



Feedback Policy

Lead Directorate and service:	Corporate Strategy & Commissioning (Resource Strategy)
Effective Date:	27 February 1996
Date Last Reviewed:	April 2016
Date Due for Review:	April 2018
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Approved By:	The Cabinet 26 April 2016

1. Background:

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

The Feedback Policy aims to ensure that:

- Customers can easily provide feedback on Council services, whether this be in the form of a comment, complaint or compliment
- Customers receive a response to their complaint
- Customers are informed of improvements made to services as a result of their complaint
- Customers are dealt with in an open, fair and proportionate way
- Requests for service are dealt with through the appropriate channels

The Council's operation of the Feedback Policy is supported by the Feedback System (which forms part of the Council's Customer Relationship Management system), which is the software used to keep a record of customer feedback and the responses sent out to customers.

The operation of the Feedback Policy and Feedback System is monitored by the feedback monitoring officers. The Data Protection and Feedback team also provides a reporting function to the Council's management teams.

It is important that the Council is transparent in its dealings with the public. Residents should be able to hold the Council to account over how their Council tax is being spent, and the decisions being made on their behalf. Providing feedback on Council services is one of the ways in which the public can hold the Council to account, and contribute to service improvements and efficiencies, as per the 'Tell Us How It Is' branding used to advertise the Council's Feedback Policy.

The Council receives high volumes of informal feedback, including compliments which are never formally recorded but are dealt with at the point of contact. The Council wants to receive informal feedback as it still helps to meet its commitment to high quality customer service, but reduces the administrative burden. The latest changes to the policy reflect this desire to receive all types of feedback, however balanced with the need to reduce the time spent recording feedback. One of the Council's corporate priorities is 'reducing costs, raising performance'. This Feedback Policy supports the drive for continual improvement in the face of the public sector challenge which lies ahead.

2. Definitions for the Purposes of this Policy:

Definitions for the purposes of this Policy include:

Feedback: This is information given by customers about any Council service or member/s of staff, specifically in the form of a comment, compliment or complaint. Feedback is used by the Council as a tool for service improvement. There are, however, certain types of feedback that are not covered by this Policy. These are outlined in Appendix 6.

Feedback System: This refers to the IT software that is used by the Council to keep a record of feedback received from customers and the responses sent out to them. It is also used to log the details of complaints being dealt with by the Local Government Ombudsman. The Feedback System is administered by the Data Protection and Feedback Team.

Comment: This is when a customer gives feedback about how the Council could improve or change the delivery of a service. This category is often used by customers who do not want to make a complaint but would like to share their idea/s about a service. Comments do not receive a response.

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

Concern: This is an issue or enquiry raised by a customer directly in relation to adult social care services. The regulations for complaints handling in adult social care services encourage local resolution of issues in the first instance, before moving to a formal procedure. These initial issues or enquiries are referred to as 'concerns'. Concerns may be non-specific or may be from people who are not eligible to complain formally. Customers can decide to take their concern through the formal adult social care services complaints procedure, at which point the concern will become a complaint.

Complaint: This is a negative statement about the quality of a service provided by or on behalf of the Council or a failure to provide a previously agreed service, or about the attitude or behaviour of one or more members of staff. If things go wrong we need to know to put them right. . Normally, we will only accept complaints within six months of the event you want to complain about or finding out that you have reason to complain, but no longer than 12 months after the event. Sometimes, if your complaint is complex, we may need more time to investigate it. If this is the case, we will be in touch to explain and inform you of the new response timescale.

Not requiring follow-up: This is when a customer has asked for their complaint to be logged formally but does not want a response. This type of feedback will be recorded on the Feedback System as a complaint or comment 'not requiring follow up'.

Ask the Leader: This is an additional access channel allowing customers to send in their questions directly to the Leader of the Council through the Council's website www.eastriding.gov.uk. This is then recorded on the feedback system and customers will receive a response from the Leader of the Council.

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

Feedback Monitoring Officer: A Feedback Monitoring Officer (FMO) monitors the use of the Feedback System for one or more areas of the Council and ensures the correct feedback procedure is followed. An FMO also acknowledges any comments or complaints, not received via the Customer Service Centre Network and provides help and support to Investigating Officers. Some FMOs also produce reports on feedback to the Council's management teams on a regular and ad-hoc basis.

Investigating Officer: An Investigating Officer (IO) investigates and responds to feedback received from customers. There is an Investigating Officer for each Council service area. They are also responsible for passing on any feedback they receive directly to their Feedback Monitoring Officer who will record it onto the Feedback System and assign it to the IO for investigation. Once an IO has completed their investigation and responded to the customer they are responsible for ensuring that details of their response are recorded onto the Feedback System.

Unreasonable or Persistently Unreasonable Complainants: Unreasonable complainants usually complain about a number of different departments and make numerous contacts with the Council. Persistently unreasonable complainants will not accept that their complaints have been investigated and refuse to accept the outcomes. These customers pursue their complaints in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and closed. Their contact with the Council may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved. The frequency or nature of their contacts with the Council hinders the consideration of their or other people's complaints. This can mean they are also considered as 'vulnerable', the Council always takes this into account and uses other relevant professionals/ and or a multi-agency approach to manage 'vulnerable' unreasonable complainants. Sometimes a complainant also demonstrates behaviour which is unacceptable, for example, abusive, offensive or threatening. This may include one or two isolated incidents or behaviour over a longer period.

Local Government Ombudsman: If after taking their complaint through the Council's feedback procedure a customer is still not satisfied, they may ask the Local Government Ombudsman (LGO) to investigate their complaint. The LGO makes decisions independently of all government departments, Councils and politicians. The service is free of charge and the LGO's role is to investigate complaints in a fair and independent way.

Housing Ombudsman: With effect from 1 April 2013 the Localism Act 2011 introduced a new Housing Ombudsman Scheme which considers complaints from Council tenants and other individuals relating to local authority's landlord functions. The scheme replaces the Independent Housing Ombudsman Scheme which had been in operation since 1996 and covered other social landlords such as housing associations. The Housing Ombudsman will only consider complaints once the landlord's own internal complaints procedure has been exhausted.

3. Policy Statement

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

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

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

Customers making complaints will be encouraged to settle their complaint using the stages outlined in the relevant feedback procedure (see Appendices 1 – 5).

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

Any complainants deemed to be acting unreasonably will be dealt with using the unreasonable complainant procedure outlined in Appendix 5.

All feedback received will be handled in line with the Council's Corporate Equality Policy.

4. Corporate Requirements

(a) Corporate Priorities

The operation of the Feedback Policy contributes to the Council's priority of reducing costs, raising performance. In order to do this it is essential that the Council has a good knowledge of local priorities and that services address local people's needs. It is also important that residents and customers are able to influence change. Customers can do this by providing the Council with feedback.

(b) Equalities

In 2010, the Equality Act was enacted and the Council has taken steps to ensure that it meets the three aims of the Act to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity
- Foster good relations

The Council has committed itself to making its services, facilities and resources accessible to residents and visitors to the East Riding. The Council will also work towards ensuring that individual Human Rights are supported within its decisions, policies and practices and that people are not discriminated against on the basis of age, disability, gender, gender reassignment, race, religion, pregnancy and maternity, marriage and civil partnerships and sexual orientation.

An Equality Analysis has been completed as part of the recent review of this Policy and no negative impacts have been identified. No major changes are required and policy, practice and procedure are robust and follow the equality aims. The Policy and procedure is already well embedded and is generally working well. As part of the Equality Analysis, a review of the use of social media as a channel for customers to submit feedback will be undertaken.

