



## **Complaints Pack**

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## **KCC COMPLAINTS, COMMENTS AND COMPLIMENTS POLICY**

### **Introduction**

This policy sets out KCC's position on complaints, comments and compliments management.

KCC has a genuine desire to learn from what our customers tell us and use it to improve:

- the services we provide
- the policies we develop
- how we behave as an organisation.

We are committed to operating an effective complaints and customer feedback system, that demonstrates to the public that we:

- are "putting our customers first" (one of the Kent First pledges)
- listen to what residents have to say
- are open, honest and transparent
- are responsive and fair

KCC, in general, has a devolved approach to complaints, comments and compliments management. Individual Directorates and business units are responsible for developing, operating and monitoring their own procedures and processes, but they must comply with the KCC Complaints, Comments and Compliments Policy and provide regular monitoring statistics.

### **Aim of policy**

The purpose of this policy is to:

- clarify how the public may make a complaint about us
- define the standards the public can expect when they make a complaint
- recognise the importance of complaints, comments and compliments in providing feedback about council services and performance
- set out how the council will monitor complaints, comments and compliments and use that information to improve services and identify training needs.

### **What is a complaint, comment and compliment?**

A complaint is an expression of dissatisfaction, however made, about the standard of / or the delivery of service, the actions or lack of action by the Council or its staff which affects an individual service user or group of users.

This definition is in line with those of the Local Government Ombudsman and the British Standards Institute and is consistent with the definitions used by other local authorities.

A comment is any suggestion made by customers that they believe would improve the service delivered.

A compliment is an expression of thanks or congratulations or any other positive remark. (Internal compliments are excluded from this process)

### **Who can make a complaint, comment or compliment?**

Any individual or organisation who uses or receives a Council service can make a complaint if they are dissatisfied with the service. This definition includes:

- Statutory or non statutory services provided to individual customers
- Services provided on a commercial basis (e.g. Home to School transport)
- Services provided to schools

The Complaints, Comments and Compliments Policy does not cover complaints from members of staff, trainees, apprentices or persons on work placements, involving working conditions, pay or other internal grievances.

### **How a complaint can be made**

A complaint can be accepted in any form (including face to face or by phone). However, for the sake of clarity, any complaint and the steps taken to deal with it should be recorded in writing. We must take account of the complainant's individual circumstances and specific needs when communicating during the complaint process, bearing in mind such issues as disability and first language.

### **Stages of the complaints procedure**

#### Step 1: Local Resolution

The first step in the complaints procedure is step 1: Local Resolution. The aim of local resolution is to try to sort out the problem directly and as quickly and easily as possible. The County Council's leaflet on complaints (also available on the website) therefore advises members of the public, if they have a complaint, to take it up initially with the service concerned.

If the complainant remains dissatisfied then they can ask for their complaint to be considered at step 2.

#### Step 2: Complaint Investigation

If the complainant remains dissatisfied after completion of step 1, there is the option to request that the complaint proceeds to step 2 of the process. This involves a formal investigation of the complaint with a report being produced by the investigating officer appointed to the case. **The timescale for dealing**

with this step is 20 working days up to a maximum of 65 working days, for more complex cases.

The customer themselves would usually make the decision on whether they want their complaint to be investigated at step 2 (this option is openly published in the KCC Complaints, Compliments and Comments leaflet and on [www.kent.gov.uk/complaints](http://www.kent.gov.uk/complaints)).

### Step3: External referral or review

The third step is for the customer to take the complaint to the Local Government Ombudsman or a Complaints Review Panel for Kent Adult Social Services (until April 2009) and for Children's Social Services.

### **Complaints Equalities Monitoring**

KCC policy is to send all complainants a copy of our Equalities Monitoring Form (EMF) with the first written response. The County Council has separate guidelines on equalities monitoring. [LINK](#)

### **Guidance on unreasonably persistent and vexatious complainants**

The County Council's guidance on handling unreasonably persistent and vexatious complainants is set out in separate guidelines issued by the Chief Executive. [LINK](#)

### **Involvement of Members**

If a complainant has chosen to involve a Member of the Council in their complaint, then the response to the complaint should be copied to that Member, c/o Members' Desk, Sessions House, County Hall.

### **Involvement of Monitoring Officer**

The Director of Law and Governance is the Council's Monitoring Officer under section 5 of the Local Government and Housing Act 1989. It is not necessary for all complaints to be reported to him, but, so that he can fulfil his statutory duties, he does need to be involved wherever the internal investigation of a complaint reveals evidence of illegality or maladministration. The Director of Law and Governance is based at Sessions House, County Hall (01622 694302).

### **Procedure for Handling of Local Government Ombudsman Complaints**

The County Council's procedure for handling complaints from the Local Government Ombudsman is set out in separate guidelines issued by the Chief Executive. [LINK](#)

### **Confidentiality**

Any complaint processed through the procedure will be dealt with in accordance with the requirements of the Data Protection Act 1998 and Freedom of Information Act

### **KCC Complaints Standard**

We will acknowledge receipt of your complaint within 3 working days.

We will use plain language.

We will give you a contact name and telephone number.

We will answer all complaints within 20 working days or explain why a reply may take longer.

### **Complaints, Comments and Compliments Monitoring**

All complaints, comments and compliments should be logged, including those that are resolved at first point of contact. The purpose of this policy is to improve our services for our customers. This information is valuable customer feedback and should be used within the business planning process

#### Complaints reports

Policy Overview Committees will receive an annual report on complaints activity. The report will contain:

- number of complaints
- how complaints are received; phone, letter, e-mail
- % answered within standards
- Identified improvements to service delivery introduced in response to complaints
- recommend action to minimise or avoid similar complaints in future
- recommend procedural improvements for handling and resolving complaints
- identified training and information needs
- equalities information

Governance and Audit Committee will receive a KCC Complaints, Comments and Compliment report annually.

# KENT COUNTY COUNCIL COMPLAINTS PROCEDURE

## Aims of Procedure

1. The complaints procedure aims to ensure that:-
  - (a) all staff are aware of what they need to do if they receive a complaint from a member of the public
  - (b) the customers of the County Council are aware of their right to complain and of the procedure for doing so
  - (c) the County Council responds to complaints within a reasonable time and in a courteous and efficient manner
  - (d) the complainant feels that his/her complaint is being treated seriously regardless of whether the outcome is to his/her complete satisfaction
  - (e) the County Council learns from complaints and takes appropriate measures to improve its services

## Categorisation of Complaints

2. The word "complaint" is often used to describe both complaints to the County Council (e.g. reports of potholes in roads, requests for advice, etc) and complaints about the County Council.

This Complaints Procedure is concerned only with complaints about the County Council (i.e. complaints about things which the County Council has done which the complainant feels it ought not to have done; or complaints about things which the County Council has not done which the complainant feels it ought to have done).

Complaints about the County Council can be broadly categorised as follows:-

- (a) Policy

Complaints about decisions by Members on matters of **policy** (e.g. level of expenditure in general, or on a particular service), or on **regulatory** issues (e.g. decisions on planning applications).

- (b) Standards

Complaints about **standards** of work, delay, discourtesy, etc.

- (c) Personal

Complaints about the refusal of applications - by officers or Members - for **personal** services (e.g. school admissions, school transport). Many such complaints will be dealt with through a formal **appeals** process. The 'Personal' category also includes **claims for compensation** for damage caused by highway defects, etc, which have been refused by the County Council's insurers, and complaints about refusal to accede to **demands** for provision or removal of a particular facility (e.g. new roundabout, street-lighting, traffic-calming, etc).

