether face to face meetings and/or mediation could provide a means to resolving the complaint.

5.2.3 Evidence gathering may include:

- Correspondence (letters and e-mails)
- Notes of telephone conversations
- Organisational policies and procedures

- Good practice guidance
- Records (including those specifically related to the complaint under consideration and training records of staff involved in the complaint)
- Legislation
- Interviews (including detailed note taking)
- Site plans and visits
- Photographic evidence
- Recordings in various formats (e.g. phone, video, CCTV)
- Obtaining professional/expert advice
- Training records of relevant staff.

5.2.4 Recommendations arising from complaints will be Specific, Measurable, Achievable, Realistic and Timed (SMART). At the end of an investigation a written outcome such as letter or e-mail will be produced, and in more serious cases a report. Where a report is produced this will include where appropriate:

- The scope of the investigation;
- A summary of the investigation:
  - Details of key issues, setting out a brief chronology of events leading to the complaint
  - Those who were interviewed (including setting out to what degree the complainant, and if appropriate, any affected relatives, advocates, etc were involved in the investigation)
- Conclusion;
- If the complaint is found to be justified/upheld:
  - How it happened - i.e. what went wrong
  - Why it happened – i.e. the root cause of the problem (e.g. human error, a systemic failure)
  - What impact did it have on the complainant



- If a systematic failing has been identified, an explanation of actions taken to put things right, with a view to ensuring the same problem does not occur again;
- If appropriate an apology;
- If appropriate an offer of redress.
- If the complaint has not been upheld, there will be an explanation of why this conclusion has been reached, demonstrating that it has been arrived at based on the evidence gathered.

5.2.5 Overall the report will demonstrate throughout that the complaint has been taken seriously, that the investigation undertaken has been fair and, in accord with the seriousness of the complaint, proportionately thorough.

5.2.6 Even in cases where an investigation upholds the complaint and offers remedy/redress, it may be that the complainant remains dissatisfied for some reason. Therefore, in all cases, the report should inform the complainant that if they remain dissatisfied then they have the right to seek an independent external consideration of their complaint. Information about making a complaint to the Public Services Ombudsman for Wales and other appropriate complaint handlers including the Welsh Language Commissioner should be provided.

### **5.3 The final steps**

5.3.1 The fact that complaints will vary in the degree of seriousness has already been referred to. There will be times when it will be appropriate for the Customer Care Officer to sign off complaints (i.e. signs any report or letter), other times a Director or Head of Service and other times the Chief Executive. The Corporate Complaints Officer will in any case provide Directors and Heads of Service with quarterly reports.

5.3.2 In cases where a complaint has been upheld and there is a clear systematic issue, the appropriate Director or Head of Service in liaison with the Directorate Complaints Officer will ensure that an action plan is devised setting out how the recommendations will be implemented and identify who will be responsible for ensuring implementation. The plan should also include arrangements for confirming to the complainant that changes have been implemented and make provision for the monitoring and evaluation of new arrangements introduced to assess their impact.

5.3.3 On closing a complaint, the Customer Care Officer (or senior officer) will ensure that working documents used during the course of the investigation are retained in an orderly fashion and stored securely. If the complaint becomes the subject of further external investigation such as by the Public Services Ombudsman for Wales, these working documents may be needed as the Council's evidence. Complaint records will be retained for at least two years following closure at the end of Step 2.

#### **5.4 Complaints involving other legal or disciplinary proceedings**

5.4.1 Occasionally, complaints received will involve legal or disciplinary proceedings. It may from time to time be necessary to put the investigation of a complaint 'on hold' until the conclusion of those other proceedings. However, it should not automatically be assumed that this is necessary in every case. An assessment will be made (with legal advice sought, if appropriate) to identify whether it is possible to address the subject of the complaint, without impacting unfairly on the other proceedings underway. It is important that if a complainant is in a continued state of disadvantage as a result of likely poor service delivery that every step is taken to conclude this part of their complaint. This will mean that, if the complaint is upheld, it has been demonstrated that the Council is doing everything it can to return them as soon as possible to the position they would have been in if that failure had not occurred in the first place.