(d) Rural Proofing

The Policy has been assessed in terms of whether it may have a different impact in rural areas. The only implication identified for residents in rural areas is regarding the ways in which feedback can be submitted to the Council. Residents who live in rural areas and do not have their own means of transport or limited access to transport may not find it easy to visit a Customer Service Centre or council office to make their complaint. However, there are a number of other ways in which these residents can give their feedback including telephone, email, letter, online form, and via a Councillor. Based on this, it is not likely that this Policy will have any particular adverse impacts on those residents living in rural areas.

(e) Sustainability

The Policy supports the Council in trying to reduce its environmental impact. Where possible, electronic forms of communications such as our online form, email, telephones and video conferencing are used to reduce the amount of paper, apart from those instances in which customers have requested a written response. In addition, Customer Service Centres and Citizen Links have been located in central places so customers can make comments on Council services without having to travel too far, reducing the need to travel by car.

5. **Policy Development including Consultation**

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

- Residents and customers
- Investigating Officers
- Customer Relations Team
- Democratic Services
- East Riding Equality Network
- Senior Management Team
- Corporate Management Team
- Organisations, groups and individuals with an interest in equalities via the Disability Advisory and Monitoring Group

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

The Contact Officer welcomes all feedback on the Policy, which will either prompt a further review or will be considered when the Policy is next due for review.

6. **Links with other Policies**

The Feedback Policy has links with the following Council policies:

- Corporate Equality Policy
- Translation and Interpretation Policy

7. **Outcomes and Impacts**

The Feedback Policy aims to achieve the following outcomes:

- a) Customers find it easy to give their feedback to the Council
- b) Customers receive a timely response to their complaint
- c) Customers are happy with the Council's handling of their complaint, even if the outcome of the complaint is not the one they hoped for
- d) Feedback is used to contribute to service improvements
- e) Service requests are sent to the relevant department to be actioned rather than being logged through the Feedback system

8. **Policy Implementation**

It is recognised that although the Policy is well embedded there are still areas for improvement around promotion of 'Tell Us How It Is'. In particular there may be opportunities to further explore how social media could be used as an access channel for Feedback.

9. Financial Implications

The majority of the actions detailed in the Feedback Policy and procedures are already being undertaken by the Council on an ongoing basis. As such, financial provision has already been made for their delivery.

10. Evaluation

The implementation of the Policy and its general operation of the Policy will be monitored by the Data Protection and Feedback Team and Feedback Monitoring Officers. Response rates, customer satisfaction levels and service improvements made as a result of customer feedback will be monitored and will be reported to the relevant Directorate Management Teams.

11. References

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

- *Representations Procedure (Children) Regulations, 2006*
- *Getting the Best from Complaints (DfES) 2006*
- *The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009*
- *Government response to Getting it right and righting the wrongs, published March 2010 (DCLG)*
- *School Complaints Toolkit (DfE) 2014*
- *Ombudsmen's guidance note on managing unreasonable complainant behaviour*
- *Ombudsmen's revised guidance note on running a complaints system 2009*

Introduction to the Feedback Procedures and Guidelines

1. Overview

Most feedback is dealt with using the Corporate Feedback Procedure (Appendix 2); however, there are some types of feedback which are dealt with using different feedback procedures. These include:

- Complaints about social services, except for policy related complaints (Appendix 3)
- Complaints about schools, except for policy related complaints (Appendix 4)
- Unreasonable complainants (Appendix 5)

There are some types of feedback that are not covered by the Feedback Policy procedures. Details about how these will be dealt with are outlined in Appendix 6. These include:

- Complaints about Members
- Complaints about an unrelated third party, such as the NHS or Police
- Complaints related to recruitment, staff appointments or terms and conditions of service
- Petitions
- Internal feedback
- Requests for service
- Informal feedback, such as that given by one person to another but when the complainant does not request the complaint to be logged or actioned
- Pensions

Flowcharts outlining the different feedback procedures are included in Appendix 7.

2. Roles

The roles of a **Feedback Monitoring Officer** are to:

- Monitor the use of the Feedback System for one or more areas of the Council
- Ensure the correct feedback procedure is followed by Investigating Officers
- Acknowledge any comments or complaints
- Provide help and support for Investigating Officers
- Produce reports on feedback for the Council's management teams as required

The roles of an **Investigating Officer** are to:

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

The roles of the Data Protection and Feedback Team are to:

- Administer the Council's Feedback System
- Run reports from the Feedback System
- Produce reports on feedback to the Council's management teams and Members
- Make available the feedback leaflets and posters
- Lead on policy and procedure review relating to feedback
- Carry out spot checks to ensure that services are displaying the correct feedback information and are using the right procedure
- Where necessary place feedback items on hold
- Where necessary escalate feedback items when a complainant is unhappy with the response they receive
- Identify areas for improvement in services through analysis of customer feedback
- Provide help, support and training for Investigating Officers
- Take a lead on unreasonable complainant cases

The role of the **Customer Relations Team** (covering Children, Families and Schools Services, and Adult Services) is to:

- Assign feedback items to an Investigating Officer and send acknowledgements to customers
- Update the Council's Feedback System with Investigating Officer responses
- Ensure that feedback received about social services is responded to using the appropriate legislation or corporate feedback procedure
- Ensure that feedback received about Local Authority children's services (other than children's social care) is responded to using the corporate feedback procedure
- Provide advice on the school complaints procedure
- Assign feedback items to an Investigating Officer to ensure procedure has been followed (not to re-investigate the complaint); where a school complaints procedure includes an additional stage of review by the Local Authority
- Where necessary place feedback items on hold
- Where necessary escalate feedback items when a complainant is unhappy with the response they receive
- Produce reports on feedback for social care services management teams
- Provide help, support and training for Investigating Officers in social services

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

- Record the details of feedback items onto the Feedback System (except for when customers want to make a comment or complaint about social care services, in which case they will be directed to the Customer Relations Team).
- If it is a complaint, provide customers with a feedback reference number and advise that they will receive a response.

3. Record Keeping

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

4. Responding to Customers

The council's preferred method of communication is email, however, where possible, customers should receive a response in the format that they have requested e.g. letter, telephone. If a customer has

requested it or an Investigating Officer feels it is necessary, a telephone call can be followed up by an email or letter summarising the contents of the conversation. Emails and letters should use plain English and avoid the use of generic wording.

5. Feedback received through a Member

A certain level of feedback will always be dealt with directly by Members on behalf of residents. However, when a resident asks a councillor to log a complaint, comment or compliment formally on their behalf, the feedback item should be dealt with according to the relevant feedback procedure. Members can send residents' feedback directly through to the Data Protection and Feedback Team, completing the online form or by sending an email to the Feedback inbox which is monitored daily. They will log and assign the feedback to the right service area, and inform the Investigating Officer that they should address correspondence to the resident and send a copy to the councillor. Feedback relating to social services will be passed on to the Customer Relations Team.

6. Guidance

The procedures outlined in Appendices 2 – 5 provide guidance on how to operate the Feedback Policy. Written guidance specifically for Feedback Monitoring Officers and Investigating Officers (including how to use the Feedback system) is available from the Data Protection and Feedback Team and the Council's Intranet. Training can also be provided by the Data Protection and Feedback Team when required.

7. Reporting

Customer feedback reports are produced regularly for Directorate Management Teams to ensure response timescales are being met and any themes and areas for improvement are identified. Personal details such as name and contact details for complainants are removed from these reports before being circulated to officers. Additional reports can be requested from the Data Protection and Feedback Team.

