

# Nottinghamshire County Council

## Corporate Complaints procedure

### Contents

1. Introduction to the procedure
2. Our standards for handling formal complaints.
3. How to complain, provide feedback and manage other enquires.
4. How we will deal with your formal complaint.
5. Remedies.
6. If you remain dissatisfied.

### 1. Introduction to the procedure

The Council is committed to providing a high-quality service to everyone we deal with. We welcome any comments and need you to tell us when we get things wrong. We want to help you resolve your concerns as quickly as possible.

The Council will initially assess the information you provide and decide how best to manage your concerns in a fair and proportionate manner. To do this we need to know in brief terms, what has gone wrong, how this has affected you and the outcome you are seeking. Some concerns or enquires can be resolved quickly without the need for escalation and where this is not possible we will manage the matter as a formal complaint which is a two-stage process.

We treat as a complaint any expression of dissatisfaction with our service, which calls for some form of investigation and response. We listen to your complaints, treat them seriously, and learn from them so that we can continuously improve our services.

Some discretion may be applied to the way we handle certain types of complaints and this would depend on the specific circumstances of the complaint.

Further information can be found on the Council website:

<https://www.nottinghamshire.gov.uk/contact-and-complaints/complaints/complaint-comment-compliment>

Our corporate procedure covers complaints by members of the public (or someone representing them) about:

- the standard of service we provide and those we commission from partners or other service providers who will be acting on our behalf
- the behaviour of our staff
- any action or lack of action by the Council affecting an individual or group

This procedure does not cover all types of complaints. Examples include, but are not limited to;

- complaints which fall under certain statutory provisions, e.g. adult and children's social care services, education and planning, tribunal and appeals processes
- where the complainant has initiated or states they intend to take legal proceedings
- complaints about schools (except for school admission complaints)
- Council policy decisions
- complaints about Councillors
- historical issues; where the service failure arose more than 12 months ago (where the complainant was aware of the issue and able to complain at the time of the event)
- matters that have already been fully investigated through this complaints' procedure
- concerns which have not directly impacted on the complainant or the person/people they are representing
- disputes about professional decisions and services provided by the Council to third party organisations under a contract for services
- anonymous complaints
- complaints about access to information where procedures and remedies are set out in legislation, e.g. Freedom of Information Act, Data Protection Act

It might be helpful to understand that where your complaint is considered to be a difference of opinion about a decision or a service, this does not demonstrate the Council is at fault. We can investigate how a decision has been reached and whether the correct process has been followed, but the complaints process cannot decide whether a Council decision is right or not simply because you disagree with it.

### **Persistent and or vexatious complaints and unreasonable behaviour**

These are becoming an increasing problem for all departments and public sector bodies, and difficulties in handling such complaints can place strain on time and resources and can be stressful for staff dealing with these complex and challenging issues. In order to counter this, we will decide how to manage direct communication with the customer if matters are repeatedly raised or widely escalated. We may decide to limit or cease further contact with customers if we consider they are behaving unreasonably by making persistent or vexatious complaints. We may also redirect email or other correspondence received to a single point of contact.

Unreasonable and unreasonably persistent complainants are those who, because of the nature or frequency of their contacts with an organisation, hinder the Organisation's consideration of their, or other people's, complaints.

**The Council will not tolerate rude, offensive, abusive, threatening or intimidating behaviours towards its staff or Councillors and will act where appropriate to report such behaviours to the Police and may restrict or prohibit access to Council premises or staff where necessary to protect Council staff, Councillors or other people using Council premises.**

We follow the Local Government and Social Care Ombudsman's guidance as follows:

<https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour>

## **2. Our standards for handling complaints.**

All formal complaints will be referred to the Complaints and Information Team who will log the complaint, assess the information to ensure it is complete and eligible for the complaints process. In some cases, we may need to make some further enquiries at this stage before the complaint can commence the procedure.

Your complaint will be allocated to a named complaints officer who will be your point of contact throughout the complaints process. If your contact details change, you will need to inform the complaints team.

- We treat all complaints seriously.
- You will be treated with courtesy and we expect that you will always be courteous and fair in your dealings with our staff.
- We will acknowledge receipt of a written or online complaint within 5 working days.
- Telephone customers who request an urgent response to their concerns will not be prioritised over customers who submit their complaint in writing.
- Complaints are managed in date order and will only proceed when all the necessary detail has been obtained and assessed by the complaints team. This applies to all telephone complaints taken by any officer within the Council.
- Customers who escalate their complaint outside this process to senior executives or Councillors will be referred to the Complaints Team to ensure due process is followed and there is one line of communication. The Ombudsman considers this is good practice.
- We will aim to respond to your complaint within 20 working days. If we cannot send a full reply within this timescale, we will tell you the reason why and let you know when we will be able to reply in full.
- If fault is found during the investigation process, then an appropriate remedy will be offered. (See page 7).
- All complaints and outcomes which are managed via the Council's complaints procedure are reported to the appropriate senior leadership teams.
- We will publish information in our annual report on the numbers and categories of complaints we receive, and the percentage of complaints upheld.

