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**DRAFT**

**TONBRIDGE & MALLING  
BOROUGH COUNCIL'S**

**CORPORATE COMPLAINTS  
PROCEDURE**

A guide for use by Managers and staff

**Purpose of this Guide...**

To help managers and staff:

- Fulfil commitments made to the general public in the booklet "How to Complain about, Comment on, or Compliment Tonbridge & Malling Borough Council".
- Use complaints to improve service quality and efficiency.



INVESTOR IN PEOPLE



# INTRODUCTION

## Scope of this guide:

All Services - all staff who receive and/or respond to complaints from the public need to be familiar with this procedure and the public booklet.

## Other documents to read:

- The document entitled, "Tonbridge & Malling Borough Council's Complaints System (2004+)"
- The public booklet entitled "How to Complain about, Comment on or Compliment Tonbridge & Malling Borough Council".

## Definition of a complaint:

A complaint is an expression of dissatisfaction to the Council, however made, about the standard of service, actions or lack of action by the Council, its staff, contractors or agents. This includes expressions of dissatisfaction about our policies.

## Complaints not covered by this guide:

- Some complaints are outside the scope of our corporate complaints procedure and need to be addressed in another way, including those:
- Where there is a separate review process, which may be statutory, that includes a right of appeal to an independent body (e.g. someone disagreeing with the Council's decision on their planning application).
  - About the conduct of councillors. These should be referred to the **Chief Executive** and the **Monitoring Officer**.
  - Involving allegations of criminal behaviour or other unlawful actions. These should be referred to the **Chief Executive** and the **Monitoring Officer** who may wish to consult the police before taking action on the allegation.
  - Involving financial impropriety. These should be referred as appropriate to the: **Chief Executive, Monitoring Officer, Director of Finance** and **Chief Internal Auditor**.
- Any other exclusions identified by Services should be reported to and agreed formally with the **Central Services Director**.

## Record keeping:

Records are kept at all stages of the complaints process, giving details of who dealt with the complaint, what action was taken and the complainant's response.

- **Stage 1** complaints are recorded in Services' own systems for recording customer contacts.
- The document for recording **Stage 2** and **Stage 3** complaints is the Council Complaints Form (CCF), \$(to be) shown in Appendix 1.
- Formal, annual reports to Management Team and Members.

## Contents of this guide:

The following detailed procedures should be read in conjunction with our public complaints booklet entitled "How to Complain about, Comment on, or Compliment Tonbridge & Malling Borough Council".

Stage in the Complaints Procedure	Types of Complaint	Page
Our general approach.	All	4-5
Where a complaint is received for the first time by TMBC, whether by telephone, in person or in writing.	Stage 1	6-7
Where a complainant is not satisfied by our response at Stage 1 and writes to the Service Director.	Stage 2	8-9
Where a complainant is not satisfied by our Stage 2 response and writes to the Chief Executive.	Stage 3	10-11
Learning from complaints.	All	12-13

## OUR GENERAL APPROACH

1. Our first responsibility is to try to satisfy the complainant by processing the complaint fully, fairly, quickly and courteously.
2. Where a complaint is justified, our policy is to restore, as far as possible, people to the position they would have been in if things had not gone wrong. This will normally mean:
  - apologising
  - providing the desired service, or
  - taking corrective action.Our staff who respond to complaints as part of their normal work usually have sufficient authority to cover the above actions. If in doubt they check immediately with their line manager.
3. We are sensitive to any special needs and circumstances of the complainant (e.g. poor sight or hearing, inability to read or write, difficulty in understanding the discussion etc.). In order that no one is excluded from our complaints system because of difficulties they have in representing themselves we either provide appropriate help ourselves or put them in touch with a suitable agency (e.g. Citizens' Advice Bureau).
4. We deal with all complaints impartially, objectively and professionally. We do not under any circumstances penalise the complainant or their family in any way because they have made a complaint.
5. Where a complaint concerns more than one Service or Section, we nominate a lead officer to co-ordinate the Council's response.
6. Where the complaint is made via a Councillor, the **Director** of the Service is notified immediately.
7. It is not appropriate to pay financial compensation for the vast majority of complaints. Where it is appropriate to do so, this must be agreed at **Director** level. Appendix 2 (Page 15) reproduces guidance on compensation from the Local Government Ombudsman's, "Running a Complaints System - Guidance on good practice (1), June 2002.

8. Some complaints that are directed at TMBC will be the responsibility of another organisation. In these circumstances we provide as much information as possible to the complainant to help them contact the right organisation. How well we help people in this situation reflects on TMBC so our standards in dealing with complaints still apply.
9. Most complaints about most services fall within the scope of our corporate complaints system. Exclusions are detailed on page 2. Where a complaint is outside the scope of the corporate complaints system we advise the complainant how to proceed. Our staff check immediately with line management if in doubt.

## STAGE 1 COMPLAINTS

10. **Stage 1** is an opportunity for an informal and reasonably quick resolution of a complaint. At this stage it is normally clear what constitutes a reasonable and fair outcome. If not, we invite the complainant to say what they think would be a reasonable and fair outcome.
11. There is no universally accepted decision as to what constitutes a complaint. For example, one person's service request is another person's complaint. In view of: differences in interpretation, the benefits of integrating all customer contact information within Services' information systems and the considerable volume of **Stage 1** complaints, we record **Stage 1** complaints only within Services' information systems.
- The one exception to this is where a complaint against the Council is also a "racial incident". In line with the following part of the definition of Best Value Performance Indicator (BVPI) 174: "Racial Incidents are any incidents regarded as such by the victim or anyone else. The indicator applies to all an authority's services." Where a complaint is also a racial incident, the details are recorded in full on the Council's Complaints Form (CCF).
12. Complaints tend to be made:
- By telephone where this is the most convenient/easy means of contact for the complainant and/or where he/she is looking for a quick response.
  - In person where this is the most convenient/easy means of contact for the complainant and/or where he/she is looking for dialogue that may involve joint review of papers, plans or other material.
- In these circumstances, so far as possible our response is to put the matter right quickly without unnecessary formality. Otherwise, for complaints made by telephone or in person, if our response does not necessarily involve going into writing, a written response is not required. If we cannot sort out the problem immediately we explain to the complainant what we are going to do and when we will do it by. We then keep to our commitment.

13. Complaints tend to be made in writing where the complainant wants a record of the communication and/or where putting the matter in writing is seen as having the best chance of getting the matter resolved satisfactorily. Where complaints are received in writing our response is always to include a reply in writing - even where our response would otherwise not necessarily involve going into writing. Normally we reply using the same medium as the complaint itself (e-mail, letter, fax). More specifically:
- Unless an immediate (i.e. same or next day) response is possible, we send a written acknowledgement on the same or the next working day that we receive the complaint.
  - Where a full response is made within 10 working days of receiving the complaint, and this itself is not a written response, we also confirm it in writing within 10 working days of receiving the complaint.
  - Where a full response is not made within 10 working days of receiving the complaint we provide a written progress report within 10 working days of receiving the complaint. The progress report must:
    - Acknowledge and provide reasons for the delay.
    - Say what is going to happen next.
    - provide a new target time for fully responding to the complaint.If we are unable to respond within the new target time this step is repeated.
  - We monitor and ensure that the promised action is actually taken on time.
14. Where, in communicating with the claimant, there is evidence to suggest that he/she will not be satisfied with our response at this stage, we:
- Tell the complainant what to do next.
  - Offer to provide, or enclose if the response is in writing, a copy of our public booklet entitled "How to Complain about, Comment on or Compliment Tonbridge & Malling Borough Council".
15. Written complaints received at our Leisure Centres are usually made via our Viewpoint (Comments and Suggestions) leaflets. These complaints are also processed in accordance with steps 13 and 14 above.

## STAGE 2 COMPLAINTS

16. **Stage 2** complaints are all those received in writing by the **Director of the Service**. They may, or may not, have been through **Stage 1** - either because the complaint is a complex matter or because complainants have not followed our advice to take the more straightforward complaints to front-line staff in the first instance. If the complaint is a straightforward complaint of the type that is normally handled at **Stage 1** it is treated as a **Stage 1** complaint.
17. **Stage 2** is a more formal stage than **Stage 1**. At **Stage 2**, all complaints are recorded on the Council Complaints Form (CCF) to help ensure a standard council-wide response and enable consistent performance monitoring.
18. On receipt of a **Stage 2** complaint, the Service's **Complaints Officer** brings forward the Service's record of the corresponding **Stage 1** complaint and records the details of the **Stage 2** complaint on the CCF:
- Complaint number - a sequential serial number/financial year (eg. 15/2003-04).
  - Date complaint received.
  - 10 working day target date for written reply/progress report.
  - Complainant's - name, address (with postcode), daytime, evening and/or mobile telephone numbers and e-mail address.
  - Location/site of complaint (if different from above).
  - Brief description of complaint.
  - Complainant's view of what would be a reasonable and fair outcome.
  - Reference(s) to the Service's and the complainant's records of **Stage 1**.
19. Where complaints are received in writing our response always includes a reply in writing - even where our response would otherwise not necessarily involve going into writing. Normally we reply using the same medium as the complaint itself (e-mail, letter, fax). More specifically:
- Unless an immediate (i.e. same or next day) response is possible, we send a written acknowledgement on the same or the next working day that we receive the complaint.
  - Where it is not clear, we invite the complainant to say what they think would be a reasonable and fair outcome.

- Where a full response is made within 10 working days of receiving the complaint, and this itself is not a written response, we also confirm it in writing within 10 working days of receiving the complaint.
  - Where a full response is not made within 10 working days of receiving the complaint we provide a written progress report within 10 working days of receiving the complaint. The progress report must:
    - Acknowledge and provide reasons for the delay.
    - Say what is going to happen next.
    - Provide a new target time for fully responding to the complaint.
  - We monitor and ensure that the promised action is actually taken on time.
20. Throughout this process the Service's **Complaints Officer** updates the CCF, and thereby assists the **Director** in monitoring TMBC's progress in handling the complaint, to show:
- Date of written acknowledgement.
  - Details of any co-ordination with other Services.
  - The actions to be taken and by whom - with dates planned and completed.
  - References to any related files.
  - Date of any progress report(s) to the complainant.
  - Date of full/final written response to the complainant.
  - Nature and date of any feedback from the complainant on the CCF.
  - Categorisation of the complaint and improvement action (on the reverse of the CCF).
21. As a minimum, completed CCFs are retained until after the complaints to which they relate are reported in the annual report to Members.
22. The **Director** advises the complainant that he/she may take his/her complaint to the **Chief Executive** if he/she remains dissatisfied and, where there is no evidence that the complainant already has a copy, sends him/her our public booklet entitled "How to Complain about, Comment on, or Compliment Tonbridge & Malling Borough Council".

## STAGE 3 COMPLAINTS

23. **Stage 3** complaints are all those received in writing by the **Chief Executive**. They may, or may not, have been through **Stages 1 and 2** - either because the complaint is a very serious matter or because complainants have not followed our advice to take the more straightforward complaints to front-line staff in the first instance. If the complaint is a straightforward complaint of the type that is normally handled at **Stage 1** it is treated as a **Stage 1** complaint.

24. The way that complaints are handled at **Stage 3** can vary significantly. In some cases it may be possible to conclude quickly that there is nothing to add beyond what was said in the **Stage 2** decision. In other cases a more extensive investigation will be needed before any conclusion can be reached.

25. Like **Stage 2**, **Stage 3** is a more formal stage and all complaints are recorded on the Council Complaints Form (CCF) to enable consistent performance monitoring.

26. On receipt of a **Stage 3** complaint, Executive Service's **Complaints Officer** brings forward the Service's record of the corresponding **Stage 1** and **Stage 2** complaints and records the details of the **Stage 3** complaint on the CCF:

- Complaint number - a sequential serial number/financial year (eg. 15/2003-04).
- Date complaint received.
- 10 working day target date for written reply/progress report.
- Complainant's - name, address (with postcode), daytime, evening and/or mobile telephone numbers and e-mail address.
- Location/site of complaint (if different from above).
- Brief description of complaint.
- Complainant's view of what would be a reasonable and fair outcome.
- Reference(s) to the Service's and the complainant's records of **Stage 1** and **Stage 2**.

27. Where complaints are received in writing our response always includes a reply in writing - even where our response would otherwise not necessarily involve going into writing. Normally we reply using the same medium as the complaint itself (e-mail, letter, fax). More specifically:

- Unless an immediate (i.e. same or next day) response is possible, we send a written acknowledgement on the same or the next working day that we receive the complaint.
- Where it is not clear, we invite the complainant to say what they think would be a reasonable and fair outcome.
- Where a full response is made within 10 working days of receiving the complaint, and this itself is not a written response, we also confirm it in writing within 10 working days of receiving the complaint.
- Where a full response is not made within 10 working days of receiving the complaint we provide a written progress report within 10 working days of receiving the complaint. The progress report must:
  - Acknowledge and provide reasons for the delay.
  - Say what is going to happen next.
  - Provide a new target time for fully responding to the complaint.Where the new target time is exceeded this step is repeated.
- We monitor and ensure that the promised action is actually taken on time.

28. Throughout this process Executive Services' **Complaints Officer** updates the CCF, and thereby assists the **Chief Executive** in monitoring TMBC's progress in handling the complaint, to show:

- Date of written acknowledgement.
- Details of any co-ordination with other Services.
- The actions to be taken and by whom - with dates planned and completed.
- References to any related files.
- Date of any progress report(s) to the complainant.
- Date of full/final written response to the complainant
- Nature and date of any feedback from the complainant on the CCF.
- Categorisation of the complaint and improvement action (on the reverse of the CCF).

29. As a minimum, completed CCFs are retained until after the complaints to which they relate are reported in the annual report to Members.

30. The **Chief Executive** advises the complainant that he/she may take his/her complaint to the **Local Government Ombudsman** if he/she remains dissatisfied.

## LEARNING FROM COMPLAINTS

31. As already noted previously, one person's complaint is another person's service request. Learning from customer contacts, in all their forms, is more important and valuable than trying to differentiate between complaints and other types of customer contact. Services are continually seeking to identify measures to reduce the likelihood of recurring complaints and avoidable service requests.

32. On a quarterly basis, each Service's **Complaints Officer** assists his/her **Director** to analyse complaints received and to identify patterns and lessons for service improvement. The nature of this analysis is at the discretion of each Service and the results are recorded for use within each Service.

33. During April of each year, each of the Service's **Complaints Officers** assists his/her **Service Director** to produce an annual report covering both **Stage 1** Complaints and **Stage 2** Complaints. Executive Services' **Complaints Officer** provides a corresponding report for **Stage 3** Complaints.

### For Stage 1 Complaints:

Each Service's annual report summarises the types and volumes of customer contacts and improvement actions taken as a result of learning from those contacts.

Each report includes the pro-forma \$(to be shown) in Appendix 3 to specifically cover the Services' performance against our standards for dealing with written complaints and shows the:

- Number of written complaints.
- Number and percentage acknowledged within 2 working days.
- Number and percentage of complaints where a full response is completed within 10 working days.
- Number and percentage of complaints where a progress report is issued within 10 working days.

Written complaints include e-mails and faxes as well as letters. The date that each complaint is received is day one, not day zero. Where there is a high volume of similar written complaints, Services may

choose to deal with these en-bloc in the report and base their figures for these on sample or other form of estimate.

### For Stage 2 Complaints:

Each Service's annual report draws on the completed Council Complaints Forms (CCFs) to provide the equivalent information for **Stage 2** complaints as set out above for **Stage 1** complaints, including completion of the pro-forma in Appendix 3. At this stage the report also uses the classification system on the reverse of the CCF. It also shows the number and percentage of complaints where the complainant's response to our actions is: (a) positive and (b) negative.

The Service's **Director** forwards a copy of the Service's report, covering both **Stage 1** and **Stage 2** complaints to the **Improvement & Development Manager**.

### For Stage 3 Complaints:

Executive Services' annual report draws on the completed Council Complaints Forms (CCFs) to provide the equivalent information for **Stage 3** complaints as set out above for **Stage 2** complaints, including completion of the pro-forma in Appendix 3.

The **Chief Executive** forwards a copy of the Service's report, covering **Stage 3** complaints to the **Improvement & Development Manager**.

By the end of June each year, the **Improvement & Development Manager** draws together each of the above annual reports, covering three stages, into a corporate report for consideration by Management Team and then by the Cabinet.

## Appendix 1 - Council Complaints Form

\$To be inserted

## Appendix 2 - Guidance on compensation

Whether financial compensation should be paid, and how much, will depend on the circumstances.

Where compensation is considered appropriate, the following guidelines should be taken into account:

- Where specific financial losses have been incurred, reimbursement is likely to be appropriate (together with consideration of whether interest should be paid).
- Where devaluation of property is alleged, an independent valuation (for example by the Valuation Office Agency) could be considered with a view to compensation for any difference in value arising from the action complained of.
- Where the complainant has had to spend an unreasonable and significant amount of time in pursuing the matter, a payment in recognition of 'time and trouble' may be appropriate.
- If exceptional worry, distress or inconvenience have been caused by the events, consideration could be given to a payment in recognition of those factors.

## Appendix 3 - Performance against Standards

\$To be inserted