Corporate Feedback Procedure

1. Logging and Acknowledging Feedback

(a) Logging Feedback

A customer will make a complaint, comment or compliment in one of the following ways:

- Form on the Council's website using our online form
- Telephone
- Letter
- Email
- Tell Us How It Is leaflet
- In person via a Member
- Via a member of staff

Requests for service are not usually dealt with under the Feedback Policy. However, if a customer asks for a request for service to be logged as a complaint, it should be logged onto the Feedback System and dealt with as a complaint.

Details of the feedback and contact details for the customer should either be logged directly onto the Feedback System by a Customer Service Centre agent or sent directly to the relevant Feedback Monitoring Officer. Contact details for Feedback Monitoring Officers are on the Council's Intranet. This should be done as soon as the feedback is received.

If the item is logged directly onto the Feedback System whilst speaking to the customer:

- A reference number for their feedback item
- If it is a complaint, the customer should be informed of the Council's response timescale and be given an overview of the procedure. If the customer would prefer not to be contacted using email, they should be asked how they would prefer to receive their response i.e. letter, telephone call, and this should be noted within the details of the feedback.
- If it is a compliment, the customer should be informed that it will be passed on to the relevant service area.

If an officer within a service area has received the details of a complaint or comment, they should inform the customer (where possible) that it will be sent to the Feedback Monitoring Officer to be logged onto the Feedback System, who will send them an acknowledgement email or letter within **2 working days**. They should also ask the customer (where possible) in what format they would like their response and pass this information on to the Feedback Monitoring Officer.

(b) Assigning Feedback

When a feedback item is logged onto the Feedback System, it should be assigned to the relevant Investigating Officer. If the item is logged by a Customer Service Centre agent the complaint will be assigned to the relevant officer at a later stage by the Data Protection and Feedback Team. Once the Feedback Monitoring Officer receives the feedback item, they will assign it to the correct Investigating Officer.

Once a feedback item is assigned, the Feedback System will automatically send an email to the Investigating Officer with details of the feedback item ready for them to investigate and respond.

(c) Acknowledging Feedback

A large number of feedback items come in through the Customer Service Centre Network. The Customer Service Centre agent during the conversation with the customer as described above in (a) should provide the reference number and explain the procedure, informing them they will receive an official acknowledgement within 2 working days, however the reference number will not change and is proof that it has been logged.

2. Dealing with a Complaint

A complaint is a negative statement about the quality of a service provided by or on behalf of the Council or a failure to provide a previously agreed service, or about the attitude or behaviour of one or more members of staff.

(a) Stage 1 – Investigating Officer

At stage 1 an Investigating Officer based in the relevant service area will investigate and respond to the complainant within **10 working days**.

The Investigating Officer is responsible for ensuring that any correspondence with the complainant and details of their response are recorded onto the Feedback System.

(b) Stage 2 – Director

If a customer is not happy with the response to their complaint at stage 1, they have 30 days in which they can ask for their complaint to be considered by the relevant Director. The customer will be asked to explain why they are dissatisfied with the outcome of the investigation at the earlier stage, i.e. production of new evidence, staff attitude at stage 1, unanswered questions, etc. The Director will respond to the customer within **10 working days**. The Feedback Monitoring Officer will close down the feedback on behalf of the Director.

4. Local Government Ombudsman

If after taking their complaint through both stages of the Council's feedback procedure a customer is still not satisfied, they may ask the Local Government Ombudsman (LGO) to investigate their complaint. If a customer has not been through both stages, they are likely to ask the customer to go through the Council's complaints procedure before the LGO will investigate the complaint.

5. Housing Ombudsman

With effect from the 1 April 2013 the Localism Act 2011 introduced a new Housing Ombudsman Scheme which considers complaints from Council tenants and other individuals relating to local authority's landlord functions. The scheme replaces the Independent Housing Ombudsman Scheme which had been in operation since 1996 and covered other social landlords such as housing associations. The Housing Ombudsman will only consider complaints once the landlord's own internal complaints procedure has been exhausted.

6. Dealing with a Comment

This is when a customer gives feedback about how the Council could improve or change the delivery of a service. This category is often used by customers who do not want to make a complaint but would like to share their idea/s about a service. Comments do not receive a response.

All comments will be sent to the relevant service area for service improvement purposes but will not receive a response. If a resident would like a response to a feedback item which is not a complaint they should be encouraged to contact the service area as a service request.

7. Suspending a Complaint

When an Investigating Officer is unable to continue with their investigation of a complaint until they have obtained further information from or had a meeting with the customer, they can 'suspend' the feedback item. The Feedback Monitoring Officer will change the complaint or comment status to 'suspended' on the Feedback System. This means the timescale for responding is paused.

The feedback item will then be 'unsuspended' when the investigation can continue. The Investigating Officer must ensure that they inform the Feedback Monitoring Officer so that they can change the category on the system. Details of why the item can now be unsuspended should be given. The feedback system will inform the resident that their complaint has been unsuspended and investigation has resumed.

Suspended items will be monitored by the Feedback Monitoring Officer. Any feedback still suspended after **30 days** will be closed automatically by the system. If no response is received and customer later chases up their complaint a new feedback item will be logged.

8. Dealing with a Complaint Not Requiring Follow-up

This is when a customer has asked for their complaint to be logged formally but does not want a response.

These types of feedback will be recorded on the Feedback System as a complaint 'not requiring follow up' and a copy sent to the relevant Investigating Officer.

9. Dealing with a Compliment

This is a positive statement concerning a high level of service delivered ie delivery exceeds customer expectations by or on behalf of the Council, and/ or could inform further service improvement.

Compliments will be recorded on the Feedback System and passed on to the relevant service area. When compliments are received the staff or team in question should be recognised for the contribution. Once they have been logged to the relevant Investigating Officer they should be passed on to the appropriate manager to ensure this happens; and the staff/team knows a compliment has been received. Compliments help keep staff motivated and create positive attitudes, they also tell us what we are doing well and can be used to make improvements to services.

Social Care Services Feedback Procedure

Separate feedback procedures are used for dealing with complaints about children and adult social care services, except for policy related complaints which are dealt with under the corporate feedback procedure as outlined in Appendix 2. Comments and compliments will also be dealt with as outlined in the corporate feedback procedure.

1. Logging and Assigning Complaints about Social Care Services

Complaints about children and adult social care services are dealt with by the Customer Relations Team. Contact details for the Customer Relations Team are available on the Council's Intranet, website and 'Tell Us How It Is' or Social Care Services leaflets.

The Customer Relations Team will log the complaint (or concern) onto the Feedback System and assign it to the relevant Investigating Officer.

If it is a concern or a complaint about adult social care services it will then be dealt with using the procedure outlined in section 2 below.

If it is a complaint about children's social care services it will then be dealt with using the procedure outlined in section 3 below.

2. Dealing with Concerns and Complaints about Adult Social Care Services

Arrangements for complaints handling in adult social care services are covered in the Local Authority Social Services and NHS Complaints Regulations 2009, which came into force on 1 April 2009.

(a) Acknowledging and Responding

The Customer Relations Team will contact the customer to ask them whether they would like their feedback treating as a concern or as a complaint. Most concerns will be dealt with by the relevant team and will be responded to by their worker. The customer will be informed that they can progress their concern to a formal complaint if they are not satisfied with the response. Concerns will usually be responded to within **1 working day** but it can take up to **10 working days**.

