



Southampton City Council Complaints Policy

Contact Details: Corporate Complaints
Customer and Business Improvement
Southampton City Council
complaints@southampton.gov.uk
023 8083 3050

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The Management of Complaints across the Council - Corporate Policy Aims and Standards

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1. Introduction

We aim to provide high quality services, and would be delighted to hear from our customers if they feel that is the case.

But occasionally things can go wrong. If they think we have let them down we want them to tell us so that we can put things right. This will also help us to ensure that people have fewer problems in future.

We would also like people to tell us if they have any general suggestions on how we can improve services; we are interested in our customers' views.

This policy outlines in broad terms the Council's core aims and intended approach to the management of complaints. It is designed to provide a framework for handling complaints that:

- Sets out a definition of a complaint that can be clearly communicated to both customers and staff.
- Establishes clear minimum service standards that are capable of being monitored and reported.
- Is responsive to the needs of our customers.
- Is transparent and easy to understand.
- Reflects best practice.
- Helps the Council to learn from complaints and to inform service improvements.
- Enables our staff to deal with complaints effectively at the earliest stage in the process.

The sections below expand on these objectives, together with an outline of the procedures required to support the policy.

2. Complaint definition

- "Any expression of dissatisfaction with the Council, whether justified or not."

This definition is simple, and allows complaints to be defined from the customers' perspective rather than from the Council's.

3. Who can complain?

- Any person or organisation (i.e. business) receiving or seeking to receive a service from the Council or its contractors.
- Any person acting on behalf of an individual or group of individuals (this includes Members, MPs, Advice Agencies and other advocacy groups).

Issues/subject areas falling outside of this policy

Though designed to be as comprehensive as possible it is recognised that certain types of complaints are not intended to be dealt with by the complaints policy and are more appropriately dealt with through other channels. These include:

General

- Issues for which statutory appeal bodies or tribunals have been established, for example School admission appeals, Benefit Review Boards, Parking Ticket appeals etc.
- Matters that concern the commencement or conduct of civil court action or other tribunal proceedings.
- Matters which have already been before a court or tribunal.
- Matters where the customer is seeking compensation through the Council's insurers.
- Complaints by Council employees about matters relating to their employment that would be more appropriate to be dealt with under the Council's Personnel policies and procedures.
- Matters more appropriate for the Council's Whistle Blowing procedure.
- Complaints about services that fall outside of the control of the Council.
- Complaints about politically determined policy, as opposed to the way in which the policy has been implemented.

Complaints about the conduct of Councillors

Complaints about the conduct of Councillors are outside the scope of this Council's Complaints Policy and procedure, but are dealt with under the Members' Code of Conduct. The Council's Standards Committee is supported in this function by the Council's Monitoring Officer, Director of Corporate Services.

Social Services complaints

Complaints that fall directly under the provisions of the NHS & Community Care Act (1990) and the Children Act (2004) are subject to separately prescribed complaints processes as required by the legislation. These complaint processes are managed by the Directorate of Health & Adult Social Care, and the Directorate of Childrens Service and Learning.

Complaints in relation to schools

Complaints relating to the functions carried out by schools are normally investigated within the particular school's own complaints procedure. Those that cannot be resolved satisfactorily within those procedures are referred to the Childrens Services and Learning Directorate for further investigation.

4. Contact us

Customers may make a complaint in the way that best suits them. The individual or a person acting on their behalf should be able to complain:

- In writing (by letter or by filling out the form found in the 'Your Views Count' leaflet)
- By telephone
- By fax
- By e-mail
- By using the on-line complaint form found on Southampton online
- In person
- By mobile phone texting service in some areas (e.g. Children's Service).

5. Key policy objectives

Complaint service standards

Minimum service standards in the handling of complaints have been developed to ensure customers receive the same standard of service regardless of the service area to which they make a complaint. These standards are based on existing practice within the authority.

The following represent the minimum complaint standards:

- The complaint will be recorded – this will assist in subsequent complaint analysis.
- Specific response targets will be set for every stage of the complaints process.
- The complaint will be acknowledged – where the complaint cannot be resolved immediately, customers will be provided with a written acknowledgement that provides them with a named contact officer, phone number, e-mail address and date by which they can expect to receive a full response.
- The progress of outstanding complaints will be monitored.
- Customers will be kept informed – where a full response cannot be provided for whatever reason, the customer is to be sent an interim response informing them of current progress.
- Responses will avoid the use of jargon and technical language wherever possible.
- The right to further review – customers are to be informed of their right to request that the matter be escalated to the next stage of the complaints process if they were dissatisfied with the previous response.
- Lessons will be learnt to improve services by requesting feedback from every person who made a complaint once it has been resolved.