Individual complaints will often fall into more than one category and, indeed, it is sometimes difficult to distinguish between a complaint to the County Council and one about the County Council. The answer must be to take the broadest possible view of the definition of complaint, and, if there is the slightest hint in any contact from a member of the public that it may involve some criticism of the County Council which that individual intends to pursue, it should be treated as a complaint.

### **Advice to Public**

3. Every effort should be made to resolve complaints as close to their source as possible. The County Council's leaflet on complaints (also available on the website) therefore advises members of the public, if they have a complaint, to take it up initially with the Directorate concerned. The leaflet includes contact points for each Directorate. Copies of the leaflet are available from the Information Office at Sessions House, County Hall (01622 694016).

### **Complaints from Customers and how to deal with them**

4. Ideally, we would like to run our services so well that none of our customers ever had any cause to complain. However, despite all our efforts to improve our services, it is unrealistic to expect that we will ever be able to eliminate complaints entirely, simply because the County Council is such a large, diverse and political organisation.

Complaints can be about:

- the standards of our services (e.g. time taken to answer a letter)
- the policies which govern the availability of services
- decisions taken by the County Council in a regulatory capacity (planning permissions) or on applications for services or grants
- our refusal to provide some facility (e.g. a new roundabout or village by-pass)

### **What to do if you receive a complaint**

Whenever you deal with a complaint

- **be positive**  
Show that you are interested in the customer's problem and want to try to find a solution
- **be open**  
Tell the customer your name, job title and telephone number so that they know who to contact if they need to follow-up their complaint or check progress
- **be honest**  
Do not be afraid to say sorry if a mistake has been made or if the customer has suffered inconvenience
- **be polite**  
Never criticise or blame the customer. Even if the problem arises from a misunderstanding on the customer's part, try and clarify the situation without directing personal criticism at the customer
- **offer advice**  
If the customer remains dissatisfied, advise them on how they can take their complaint further by offering them a copy of the County Council's Complaints Procedure leaflet

- **make use of complaints**

Complaints are a useful form of customer feedback. They may highlight an area where action is needed by the County Council, so let your line manager have brief details of any complaint received

Complaints about the County Council can be received as a telephone call, as a visit from the complainant to a County Council office, or as a letter, fax or e-mail. Directorates need to maintain separate, but inter-related, procedures for dealing, on the one hand, with telephone or personal caller complaints and, on the other hand, for dealing with written complaints.

### Telephone and Personal Caller Complaints

Complainants who telephone or personally call with their complaints often do so because they are seeking an urgent remedy. They are sometimes angry about the cause of their complaint. If they do not already have a contact within the office concerned, or if their complaint is about that contact, they need to speak to somebody who is sympathetic and who is prepared to take responsibility for dealing with their complaint and for keeping them informed.

For this purpose, therefore, all Directorates should ensure that within every office which has direct contact with the public (whether an individual service unit, or an area or local office) one or more senior officers are designated to deal with telephone and personal caller complaints on behalf of the relevant Manager. Of course, at smaller offices, the manager/officer-in-charge may have to take responsibility for handling complaints themselves. Clearly, whoever is designated to deal with complaints needs to be reasonably 'available', and Switchboard Operators and Receptionists need to know who the 'Complaints Duty Officer' is at any given time. In addition, each Directorate should designate one officer at its headquarters office as its Lead Officer on Complaints. It will be part of the Lead Officer's role to deal with telephone and personal caller complaints on behalf of the Managing Director.

The complainant must be advised at the time of making the complaint who will respond, how and when. Calls must be returned when promised even if it is only to tell the complainant that his or her complaint is still being investigated. Staff who deal with telephone or personal caller complaints must, except in the most exceptional circumstances (e.g. where there is a threat of violence) identify themselves by name and job title. A detailed file note should be made of all telephone and personal caller complaints and of any subsequent discussions with the complainant.

### Written Complaints

Complainants who send their complaints by letter, fax or e-mail need to know that their complaint has been received and is being acted upon. For this reason, all written complaints will be acknowledged within 3 working days of the date of receipt and investigation of the complaint will be put in hand immediately and completed as swiftly as possible, with a view to providing the complainant with a full response within 20 working days of the date of receipt.

Where it is not possible to meet this deadline, an interim reply will be sent within 20 working days of the date of receipt explaining the reasons for the delay and stating when a full response will be provided and by whom. Further interim replies may be necessary but the complainant must be kept informed of the progress of the

investigation at intervals of no more than 20 days and, in any event, a full response must be provided within three months of the date of receipt of the complaint.

All correspondence will clearly indicate the name and telephone number of the officer dealing with the complaint. That officer should also sign the letters over their own name and/or job title - letters signed by somebody else in another officer's name, or signed "pp" another officer, are bad practice at the best of times, but are completely unacceptable when dealing with complaints.

A Complaints Equality Monitoring form (EMF) and prepaid envelope **MUST** be sent out with the acknowledgement of the complaint. This information will only be used to help improve our services and access to services. (see KCC Complaints Equalities Monitoring Guidance Appendix 1). This data is confidential and anonymous and must not be kept in the complaints file. EMFs should not be sent out with subsequent correspondence.

Correspondence with a complainant by e-mail should be printed off for retention on file.

Complainants must be informed of their right to refer the complaint to the Ombudsman, or - for certain Adult (until April 2009) and Children's Social Services functions only - to an Independent Review Panel, if they are dissatisfied with the Directorate's response.

### **Handling of complaints made to the Chief Executive**

5. The Corporate Access to Information Coordinator in the Chief Executive's Directorate is responsible for dealing with all complaints addressed to the Chief Executive.

The Chief Executive will adhere to the timetable for acknowledgement of, and response to, complaints, set out in paragraph 4 above.

Where a complainant to the Chief Executive indicates that they are dissatisfied with the Chief Executive's response, they will be informed of their right to refer the complaint to the Local Government Ombudsman.

### **Procedure for Handling of Local Government Ombudsman Complaints**

6. The County Council's procedure for handling complaints from the Local Government Ombudsman is set out in separate guidelines issued by the Chief Executive. These are available on Knet.

### **Involvement of Members**

7. If a complainant has chosen to involve a Member of the Council in their complaint, then the response to the complaint should be copied to that Member, c/o Members' Desk, Sessions House, County Hall.

### **Involvement of Monitoring Officer**

The Director of Law and Governance is the Council's Monitoring Officer under section 5 of the Local Government and Housing Act 1989. It is not necessary for all complaints to be reported to him, but, so that he can fulfil his statutory duties, he does need to be involved wherever the internal investigation of a complaint reveals evidence of illegality or maladministration. The Director of Law and Governance is based at Sessions House, County Hall (01622 694302)

**Dec 2008**

## Redress

As stated in paragraph 3 above, one of the aims of the complaints procedure is to resolve complaints as close to their source as possible. The ways in which this can be done vary according to the category of complaint and suggestions for appropriate redress in each category are set out below:-

(a) Policy

Any response should explain why the County Council has adopted the policy concerned. In some cases, consideration may need to be given to informing Members if a large number of complaints are received about a particular policy (e.g. by copying correspondence to the appropriate Cabinet Member)

Any response to a complaint about a decision taken by Members acting as a regulatory body should explain the County Council's decision and inform the complainant of any rights of appeal that may exist.

(b) Standards

Any response should, if appropriate, include an apology; an explanation of why things went wrong (but not just a list of excuses); an assurance that the error has been corrected; and details of the steps that have been taken to prevent similar errors occurring in the future. In certain circumstances (see paragraph 10 below) monetary compensation may be offered.

If it is considered that an apology is justified, it should be genuine and unconditional. It will often be appropriate for the Service Unit Manager concerned to sign letters of apology personally. If an explanation is required, it may in some circumstances, be useful to give the explanation to the complainant at a face-to-face meeting.