If it is a complaint, the customer will be provided with a reference number and name of an Investigating Officer within **3 working days**, and provided with an estimated response time. Most complaints are dealt with in **6 weeks**, although there is a proviso for up to **6 months** in some cases. A report is produced for each complaint investigation, presented at an adjudication meeting and then sent to the complainant along with a letter from the adjudicating officer and a covering letter from the Customer Relations Team.

(b) Local Government Ombudsman

If a customer is not satisfied with the Council's response they can ask the Local Government Ombudsman to investigate their complaint, as described in Appendix 1, Section 4.

3. Dealing with Complaints about Children's Social Care Services

Arrangements for complaints handling in children's social care services are based on the complaints and representations procedures established through the Children Act 1989 and Representations Procedure (Children) Regulations, 2006.

(a) Acknowledging

Once the complaint is assigned to an Investigating Officer, the Customer Relations Team will send an acknowledgement letter or email to the customer within **2 working days**. This acknowledgement will provide the customer with a reference number along with the name of the assigned Investigating Officer. It will also inform the customer of the 10 working day response timescale (unless it has been classed as a complex complaint, in which case it would be 20 working days, as described in Appendix 1, section 3).

(b) Stage 1 – Investigating Officer

At stage 1 an Investigating Officer based in the relevant service area will investigate and respond to the customer within **10 working days**.

If it is a complex complaint, the Investigating Officer will investigate and provide a response or update to the customer within **20 working days**.

(c) Stage 2 – Independent Person

If a customer is not satisfied with the response at stage 1, they can ask for their complaint to be investigated by an Investigating Officer who is independent of the team subject to the complaint. Legislation requires an Independent Person to be assigned to oversee the investigation and provide a separate report. An Independent Person can also be asked to act as the Investigating Officer, with another Independent Person allocated to oversee the process.

The Investigating Officer and Independent Person will respond to the customer within **25 working days**, although there is a caveat for up to **65 working days** if needed to complete the investigation.

(d) Stage 3 – Review Panel

If a customer is not satisfied with the decisions made about their complaint at stage 2, they can ask for a Review Panel to take place. The Review Panel consists of:

- Independent Chair
- 2 Independent People
- Customer
- Customer Relations Manager
- Investigating Officer (who responded at stage 2)
- Independent Person (who responded at stage 2)
- Adjudicating manager representing the authority

The purpose of the Review Panel is to review the decision made in respect of each complaint. The Review Panel will consider the representation made by the customer and make recommendations about what they believe the decision about each complaint should be. They will also provide reasons for each of their recommendations. The Panel will send their report to the Director of Children, Families and Schools within **5 working days**. The Director will respond to the customer, taking into account the Panel's findings, within **20 working days** of the panel date.

(e) Local Government Ombudsman

If a customer is not satisfied with the recommendations of the Review Panel, they can ask the Local Government Ombudsman to investigate their complaint, as described in Appendix 1, Section 4.

Schools Feedback Procedure

Complaints about schools are dealt with directly by the school in question, except for policy related complaints (e.g. admissions process, school transport, etc) which are dealt with under the corporate feedback procedure as outlined in Appendix 2. The Education Act 2002 places a duty on school governing bodies to adopt a procedure for the receipt and handling of school complaints. The Council is not empowered to investigate complaints made about schools.

Schools should differentiate between concerns and complaints made by parents and other parties. Concerns should be dealt with informally wherever possible before following the schools' formal complaints process. Comments and compliments about schools are also dealt with directly by the schools.

1. Stages of the Schools Complaints Procedure

(a) Member of staff

Most complaints can be quickly resolved by talking to the relevant teacher or member of staff. To do this, the complainant can contact the school to arrange a time to meet with the person concerned and discuss the problem.

(b) Headteacher

If a complainant cannot resolve the matter directly with the person concerned, then they should contact the Headteacher. This can be done by contacting the school and arranging an appointment. If possible, the complainant should put their complaint in writing to allow the Headteacher to look into the matter in preparation for the meeting. Alternatively, the complainant can ask for a response in writing rather than a meeting.

(c) Chair of Governors

If a complainant is not happy with the head teacher's response they can complain to the Governing Body. The complaint should be put in writing to the Chair of Governors, who should be asked to respond within **10 working days**. If the complainant has not already discussed the matter with the Headteacher, it is not usually possible to progress their complaint to the Chair of Governors. However, if the complainant cannot discuss their complaint with the Headteacher, they should put their complaint in writing, stating the reasons why they have not discussed it with the Headteacher and send it to the Chair of Governors.

(d) Governing Body Complaints Committee

If the complainant is not happy with the response from the Chair of Governors, they can ask for the complaint to be looked at by the Governing Body Complaints Committee. The complainant will be informed in writing of the outcome.

(e) Secretary of State for Education

If the complainant feels that the Governing Body or the Council is acting 'unreasonably', they can complain to the Secretary of State for Education. Complaints to the Secretary of State are handled by the government's Department for Education (DfE). This should be a last resort, and the complainant should highlight in their letter the steps they have already taken to resolve the problem.

Procedures for Dealing with Unreasonable and Persistently Unreasonable Complainants

1. Introduction

Generally, dealing with a complaint is a straightforward process, but in a minority of cases customers pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council. These actions can occur either whilst their complaint is being investigated, or once the Council has concluded the complaint investigation. When this happens, it may result in the complainant being identified as 'unreasonable'.

The procedures outlined below are intended to ensure that the Council deals with these complainants in a fair and proportionate way. It helps staff to understand clearly what is expected of them, what options for action are available and who can authorise these actions. These procedures can also be shared with complainants if they start to behave unreasonably, which will help to manage their expectations and behaviour, whilst their complaint is being addressed.

It also important to note that 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 an unreasonable 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 unreasonable.

2. Definitions

The Council uses the following definitions to refer to unreasonable complainants:

Unreasonable Complainants: These are customers who are pursuing their complaints in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and closed. Their contact with the Council may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved. The frequency or nature of their contacts with the Council hinders the consideration of their or other people's complaints. Persistently unreasonable complainants also demonstrate behaviour which is unacceptable, for example abusive, offensive or threatening. This may include one or two isolated incidents or behaviour over a longer period, refusing to accept the outcomes and varying the wording of complaint and claiming them as 'new issues'.

3. Actions and Behaviours of Unreasonable and Persistently Unreasonable Complainants

Examples of actions and behaviours of unreasonable and persistently unreasonable complaints include:

- Refusing to specify the grounds of a complaint
- Refusing to co-operate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of a complaints procedure e.g. a complaint about another organisation
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements he or she made at an earlier stage
- Introducing trivial or irrelevant new information at a later stage
- Raising numerous, detailed but unimportant questions; insisting they are all answered

- Submitting falsified documents from themselves or others
- Adopting a ‘scatter gun’ approach – pursuing parallel complaints on the same issue with a variety of organisations
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous Council staff, or detailed letters every few days, and expecting immediate responses
- Submitting repeat complaints with minor additions/variations that the complainant insists make these ‘new’ complaints
- Refusing to accept the decision; repeatedly arguing points with no new evidence
- Covertly recording meetings and conversations
- Combinations of some or all of the actions above

4. Considerations Prior to Taking Action under the Procedure

If a complainant is demonstrating at least one of the actions or behaviours outlined in section 3 above, the Council can consider using the unreasonable complainant procedure.