Promoting equality of access

The Council is committed to ensuring that all our potential customers are given full and equal access to the complaints procedure, but especially those with specific communication needs or requirements. Where appropriate customer information will be available in Braille, large print, on audiotape, on computer disk and in a range of minority languages.

Take-up of the complaints process will be monitored through a rolling programme of customer surveys and questionnaires to identify whether all community groups are making use of the

process. Where it becomes apparent that certain communities are under-represented, strategies will be developed to raise access and awareness.

A comprehensive framework for managing complaints

The Council will operate a 3-stage complaint process. This approach reflects the practice adopted by many local authorities and is recommended by the Local Government Ombudsman. Following the completion of each stage the customer will have the right to request that the complaint is escalated to the next stage of the process. This will be subject to them explaining why they were dissatisfied with the outcome of the investigation at the earlier stage. A request for escalation may be accepted or rejected, according to the merits of the case. This procedure is designed to support the effective management of complaints.

Challenging & realistic time scales

The Council has adopted the following time scales for Stages 1, 2 and 3 with effect from 1 June 2008:

- Stage 1 – 10 working days
- Stage 2 - 20 working days
- Stage 3 – 20 working days

The 20 - day target at Stages 2 and 3 reflects the level of complexity associated with investigations at those stages.

Where the customer cannot be provided with a full response within the required time scale an interim response will be sent within the 10 or 20 working days, indicating a revised timescale for dealing with the complaint.

It should be noted that the time scales above do not affect the requirement to acknowledge complaints within 3 working days.

Responsibilities of the Council's contractors

Organisations contracted to provide services on behalf of the Council will be required to comply with the policy. This includes recording and responding to complaints at stage 1, and providing Council officers with information as requested and providing assistance in connection with further investigations as appropriate. This process will be built into the procurement specifications.

The Senior Manager, managing a contract or partnering arrangement will ensure that there are effective systems in place to deal with complaints in accordance with this policy and the specification, including helping people to make complaints; quality assurance of investigations, and; making use of lessons learnt from complaints (as well as compliments and comments) to manage performance and improve services.

Providing advice to the customer during the course of the investigation

Where the customer indicates that they wish to escalate the matter themselves by referring their complaint to their local Councillor or the Local Government Ombudsman, they will be provided with the relevant details.

In a small number of cases the customer may ask advice about taking out a private prosecution against the Council. In these cases the customer will be advised to seek advice from a law centre, advice agency or similar organisation.

6. The complaint process

All Stage 1 and Stage 2 complaints should be directed to the service area complained about. Stage 3 complaints will be addressed to the Corporate Complaints Officer.

Stage 1

At the first stage of the complaint process, the customer should direct their complaint to the service area responsible. At this stage the customer should set out how they feel the service has been deficient and what they would like the Council to do as a result of the complaint. At this stage the Officer receiving the complaint will

- Record the complaint.
- Investigate the complaint.
- Provide an appropriate response to the customer.

Appeal

If the customer is dissatisfied with the response to their complaint at Stage 1, they may request that the matter be escalated to Stage 2. In requesting escalation, the customer should identify which elements of their complaint they feel have not been adequately addressed.

Complaints will be escalated to Stage 2 where the response at Stage 1 is considered to be incomplete, unclear or unhelpful.

Stage 2

When a complaint is escalated to Stage 2 it will be investigated by the Senior Manager of the service area concerned. At this stage the Senior Manager will:

- Summarise the main issues to be resolved, and agree these with the customer.
- Investigate the complaint.
- Provide a detailed response to the customer setting out the findings and the reasons for the findings.

Appeal

If the customer remains dissatisfied with the response to their complaint at Stage 2, they may request that the matter be escalated to Stage 3. In requesting escalation, the customer should identify which elements of their complaint they feel have not been adequately addressed.

