



**South
Derbyshire**
District Council

Comments/Compliments/ Complaints Policy and Procedure

April 2016 Revised May 2021

Corporate Services

COMMENTS AND COMPLIMENTS

When a comment or compliment is received, this will be passed to the Complaints Officer who will copy it to the relevant Head of Service and Strategic Director for feedback to the service or individual concerned.

Should the Complaints Officer consider that a comment is of a negative nature, he/she will discuss it with the relevant strategic Director so that the appropriate actions can be undertaken. If necessary, stage 1 of the Complaints Procedure will be invoked.

COMPLAINTS

DEFINING A COMPLAINT

For the purposes of this procedure, a complaint is defined as:

“as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.”.

There may be instances when the Council has failed to provide a service such as a missed refuse collection, insufficient grass cutting etc. Whilst you as customer or service user may raise this as a “complaint”, it will not be dealt with under the formal complaints procedure in the first instance. Such mistakes or omissions will be rectified promptly and the Council will notify you of the action taken. The Council will record these instances within each service area so that any trends can be identified and steps can be taken to prevent a reoccurrence.

COMPLAINTS EXCLUDED FROM THIS POLICY AND PROCEDURE

There are some types of complaint that are excluded from this policy and procedure, these are :

- complaints which amount to a disagreement with the Council about its decision, rather than the way the decision has been carried out (for example the level of the Council Tax);
- a planning or development control matter where a right of appeal exists, unless the complaint relates to the way the matter has been administered;
- a Council decision where regulatory powers are being exercised (for example, Licensing or Environmental Health functions), unless the complaint relates to the way the matter has been administered;
- any matter which could reasonably be expected to be the subject of court or tribunal proceedings;
- complaints which amount to a disagreement with, or a refusal to, accept a legal ruling that the Council is applying;

- Housing Benefit, Residual Community Charge, Council Tax, NNDR, or any other matters where statutory appeals procedures exist;
- Housing Allocation matters where separate procedures exist;
- Complaints about Councillors, as these should be made to the Monitoring Officer as a breach of the Council's Members' Code of Conduct; and
- Complaints that involve possible Insurance Claims.

Hate Crime Incident

If you believe that your complaint is a racially motivated or is a Hate Crime you must notify the Council and the Council will then follow the Hate Crimes Procedure in responding to the issue.

Anonymous Complaints

The Council does not normally accept anonymous complaints. However, if the matter appears to be of a serious nature, it will be passed to the Chief Executive who, in consultation with the relevant member of Leadership Team, will decide on whether the matter should be investigated.

Any information provided will be treated in the strictest confidence.

Relationship with the Disciplinary Procedure

The Complaints Procedure is distinct from the Council's Disciplinary Procedure for employees. If the nature of a complaint is such that disciplinary action against an employee may be involved, the appropriate Strategic Director will decide whether the Disciplinary Procedure should be invoked.

RAISING AN ISSUE

You should firstly raise your concerns with the service concerned. You can do this by letter, email, over the telephone or in person. Keep a copy of any correspondence sent and keep a note of the date of any telephone calls or visits in person.

The Council will make every effort to resolve a concern and will inform you of the formal Complaints Procedure if the concern is not resolved. The Council will not discourage you from complaining and will make every effort to assist you in the process.

FORMALISING A COMPLAINT

Your complaint will be made formal if you are dissatisfied with the initial response after raising the matter with the service concerned and you wish to pursue the matter.

Complaints may be made;

- on the official complaint form on the Council's website,

- by putting the details in writing via a letter addressed to the Complaints Officer, South Derbyshire District Council, Swadlincote, Derbyshire, DE11 0AH,
- by telephoning the Complaints Officer on (01283) 595892, or
- by reporting the matter in person at the Civic Offices.

If you have already supplied full details of your complaint by the telephone or in person at the Civic Offices, **you will not be asked to repeat the information to the Complaints Officer nor will you be asked to complete a complaint form. The officer receiving the complaint will record the details and ask you to verify the details and will pass this to the Complaints Officer.**

If you have a disability that causes difficulty in traveling to the Civic Offices and need assistance with completing a complaints form, a home visit can be arranged

HOW COMPLAINTS WILL BE DEALT WITH

If your complaint has reached an advanced stage before the formal procedure is invoked, some of the following stages may be rendered unnecessary and bypassed. You will be kept informed of progress at all stages and your complaint will be dealt with in confidence.

If you have requested the involvement of your local Councillor, you can request for details to be given to that Councillor, including progress on the complaint at all stages.

The Complaints Officer will also notify the relevant Ward Member of the complaint and the outcome.