## **5.5 Complaints involving more than one service provider**

- 5.5.1 There are occasions when a complaint received will involve more than one organisation. In this case the role of the Customer Care Officer will be slightly different. Having established the elements of the complaint and which organisations are involved, they will contact their counterpart(s) in the other organisation(s) involved. The complaints officers will then decide which of them should lead on co-ordinating the response to the complainant. It is sensible that this will be the organisation with the greatest involvement in the complaint. However, it may be appropriate for the organisation with the largest complaints handling resource to undertake this role.
- 5.5.2 The role of the complaints officer allocated to the complaint in question is to co-ordinate the investigations in each of the service areas involved. The ultimate aim, therefore, is to provide the complainant with a single comprehensive 'joint' response on behalf of all of the organisations involved.
- 5.5.3 There will be complaints where each element is sufficiently distinct and separate so that all that will be required is to set out the details and outcome of each investigation strand and then add an overall conclusion to the response.
- 5.5.4 However, it is recognised that there will be some cases where the resolution and remedy of a complaint will involve agreement by all involved and that this could lead to tensions and disagreement. Where such disagreements lead to an impasse, it may mean having to refer the problem to senior management within each of these organisations (depending on the seriousness possibly Chief Executives) in order to try to resolve the situation.
- 5.5.5 Where the impasse still cannot be resolved, it may be prudent to refer the matter at this point to the relevant external independent complaint handler at Step 3 (e.g. the Public Services Ombudsman for Wales).

However, the complainant should be told of this intention, together with the reason for it, and their agreement should be sought before such a referral takes place.

## **5.6 Partnership services**

5.6.1 Whilst not forming part of the Council's complaints procedure, the Council will have regard to the following when forming partnerships with similar and other types of organisations.

5.6.2 The situation in relation to complaints about partnership services is different, particularly given that not all partners may be subject to this model procedure. Nevertheless, it is good governance practice for every partnership established to have in place at the outset a protocol for dealing with complaints. That protocol should make clear where accountability lies within the partnership for any services delivered – i.e. does responsibility rest with the partnership as an entity, is each partner accountable for specific aspects of the service delivery?

5.6.3 Given that in most public service provider partnerships many members will be subject to this model procedure, it is recommended that those providers endeavour to agree a protocol with their partners for dealing with complaints in a way that corresponds with this policy.

5.6.4 In particular, it is recommended that:

- Partnerships establish a complaints process for services that they as a partnership deliver;
- They identify and publicise a single point of contact for complaints in respect of their activities/services;
- The person/team identified, co-ordinates the investigation of the complaint on behalf of the partnership;

- The partnership ensures that lessons are learnt from complaints received and considers whether there are any that should be shared more widely.

## **5.7 Complaints concerning services that have been contracted out**

5.7.1 Even though the Council may contract out the provision of services to private/voluntary organisations, this does not absolve responsibility for those functions. Senior officers that are responsible for drafting contracts must be aware of the need to include as a matter of course a provision for complaints handling. This should include the requirement for organisations contracted to provide services to comply with similar complaint handling arrangements (i.e. the two steps), with the outcome report/letter being copied to the Council. Such organisations should also inform complainants of the third external step and their right to complain to the Public Services Ombudsman for Wales.

## **6. Learning Lessons**

### **6.1 Learning from complaints and continual improvement**

6.1.1 Complaints information will be used to improve the Council's service delivery and increase its effectiveness. To support this, the Council will:

- Ensure that the Customer Care Officer periodically reviews all complaint outcomes and their recommendations to identify whether there are any patterns to complaints/wider lessons to be learnt that may not be apparent from individual complaints alone. When considering the lessons that can be learnt from a complaint, an assessment will be made as to whether:
  - These are limited to the service/department in question;
  - Whether they have an organisation wide implication;

– Or indeed whether they are ones that should be shared across the sector or indeed across the whole of the public service in Wales.

- Ensure that complaints reports are considered on a regular basis by senior management, including an analysis of the data gathered and information on recommendations that have been made for improving service delivery.
- Ensure that the information received by senior management is used to target any problem areas and consider if there is potential to improve policies, procedures and accordingly services.
- Ensure that Executive Committee receives reports giving an overview of complaints received, setting out what changes have been made as a result of complaints information, and following monitoring of their implementation what results have been received.
- Ensure that an annual report on concerns is produced, drawing out lessons learnt over this period and demonstrating how they have contributed to improved service delivery

## **7. Recording and monitoring complaints**

7.1.1 Effective approaches to complaints management collect specific data and identify recurring or system wide problems. All feedback and complaints received will be recorded to ensure that a comprehensive evaluation of data can be made. To support this, the Council will:

- Use the ..... system to collect organisation-wide complaints data;
- Use the ..... system to help track complaints and compliance with timescales.