Requests to escalate a complaint to Stage 3 should be directed to the Corporate Complaints Officer who will review the case and determine whether the complaint will be escalated. Complaints will be escalated to Stage 3 where the response at Stage 2 is considered to be incomplete, unclear or unhelpful.

Stage 3

At this stage the complaint will be investigated by the Corporate Complaints Officer or a Senior Officer independent of the service area concerned. The Officer will:

- Summarise the main issues to be resolved, and agree these with the customer.
- Investigate the complaint.
- Provide a detailed response to the customer setting out the findings and the reasons for the findings.

Stage 3 complaints may involve a meeting between the customer and the investigating Officer.

If not undertaking the investigation her/himself, the Corporate Complaints Officer will provide advice to all parties as required to facilitate resolution.

Appeal

If, following a Stage 3 investigation the customer remains dissatisfied with the response to the complaint, they may escalate the complaint by complaining to the Local Government Ombudsman. The Corporate Complaints Officer will provide the necessary information to enable such an escalation to take place.

7. A complaint involving more than one division / service

Where a single complaint is complex in nature and involves more than one service, the Council aims to provide a consolidated response to the customer rather than have each service area respond separately. In this instance Officers investigating their part of the complaint should liaise with each other and agree who will take the lead in communicating with the customer. The lead officer should then advise the customer of this arrangement.

If the service managers cannot agree how to coordinate the timely investigation and response, they should ask the Corporate Complaints Officer for assistance. The Senior Manager, Customer and Business Improvement will adjudicate where an agreement can not be reached.

8. Customers making multiple complaints at one time

A customer may have chosen to complain about a number of unrelated matters in a single contact. In this case, the customer will be informed by the Complaint Contact Officer who received the initial contact about who will then respond to each separate complaint they made.

9. Unreasonably Persistent and Vexatious Customer Behaviour

Southampton City Council's Policy on how we manage these matters can be found at <http://www.southampton.gov.uk/customer-service/comments/corporatecomplaints.aspx>

Southampton City Council's Policy on Unreasonably Persistent and Vexatious Customer Behaviour

Introduction

Southampton City Council is committed to providing high quality customer services. The Council's charter sets out what customers using council services can expect from its employees and what the council expects from its customers.

The council deals with a large number of telephone calls, letters, emails and face to face enquiries from customers. Most of these are dealt with first time and where customers are dissatisfied they can refer their issue to one of the council's complaints procedures. The vast majority of these enquires are dealt with at Gateway (the council's customer facing service) or by the Customer Telephone Contact Centre, where employees are highly trained in dealing with customers in a sensitive and understanding manner.

From time to time, customers can become upset, angry or frustrated over difficult situations and the council prides itself on the way employees resolve these situations.

However, occasionally, employees have to deal with unreasonably persistent and /or vexatious customers.

Customer feedback is a valuable tool which is welcomed by the council to help improve services. Raising legitimate queries or criticisms of the council should not in itself lead to someone being regarded as unreasonably persistent or vexatious. Similarly, the fact that a customer is unhappy with a council decision or the outcome of a complaint investigation and seeks to challenge it once or more should not necessarily cause him or her to be labelled unreasonably persistent.

The Local Government Ombudsman provides the following definition of unreasonable and unreasonably persistent complainants:

Those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority's consideration of their or other people's complaints.

Based on the Ombudsman definition the council has adopted the following description of an unreasonably persistent or vexatious customer:

Those customers who, because of the frequency or nature of their contacts with the authority, hinder the authority's ability to deal with genuine customer enquires or complaints, the consequence of which is to divert resources from providing much needed services.

Persistent and vexatious customers can take up a lot of officer time and make unreasonable demands on employees which take them away from their normal duties. In addition their communication, particularly on the telephone can be sarcastic, rude or contain derogatory remarks which can sometimes appear threatening to employees.

These sorts of problems happen rarely, however this policy has been put in place to ensure that all parties understand how the council will deal with contact of this nature. Tackling these

problems will help free up employees time to deal with genuine customer enquiries, requests and complaints.

This policy outlines examples of behaviour that is considered persistent and/or vexatious, along with sanctions that can be considered to enable the council to manage this type of behaviour. Please be aware that sanctions can only be imposed by the Senior Manager, Customer Focus.

The council has a separate policy specifically designed to deal with customers who have demonstrated a propensity for violence and/or abusive and/or threatening behaviour.