However, before using the procedure, the following should be considered:

- (a) If the investigation of the complaint has concluded, the Council has the option of ending all communication with the complainant on the issue, and, where appropriate, referring the complainant to the Local Government Ombudsman.
- (b) If the complaint is still under investigation, the procedure may need to be used in order to manage the complainant’s behaviour. At this point, the relevant Head of Service and Director should be consulted before a decision is made. However, the decision to designate someone’s behaviour as unreasonable or persistently unreasonable, and restrict their access, could have serious consequences for the individual, therefore before this decision is made, the Council should be satisfied that:
 - The complaint is being or has been investigated properly
 - Any decision reached on it is the right one
 - Communications with the complainant have been adequate
 - The complainant is not now providing any significant new information that might affect the Council’s view on the complainant
- (c) If the Council is satisfied that the above conditions are met, it should consider whether further action is necessary prior to taking the decision to designate the complainant as unreasonable. The following steps should be considered:
 - Offering the complainant a meeting with the Head of Service to explore scope for resolution of the complaint and explain why their current behaviour is seen as unreasonable.
 - Sharing the Council’s Policy with the complainant and warning them that restrictions may need to be applied if their behaviour continues.
 - Setting up a strategy meeting to agree a cross-directorate/service area approach.
 - Designating a key Investigating Officer to co-ordinate the organisation’s response/s.
 - Helping the complainant to find a suitable independent advocate if necessary.

5. Operating the Procedure

If the above steps have been considered/carried out, and the Council deems it necessary that the unreasonable complainant procedure be used, authorisation must be sought from the relevant Director. The actions then taken should be proportionate to the nature and frequency of the complainant’s contacts with the Council at that time. The objective is to manage the complainant’s unreasonable behaviour in such a way that their complaint can be brought to a conclusion quickly, without further

distractions. Taking the complainant's behaviour and circumstances into account, the following options can be considered:

- (a) Placing limits on the number and duration of contacts with staff per week or month
- (b) Offering a restricted time slot for necessary calls
- (c) Limiting the complainant to one medium of contact (telephone, letter, email, etc)
- (d) Requiring the complainant to communicate with only one named member of staff
- (e) Requiring any personal contacts to take place in the presence of a witness and in a suitable location
- (e) Refusing to register and process further complaints about the same matter
- (f) Restrict access to Council premises

If the decision is taken to operate the procedure and restrict access, the relevant Director should write to the complainant with a copy of the procedure to explain:

- Why the decision has been taken
- What it means for his or her contacts with the Council
- How long any restrictions will last
- What the complainant can do to have the decision reviewed

The Council should also ensure that both parties are clear from the outset what the substantive complaint is about. They should also clarify with the complainant what remedy/action they are seeking from the Council so that the investigation can be clearly focused. A date when the complainant can expect to receive a response or update should also be defined at the start.

The investigation should be thorough. All relevant correspondence and evidence should be looked at. Interviews with all parties should take place and should be documented. Where necessary, site visits should also be carried out.

The relevant members of staff and Customer Service Centre Team Leaders should also be informed of any complainants who have been classed as unreasonable and the restrictions that have been imposed on them.

6. Record Keeping

When dealing with complainants that the unreasonable complainant procedure has been considered for or applied to, adequate records of the following should be kept:

- When a decision is taken not to apply the procedure when a member of staff asks for this to be done
- When a decision is taken to make an exception to the procedure once it has been applied
- When a decision is taken not to put a further complaint from a complainant through the Council's complaints procedure for any reason
- When a decision is taken not to respond to further correspondence, any further letters, faxes or emails from the complainant should be checked to pick up any significant new information.

A copy of all records needs to be sent to the Data Protection and Feedback Team so they can ensure the feedback system is updated accordingly with the relevant notes.

7. Action Following the Completion of the Complaint Investigation

Once the complaint has been investigated and a decision has been made, the Director should inform the complainant of the decision. If the Council is at fault, they should consider what remedy is appropriate. If it is not, the Council should clearly state the reasons, in writing. They should also inform the complainant that future correspondence will be read and placed on file but not acknowledged, unless it contains relevant new information. A designated officer should be identified who will read future correspondence.

When complaints about new issues are made, these should be treated on their merits. The Council should consider whether any restrictions previously applied are still appropriate and necessary. If a new complaint is accepted from an 'unreasonable' complainant it must be dealt with by following the standard two-phase complaints procedure, allowing escalation where necessary.

8. Reviewing Decisions to Restrict Access

When imposing a restriction on access, the Council should have a specified review date. Restrictions will usually last for one year from the date that they are applied. On this date, restrictions should be lifted unless there are good grounds to extend the restrictions. Once restrictions have been reviewed, the Head of Service/Director should inform the complainant of the outcome. If the restrictions are to continue, the reasons for this should be explained and a date given when the restrictions will be next reviewed. Previous bans and/or restrictions will be considered.

If the complainant is contacting the Council about the same issue then it would be advised to permanently enforce the restrictions in relation to that issue with no review date. However, the complainant should still be able to contact the Council to raise any new issues they may have.

9. Referring Unreasonable or Persistently Unreasonable Complainants to the Local Government Ombudsman

If relations between the complainant and the Council break down during a complaint investigation and there is little prospect of achieving a satisfactory outcome, the Local Government Ombudsman may be prepared to consider complaints before the procedure has been exhausted, if the request is made by both sides to the dispute.

A complainant can also be referred by the Council to the Ombudsman prior to and instead of being classed as unreasonable, or by the complainant contacting the Ombudsman themselves prior to or after going through the unreasonable complainant procedure.

10. Dealing with Abusive, Offensive or Threatening Complainant Behaviour

Situations can escalate and in a few cases complainants can become abusive, offensive, threatening or otherwise behave unacceptably. In such circumstances the Council should take appropriate action to protect its employees and Members from harassment and harm. In a situation where it has been identified that a complainant is causing harassment, alarm or distress to Council officers or Members through their behaviour an action plan should be agreed to set out the steps that will be taken to tackle such behaviour. This action plan could include but does not need to be limited to reporting any potential criminal acts, i.e. causing harassment, alarm or distress, public order offences or threats to kill the police; restricting a person's access to Council premises either through correspondence or, if need be, by way of an injunction; restricting the ability of a person to contact individuals i.e. by blocking emails or telephone calls, or applying for an injunction to prevent a person from contacting or approaching individuals.

11. Monitoring of the Unreasonable Complainant Procedure

The number of complainants that have been classed as ‘unreasonable’ and the restrictions which have been imposed are reported on annually in the corporate feedback report. To ensure that the information is correct, it is important that when a complainant is dealt with through the unreasonable procedure, the Data Protection and Feedback Team is informed so it can be included in the report and a central record can be held regarding restrictions.

Types of Feedback that are not dealt with under the Feedback Policy Procedures

There are some types of feedback that are not covered by the Feedback Policy procedures. These include:

(a) Complaints about Members

Complaints concerning the conduct of any elected, co-opted or independent Member of either East Riding of Yorkshire Council or any Town and Parish Council in the East Riding local authority area should be made in writing and addressed to the Monitoring Officer, East Riding of Yorkshire Council, County Hall, Beverley, HU17 9BA or can be emailed to standards@eastriding.gov.uk.

Complaints will be considered by the Standards Committee, which has a responsibility to investigate complaints about Members who may have failed to comply with the Code of Conduct, the set of rules governing the behaviour of Members.

Further details about the Standards Committee and how to complain are available on the Council's website www.eastriding.gov.uk or from the Council's Legal and Democratic Service.

(b) Complaints about unrelated third parties

Complaints received by the Council which are solely about another organisation are classed as 'third party' complaints. They will be logged on the Feedback System and assigned under the 'third party' category. The responsible services area who receives the complaint will inform the complainant that the complaint is not relating to a Council service or member of staff, and where possible, offer the complainant the contact details for the correct organisation. In some cases, they may be able to forward the details of the complaint onto the appropriate organisation on behalf of the complainant, and inform them that they have done so.