(c) Applications

Any response should explain fully why the County Council is unable to grant the applicant's request and inform the complainant of any rights of appeal that may exist.

## Monetary Compensation

Monetary compensation should normally only be offered in the following circumstances:-

- (a) where the County Council is legally liable (the Director of Law and Governance or our Insurers must be involved in such cases)
- (b) as a refund of a direct payment made for a specific County Council service which has not been provided (except, of course, where payment is in respect of the processing of an application rather than for the service applied for, e.g. library book reservations, highways stopping-up orders)
- (c) where the Local Government Ombudsman recommends it following a finding of maladministration
- (d) where the relevant senior manager accepts that his or her unit has been in the wrong, and that, if the Local Government Ombudsman (LGO) was to investigate, a finding of

maladministration and recommendation for compensation would be likely. (This is permitted under s92 of the Local Government Act 2000). Also see [‘Remedies: Guidance on good practice 6’ produced by the LGO.](#)

On (a) an increasing number of complainants now demand monetary compensation for what they see as negligence by the County Council. If the service unit/directorate concerned receives a complaint which makes a definite request for compensation, then the complaint should be referred immediately - **and without acknowledgement** - to the Corporate Risk and Insurance Manager in the Finance Department at Sessions House, County Hall (01622 694632). Where a complaint just contains a suggestion that the complainant might pursue a claim for compensation, the service unit/directorate concerned can respond direct to the complainant, but only after consulting the Corporate Risk and Insurance Manager about the wording of the reply, to ensure that the Council’s position is not prejudiced.

On (d) compensation should aim to put the complainant back in the position they would have been in had the failing by the County Council not occurred. It should take account of factors such as:-

- (a) the time, effort and expense which the complainant has had to spend in pursuing his or her complaint
- (b) the anxiety and distress which the complainant has suffered as a result of the County Council's wrongful actions or inaction
- (c) in cases where there has been a delay in making a payment properly due, the interest forgone by the complainant on the sum.

Advice on whether compensation is appropriate in any case, and on the amount which should be paid, is available from The Corporate Access to Information Coordinator (01622 694002). Because of the danger that it could be seen as an admission of liability the Corporate Risk and Insurance Manager (01622 694632) should be consulted whenever such a payment is proposed.

Guidance on unreasonably persistent and vexatious complainants

**11. Generally, dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council. This can happen either while their complaint is being investigated, or once the Council has finished dealing with the complaint. The County Council’s guidance on handling unreasonably persistent and vexatious complainants is set out in separate guidelines.**

## **Monitoring**

All service units/directorates must monitor the complaints they receive so that they can identify areas in which services can be improved, identify trends, etc. At the end of the financial year this information is collated to feed into the business planning process and reported to Members of the Policy Overview Committees (POCs) and Governance & Audit Committee.

In line with legislation, guidance from the Equal Opportunities Commission (EOC), the Commission for Racial Equality (CRE) and the Disability Rights Commission (DRC), Kent County Council is committed to ensuring that it is operating fairly and equitably in Service Delivery. The Council’s Corporate Equality Commitment and Equal Opportunities policy, by themselves, will not bring about equality – the Council must have a system for checking whether their policies are being carried out and whether they are working.

**Dec 2008**

Equality monitoring is part of all fundamental performance reviews, service planning and reporting processes. Service areas are, therefore, expected to report annually on how they are embedding equality objectives and performance indicators in service plans.

Equalities information must form part of annual complaints reports.

### **Staff Training**

All front-line staff should be given advice on how to deal with complaints. This is available on KNet.

All staff who deal directly with members of the public should receive "Customer Care" training on a continuing basis, and those who may come into contact with aggressive or offensive complainants should receive appropriate training for dealing safely and successfully with such situations. To discuss training needs contact your Directorate's Senior Training and Development Officer.

### **Disciplinary Procedure**

In certain circumstances complaints by members of the public may occasionally lead to disciplinary action being taken against a member of staff. Any such disciplinary action will only be undertaken in accordance with the County Council's published Disciplinary Procedure, or Regulations applicable to the member of staff concerned.

### **Further Information**

Further information about the County Council's Complaints Procedure can be obtained from the, County Hall (01622 221981).

*Chief Executive*  
*Revision 8, December 2008*

## Guidance on the KCC monitoring form, to be used as part of our customer complaints procedures.

KCC's policy is to send all complainants a copy of our Equalities Monitoring Form (EMF), together with a self addressed envelope, with the **first written response** you send them.

- **Complaint**

The EMF applies to all complaints

- **Customers**

This policy applies to individual customers only. There is no need to send the EMF where the complainant is complaining on behalf of a business or organisation.

- **Initial response**

We leave it up to customers to send us their feedback in a way that suits them (e.g. face to face, over the phone, by email, via a website or in writing). We also encourage customers to first raise issues with the person they have been dealing with or their line manager. This means that it's simply not always practical to gain equalities data about the complainant in all situations. However, we are legally required to try to collect this information.

The most practical way of doing this is to send the complainant a form whenever you first send them a written response. This response could be:

- a. The acknowledgement that you have to send out within 3 working days, in line with KCC's Complaints Procedure.
- b. A letter or email which you may send to confirm the outcome of a complaint that was dealt with within 20 working days.

- **Written acknowledgement**

Written acknowledgements can be sent as either a letter or as an email. If you're sending a letter, include a paper copy of the form together with a self addressed envelope with the freepost address already on it. If you're sending an email send them a Word version or a form-enabled PDF version of the form, so they can fill it in and return it to us electronically, or print it out and post it to us using the freepost address.

- **Drawing the customer's attention to the form**

Please include one of the following paragraphs, or something similar, in your acknowledgement or first response letter or email:

Letter:

We are keen to ensure that everyone has an equal opportunity to raise a complaint. It would therefore be really helpful if you could complete the attached questionnaire and return the form to us in the enclosed pre paid envelope. This information will help us to make sure we are treating everyone fairly and equally and will be used to improve our services.

Email:

We are keen to ensure that everyone has an equal opportunity to raise a complaint. It would therefore be really helpful if you could complete the attached questionnaire and return the form to us. You can email it to ..... or print a copy and send it (free of charge) to the address shown on the form. This information will help us to make sure we are treating everyone fairly and equally and will be used to improve our services.

- **Who gets the data and what will be done with it?**

The EMF will be sent to a central point within each directorate. This should help reassure complainants that the information supplied in the form is used only for statistical purposes, and will not be used as part of any investigation into their complaint.

The data will be collected and analysed. Regular reports will be prepared on the data and these will be sent to Directorate Equality Leads, Unit Heads and all complaints lead officers. From time to time, the lead equalities officer will review the data (alongside other sources of customer and market information) and report findings to specific services and managers.

- **What if people don't return the form?**

While KCC is legally obliged to gather equalities monitoring data, we can't force complainants to complete the form, and we can't make completion of the form a condition of investigating their complaint. The important thing is to actively seek the information, and to make good use of any information we do get.

## Complaints Equalities Monitoring Form

Kent County Council is committed to promoting equality and preventing discrimination across all of its services. You can help us monitor our progress towards achieving this aim by filling in this form and sending it to us. This information is for monitoring purposes only and is part of our statutory duty under The Race Relations (Amendments) Act 2000. Information will be processed in compliance with The Data Protection Act 1998 and will be treated in confidence and will not affect how your comment / complaint is dealt with.

