



ROTHER DISTRICT COUNCIL

CUSTOMER COMPLAINTS GUIDANCE

2018

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1 What does the Council regard as a complaint?

- 1.1 Any member of the public or their representatives, businesses, public or voluntary bodies may submit a complaint for the Council's customer complaints process. If the complaint is submitted via a representative we will require a signed document from the complainant or a power of attorney document before we can investigate.
- 1.2 Throughout the process the Council will only enter into discussion with the person who has submitted the complaint.
- 1.3 A complaint the Council would investigate through the customer complaints process would need to include an allegation of one or some of the following against the Council or a representative of the Council:
 - Failing to do something the Council/ representative should have done, or promised to do.
 - Behaving unfairly, discourteously, and/or discriminatory.
 - Not providing a service to a reasonable standard.
 - Not responding to a service request or correspondence within stated timescales.
- 1.4 There are some circumstances where, upon receipt of a complaint, the Council would decide not to investigate through the customer complaints process. In these scenarios customers will be advised of this and signposted to the correct procedure or department to request a service or appeal. The following are examples that would not be investigated through the customer complaints process:
 - Where there is an existing right of appeal – for example via Benefits Tribunal, Social and Welfare Panel, to the Planning Inspectorate, through the courts, or property tribunal
 - Where you have already appealed to a court.
 - Where the matter should be properly addressed by Judicial Review – for example a challenge to the lawfulness of a planning decision.
 - Where the Council has taken action that it has a duty to perform – for example council tax or business rates recovery, enforcement, or the annual canvass for the electoral register.
 - When there is a formal legal claim against the Council.
 - When the correspondence is to be dealt with by the Council's insurers.
 - Where the matter is already under review or consideration – for example during a public consultation period.
 - Requests for service – for example reporting a missed bin or requesting a street cleanse.

- Matters relating to the Freedom of Information Act 2000.
- 1.5 However, if you feel that the Council is guilty of **maladministration*** or **injustice*** which has caused you significant personal distress during any of the above processes; this can be investigated through the customer complaints process.

*See glossary for definition.

2 What do we require?

- 2.1 The Council has followed guidance provided by the Local Government and Social Care Ombudsman for dealing with complaints. In order to enable the Council to investigate through the customer complaints process to the highest possible standard for our customers, we request the following:
- The complaint is to be submitted preferably via the customer complaints process form on our website. Alternatively complaints can be submitted in writing and addressed to Complaints Administration. We cannot accept complaint submissions verbally; this is to protect all parties involved as there can be no disagreement regarding correspondence if it is all documented.
 - The complaint should be made as soon as possible after the event.
 - If you have already made contact and you are unhappy with the reply, explain why you are not satisfied with the first reply. Where possible, give details of how and when you initially made contact, what the outcome or advice was, and who was involved.
 - Be clear that this is a complaint, and you want it to be taken through the customer complaints process.
 - Cover all the relevant points, but be as brief as you can. Avoid writing long letters – you may feel you need to write in great detail but in most cases this is not necessary. Make it easy to read by using numbered lists and headings to highlight the important issues.
 - Give your contact telephone and email details, as well as your address. Then, if the Council needs more information, you will be contacted.
 - Send copies of relevant documents – but only those that will help the Council understand your complaint or provide evidence to support it. Make sure you keep copies yourself - you may want to keep any original documents and send copies of these with your complaint.
 - Ask family or friends to read your complaint before you send it – if they can't understand it then the Council may have the same problem.
 - Explain clearly what you hope to achieve by complaining.

- Try to remain polite and calm. Though the Council understands the frustration that can be caused by service failures, remaining calm and composed makes the customer complaint process more effective for all involved.
- Respond appropriately if asked to do so by the Council; read any letters and documents that are sent to you.
- It may take some time for your complaint to be considered and the timescale will be clearly stated in the acknowledgement of the complaint. Don't be afraid to chase politely if you have not received correspondence within the timescale advised.