Before assigning a complaint as 'third party' the Feedback Monitoring Officer should ensure that the Council has no responsibility for the complaint; in some cases it may be that the Council still has responsibility or has shared responsibility with another organisation for the complaint. In these situations, a response or joint response, co-ordinated by either the Council or other organisation should be sent to the customer. These types of complaints should not be classed as 'third party'.

(c) Complaints related to recruitment, staff appointments or terms and conditions of service

Complaints related to recruitment should be referred to the Council's Recruitment team if it cannot be resolved with the relevant manager. The Recruitment team maintains the paperwork for each post, including the shortlisting matrix, and can also advise on Council policy. This applies to both internal and external candidates.

All complaints regarding appointments and terms and conditions of service should be referred to the Council's Human Resources team.

The Local Government Ombudsman does not accept complaints of this nature. Employment tribunals are the available route for those seeking to escalate their complaint beyond the Council's internal systems.

(d) Petitions

Residents have the right to submit petitions to the Council. Any petition must be in writing and signed by at least 10 Local Government electors of the area. Petitions must be submitted to the Chief Executive and if requested that it be considered by a Committee it must be received **not less than 5 clear working days** before the meeting to which it is to be presented. The Chief Executive shall date and number each petition on its receipt and enter it into a register which anyone may inspect.

Further details on how petitions will be dealt with are included in the Council's Constitution which is available on the Council's website www.eastriding.gov.uk or from the Council's Legal and Democratic Service.

(e) Internal feedback

Feedback received regarding other services from within the Council should not be recorded on the Feedback system. However, services are encouraged to maintain a file of such items, which will provide useful information, and can, for example, aid an application for a Customer Service Excellence accreditation.

(f) Requests for service

Requests for service are not usually dealt with under the Feedback Policy. Usually these are dealt with directly through the Customer Service Centre network and relevant service areas. However, if a customer specifically asks for a request for service to be logged as a complaint, it should be logged onto the Feedback System and dealt with as a complaint in the interests of good customer service. In some cases, requests for service can also become the subject of a complaint; if for example the initial request for service is not carried out, not completed to a high standard or not finished on time.

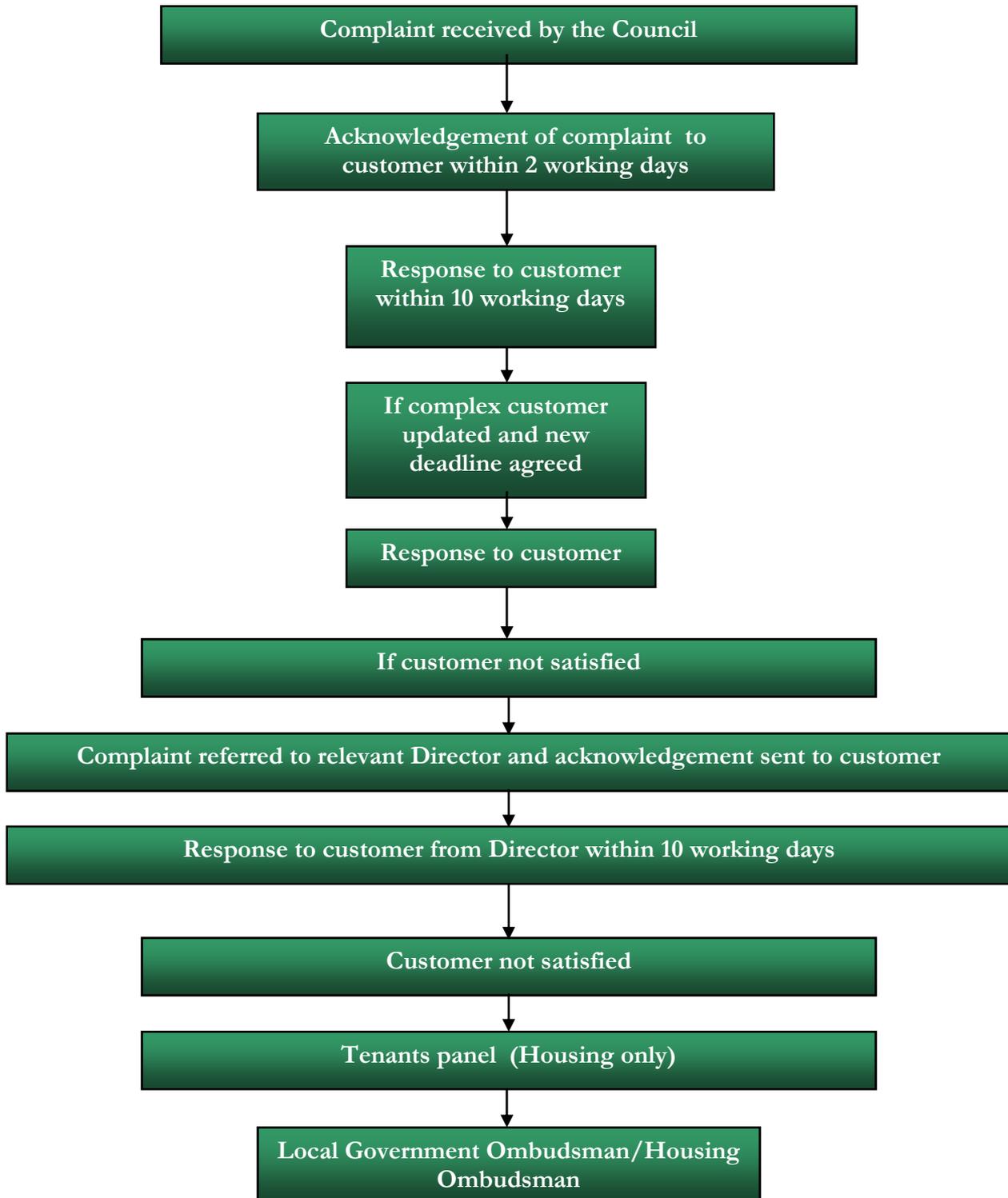
(g) Informal feedback

Feedback is received from residents and customers via different communication channels on a daily basis, and it is not feasible or necessary for all feedback to be logged onto the Feedback System. A large proportion of feedback is dealt with immediately by the Officer or Member at the time of the first contact with the customer, and it is this feedback that is referred to as 'informal'. Informal feedback is not recorded, either because the customer does not wish to make it formal, or the officer or Member dealing with the customer by using their discretion and/or discussion with the customer is assured that the customer is satisfied with their response or the action taken, and that the matter does not require further investigation or explanation through the relevant feedback procedure.