<b>Gender</b> (please tick)	Male <input type="checkbox"/>	Female <input type="checkbox"/>
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<b>Age Range</b> (please tick)	Up to 19 <input type="checkbox"/>	46 – 55 <input type="checkbox"/>
	20 – 25 <input type="checkbox"/>	56 – 65 <input type="checkbox"/>
	26 – 35 <input type="checkbox"/>	Over 65 <input type="checkbox"/>
	36 – 45 <input type="checkbox"/>	

<b>Ethnic Origin</b> (please tick one box only, indicating the category that best describes your ethnic origin)			
<b>White</b>	British <input type="checkbox"/>	Irish <input type="checkbox"/>	
	Any other White background (please specify)		
<b>Mixed</b>	White & Black Caribbean <input type="checkbox"/>	White & Black African <input type="checkbox"/>	
	White & Asian <input type="checkbox"/>		
	Any other Mixed background (please specify)		
<b>Asian or Asian British</b>	Indian <input type="checkbox"/>	Pakistani <input type="checkbox"/>	
	Bangladeshi <input type="checkbox"/>		
	Any other Asian background (please specify)		
<b>Black or Black British</b>	Caribbean <input type="checkbox"/>	African <input type="checkbox"/>	
	Any other Black background (please specify)		
<b>Chinese</b>	Chinese <input type="checkbox"/>		
<b>Other</b>	Any other ethnic background (please specify)		

<b>Disability</b> (please tick)			
<b>Do you consider yourself to be disabled?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<b>If yes, do you consider yourself to be disabled under the terms of the Disability Discrimination Act?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
The Disability Discrimination Act 2005 defines disability as 'a physical or mental impairment which has a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities'.			



### Protecting your personal information

Access to such data is restricted, in accordance with Data Protection requirements and is used solely to ensure KCC meets its obligations under equality legislation. Data is not attributed to an individual in any reporting.

# Complaints, Comments and Compliments

## Kent County Council

[countyhall@kent.gov.uk](mailto:countyhall@kent.gov.uk)

[www.kent.gov.uk](http://www.kent.gov.uk)

08458 247 247

At Kent County Council we are committed to putting you, our customer, at the heart of everything we do. We understand that the best way to improve our services is to listen to our customers. We welcome comments, complaints and compliments.

If you are particularly pleased with a member of staff or service, please let us know. You can contact the member of staff you have most contact with or if you prefer, write to the relevant Managing Director.

We also value complaints because we need to know when things are going wrong, so that we can put them right and learn from them. That way we can improve our services for all our customers.

### **How to complain about KCC services**

There are separate procedures for complaints about Kent Adult Social Services and Children's Social Services, for complaints about schools and for complaints relating to the Freedom of Information Act and the Data Protection Act. These are described on page X. For all other KCC Services:

**1.** Please start by talking to, writing to or e-mailing the person you have been dealing with at the county council, or their immediate manager. Most problems can be resolved this way.

If the problem can't be resolved straight away, you can expect to receive an acknowledgement to your complaint within three working days of receipt, and normally a full reply within 20 working days. If your complaint raises complex issues which cannot be answered within 20 working days, we will keep you informed of progress at four-weekly intervals until we are able to respond fully to your complaint.

**2.** If you feel you need to pursue your complaint further, then please contact the managing director responsible for the service you have been dealing with (the addresses can be found at the back of this leaflet).

Alternatively you can e-mail your complaint to [county.hall@kent.gov.uk](mailto:county.hall@kent.gov.uk), or telephone/typetalk our Contact Centre on 08458 247 247 or minicom 08458 247 905, or complain via our website at [www.kent.gov.uk/complaints](http://www.kent.gov.uk/complaints).

**3.** If you are still not satisfied after these steps have been taken, you have the right to take your complaint to the Local Government Ombudsman (except for Freedom of Information and Data Protection complaints – see page X).

The Local Government Ombudsman is an independent and impartial person, appointed by central government to investigate complaints of maladministration

by local authorities. A leaflet explaining how to complain to the Local Government Ombudsman is available direct from the Ombudsman's office.

The Local Government Ombudsman  
Millbank Tower  
Millbank  
London SW1P 4QP  
[www.lgo.org.uk](http://www.lgo.org.uk)  
Advice-line: 0845 602 1983

## **Kent Adult Social Services and Children's Social Services**

If you are a customer of Adult Social Services or Children's Social Services, or a carer for a customer, there is a separate procedure if you wish to make a complaint about the service that you or the person you care for have received. Please ask our Contact Centre on telephone/typetalk 08458 247 100 (minicom) 08458 247 905 for the separate leaflet which gives full details of this procedure, or visit our website [www.kent.gov.uk](http://www.kent.gov.uk) or write to the contact address on the back of this leaflet.

The relevant Social Services Customer Care Team will be able to explain the complaints procedure to you.

## **Schools**

If you have a complaint about one of the County Council's schools, the procedure is different:

- 1.** Please start by telling the Headteacher about your problem.
- 2.** If you feel you need to pursue your complaint further, or if your complaint is about the Headteacher, then contact the clerk to the governing body (the Headteacher or school secretary will be able to provide you with the clerk's name and address). The governing body will arrange for your complaint to be fully investigated in accordance with the school's own complaints procedure.
- 3.** If you are not satisfied with the way the governing body has dealt with your complaint you can contact our Children, Families and Education Directorate at the address on the back of this leaflet, by telephone on 01622 694031 or by e-mail to [communicationcfe@kent.gov.uk](mailto:communicationcfe@kent.gov.uk)
- 4.** Finally, if you believe that the school's governing body or the council has acted unreasonably, you can complain to the Secretary of State in the Department for Children, Schools and Families. To do this, write to the Secretary

of State at DCSF Sanctuary Buildings, Great Smith Street, London SW1P 3BT or telephone 0870 000 2288 (textphone/minicom 01928 794274).

### **Data Protection Act and Freedom of Information Act**

If you are unhappy with the response you have received to a request for information made under the Freedom of Information Act 2000 or the Data Protection Act 1998, and you believe KCC has not complied with legislation, you should ask for a review by writing to the Chief Executive. Please quote your request reference number wherever possible.

If you remain dissatisfied with the outcome, you can complain to the Information Commissioner. Advice on the Information Commissioner's role is available from his office (telephone /typetalk 01625 545700) e-mail [mail@ico.gsi.gov.uk](mailto:mail@ico.gsi.gov.uk) or visit the website: <http://www.ico.gov.uk/complaints.aspx>

The Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF

### **Who can help me make a complaint?**

You can get help from people like your County Councillor or MP, or from a specialist advice or advocacy organisation.

Your local County Councillor may be able to help resolve your complaint by pursuing it on your behalf. You can find out the name and address of your County Councillor from our Contact Centre on 08458 247 247 or by logging on to our website [www.kent.gov.uk](http://www.kent.gov.uk), go to the 'Council and Democracy' page and follow the "Find your Councillor" link.

The address to write to your County Councillor is:

Members' Desk  
Kent County Council  
Sessions House  
County Hall  
Maidstone ME14 1XQ

You can find out who your MP is at:

[www.parliament.uk/directories/hciolists/clnonmetro.cfm](http://www.parliament.uk/directories/hciolists/clnonmetro.cfm) or by calling the House of Commons Information Office on 020 7219 4272.

You can write to your MP at the following address:

House of Commons  
London  
SW1A 0AA

## Complaining about a County Councillor

Kent's County Councillors all adhere to a Code of Conduct. If you want to complain about the conduct of a councillor of Kent County Council you can:

Complete the online Councillor complaints form or print out the Councillor complaints form at [www.kent.gov.uk/councillorcomplaints](http://www.kent.gov.uk/councillorcomplaints), complete and send it to us.