7.1.2 Data recorded will enable the numbers, types, outcomes and trends of complaints to be captured, to facilitate comparisons with previous periods and identify system wide or recurring complaints. The ..... system will also enable points from lessons learned to be captured.

7.1.3 To enable the identification of trends both within and across organisations in Wales, when categorising complaints, the following top level complaint subjects will be used by the Council:

- Adult Social Services
- Benefits administration (Council Tax/Housing/Other)
- Children's Social Services
- Community facilities, recreation and leisure
- Education
- Environment and Environmental Health
- Finance and Council Tax
- Housing
- Planning and building control
- Roads and transport (Highways and Public Rights of Way)
- Various other

## **8. Employees and training**

### **8.1 Employees**

8.1.1 Whilst it is not uncommon for people to look for someone to blame when things go wrong, employees that are the subject of a complaint will be assured that this is not the aim of an investigation. It should be made clear that any interview that may take place is to establish facts as part of the investigation of a complaint, and that it does not form part of a disciplinary procedure. (A separate disciplinary process could take place if this appropriate.).

- 8.1.2 When requiring employees to attend for interview, they should be told the purpose of the interview, what to expect and what preparation they need to do. They should be advised that they can bring someone (such as a colleague) for support – although the position of confidentiality and their role should be made clear. They should also be advised as to what will happen after the interview.
- 8.1.3 Being the subject of a complaint is in any event a stressful situation and depending on the circumstances of the complaint and the issues involved, it may be prudent to inform the interviewee of any employee support/counselling available.
- 8.1.4 In the same way that it is important to keep complainants informed on progress in the investigation and its outcome, the same is true in respect of employees.
- 8.1.5 As well as informing employees involved of the outcomes of complaints and any recommendations that arise, there will also be a means (employee newsletters, making the annual report available on Monltor) of disseminating to employees how the way they deal with complaints can contribute to better public services.

## **8.2 Training**

- 8.2.1 The complaints function will be adequately resourced by appropriately trained employees.
- 8.2.2 The Customer Care Officer undertakes an assessment of the skills and competencies required by all those involved in the complaints process and ensure that there is an appropriate training strategy in place.
- 8.2.3 The Customer Care Officer will continually keep under review the number of skilled and trained officers within the Council to conduct and prepare reports on investigations. General awareness training is included in the induction programme of the Council.



## **9. Unacceptable Actions by complainants**

9.1.1 This policy recognises that some people may act out of character in times of trouble or distress. It should be borne in mind that there may have been upsetting or distressing circumstances leading up to a complaint. A complainant's behaviour should not be regarded as unacceptable just because they are forceful or determined. However, the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the Council or unacceptable behaviour towards employees. It is these actions that are considered unacceptable. The Council therefore has in place unacceptable actions by complainants' policy. See Separate Document

## Directorate Complaints Officers

Each directorate and/or service has a dedicated contact officer for dealing with concerns and complaints. For further information and advice you can contact the following officers:

Directorate / Service	Name	E-mail	Phone

DRAFT



CYNGOR SIR  
YNYS MÔN  
ISLE OF ANGLESEY  
COUNTY COUNCIL

## **Unacceptable Actions by Complainants Policy**

DRAFT

## **1. Introduction**

1.1 This policy sets out Anglesey County Council's (the Council) approach to the relatively few complainants whose actions or behaviour is considered unacceptable. The term complainant includes anyone acting on behalf of a complainant or who contacts the Council in connection with a complaint.

## **2. Aims**

2.1 To make it clear to all complainants, both at initial contact and throughout their dealings with the Council, what the Council can or cannot do in relation to their complaint. In doing so, the aim is to be open and not raise hopes or expectations that cannot be met.

2.2 To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions are considered unacceptable. The Council believes that all complainants have the right to be heard, understood and respected. It is also considered that Council employees have the same rights.

2.3 To provide a service that is accessible to all complainants. However, where it is considered that complainant actions are unacceptable, the right to restrict or change access to the Council service is retained.

2.4 To ensure that other complainants and Council employees do not suffer any disadvantage from complainants who act in an unacceptable manner.