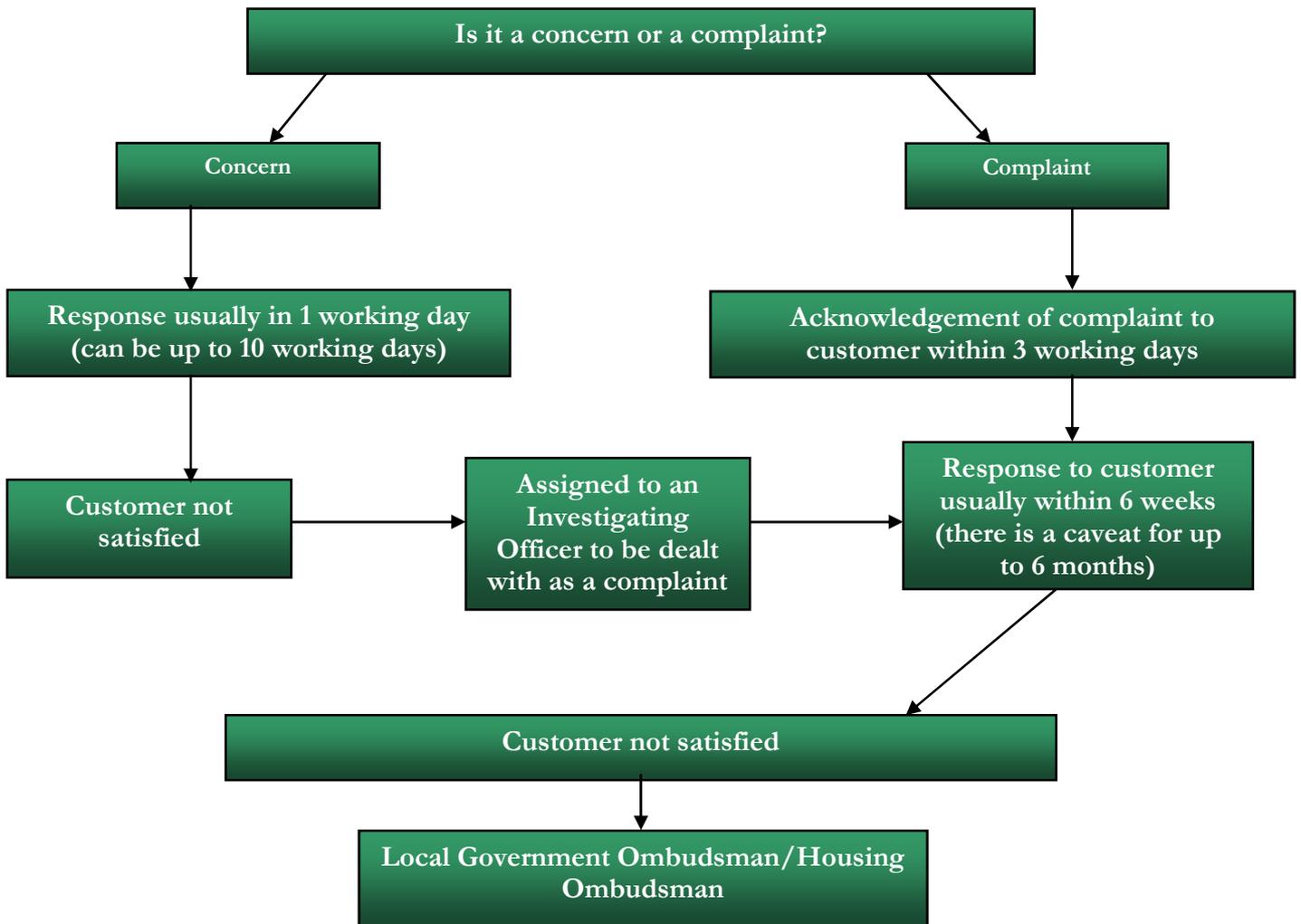
(h) Pensions

Complaints about pension benefits will be dealt with through the Disputes and Appeals procedure. Details of this procedure can be found at - <http://www.erpf.org.uk/welcome/contact/disputes-appeals/>

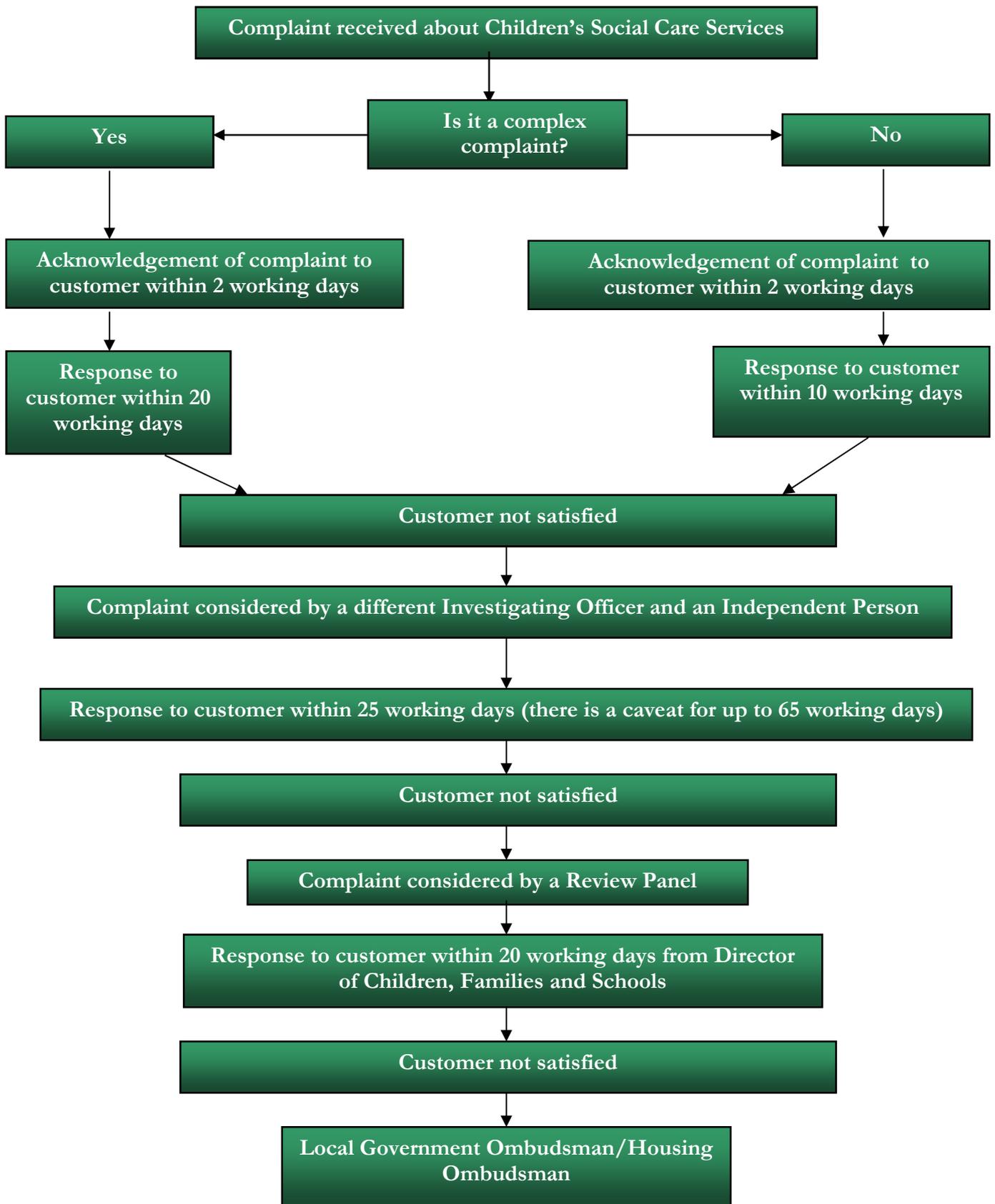
(a) Overview of the Procedure for Dealing with Complaints (Corporate)