E-mail your complaint to [democratic.services@kent.gov.uk](mailto:democratic.services@kent.gov.uk)

Write to:

Head of Democratic Services & Local Leadership  
Kent County Council  
Sessions House  
County Hall  
Maidstone  
Kent ME14 1XQ

The Standards Committee, chaired by an independent person, will investigate the complaint. The Committee is responsible for promoting and maintaining high standards for councillors' code of conduct as well as resolving complaints about individual councillors. It will not deal with complaints about things that are not covered by the members' Code of Conduct. If you make a complaint to the Standards Committee it must be about why you think a member has not followed the Code of Conduct.



### **Kent Health Watch**

Kent Health Watch operates 24 hours a day, seven days a week by telephone, textphone and e-mail. It operates like a Directory Enquiry service helping people to get through to the right contact whenever you want to make comments, compliments or concerns about Health or Social Care.



Telephone: 08458 247 103  
E-mail: [kenthealthwatch@kent.gov.uk](mailto:kenthealthwatch@kent.gov.uk)  
Textbox 08458 247 905

### **Treating everyone fairly**

We want to make sure that everyone can use the complaint procedure. To help us do this we'll ask you some questions about yourself (gender, age, ethnic origin and whether you have any disabilities). The information you provide is treated confidentially and handled outside of the process used to deal with your complaint. We only use it to make sure we're treating all groups of people fairly and are not discriminating against you.

Please telephone/typetalk our contact centre on 08458 247 247 (minicom 08458 247 905) if you would like this leaflet:

- in another language
- in Braille
- in larger print; or
- on audio cassette.

**Listen to page** 

 **Languages**



## **Contact names and addresses**

If you wish to put your complaint about one of the County Council's services in writing, please send it to the person you have been dealing with at the county council, their immediate manager or to one of the following:

<b>Service</b>	<b>Who you should contact</b>
Access to Information	Chief Executive
Adult Education	Communities
Adult Social Services	Kent Adult Social Services
Arts Development	Communities
Children, Families and Education	Children, Families and Education
Commercial Services	Chief Executive
Community Safety	Communities
Country Parks	Environment & Regeneration
Finance	Chief Executive
Household Waste Recycling Centres	Environment & Regeneration
Information Systems	Chief Executive
Law and Governance	Chief Executive
Libraries and Archives	Communities
Media & Communications	Chief Executive
Minerals and Waste Planning	Environment & Regeneration
Personnel & Development	Chief Executive
Policy & Performance	Chief Executive
Property	Chief Executive
Public Rights of Way	Environment & Regeneration
Registration of Births, Deaths and Marriages	Communities
Roads and Pavements	Environment & Regeneration
Sports Development	Communities
Streetlighting	Environment & Regeneration
Trading Standards	Communities
Youth Service	Communities

For **Chief Executive**, write to:

Chief Executive, Sessions House, County Hall, Maidstone, ME14 1XQ

*The Chief Executive will normally arrange for your complaint to be investigated by the head of the service concerned.*

For **Kent Adult Social Services** write to:

Managing Director – Kent Adult Social Services, Brenchley House, County Hall, Maidstone, ME14 1RF

For **Children, Families and Education** write to:

Managing Director – Children, Families and Education, Sessions House, County Hall, Maidstone, ME14 1XQ

For **Communities** write to:

Managing Director - Communities, Invicta House, County Hall, Maidstone, ME14 1XX

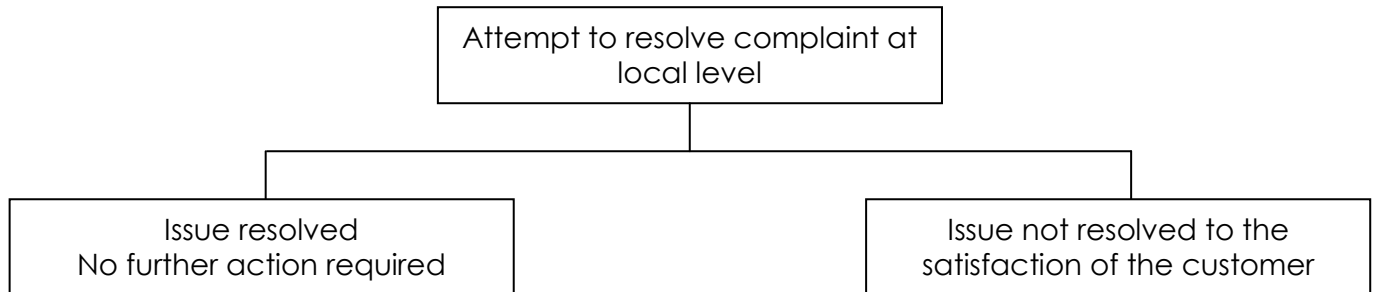
For **Environment and Regeneration** write to:

Managing Director - Environment and Regeneration, Invicta House, County Hall, Maidstone, ME14 1XX

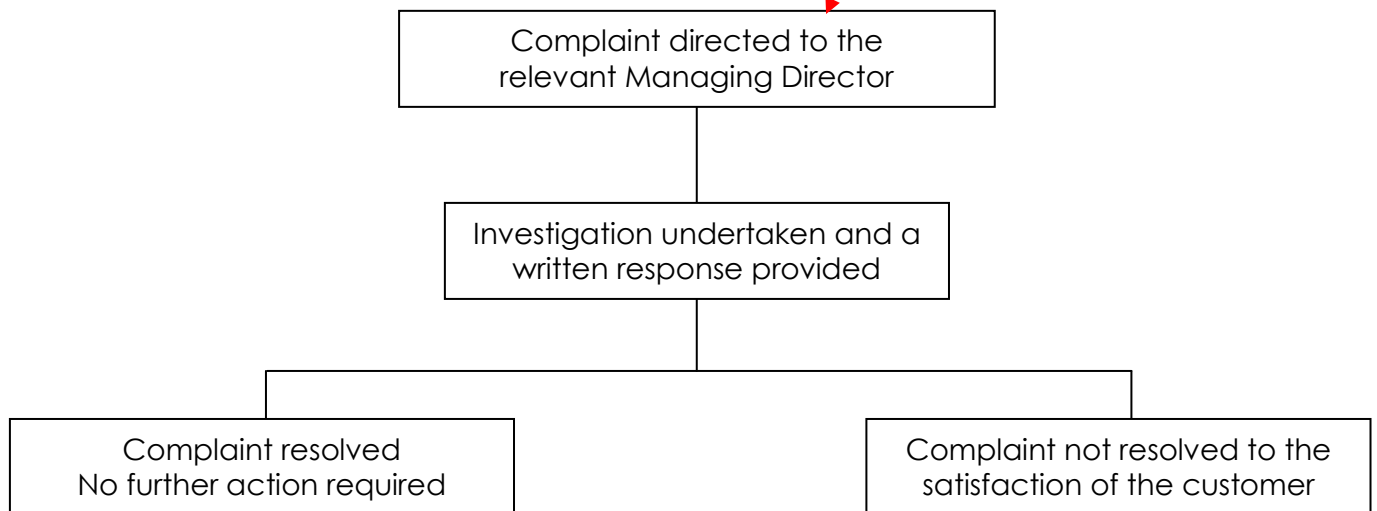
# Proposed Corporate Complaint Procedure flowchart

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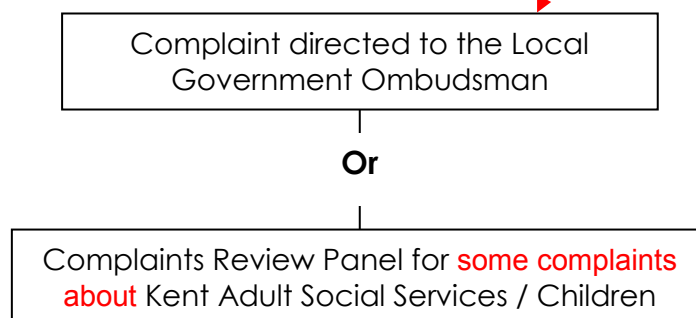
## Step 1: Local Resolution



## Step 2: Complaint Investigation



## Step 3: External referral or review



Guidance on the KCC equalities monitoring form, to be used as part of our customer complaints procedures.

