

COMPLAINTS PROCEDURE

Introduction

The Council's complaints procedure can be used for any type of formal complaint and for any service provided by this Council.

*Please note there is a **separate** complaints procedure regarding Councillors.*

Complaints against elected members can be submitted to this Council's Monitoring Officer. Please see link to website for guidance

<http://www.newforest.gov.uk/index.cfm?articleid=1649> or contact the Monitoring Officer 023 8028 5588.

Aim

Our aim is to swiftly investigate all corporate complaints with impartiality, finding solutions locally whenever possible to the satisfaction of both complainant and the Council. Remember, a quick phone call may be quite effective in settling your concerns. Do not worry if you do not know exactly who to speak to – a telephone call to 023 8028 5000 or a look at our information on the website www.newforest.gov.uk will help put you in touch with the right person.

Responsibility

The Executive Head of Governance & Housing is responsible for the complaints procedure on behalf of the Chief Executive.

What is a complaint?

A complaint is “an expression of dissatisfaction about the conduct, standard of service, actions or lack of action by the New Forest District Council or its staff”.

In some cases complaints received will be minor day-to-day concerns which will amount to service enquiries or representations rather than formal complaints and can be addressed informally by the service provider. The complaints procedure is not intended for cases where the Council has taken a decision in a proper manner or for an explanation of a decision.

There are certain types of complaints that we cannot investigate. These might include:

- Anonymous complaints
- Cases where other rights of appeal exist (e.g. against refusal of planning permission or housing benefit assessment)
- Routine requests for service (e.g. noisy neighbours, barking dogs), unless such a request has been dealt with improperly or with undue delay
- Cases where an immediate response can be given (e.g. where uncollected refuse is picked up quickly after notification).
- Cases where the Council has started legal proceedings or has taken court action. Or for example, when a debt is owing to the Council.

There are times when a 'complaint' is not a complaint, for example, if the Council is informed that a rubbish bag has not been collected, this will be recorded as a 'service request'. However, if this has not been attended to within a reasonable time and gives the customer, resident or visitor cause to contact the Council again, then this will become a complaint.

Key principles

All complaints will be investigated in accordance with the following principles:

- We will **acknowledge** the complaint within **5 working days** and inform the complainant that it will be looked into. We will give the name of an employee to whom further enquiries can be made.
- We aim to inform the complainant of the **result** of the investigation within **15 working days** (after acknowledgement) and if this is not possible we will advise the complainant.
- When responding we will advise the complainant of who they can appeal to if they remain dissatisfied.
- We will keep the complainant informed. If an unavoidable delay occurs we will notify the complainant
- We will record the complaint. This record includes:
 - Full name and address of complainant
 - Details of the complaint including relevant dates
 - Action taken
 - Employee dealing with the complaint
- We will keep all information confidential particularly names and address that can identify a complainant, site or complaint. However, we may be obliged to disclose some information under certain statutory provisions.

How we deal with complaints

The Council operates a 3-stage complaint process which reflects the practice adopted by many local authorities and is recommended by the Local Government Ombudsman. Following the completion of each stage the complainant will have the right to request that the complaint is escalated to the next stage of the process. This procedure is designed to support the effective management of complaints.

Level	Type of Complaint	Responsible Officer
1	A complaint is sent to the supervisor or Service Manager of the service. They are responsible for ensuring that the complaint is acknowledged, recorded and looked into thoroughly. The response will inform the complainant that if he or she is not satisfied with the outcome of the complaint he or she may appeal to the Executive Head.	Supervisor / Service Manager
2	Second or more serious complaint. Each Executive Head will consider complaints against his or her service where the complainant has appealed from Level 1 and in circumstances where the Executive Head wishes to deal with personally. In the reply the Executive Head will inform the complainant that if the outcome is not satisfactory, an appeal can be made to the Executive Head of Governance & Housing on behalf of the Chief Executive.	Executive Head
3	Complaints where a complainant is dissatisfied with the review carried out by an Executive Head. The reply will inform the complainant that if he or she is not satisfied with the outcome, a request for a review may be made to the Local Government Ombudsman. OR If the complainant is a Council tenant complaining about the Council as their landlord, the reply will set out the process to be followed to refer the complaint to the Housing Ombudsman Service.	Executive Head of Governance & Housing on behalf of the Chief Executive

Putting things right

Every effort will be made to resolve complaints without undue delay. The complaints procedure is designed to put things right if something has not been done correctly, and if that's not possible, we will explain why.

The Role of the Council's Chief Executive

The final stage of the Council's Complaints Procedure is dealt with by the Executive Head of Governance & Housing on behalf of the Chief Executive.

At this stage, the Executive Head of Governance & Housing ensures that the Chief Executive is aware of the complaint and the response to it. At any stage, the Chief Executive may personally deal with any complaint using whatever procedure he considers appropriate.

Still not satisfied?