The Council will ensure that all formal complaints will be treated as urgent and will be referred to the Complaints Officer on the day of receipt.

STAGE 1

All formal complaints will be referred to the Complaints Officer, who will ensure that the complaint is logged and an official complaints form completed if necessary.

The Complaints Officer will issue a reference number to each complaint so that it can be tracked throughout the enquiry. They allocate the complaint to be dealt with by a designated officer at a higher level than the person who originally handled the matter.

The Complaints Officer will acknowledge the complaint within five working days and notify you as to who is dealing with the matter. They will then liaise with the appropriate officer in the service area concerned to co-ordinate a response. The Council will endeavour to send a full response within **ten working days** from the date of receiving the complaint. If this time scale cannot be met, the Complaints Officer will notify you and give an indication of when a full response may be given.

If the complaint concerns more than one service area the Complaints Officer will co-ordinate a corporate response to the issues raised.

The Stage One response will confirm that if the complaint remains unresolved you have the right to request a review by the Chief Executive, who has the authority to overrule the decision taken on the complaint (Stage 2 complaint)

Conciliation

If appropriate to resolve your complaint, you may be invited to attend a meeting with a senior officer from the department which is the subject of the complaint. A senior officer from Corporate Services, will act as mediator. You may bring an advisor or independent person with you for support.

STAGE 2

Where your complaint has still not been resolved, the Complaints Officer will advise you of your right to have your case reviewed by the Chief Executive, who has the authority to overrule the decision taken on the complaint. Where is the case, the complaint will be referred to the Chief Executive with copies of relevant documents and details of the decision/action taken by the service involved in an attempt to resolve the matter.

The Complaints Officer will send an acknowledgment on behalf of the Chief Executive, within five working days of receiving the Stage 2 complaint. The Chief Executive will review the matter with the assistance of staff from the relevant department.

The Chief executive will endeavour to provide a full response to the complaint **within 10 working days**. You will be advised of any perceived delays in responding, where appropriate.

The Stage 2 complaint response will advise you of your right to refer the matter to the Local Government and Social Care Ombudsman or the Housing Ombudsman for Social Housing Landlord issues if you remain dissatisfied.

Referrals to the Local Government and Social Care Ombudsman or Housing Ombudsman

At any time, you may refer your complaint (either directly or via your Councillor) to the Local Government and Social Care Ombudsman (except for Social Housing Landlord issues). Normally, the Ombudsman will afford the Council the opportunity to resolve the complaint locally before getting involved. The Ombudsman will usually only investigate cases of maladministration (where the Council has failed to handle something correctly) rather than investigate the actual decision the Council has made.

If you remain dissatisfied with the outcome of a complaint, you have the right to have your complaint reviewed by the Local Government and Social Care Ombudsman, details of which are available on the LGO website, using the following link <http://www.lgo.org.uk/making-a-complaint/>

The Housing Ombudsman deals with all complaints relating to the landlord function of social housing. The details of how to make a complaint to the Housing Ombudsman can be accessed using the following link <https://www.housing-ombudsman.org.uk/>

Where a matter is considered by the Ombudsman service its decision will be final.

Role of Monitoring Officer

The Local Government and Housing Act 1989 (the Act), provides that the Monitoring Officer, has a statutory duty to deal with any proposal, decision or omission by the Council

which has given, or is likely to give, rise to maladministration or which is in contravention of any code of practice or rule of law. This Council's Monitoring Officer is the Head of Legal and Democratic Services.

The Chief Executive, in operating this Complaints Procedure, will have regard to the Monitoring Officer's statutory duties under the Act, including the duty to report to Full Council should this be necessary.

Role of Chief Finance Officer

The Local Government Finance Act 1988 provides that the "Chief Finance Officer" has a statutory duty to report to the Council on certain financial matters. The Chief Executive, in operating this Complaints Procedure, will have regard to the statutory duties of the Chief Finance Officer.

MONITORING OF COMPLAINTS

The Council will keep a record of formal complaints received and will report performance twice yearly to the Finance and Management Committee on the resolution of complaints, drawing attention to any trends that may indicate the need for improvements in service. The appropriate Head of Service will complete a complaint assessment sheet for each complaint received to monitor/review any trends in complaints and report what action is being taken to improve services/procedures.

In addition, the Complaints Officer will send to you a short questionnaire on completion of the complaints process to ascertain whether you are satisfied with the way the complaint was handled. This questionnaire will include equality monitoring questions in order for the Council to assess if any of the Council's policy and procedures disproportionately affect a section of the community.

VEXATIOUS COMPLAINTS

The Council may, in its absolute discretion, decide that a complete is repeated, malicious or vexatious and as a result decide not to respond to such a complaint.