KCC's policy, formally introduced in November 2006, is to send all complainants a copy of our Equalities Monitoring Form (EMF), together with a self addressed envelope, with the **first written response** you send them.

- **Complaint**  
The EMF applies to all complaints
- **Customers**  
This policy applies to individual customers only. There is no need to send the EMF where the complainant is complaining on behalf of a business or organisation.
- **Initial response**  
We leave it up to customers to send us their feedback in a way that suits them (e.g. face to face, over the phone, by email, via a website or in writing). We also encourage customers to first raise issues with the person they have been dealing with or their line manager. This means that it's simply not always practical to gain equalities data about the complainant in all situations. However, we are legally required to try to collect this information.

The most practical way of doing this is to send the complainant a form whenever you first send them a written response. This response could be:

- c. The acknowledgement that you have to send out within 3 working days, in line with KCC's Complaints Procedure.
  - d. A letter or email which you may send to confirm the outcome of a complaint that was dealt with within 20 working days.
- **Written acknowledgement**  
Written acknowledgements can be sent as either a letter or as an email. If you're sending a letter, include a paper copy of the form together with a self addressed envelope with the freepost address already on it. If you're sending an email send them a Word version or a form-enabled PDF version of the form, so they can fill it in and return it to us electronically, or print it out and post it to us using the freepost address.
  - **Drawing the customer's attention to the form**  
Please include one of the following paragraphs, or something similar, in your acknowledgement or first response letter or email:

Letter:

We are keen to ensure that everyone has an equal opportunity to raise a complaint. It would therefore be really helpful if you could complete the attached questionnaire and return the form to us in the enclosed pre paid envelope. This information will help us to make sure we are treating everyone fairly and equally and will be used to improve our services. It is anonymous and confidential and it only takes a few moments to fill in and will be treated in strict confidence under the Data Protection Act and will be used for statistical monitoring only.

Email:

We are keen to ensure that everyone has an equal opportunity to raise a complaint. It would therefore be really helpful if you could complete the attached questionnaire and return the form to us. You can email it to ..... or print a copy and send it (free of charge) to the address shown on the form. This information will help us to make sure we are treating everyone fairly and equally and will be used to improve our services. It is anonymous and confidential and it only takes a few moments to fill in and will be treated in strict confidence under the Data Protection Act and will be used for statistical monitoring only.

- **Who gets the data and what will be done with it?**

The EMF will be sent to a central point within each directorate . This should help reassure complainants that the information supplied in the form is used only for statistical purposes, and will not be used as part of any investigation into their complaint.

The data will be collected and analysed. Regular reports will be prepared on the data and these will be sent to Directorate Equality Leads, Unit Heads and all complaints lead officers. From time to time, the lead equalities officer will review the data (alongside other sources of customer and market information) and report findings to specific services and managers.

- **Do we keep trying to get the data?**

EMF information is confidential and anonymous, therefore do not send EMFs with subsequent correspondence.

- **What if people don't return the form?**

While KCC is legally obliged to gather equalities monitoring data, we can't force complainants to complete the form, and we can't make completion of the form a condition of investigating their complaint. The important thing is to actively seek the information, and to make good use of any information we do get.

## Complaints Equalities Monitoring Form

Kent County Council is committed to promoting equality and preventing discrimination across all of its services. You can help us monitor our progress towards achieving this aim by filling in this form and sending it to us. This information is for monitoring purposes only and is part of our statutory duty under The Race Relations (Amendments) Act 2000. Information will be processed in compliance with The Data Protection Act 1998 and will be treated in confidence and will not affect how your comment / complaint is dealt with.

<b>Gender</b> (please tick)	Male <input type="checkbox"/>	Female <input type="checkbox"/>
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<b>Age Range</b> (please tick)	Up to 19	<input type="checkbox"/>	46 – 55	<input type="checkbox"/>
	20 – 25	<input type="checkbox"/>	56 – 65	<input type="checkbox"/>
	26 – 35	<input type="checkbox"/>	Over 65	<input type="checkbox"/>
	36 – 45	<input type="checkbox"/>		

<b>Ethnic Origin</b> (please tick one box only, indicating the category that best describes your ethnic origin)				
<b>White</b>	British <input type="checkbox"/>	Irish <input type="checkbox"/>		
	Any other White background (please specify)			<input type="checkbox"/>
<b>Mixed</b>	White & Black Caribbean <input type="checkbox"/>	White & Black African <input type="checkbox"/>		
	White & Asian <input type="checkbox"/>	Any other Mixed background (please specify)		
<b>Asian or Asian British</b>	Indian <input type="checkbox"/>	Pakistani <input type="checkbox"/>		
	Bangladeshi <input type="checkbox"/>	Any other Asian background (please specify)		
<b>Black or Black British</b>	Caribbean <input type="checkbox"/>	African <input type="checkbox"/>		
	Any other Black background (please specify)			<input type="checkbox"/>
<b>Chinese</b>	Chinese <input type="checkbox"/>			
<b>Other</b>	Any other ethnic background (please specify)			

<b>Disability</b> (please tick)				
<b>Do you consider yourself to be disabled?</b>				
	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
<b>If yes, do you consider yourself to be disabled under the terms of the Disability Discrimination Act?</b>				
	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
The Disability Discrimination Act 2005 defines disability as ‘a physical or mental impairment which has a substantial and long-term adverse effect on an individual’s ability to carry out normal day-to-day activities’.				



### Protecting your personal information

Access to such data is restricted, in accordance with Data Protection requirements and is used solely to ensure KCC meets its obligations under equality legislation. Data is not attributed to an individual in any reporting.



## **GUIDANCE ON UNREASONABLY PERSISTENT AND VEXATIOUS COMPLAINANTS**

### **Introduction**

Generally, dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council. This can happen either while their complaint is being investigated, or once the Council has finished dealing with the complaint.

It is important to distinguish between:

- people who make a number of complaints because they really think things have gone wrong
- people who make unreasonably persistent complaints.

If the complainant is persisting because his complaints have not been considered in full then we must address this (normally by invoking the next stage of the complaints procedure).

However, if the Council has already done so and has demonstrated this to the complainant, then we need to consider whether the complainant is now inappropriately persistent.

### **Principles**

The Council is committed to dealing with all complaints equitably, comprehensively and in a timely manner. It does not normally limit the contact which complainants have with Council staff and offices. The Council does not expect staff to tolerate unacceptable behaviour which is abusive, offensive or threatening and will take action to protect staff from such behaviour.

### **Aim of guidance**

The aim of this guidance is to contribute to the Council's overall aim of dealing with all complainants in ways which are demonstrably consistent and equitable.

It sets out how the Council will decide which complainants will be treated as vexatious or unreasonably persistent, and what the Council will do in those circumstances.

This guidance runs alongside existing corporate policies and guidance relating to equalities, health & safety and dignity and respect at work and should only be pursued where absolutely necessary.

### **Definition of unreasonably persistent and vexatious complainants**

The Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints. The descriptions 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

There is a difference between 'unreasonably persistent' and 'vexatious' complainants.

A vexatious person in this context is someone who is not seeking to resolve a dispute between themselves and the Council but is seeking to cause unnecessary aggravation or annoyance to the Council.

Unreasonably persistent complainants or vexatious complainants may have justified complaints or grievances but are pursuing them in inappropriate ways. Alternatively, they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and settled. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be distressing for all involved.