- If you remain dissatisfied with the Council's response to your complaint, you have the option of requesting an independent review by the Local Government and Social Care Ombudsman. (See page 8).
- The Governance and Ethics Committee regularly review the outcome of all complaints which are considered by the Local Government and Social Care Ombudsman.
- Councillors are provided with quarterly reports which detail the complaints and outcomes relating to their constituencies.

### **Confidentiality**

All complaints received will be dealt with in accordance with the requirements of the Data Protection Act 2018 (DPA 2018), and the General Data Protection Regulation (GDPR) as it applies in the UK. For general reporting purposes, we anonymise all complaints so personal details are removed.

### **3. How to make a formal complaint, provide feedback and manage other enquires.**

There are different ways to express your views to the Council or seek answers to general enquiries without the need to take time and trouble to pursue a concern and wait for an individual response. The Council's website provides useful information which can assist you, including how to report faults or issues and the most up to date information about the future of Council services.

Experience tells us that many customer concerns and queries arise as a result of some form of communication issue. Most can be easily resolved if the matter is appropriately raised and directed to the right department and the correct organisation. In some cases, when you contact us directly to express a view or concern, we may signpost you to a different authority or organisation, including District or Borough Councils or other local service providers. This is because we do not consider the issue relates to a County Council service. Our aim is to save you time and trouble, so you do not have to repeat your concerns to different contacts and help you achieve a prompt and satisfactory outcome.

Before you make a formal complaint to the Council, you may wish to refer to the information and tips available on the Council's website or to the Local Government and Social Care Ombudsman's website (links below), both provide further information and advice about the best way of raising and resolving concerns:

<https://www.nottinghamshire.gov.uk/contact-and-complaints/complaints/complaints-process>

<https://www.lgo.org.uk/make-a-complaint/top-tips-for-making-a-complaint>

#### **Making a complaint.**

You can submit a complaint via the Council's website by following the link below:

<https://www.nottinghamshire.gov.uk/contact-and-complaints/complaints/complaint-comment-compliment>

If you cannot access our online form and want to make a complaint, comment or compliment please use the other access channels listed below:

- By telephone: 0300 500 80 80
- Via Email: [complaints@nottscc.gov.uk](mailto:complaints@nottscc.gov.uk)
- In writing: Complaints and Information Team, County Hall, West Bridgford, Nottingham, NG2 7QP

Please note we do require your full contact details including a telephone number, mobile and email address which helps if we need any further information from you.

We will need a brief summary of your complaint to explain:

- what fault or service failure has occurred - including the date, location and area of service or any individual or team involved
- how this has impacted on you, or the person you are representing
- what action you are seeking from the Council to resolve your complaint

Please provide us with copies of any documented evidence to support your complaint including any previous correspondence you may have had with the Council about the matter. Please note: although you may name Council officers in your complaint and their action or conduct will be considered during the investigation, we will view the matter as a complaint against the Council.

#### **4. How we will deal with your formal complaint**

Once the Complaints Team have all the relevant information your complaint will begin the 2-stage complaints procedure.

##### **Stage 1**

This is the first opportunity for your complaint to be investigated by the appropriate operational manager. Our aim is to resolve a complainant's dissatisfaction quickly and most complaints will be resolved at this stage. We will consider different resolution options when required. The manager will write to you within 20 working days to set out the Council's response to your complaint.