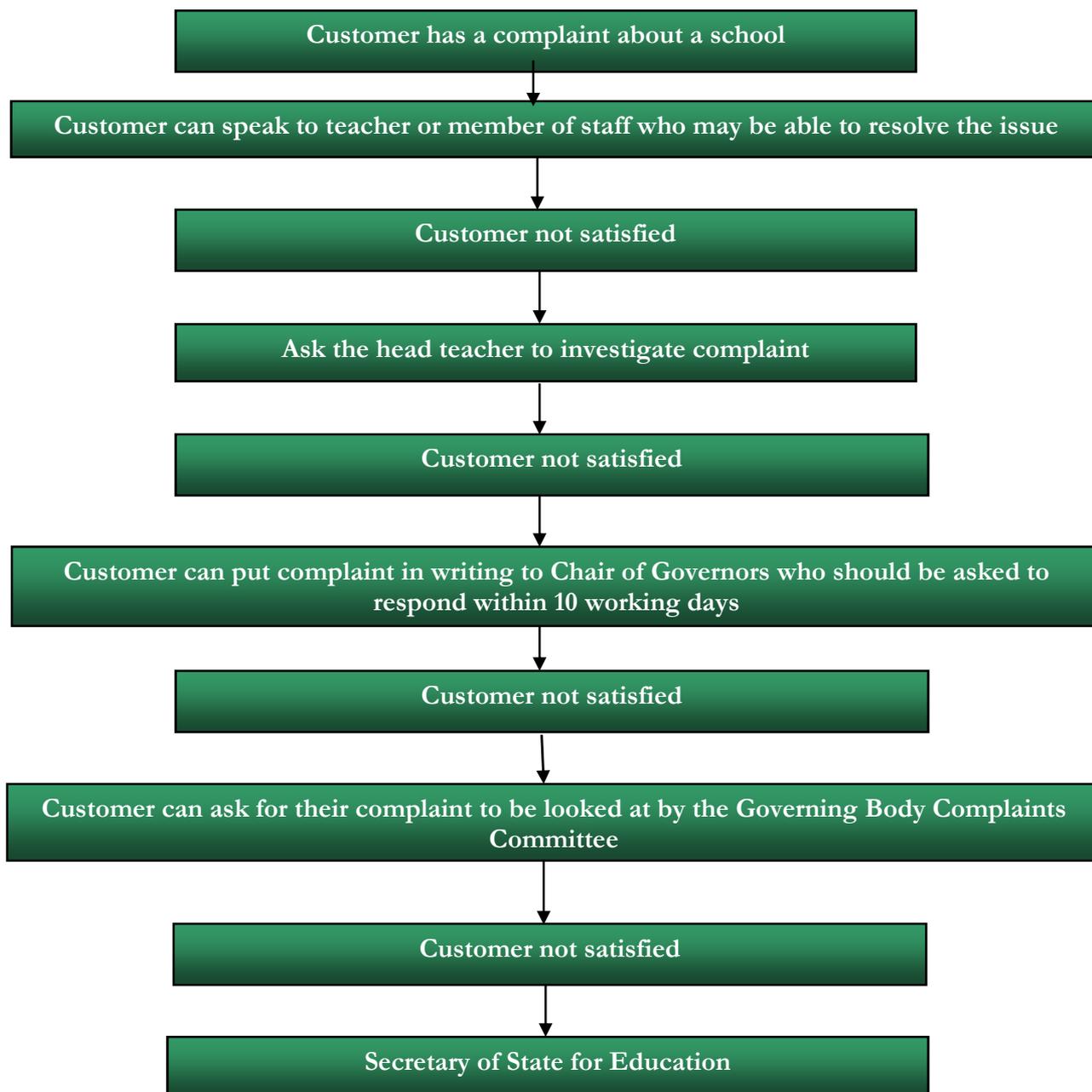
(b) Overview of the Procedure for Dealing with Concerns and Complaints about Adult Social Care Services



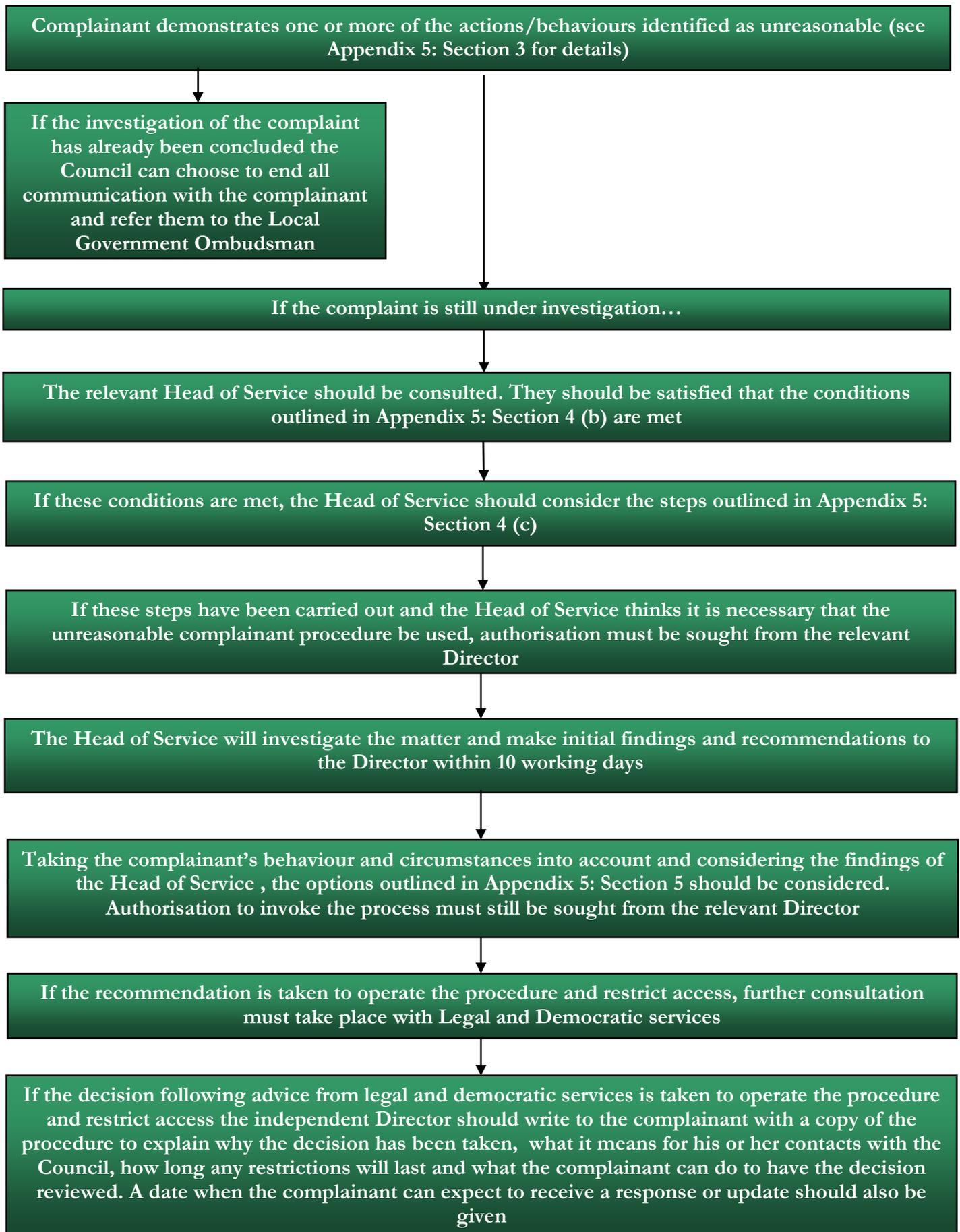
(c) Overview of the Procedure for Dealing with Complaints about Children’s Social Care Services



(d) Overview of the Procedure for Dealing with Complaints about Schools



(e) Overview of the Procedure for Dealing with Unreasonable Complainants



(e) Overview of the Procedure for responding to 'Ask the Leader' requests