If you remain dissatisfied after you have completed the Council's Complaints Procedure, you can contact The Local Government Ombudsman which acts as a watchdog for local government issues.

The Local Government Ombudsman
PO Box 4771
Coventry CV4 0EH
Telephone 0300 061 0614
Website: <http://www.lgo.org.uk/>

OR

If you are a Council tenant and your complaint is against the Council as your landlord, you have the right to ask for your complaint to be considered by the Housing Ombudsman Service. The Housing Ombudsman Service is an independent body set up to provide a free and fair way of dealing with complaints against housing organisations.

However, if you wish to refer your complaint to the Housing Ombudsman Service straight away you will need to contact a "designated person" who may refer the matter on your behalf. In relation to New Forest District Council housing complaints, a "designated person" is a Member of Parliament or any New Forest District Councillor.

If you do not want your complaint to be considered by a designated person you may contact the Housing Ombudsman Service yourself, but you may only do this after 8 weeks have elapsed following receipt of the level three review letter in accordance with this procedure.

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN
Telephone: 0300 111 3000
Website: <http://www.housing-ombudsman.org.uk/>
Email: info@housing-ombudsman.org.uk

Persistent or Unreasonable Complainants

In a minority of cases people can pursue their complaints in a way which impedes looking into a complaint, has significant resource issues for the Council or is unreasonable. This Council defines persistent or unreasonable complainants as “those complainants who, because of the frequency or nature of their contacts with the Council, unreasonably hinder the work of the Council”.

It is important to differentiate between complainants who pursue their complaints with vigour and those who act unreasonably.

Examples of what could be defined as persistent or unreasonable are:

- Refusing to specify the complaint despite offers by the Council to help;
- Refusing to co-operate with the investigation while expecting the complaint to be resolved;
- Refusing to accept the complaint cannot be resolved by the complaints procedure despite being provided with information on this;
- Making groundless complaints about employees and demanding they are replaced;
- Adopting a ‘scattergun’ approach i.e. either submitting a complaint to a number of different people at the Council (such as the service involved, the Information Compliance & Complaints Officer, Chief Executive, Leader, or Chairman) or pursuing a complaint with the Council while asking others (MPs, Local Government Ombudsman, Police, Courts etc.) to do the same;
- Making excessive demands on the time and resources of employees – specifically pursuing a campaign against the Council and phoning or emailing frequently, or consistently writing letters;
- Recording conversations with officers without prior knowledge of those present;
- Submitting repeat complaints on the same topic after the complaints process has been completed insisting there are ‘new’ complaints;
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Pursuing unreasonable complaints that provide no, or inadequate, details to substantiate the allegation of wrong-doing/error on the part of the Council.

All complaints will be considered thoroughly and fully. However if a complainant is felt to be acting unreasonably the employee should seek confirmation from the Executive Head of Governance & Housing that the complainant can be regarded as persistent or unreasonable in accordance with this policy. The following procedure will then be followed.

Where a complaint has been dealt with:

- The Executive Head of Governance & Housing will write to the complainant explaining why the decision has been taken and stating no further correspondence will be undertaken on the complaint or the issues they have raised. All correspondence received will be read and placed on file.
- Additionally, the Executive Head of Governance & Housing may take any additional or further necessary action to prevent the unnecessary misuse of public resources on the part of the persistent complainant.
- A copy of this procedure is to be enclosed.

- The right of appeal to the Local Government Ombudsman will be included in the letter.

Where the investigation is ongoing:

The Executive Head of Governance & Housing will write to the complainant explaining why the decision has been taken and either:

- Stating all future contact whether by phone, fax, email, letter etc. will be directed to the Executive Head of Governance & Housing (or appropriate nominated officer) only; or
- Explaining that contact with officers will be limited to once a week or other appropriate timescale; or
- Requiring any personal contacts to be in the presence of named witness(es); or
- Stating no further complaints on the same matter will be registered until the present complaint has been determined; or
- Stating the investigation has been terminated and referred to the Local Government Ombudsman

The above list is not exhaustive and decisions will be made on the appropriate way forward by the Executive Head of Governance & Housing.

Any restrictions imposed under the above procedures will be kept under review (at least every 6 months) and be removed if the need for them no longer exists.

For those who are repeatedly deemed to be a 'persistent or unreasonable complainant' over a long period of time, the review period will be every 9 months.

How to complain – Key Contacts

You can contact us:-

By email: complaints@nfdc.gov.uk

On our website: www.newforest.gov.uk/complaints

By phone: on 023 8028 5000 (if you don't know who to speak to) or 023 8028 5588 and ask for the Information Compliance & Complaints Officer

By writing: Information Compliance & Complaints Officer, New Forest District Council, Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA

Alternative Formats: The Council can provide information in any format such as on CD, Cassette, tape, Braille, or in any language other than English. You can request this by calling the Information Compliance & Complaints Officer on 023 8028 5588 or by emailing complaints@nfdc.gov.uk