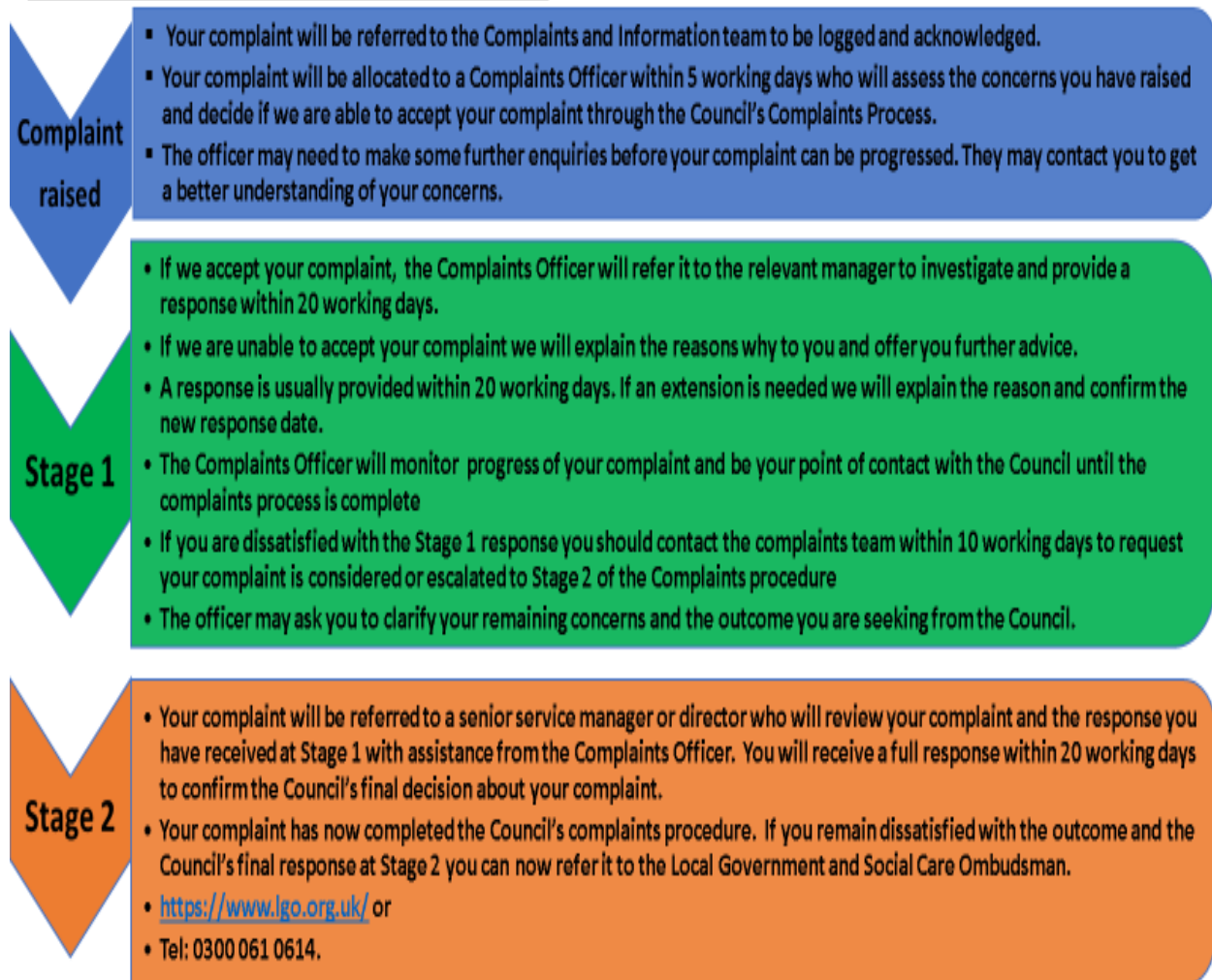
##### **Stage 2**

If you are dissatisfied with this response you may request to escalate your complaint to Stage 2. You will need to refer your complaint back to the allocated complaints officer at the Complaints Team within 10 working days. Stage 2 is an independent review of your complaint by a senior service manager or director supported by a complaints officer who acts independently and will ensure the review is carried out fairly and thoroughly. The senior

manager or director will write to you with the Council's final decision about your complaint within 20 working days.

## Overview of complaints procedure

### Corporate Complaints Procedure



## 5. Remedies

When we get things wrong we will act to:

- accept responsibility
- explain what went wrong and why
- put things right by making any changes required

The action we take to put matters right (i.e. redress) in response to a complaint, can include any combination of remedies which will normally include an explanation and apology. The general principle we follow is that a complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong.

The remedy chosen needs to be proportionate and appropriate to the failure in service and consider what outcome people are looking for when they complain.

The Council takes careful consideration of the LGSCO guidance on good practice and remedies; <https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-remedies>

## **Compensation**

In most cases, compensation will not be offered. If it is evident at the outset of a complaint that the customer is seeking compensation, consideration will be given whether the matter should be referred to the Council's Risk and Insurance Team. Alternatively, the customer may be advised to seek independent legal advice.

A financial remedy will only apply in cases where fault has been found during the investigation and it is considered that there has been some loss or suffering. Where a complainant has suffered an injustice and/or hardship, resulting in direct some financial loss, we will complete an investigation to consider whether a financial remedy is appropriate. In determining this, the Council will refer to the LGSCO guidance on remedies, as detailed above.

The Council also has a Maladministration Policy in place which aims to offer fair remedy, but not compensation payments comparable to what a court might order; it is arguable that this would not be appropriate use of public funds. A court would consider detailed evidence in relation to liability, causation and mitigation; considerations which are beyond the scope of the council's policy.

We will always be clear and transparent about the reason for any decisions we make and it will be recorded by the decision maker and included in our response.

## **6. If you remain dissatisfied**

On completion of Stage 2 of the Council's complaints process, if you remain dissatisfied with the Council's response, the handling of your complaint or the remedy offered, you can refer the matter to the Local Government and Social Care Ombudsman.

Please be aware that The Ombudsman would usually expect you to have completed both stages of the Council's complaints process before they will consider your complaint.

The contact details can be found here <https://www.lgo.org.uk/> or you can contact them by telephone: 0300 061 0614.