Where a customer's behaviour is so extreme that it threatens the immediate health, safety and welfare of council employees, or employees working on the council's behalf, the council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the council may not give the customer prior warning of that action.

Examples of unreasonably persistent and/or vexatious behaviour

This is not an exhaustive list but illustrates some of the main incidents that arise:

- Adopting a 'scattergun' approach, e.g. pursuing an enquiry with several service areas in the council or with other organisations at the same time
- Making unnecessarily excessive demands on the time and resources of employees, for example, telephoning or sending emails daily and / or several times a day to council employees, writing lengthy complex letters frequently e.g. every few days (see appendix 2)
- Making frequent remarks to employees that could be considered sarcastic, rude, derogatory, discriminatory or threatening.
- Submitting repeat complaints, essentially about the same issue, after the council's complaints procedure has been completed.
- Insisting that an issue is dealt with in a way that is not consistent with council policy
- Changing the basis of a complaint as the investigation proceeds
- Introducing trivial or irrelevant new information at a later stage
- Raising numerous detailed but unimportant questions and insisting that they are answered
- Submitting falsified documents
- Refusing to accept a council decision after all appeal options have been exhausted
- Refusing to accept that certain issues are outside of the council's responsibility and control
- Refusing to accept that certain issues are not within the remit of the council's complaints procedures
- Making what appear to be groundless complaints about employees and seeking to have them replaced.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Combinations of some or all of these.

Dealing with unreasonably persistent and/or vexatious customers

It is extremely important to distinguish between people who make regular contact because they have genuine ongoing or multiple problems and those that are unreasonably persistent or vexatious.

If a manager believes that a customer's contact has become unreasonably persistent or vexatious, they will need to demonstrate this to the Senior Manager, Customer Focus. They must complete the log sheet in Appendix 1 and provide any other available evidence.

If the manager is aware of details of the customer's contact with other sections of the council, this can be recorded on the same log sheet, however they should also encourage the other section(s) to complete and submit their own log sheets.

The Senior Manager, Customer Focus will make a decision in consultation with the Corporate Complaints Officer, based on the available evidence. Any restrictions imposed will normally follow a prior warning to the customer from a suitably senior officer. This may be in the form of letter, telephone call or face to face meeting.

Restrictions imposed will be appropriate and proportionate. The options most likely to be considered are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named officer;
- restricting telephone calls to specified days and times;
- Notifying the customer that only significant and serious queries will be addressed by the council

The Senior Manager, Customer Focus will write to the customer to explain what action is being taken and why. The letter will also advise on the duration of the action and give details of how to appeal against the decision if they think it is wrong.

Any restrictions imposed will be reviewed, with a view to removing, after a period of six months. If further unreasonably persistent or vexatious behaviour has been exhibited during this period, the council may choose to extend the restrictions for a further period.

Appeals will be determined by the council's Senior Manager, Legal, HR & Democratic Services, or nominated officer, who will confirm, amend or remove the decision to restrict access. In all cases the council will write to the customer to tell them the results of the review and say what changes (if any) have been made to the decision to restrict access.

Appendix 1

Manager		
Customer Name		
Telephone		
	Division/Section	
	Customer Address	
	Email address	

Date	Time	Type of contact ¹	Details of enquiry	Action taken to resolve enquiry	Officer time ² taken

¹ Letter/email/telephone/face to face

² Duration of call/meeting or time taken to read and respond to letter/email

Appendix 2

**Guidance notes on
'unnecessarily excessive demands on the time and resources of employees'**

These are examples of the kind of contact that managers will need to demonstrate in order for an 'unreasonably persistent' decision to be upheld.

1. Telephoning and/or emailing 4 or more times in the same day on more than 1 occasion within a 1 month period
2. Telephoning and/or emailing 10 or more times in a one week period
3. Telephoning and/or emailing 20 or more times in a one month period
4. Consuming 2 or more hours of officer time in one day on more than one occasion within a 1 month period
5. Consuming 6 or more hours of officer time in a one week period
6. Consuming 12 or more hours of officer time in a one month period
7. Challenging a previous complaint decision or course of action that have previously been investigated, on more than one occasion, after the council's final decision has been notified

Please note that contact at this level is unlikely to be considered unreasonably persistent if the customer has genuine enquiries or issues that needed resolving.