## **3. Defining unacceptable actions by complainants**

3.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint being made. The Council does not view behaviour as

unacceptable just because a claimant is forceful or determined. In fact, it is accepted that being persistent can be a positive advantage when pursuing a complaint. However, the actions of complainants who are angry, demanding or unnecessarily persistent may result in unreasonable demands on the office or unacceptable behaviour towards Council employees. It is these actions that are considered unacceptable and ones that this policy aims to manage. The Council has grouped these actions under three broad headings:

### **Aggressive or Abusive Behaviour**

- (i) Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause an employee to feel afraid, threatened or abused.
- (ii) Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. It is also considered that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- (iii) We expect our employees to be treated courteously and with respect. Violence or abuse towards employees is unacceptable. Council employees understand the difference between aggression and anger. The anger felt by many complainants involves the subject matter of their complaint. However, it is not acceptable when anger escalates into aggression directed towards Council employees.

### **Unreasonable Demands**

- (i) Complainants may make what are considered to be unreasonable demands on the Council through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts

to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.

- (ii) Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular officer, continual phone calls or correspondence, repeatedly changing the substance of the complaint or raising unrelated concerns.
- (iii) These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the Council, such as diverting an excessive amount of employee time that results in the disadvantage of other complainants or functions.

#### **Unreasonable Persistence**

- (i) It is recognised that some complainants will not or cannot accept that the Council is unable to assist them further or provide a level of service other than that provided already. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue.
- (ii) Examples of actions grouped under this heading include persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what the Council can or cannot do and continuing to pursue a complaint without presenting any new information. The way in which these complainants approach the Council may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- (iii) The actions of persistent complainants are considered to be unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources.

#### **4. Managing unacceptable actions by complainants**

- 4.1 There are relatively few complainants whose actions are considered by the Council to be unacceptable. How these actions are managed depends on their nature and extent. If it adversely affects the Council's ability to do its work and provide a service to others, complainant contact with the Council may need to be restricted in order to manage the unacceptable action. The aim will be to do this in a way, wherever possible, that allows a complaint to progress to completion through the complaints process. Contact in person, by telephone, fax, letter or electronically or by any combination of these may be restricted. Effort will be made to try to maintain at least one form of contact.
- 4.2 The threat or use of physical violence, verbal abuse or harassment towards employees is likely to result in the ending of all direct contact with the complainant. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.3 The Council will not deal with correspondence (letter, fax or electronic) that is abusive to employees or contains allegations that lack substantive evidence. When this happens the complainant will be told that their language is considered offensive, unnecessary and unhelpful. They will be asked to stop using such language and the Council will state that there will be no response to their correspondence if they do not stop. The Council may require future contact to be through a third party.
- 4.4 Council employees will end telephone calls if the caller is considered aggressive, abusive or offensive. The employee taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.5 Where a complainant repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, the Council may decide to:

- only take telephone calls from the complainant at set times on set days or put an arrangement in place for only one officer to deal with calls or correspondence from the complainant in the future;
- require the complainant to make an appointment to see a named officer before visiting the office ( in these circumstances, 2 officers will be present and the complainant will be requested to bring a second person with them) or that the complainant contacts the office in writing only;
- return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed;
- take other action that we consider appropriate. The Council will, however, always tell the complainant what action is being taken and why.

4.6 Where a complainant continues to correspond on a wide range of issues, and this action is considered excessive, then the complainant will be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.

4.7 Complainant action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the Council's decision relating to their complaint. The complainant will be told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.



## **5. Deciding to restrict complainant contact**

- 5.1 Employees who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in accordance with this policy.
- 5.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Council are only taken after careful consideration of the situation by a more senior member of staff. Wherever possible, we give a complainant the opportunity to modify their behaviour or action before a decision is taken. Complainants are told in writing why a decision has been made to restrict future contact, the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.

## **6. Appealing a decision to restrict contact**

- 6.1 A complainant can appeal a decision to restrict contact. A senior officer who was not involved in the original decision considers the appeal. They advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

## **7. Recording and reviewing a decision to restrict contact**

- 7.1 The Council records all incidents of unacceptable actions by complainants. Where it is decided to restrict complainant contact, an entry noting this is made in the relevant file and on appropriate computer records.
- 7.2 A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach.