

Complaint and Feedback Policy

Lead Directorate and service:	Corporate Resources Legal and Democratic Services
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1. **Background:**

This Policy was developed as part of East Riding of Yorkshire Council's commitment to providing high quality customer service. Since then, it has been reviewed to reflect changes in technology, customer demand and refinements in procedures.

The Complaint and Feedback Policy aims to ensure that:

- Customers can easily provide feedback on Council services
- Customers receive a response to their feedback
- Customers are dealt with in an open, fair and proportionate way
- Requests are dealt with through the appropriate channels

It is important that the Council is transparent in its dealings with the public and that residents can hold the Council to account. Providing feedback, including complaints and compliments on Council services is one of the ways in which the public can hold the Council to account, and contribute to service improvements and efficiencies. To support this the Council uses 'Tell Us How It Is' branding to advertise the Council's Complaint and Feedback Policy.

The Council receives high volumes of informal feedback, including compliments that are never formally recorded but are dealt with at the point of contact. The Council wants to receive informal feedback as it still helps to meet its commitment to high quality customer service but reduces the administrative burden. This Complaint and Feedback Policy supports the drive for continual improvement in the face of the public sector challenge which lies ahead.

2. **Definitions for the Purposes of this Policy:**

Feedback: This is information given by customers about any Council service or member(s) of staff, whether logged formally or informally. There are, however, certain types of feedback that are not covered by this Policy, all of which are outlined within it.

Feedback System: This refers to the IT software that is used by the Council to keep a record of feedback received and all other information linked to how the feedback is handled.

Compliment: We are always pleased to receive positive feedback. We define this as a positive statement concerning a high level of service delivered for example when delivery exceeds customer expectations by or on behalf of the Council, and/or could inform further service improvement.

Team Solution: The Council encourages customers and services to try and deal with issues in the first instance, before moving to more formal procedures. To this end initial issues or enquiries which the Council feel can be easily resolved are referred to as 'Team Solutions'. This approach is part of the Council's restorative approach to complaint handling and assumes that some issues can be resolved quickly at the initial point of contact without the need for escalation. If the team solution does not resolve the customer's concern, they can ask for their concern to be dealt with through the formal complaint's procedure. Dealing with feedback as a team solution is optional and will only be used if appropriate and never to avoid an official complaint being logged

Complaint: An expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents. Including if someone feels like they have been discriminated against because of a protected characteristic. A customer does not have to use the word complaint for it to be treated as such.

Ask the Leader: Allows customers to send in their questions directly to the Leader of the Council. Ask the Leader is predominately aimed at sharing ideas about how the Council could do something better, expressing views on major Council issues and asking about how the Council goes about its business. Ask the Leader queries are recorded on the feedback system and customers will receive a response from the Leader of the Council.

Request for Service: This is a request for the Council to do something which it already offers as a service e.g. verge cutting, filling a pothole, collecting a missed bin or investigating a noise nuisance. Requests for service are not usually dealt with under the Complaint and Feedback Policy. In some cases, requests for service can become the subject of a complaint if for example, the initial request for service is not carried out, not completed to a high standard, or not finished on time

Complaint and Feedback Management Officer (CFMO): There are two teams that manage complaints and feedback under this policy. The Information Governance and Feedback Team manage complaints and feedback across the Council, except for Social Care (Children's, Families and Schools Directorate and Adults Services) which is managed by the Customer Relations Team.

Investigating Officer (IO): IOs respond to feedback received from customers. They are also responsible for passing on any feedback to the relevant officers. Once an IO has completed their investigation and responded to the customer, they are responsible for ensuring that details of their response are recorded onto the Feedback System.

Unreasonable or Unreasonably Persistent Complainants: Those complainants 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 and or requests for service. See Appendix 7 for further details.

Defamatory Material: A statement is only defamatory if its publication has caused or is likely to cause serious harm to the reputation of the complainant. In the case of a body which trades

for profit, harm is not 'serious' unless it has caused or is likely to cause, serious financial loss. See Appendix 5 for further details.

Ombudsman: The term Ombudsman refers to any of the Ombudsman's who act independently of the Council. These include the Local Government and Social Care Ombudsman (LGSCO), Housing Ombudsman and Pension Ombudsman. The Ombudsman will normally only investigate complaints once they have been through the Councils complaints procedures.

3. Policy Statement

The Council values customer feedback and would like to hear what you have to say about our services. Your feedback is important so we can put things right, improve services for the future and recognise best practice.

To ensure consistency in dealing with feedback across the Council, procedures are in place for collecting, recording, responding to, and reporting on feedback received.

We encourage customers to put their name to all feedback sent to the council. We recognise that sometimes there are circumstances in which customers may prefer to remain anonymous, but this can make it difficult for us to investigate fully and we will not be able to provide them with a response. Due to these difficulties, we investigate anonymous complaints at our discretion.

Customers making complaints will be encouraged to settle their complaint using the stages outlined in the relevant feedback procedure (see Appendices 1 – 6). The Council will always try and take a restorative approach, rather than simply be escalating complaints through the system. We will do everything we can to address the concerns of the complainant at the first point of contact. It is absolutely right that complainants are explicitly told of their rights to progress to the next stage of the process, and we will not interfere with that.

Complaints can also be referred to the Ombudsman. The Ombudsman will usually ask a customer to take their complaint through the Council's feedback procedure before they will investigate it.

We expect you to treat our staff with courtesy and respect as you would expect when we are dealing with you. Abusive, aggressive, or unreasonable behaviour towards our staff is not tolerated. As you can complain about a member of staff if their behaviour is not acceptable, we also have processes in place to support our staff if your complaints or behaviour is unreasonable. Anything of this nature will be dealt with using the unreasonable complainant procedure outlined in Appendix 6.

4. Corporate Requirements

The operation of the Complaint and Feedback Policy contributes to the Council's corporate priorities. To do this, it is essential that the Council has a good knowledge of local priorities and that services address local people's needs. It is also important that residents and customers can influence change. Customers can do this by providing the Council with feedback.

The Council has committed itself to making its services, facilities, and resources accessible to residents and visitors to the East Riding. The Council will also work towards ensuring that individual Human Rights are supported within its decisions, policies and practices and that people are not discriminated against.

All Council staff should be aware of the Complaint and Feedback Policy and the need to ensure that feedback is dealt with in line with the policy. Staff should ensure that feedback is logged when appropriate and advice is sought from the relevant CFMO or IO within their service area.

5. Policy Development including Consultation

During the review of this Policy, consultation took place with:

- Investigating Officers
- Customer Relations Team
- Senior Management Team
- Corporate Management Team
- Organisations, groups and individuals with an interest in equalities
- Housing tenants

Benchmarking with other Councils was also carried out during this review of the Complaint and Feedback Policy.

6. Links with other Policies

The Complaint and Feedback Policy has links with the following Council policies:

- [Whistle Blowing Policy](#)
- [GI-Disciplinary Policy \(Corporate and Schools\)](#)
- [Equality Plan 2020-24](#)
- [Customer Contact Strategy](#)

7. Dealing with Feedback

Most feedback is dealt with using the Corporate Feedback Procedure. Feedback received by the Council will be triaged to decide how it should be handled. The Council will make available to all CFMO's a triaging matrix to ensure consistency. Feedback will be assigned at whichever part of the feedback process the CFMO deems is most appropriate. If it is a complaint the Council will consider whether it should be dealt with as a team solution or logged as a Stage 1 complaint. If a complainant is unhappy with their response at Stage 1, they can escalate it to a Stage 2 complaint. Following this process if the complainant remains unhappy, they can take their complaint to the Ombudsman. If the complaint relates to housing, they can choose to contact a designated person prior to taking their complaint to the Ombudsman.

Before assigning a complaint, the CFMO will ensure that the Council has responsibility for the issue being raised; in some cases, it may be that the Council has shared responsibility with another organisation for complaints, this could be in relation to a contractor acting/working on behalf of the Council. In these situations, a response or joint response may be sent to the customer, or alternatively we may await the outcome of a third parties complaint process before deciding to investigate a complaint.

Normally, we will only accept complaints within 12 months of the event the customer wants to complain about or within 12 months of them finding that they have reason to complain. Sometimes, if a complaint is complex, we may need more time to investigate it. When deciding whether to accept a complaint the Council will also take into consideration whether or not

investigating the issues raised will prejudice any concurrent investigations such as court proceedings, tribunals, disciplinary proceedings or criminal proceedings. If this is the case, the Council will contact the customer to explain and inform them. Further details about the Corporate Feedback Process can be found (Appendix 1), this also includes the Ask the Leader process.

There are some types of feedback which are dealt with using different feedback procedures, these include:

- a) Children's Services complaints - will be triaged to decide how they can best be handled. The Council will consider whether it should be dealt with as a team solution or logged as a stage 1 complaint. If a complainant is unhappy with their response at Stage 1, they can escalate it to a Stage 2 complaint. If the complainant remains unhappy with the Stage 2 response, they can escalate it to a Stage 3 complaint. Following this process if the complainant remains unhappy, they can take their complaint to the Ombudsman. Further details about Children's Services, complaints can be found in the Social Care Services Feedback Procedure (Appendix 2).
- b) Adults Services complaints - will be triaged to decide how they can best be handled. The Council will consider whether it should be dealt with as a team solution or logged as a complaint. If a complainant is unhappy with their response to a team solution it will be logged formally as a complaint. Following this process if the complainant remains unhappy, they can take their complaint to the Ombudsman. Further details about Adults Services, complaints can be found in the Social Care Services Feedback Procedure (Appendix 2).
- c) Public Health complaints - will be triaged to decide whether it should be handled by the Council or the relevant service provider. If it is a complaint for the Council, it will be logged formally as a complaint. Following this process if the complainant remains unhappy, they can take their complaint to the Ombudsman. Further details about Public Health, complaints can be found in the Public Health Feedback Procedure (Appendix 3).
- d) Enforcement agency complaints - will be triaged to decide whether they fall within the scope of the Enforcement Agencies Feedback Procedure (Appendix 4). If they do, they will be logged under the Corporate Feedback Procedure.
- e) Defamatory material – will be logged under the Defamatory Material Procedure (Appendix 5).
- f) Unreasonable and persistently unreasonable customers - in a minority of cases complainants pursue their complaints in a way which can either impede the investigation of their complaint, can have significant resource issues for the Council or impact inappropriately on its employees and Members. If this occurs the Council may use its Procedures for Dealing with Unreasonable and Persistently Unreasonable Complainants (Appendix 6)

8. Types of Feedback not dealt with by the Policy

There are some types of feedback that are not covered by the Complaint and Feedback Policy. Details about how these will be dealt with are outlined below:

- a) Complaints about Members - the conduct of any elected, co-opted or independent Member of either East Riding of Yorkshire Council or any Town and Parish Council in the East Riding local authority area should be made in writing and addressed to the Monitoring

Officer, East Riding of Yorkshire Council, County Hall, Beverley, HU17 9BA or can be emailed to standards@eastriding.gov.uk.

Complaints will be considered by the Standards Committee, which has a responsibility to investigate complaints about Members who may have failed to comply with the Code of Conduct, the set of rules governing the behaviour of Members. Further details can be found at - <https://www.eastriding.gov.uk/council/committees/standards-committee/standards-committee/>.

- b) Complaints about unrelated third parties - solely about another organisation are classed as 'third party' complaints. They will be logged on the Feedback System and assigned under the 'third party' category. The responsible services area who receives the complaint will inform the complainant that the complaint is not relating to a Council service or member of staff, and where possible, offer the complainant the contact details for the correct organisation. In some cases, they may be able to forward the details of the complaint onto the appropriate organisation on behalf of the complainant and inform them that they have done so.
- c) Complaints related to recruitment, staff appointments or terms and conditions of service - should be referred to the Council's Recruitment team if it cannot be resolved with the relevant manager. The Recruitment team maintains the paperwork for each post, including the shortlisting matrix, and can also advise on Council policy. This applies to both internal and external candidates. All complaints regarding appointments and terms and conditions of service should be referred to the Council's Peoples Services team. The Ombudsman does not accept complaints of this nature. Employment tribunals are the available route for those seeking to escalate their complaint beyond the Council's internal systems.
- d) Petitions - residents have the right to submit petitions to the Council. There are, however, four categories of petitions whose criteria must be met in order for the Council to consider such a petition. Any petition must include the name and address of at least 10 Local Government electors of the area. Further details on how petitions will be dealt with are included on the Council's website at <https://www.eastriding.gov.uk/council/committees/petitions/> or from the Council's Democratic Service.
- e) Internal feedback - regarding other services from within the Council should not be recorded on the Feedback system. However, services are encouraged to maintain a file of such items, which will provide useful information, and can, for example, aid an application for a Customer Service Excellence accreditation.
- f) Requests for service - are not usually dealt with under the Complaint and Feedback Policy. Usually these are dealt with directly through the Customer Service Centre network and relevant service areas. In some cases, requests for service can also become the subject of a complaint; if for example the initial request for service is not carried out, not completed to a high standard or not finished on time.
- g) Informal feedback - is received from residents and customers via different communication channels on a daily basis, and it is not feasible or necessary for all feedback to be logged onto the Feedback System. A large proportion of feedback is dealt with immediately by the Officer or Member at the time of the first contact with the customer, and it is this feedback that is referred to as 'informal'. Informal feedback is not recorded, either because the customer does not wish to make it formal, or the officer or Member dealing with the customer by using their discretion and/or discussion with the customer is assured that the

customer is satisfied with their response or the action taken, and that the matter does not require further investigation or explanation.

- h) Pensions - complaints about pension benefits may be dealt with through the East Riding Pension Fund Disputes and Appeals procedure. Details of this procedure can be found at - <https://www.erpf.org.uk/contact/>
- i) Data Protection - Complaints that the Council has breached any of the data protection principles will be dealt with under the Councils Data Protection Policy. Allegations will be investigated, and a response will be provided to the customer. If the customer is still not satisfied, they can refer the matter to the Information Commissioner's Office.
- j) Insurance Settlements - all insurance claimants have the option to take their own legal advice and to bring actions against the Council through the legal process. Complaints about insurance settlements are not dealt with under this policy. There is no recourse for a claimant to take an insurance claim against the Council to the Ombudsman where a claimant disagrees with the outcome.
- k) School Complaints - are dealt with directly by the school in question, except for policy related complaints (e.g. admissions process, school transport, etc) which are dealt with under the corporate feedback procedure. The Education Act 2002 places a duty on school governing bodies to adopt a procedure for the receipt and handling of school complaints. The Council is not empowered to investigate complaints made about schools. More information can be found at - <https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure>
- l) Hate incidents and crimes – can be reported directly to Humberside Police. This does not prevent the Council from investigating complaints about its own processes or staff in relation to discrimination. More information can be found at - <https://www.humberside.police.uk/hate-crime>.
- m) Requests to Activate The Community Trigger - victims of anti-social behaviour have the right to request a review of their case if they are not satisfied with the response received, in accordance with s104 and 105 of the Anti-Social Behaviour, Crime and Policing Act 2014. They need to have reported at least three incidents of anti-social behaviour to the Local Authority, Police, a registered Housing Provider (Social Landlord) co-opted into the process and/or local Clinical Commissioning Group in the last six months and they consider there has been no action taken or insufficient action has been taken given that they have had a reasonable time to respond. All requests to activate the Community Trigger should be referred to the Manager of the Anti-Social Behaviour Team.

The Council will always try and direct feedback into the most appropriate process.

9. Dealing with Abusive, Offensive, Threatening, Violent or Otherwise Unacceptable Behaviour

Situations can escalate and, in a few cases, people can become abusive, offensive, threatening, violent or display otherwise unacceptable behaviour. Any behaviour of this nature directed towards our employees or Members will not be tolerated. In such circumstances the Council will take whatever action is necessary to protect its employees and Members. All Council employees and Members should be able to come to work without being subjected to this type of behaviour.

In a situation where it has been identified that a complainant is causing harassment, alarm or distress to Council employees or Members through their behaviour, actions should be identified that will be taken to tackle such behaviour. Consideration should be given to how future contact will be managed in line with the Procedures for Dealing with Unreasonable and Persistently Unreasonable Complainants (Appendix 6).

The Council recognises that in some circumstances immediate action may need to be taken outside of this policy to protect its employees and Members. In these scenarios the relevant Head of Service or Director should be consulted, and the steps outlined in Appendix 6 reviewed once the appropriate action has been taken.

Violent behaviour should be highlighted through the Council's accident procedure, alternatively a conversation should take place with the Health and Safety Services Manager to ensure the appropriate warning markers are applied.

10. Roles and Responsibilities

The roles of an **Investigating Officer (IO)** are to:

- Investigate feedback received from customers
- Pass on any feedback their service area receives to the Information Governance and Feedback Team/Customer Relations Team who will record it onto the Feedback System and assign it to the relevant IO for investigation
- Respond to feedback within the required timescale
- Ensure that the details of feedback responses are recorded directly onto the Feedback System (except for Investigating Officers in Adults or Children's social services, who should send their response to the Customer Relations Team for them to input onto the system)

The roles of the **Complaint and Feedback Management Officer (CFMO)** are to:

- Monitor and administer the Council's Feedback System
- Assign feedback items to an Investigating Officer and send acknowledgements to customers
- Ensure that feedback received about social services is responded to using the appropriate legislation or corporate feedback procedure
- Where necessary, place feedback items on hold
- Where necessary, escalate feedback items when a complainant is unhappy with the response, they receive
- Produce reports on feedback, including for the Council's management teams and Members
- As appropriate flag feedback items with key services, such as the Public Relations Team, Insurance Team, Legal Services and the Policy Team (for equalities matters and armed forces covenant)
- Make available the feedback leaflets and posters
- Lead on policy and procedure reviews relating to feedback
- Carry out spot checks to ensure that services are following the Complaint and Feedback Policy
- Identify areas for improvement in services through analysis of customer feedback
- Provide help, support and training for Investigating Officers
- Take a lead on unreasonable complainant cases

The role of **Customer Service Centre agents** (in relation to feedback items) are to:

- Record the details of feedback items onto the Feedback System or direct the customer to the Information Governance and Feedback Team or Customer Relations Team
- If it is a complaint, provide customers with a feedback reference number and advise that they will receive a response.

11. Responding to Customers

When investigating complaints, all contact with the customer should be recorded or referred to on the Feedback System, to ensure that the Council has an audit trail to support the investigation.

The Council's preferred method of communication is email; however, customers should receive a response in the format that they have requested. Adjustments for disabilities will be logged to ensure customers receive consistent communications in a format which is accessible to them. Telephone calls should either be followed up by an email or letter summarising the conversation or a log of the call made and added to the feedback system. IOs should use plain English and avoid the use of generic wording.

Responses must include what steps can be taken next by the customer, such as escalating to Stage 2 or to the Ombudsman.

12. Outcomes and Impacts

The Complaint and Feedback Policy aims to achieve the following outcomes:

- a) Customers find it easy to give their feedback to the Council
- b) Customers receive a timely response to their complaint
- c) Customers are happy with the Council's handling of their complaint, even if the outcome of the complaint is not what they hoped for
- d) Feedback is used to contribute to service improvements
- e) Team solutions are used effectively to help the customers receive quick responses where appropriate to any issues raised.
- f) Service requests are sent to the relevant department to be actioned rather than being logged through the Feedback system

13. Policy Implementation

The Policy is well embedded; however the Senior Management Team and Corporate Management Team remain responsible for ensuring all services are aware of how it impacts upon their services.

14. Evaluation

The implementation of the Policy and its general operation of the Policy will be monitored by the Information Governance and Feedback Team. Response rates and feedback details are monitored and reported to the relevant Directorate Management Teams.

15. References

During the review of this Policy, the following documents were used for background information, benchmarking, guidance, and reference purposes:

- [Local Government Act 1974](#)
- [Effective Complaint Handling for Local Authorities - Local Government and Social Care Ombudsman October 2020](#)
- [Homepage | The Pensions Ombudsman \(pensions-ombudsman.org.uk\)](#)
- [Home - Local Government and Social Care Ombudsman](#)
- [Home - Housing Ombudsman \(housing-ombudsman.org.uk\)](#)
- [The Children Act 1989 Representations Procedure \(Children\) Regulations, 2006](#)
- [Getting the Best from Complaints \(DfES\) 2006](#)
- [The Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#)
- [School complaints procedures: guidance for maintained schools - GOV.UK \(www.gov.uk\)](#)
- [Ombudsmen's guidance note on managing unreasonable complainant behaviour](#)
- [Complaints about defamatory material posted on websites: Guidance on Section 5 of the Defamation Act 2013 and Regulations – Ministry of Justice January 2014](#)
- [The charter for social housing residents: social housing white paper - GOV.UK \(www.gov.uk\)](#)
- [Regulator of Social Housing - GOV.UK \(www.gov.uk\)](#)
- [Hate crime/hate incidents | Humberside Police](#)
- [Equality Act 2010](#)
- [Armed Forces Covenant: guidance and support](#)