3 Customer complaints process

3.1 The Council is committed to addressing every complaint effectively, fairly, and within a reasonable timeframe. We try to resolve as many issues at the initial point of contact without the need to pursue the customer complaints process but where the customer is not satisfied the process is as follows:

Initial stage:

- 3.2 Upon receipt of a complaint, Complaints Administration will send an acknowledgement to confirm the complaint has been received and passed to the relevant manager to review. Customers will be advised that they will receive a response within 20 working days. If the customer has not provided their telephone number this will be requested as, where possible, the Council will call to attempt resolution.
- 3.3 The manager will review the complaint and decide the best course of action for resolution, taking into consideration the gravity of the complaint. They will do one of the following:
- Call, or ask one of their Officers to call the customer to attempt resolution at the initial stage. The manager will write to the customer to summarise the telephone conversation and advise of the action required.
 - Investigate the complaint fully at Stage 1.
 - Fast track the complaint to Stage 2 for review by a senior manager.

Stage 1: Investigation

3.4 The full response at Stage 1 of the customer complaints process will detail the following:

- The manager's investigation findings.
- Whether or not the manager's findings indicate the Council is guilty of maladministration or injustice.
- What, if any, action has been taken to resolve the issue and/or whether there have been any changes to processes as a result of the complaint, and any apologies due.
- A clear indication as to whether the manager upholds, partially upholds, or does not uphold the complaint.
- Advice regarding the next stage of the customer complaints process should the customer feel the Stage 1 response requires the review of a senior manager.

Stage 2: Review

- 3.5 Upon receipt of a stage 2 request Complaints Administration will send an acknowledgement to confirm the complaint has been received and passed onto a senior manager to review. The acknowledgement will advise the customer to expect a full response within 20 working days.
- 3.6 The full response at Stage 2 of the customer complaint process will detail the following:
- Confirmation that the Senior Manager has completed their review and ensured that all matters raised in the original complaint have been comprehensively and accurately addressed.
 - Whether or not the Senior Manager's findings indicate the Council is guilty of maladministration or injustice.
 - What, if any, action has been taken to resolve the issue and/or whether there have been any changes to process as a result of the complaint, and any apologies due.
 - A clear indication as to whether the Senior Manager upholds, partially upholds, or does not uphold the complaint.
 - Advice regarding referring the complaint to the Local Government and Social Care Ombudsman should the customer feel the nature of the complaint requires further review.

4 The Local Government and Social Care Ombudsman

- 4.1 For the most part the Council resolves complaints via the internal customer complaints process. Where complainants feel their complaint has not been addressed satisfactorily they may wish to refer their complaint to the Local Government and Social Care Ombudsman (LGSCO).

Tel: 0300 061 0614

[Www.lgo.org.uk](http://www.lgo.org.uk)

5 Glossary

Maladministration:

- 5.1 For the purposes of this guidance the Council defines maladministration as administrative failings that include but are not restricted to the following:

- Broken promises
- Failure to follow procedures or the law
- Failure to investigate
- Failure to reply
- Incorrect action
- Misleading or inaccurate statements

Injustice:

- 5.2 Maladministration can lead to injustice. For the purposes of this guidance the council defines that this can consist of the following:

- Financial loss or unnecessary expense
- Hurt feelings, distress, worry, or unreasonable inconvenience
- Loss of right or amenity
- Time and trouble in pursuing a justified complaint

Uphold:

- 5.3 For the purposes of this guidance the Council defines that to uphold means to support the complaint of the customer.

6 GDPR

- 6.1 Rother District Council is committed to ensuring that your privacy is protected and will only use and store your personal data in line with the General Data Protection Regulation 2016 and the Data Protection Act 2018. We collect and use your personal data in order to provide services you have requested from us or to carry out our legal obligations to you. We will not disclose your personal data to any third parties, unless we need to do so to provide a service to you or we are legally required to do so. In the event you request the external review of the Local Government and Social Care Ombudsman, the Council will be required to provide them with all of documentation held in relation to your complaint. We may share your personal data with other Council departments in order to provide the service you have requested and to ensure that the information we hold about you is accurate and up to date.

Our Privacy Policy sets out how we collect, use and securely hold your data and can be viewed at: <http://www.rother.gov.uk/privacypolicy> If you want more information on how a particular Council service uses your personal data, please view the Privacy Notices on our website using the following link: <http://www.rother.gov.uk/privacypolicy#related>

7 Equalities

- 7.1 If you require this document in a different format then please do not hesitate to make contact so we can make arrangements for this.