### **Actions and Behaviours**

These are some of the actions and behaviours of unreasonably persistent complainants and vexatious complainants which the Council may experience. A combination of some of these trigger actions may cause this policy to be invoked depending on the specific case by case circumstances. This list is not exhaustive and one single feature on its own will not necessarily imply that a person will be considered persistent and/or vexatious

1. refusing to specify the grounds of a complaint, despite offers of assistance with this from staff
2. refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved
3. refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope
4. refusing to accept that issues are not within the power of the Council to investigate, change or influence ( examples could be something that is the responsibility of another organisation
5. making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced
6. changing the basis of a complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage
7. introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered
8. electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved
9. persistently approach the Council through different routes about the same issue
10. adopting a 'scattergun' approach; pursuing a complaint(s) with the Council and at the same time with a department, the Chief Executive, an M.P., Councillor, Auditor, Standards Board, Police, Solicitors or the Local Government Ombudsman
11. making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff,

- writing lengthy complex letters every few days and expecting immediate responses
12. submitting repeat complaints after the complaints process has been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure
  13. refusing to accept the decision – repeatedly arguing the point and complaining about the decision

### **Being reasonable**

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

The Council will offer the complainant appropriate support, as it would any other customer.

It may be helpful to both parties if the complainant has an advocate. If the complainant feels that they would like an advocate, the Council must consider offering to help find an independent one. If the complainant has specific needs, the Council will offer relevant support. There are specialist bodies (such as the Royal National Institute for the Blind, Age Concern) which the Council can contact for advice and help

### **The decision**

Before making the decision, some or all of the following steps need to be taken:

- The Council will ensure that the complaint is being, or has been, investigated properly according to the Council's complaints procedure
- Although each complaint is unique, the Council will deal with the complaint in line with other complaints of a similar nature in order to apply a consistent approach
- The Council will contact the complainant to:
  - discuss his or her behaviour
  - explain why this behaviour is causing the Council concern
  - ask him or her to change this behaviour
  - explain about the actions that the Council may take if his or her behaviour does not change
- If the complainant has not already had a meeting about the complaint with a member or members of staff, and provided that the Council knows nothing about the complainant which would make this inadvisable, the Council will consider offering the complainant a

meeting with a member of staff of appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.

The decision to declare a complainant as unreasonably persistent and/or vexatious will be an exceptional step, and should be made by the **Resource Director/ Monitoring Officer/ Head of Service** who has not been directly involved in the complaint or with the complainant. They should make a written note of the considerations and decisions.

The complainant should be told in writing:

- why we believe their behaviour falls into that category
- what action we are taking
- the duration of that action
- how the complainant can challenge the decision if they disagree with it (this should normally include information regarding the Local Government Ombudsman, see Appendix A).

### Options

The precise nature of the action should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the Council at that time.

The following is a list of possible options:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week)
- Limiting the complainant to one medium of contact (telephone, letter, email etc.) and/or requiring the complainant to communicate only with one named member of staff
- Requiring any personal contacts to take place in the presence of a witness
- Refusing to register and process further complaints about the same matter
- Banning a complainant from one or more Council premises
- Where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, faxes, or emails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence
- Where a complainant's complaint is closed and the complainant persists in communicating about it, it may be decided to terminate contact with that complainant.

These options are not exhaustive and often local or other factors will be relevant in deciding what might be appropriate action. For instance, any arrangements for limiting a complainant's contact must take account of the complainant's individual circumstances, bearing in mind such issues as age, disability, gender, race and religion or belief.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, 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 complainant prior warning of that action.

### **Further actions**

Adequate records of all contacts with unreasonable persistent and vexatious complainants must be kept and information needs to be shared on a 'need to know' basis only in order for staff to carry out their role at work.

Personal details about the complainant and about the complaint will be managed and stored appropriately in line with data protection and records management principles and procedures.

When unreasonable and unreasonably persistent complainants make complaints about new issues these should be treated on their merits, and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

Reviews of decisions to restrict a complainant's contacts or the Council's responses to them, should be taken by the **Complaints Manager/ Resource Director/ Monitoring Officer/ Head of Service**

Source documents:

LGO Guidance on persistent and unreasonably persistent complainants

Information Commissioner's guidance on vexatious requests

Hantsnet – corporate policy on dealing with difficult/vexatious complainants

### **Referring unreasonable and unreasonably persistent complainants to the Local Government Ombudsmen**

In some cases, relations between unreasonable and unreasonably persistent complainants break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there is often little purpose in following through all stages of the Council's complaints procedure and where this occurs the Ombudsman may be prepared to consider complaints before the Council's complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures.

A complainant who has been designated an unreasonably persistent complainant may make a complaint to the Ombudsman about the way in which he or she has been treated. The Ombudsman is unlikely to be critical of the council's action if it can show that its policy has been operated properly and fairly.

In extreme cases the council may consider the following actions:

- referring the complaint to the Local Government Ombudsman before the complaints procedure has been exhausted
- advising the complainant that it cannot assist further and informing them of their right to approach the Local Government Ombudsman.

The distinction between the two options above is that early referral to the Local Government Ombudsman is a positive action that can only be undertaken in agreement between the KCC and the complainant. This is therefore the less likely option with persistent complainants.

Option 2 may arise where the KCC does not agree with the complainant that the complaints are substantively valid and the two parties disagree on the way forward. This is more likely with a persistent complainant.

Should the authorised manager take this option, do not contact the Local Government Ombudsman directly, but indicate to the complainant that he may make this approach and confirm to the complainant that the council is not responding to the complaint further.

The Local Government Ombudsman is likely to apply the test of reasonableness over our response in a similar manner to an early referral and will have a range of options open to him.



## HANDLING COMPLAINTS MADE TO THE LOCAL GOVERNMENT OMBUDSMAN

Procedure for handling complaints from the public that have been sent to the Local Government Ombudsman.

### Introduction

The Corporate Access to Information Coordinator in the Chief Executive's Department acts as the point of contact in the Council for the Ombudsman. This has advantages both for the Council and for the Ombudsman. It helps to ensure that there is a consistent approach to the way in which Ombudsman complaints are handled within the Council; and it is much more convenient for the Ombudsman's staff to deal with one person in the organisation rather than with each individual directorate. The Corporate Access to Information Coordinator will therefore, on behalf of the Chief Executive, conduct all correspondence with the Ombudsman's office about complaints. However, correspondence direct with the complainant if, for example, efforts are to be made to achieve a local settlement of the complaint; or if an apology has to be given following a finding of maladministration, will normally be handled by the directorate concerned.

The Ombudsman publishes information about its service on the [Local Government Ombudsman website](#) as well as in a booklet. Stocks of this booklet are held by the Corporate Access to Information Coordinator (freecall 7000 1652 or 01622 221652) for issue to complainants on request.

### Initial enquiries by Ombudsman

When the Ombudsman receives a complaint against the County Council, he will ask the Council to submit its comments on it within 28 days. The Corporate Access to Information Coordinator will then seek the comments of the appropriate manager in the directorate concerned. This may be the Managing Director, County Officer or Service Unit Manager depending on the nature of the complaint, but will be referred to simply as "the appropriate manager" in the remainder of these guidelines. Comments, together with any appropriate background documents, should be passed to the Corporate Access to Information Coordinator as quickly as possible so that she can formally respond to the Ombudsman in accordance with the Ombudsman's timetable.

Please bear in mind that the Ombudsman will normally wish to show our comments to the complainant, so responses from directorates should indicate to the Corporate Access to Information Coordinator which, if any, of their comments need to be withheld from the complainant. The Corporate Access to Information Coordinator will then pass this material to the Ombudsman under separate confidential cover.

Once he has received the Council's comments on a complaint and, in some cases, after carrying out a preliminary inspection of the files, the Ombudsman will decide whether or not to pursue the complaint and inform the Council accordingly. The Corporate Access to Information Coordinator will then notify the appropriate manager in the directorate concerned of the decision.

### **Local settlement**

The fact that a complaint has been referred to the Ombudsman should not prevent us from trying to reach a local settlement, placing the complaint before the appropriate Cabinet Member, if necessary, if this has not already been done. As indicated above, correspondence with a complainant in an effort to achieve a local settlement will normally be handled by the directorate concerned, although the Corporate Access to Information Coordinator should be provided with a copy of all correspondence so that she can keep the Ombudsman informed.

In many cases, the Ombudsman himself will suggest to us the basis on which a local settlement might be achieved. There may be some room for negotiation but it is almost always in the Council's interest to accept the Ombudsman's proposal.

At the end of the day it is for the Ombudsman - and not the complainant - to decide whether a settlement offer by the Council is satisfactory.

### **"Premature" complaints**

If the Ombudsman receives a complaint but feels that the complainant has not yet exhausted the County Council's internal complaints procedure, he will reject it as premature and refer it to the Council to be put through our procedure. The Corporate Access to Information Coordinator will arrange for this to be done and will notify the Ombudsman of the outcome. If the complainant is dissatisfied with the outcome they can refer the matter to the Ombudsman again but normally the Ombudsman will, by then, be in a position to decide whether or not he should take up the case without the need to seek any further comments from us.

### **Investigation of complaints by the Ombudsman**

If the Ombudsman decides to pursue investigation of a complaint, the Ombudsman's Investigator will ask to see all of the Council's files on the complaint. At this stage, the appropriate manager in the directorate concerned should alert the appropriate Cabinet Member and consider whether any additional action needs to be taken to try to resolve the complaint.

In order to inspect the files, the Investigator will normally visit the Council office where the bulk of the files are held, and all the arrangements for this will be made by the Corporate Access to Information Coordinator. Where files on the complaint are held in a number of different locations, the Corporate Access to Information Coordinator will ask appropriate managers in the

directorate concerned to arrange for their files to be delivered to, and collected from, the office being used by the Investigator. The Investigator will ask for photocopies of relevant documents to be provided.

The Ombudsman's Investigator may also wish to interview those Members and officers who have been involved in the case. The Corporate Access to Information Coordinator will arrange the interviews direct with the individuals concerned but will, of course, keep the appropriate manager fully informed. All those to be interviewed have to be provided with a copy of the complaint and of the Ombudsman's "Notes for Council Interviewees", and the Corporate Access to Information Coordinator will ensure that this is done. Interviewees can ask to be accompanied by a "friend". The "friend" can be a Union representative or work colleague, but should not be the interviewee's line manager.

Interviews may take place at County Hall Headquarters or area or local offices, whichever is most mutually convenient for the Ombudsman's Investigator and the interviewee. However, the Ombudsman requires all interviews to take place on "neutral ground", i.e. in a committee or interview room, not in the interviewee's own office.

When the investigation is completed, the Ombudsman will prepare a draft report on the investigation, without conclusions, which will be sent to the Council in confidence so that we may comment or suggest amendments. Twenty-one days are normally allowed for this purpose. When a draft report is received, the Corporate Access to Information Coordinator will seek comments direct from all the Members and officers who were interviewed or who are mentioned in the report, and from the appropriate manager in the directorate concerned. The Corporate Access to Information Coordinator will then pass a summary of all the suggested amendments, together with any general comments, to the Ombudsman.

The Ombudsman can decide to terminate an investigation at any stage if it becomes clear to him that there has been no maladministration, or if a local settlement is achieved.

### **The Ombudsman's report**

After receiving the comments of the Council - and of the complainant - on the draft report, the Ombudsman will prepare his final report and conclusions and send a copy to the Council. The report may find:

- maladministration causing injustice
- maladministration but no injustice
- no maladministration.

When a report is received, the Council is required to make a formal press announcement about it within two weeks, and then to make it available for public inspection for a period of three weeks. The Corporate Access to Information Coordinator will arrange for the press announcement to be

inserted in an appropriate newspaper and for the report to be made available for inspection at the Sessions House Reception Desk at County Hall and, if appropriate, at a local office in the area to which the complaint related. The Corporate Access to Information Coordinator will also pass copies of the report to the Corporate Communication Unit so that they can deal with any media enquiries which may arise, and to the Director of Law and Governance in his role as Monitoring Officer under section 5 of the Local Government and Housing Act 1989.

### **Consideration of the Ombudsman's report by the county Council**

The Council has three months in which to consider the Ombudsman's report and inform him of what action it proposes to take as a result. The Corporate Access to Information Coordinator, in consultation with the appropriate manager in the directorate concerned, will prepare a timetable for consideration of the Ombudsman's report and, if necessary, seek an extension of the three month time limit.

The appropriate manager in the directorate concerned will need to prepare a formal report for the appropriate Cabinet Member on the Ombudsman's findings recommending the course of action to be taken as a result. The report will have to be published in the normal way and will be subject to scrutiny.

If the action proposed in the report to the Cabinet Member corresponds with the Ombudsman's recommendations, and if the Cabinet Member agrees to the proposed action, then it should be implemented by the appropriate manager in the directorate concerned as soon as the report has completed its passage through the decision making process. If, however, the action proposed by the appropriate manager does not correspond with the Ombudsman's recommendations, then the Corporate Access to Information Coordinator should be consulted as early as possible so that discussions can take place with the Ombudsman with a view to reaching a compromise. If no compromise can be reached, or if the Cabinet Member concerned refuses to accept an officer proposal that the Ombudsman's recommendation should be complied with, then the whole matter must be referred to the Leader for decision.

In all cases, the Head of Corporate Performance will report the findings of the Ombudsman's report; the Cabinet Member's decision on them; and the views of the Director of Law and Governance, as Monitoring Officer, to the Governance and Audit Committee so that the Committee can consider whether there are any general lessons to be learned from the Ombudsman's findings and any action which needs to be taken as a result. The Head of Corporate Performance will liaise with the appropriate manager in the directorate concerned and the Director of Law and Governance in the preparation of this report.

The Ombudsman's reports never reveal the true name of the complainant. In turn, throughout the processing of any Ombudsman's report, we are required

not only to treat the complainant's name as confidential, but also not to reveal any information which could lead to them being identified.

It will normally be for the appropriate manager in the directorate concerned to implement the decisions of the Council arising from an Ombudsman finding of maladministration where these involve direct contact with the complainant, e.g. sending letters of apology and arranging for any compensation to be paid, but the Corporate Access to Information Coordinator will notify the Ombudsman of the Council's decision and keep him informed of follow-up action as it is taken.

### **Further action by Ombudsman**

If the Ombudsman is happy with the way in which we have responded to a finding of maladministration, he will write to say that he is formally ending his involvement in the case. This has happened with every finding of maladministration we have had so far, and part of the purpose of these guidelines is to ensure that it continues to happen in the future. However, there is a provision for the Ombudsman to issue a second report where, in his opinion, the Council fails to respond satisfactorily, or within the agreed time limit, to a first report of a finding of maladministration.

### **Further information**

The Corporate Access to Information Coordinator submits a report to the Governance and Audit Committee every six months setting out the latest position on all "live" complaints to the Ombudsman.

Further information about the procedure for handling Ombudsman complaints can be obtained from the Corporate Access to Information Coordinator at Sessions House, County Hall (freecall 7000 1622 or 01622 221652).