

**EREWASH BOROUGH COUNCIL**  
**COMMENTS, COMPLIMENTS, COMPLAINTS PROCEDURE POLICY**

**1 The procedure.**

This procedure sets out the way that you can communicate your views to the Council, clarifies how those views will be dealt with and how we will respond to you in return.

We aim to:

- Reassure you that your comment, compliment, complaint is being dealt with efficiently and fairly.
- Provide a straightforward and consistent way for you to make representation to the Council by offering a prompt and speedy resolution to complaints.
- To use complaints positively by taking the necessary action to maintain and improve Council services.

**2 Availability**

This procedure is available to all members of the public, organisations or representative groups. It covers all services provided by the Borough Council.

**3 What is a Complaint?**

The Council defines a complaint as “an expression of dissatisfaction by one or more members of the public about the Council’s actions or lack of action or about the standard of a service provided by the Council itself or a person or body acting on behalf of the Council”.

**4 Types of Complaint**

The following list indicates in general terms the range of complaints which fall within the procedure and, additionally, what type of complaints are excluded.

- Dissatisfaction with the way in which Council policies are carried out (as opposed to dissatisfaction with the policies themselves).
- Failure to consider relevant matters in coming to a decision.

- Failure to implement a decision.
- Complaints regarding the behaviour of individual employees.
- Failure to provide a service or the provision of poor quality services.
- Failure to fulfil statutory responsibilities.
- Biased or unfair discrimination.

We aim to resolve the complaint wherever possible.

## **5 Matters that are not considered complaints.**

The following will not follow the complaints procedure; but every attempt will be made to resolve them.

- Criticisms of or disagreements with Council policies or decisions themselves rather than the way they have been carried out.
- Complaints against individual employees where no other basis for criticism exists other than the officer was implementing Council policy/decisions.

A matter where there is an alternative means of solving the criticism, for example: -

- a) Appeal to a Panel or Committee of the Council.
- b) Appeal to an independent arbitrator, for example, Planning Appeals.
- c) Appeal to the Crown, Magistrates or County Court.
- d) A decision of the Council where regulatory powers are being exercised unless the criticism relates specifically to the way the matter has been administered.
- e) A matter which has or could reasonably be expected to be the subject of Court or tribunal proceedings or which is or could be placed in the hands of the Council's insurers.
- f) Criticisms which constitute a disagreement with or a refusal to accept a rule of Law which the Council is applying.
- g) Criticisms over statutory duties administered.

## **6 How to make a Complaint**

The complaints procedure should be followed whenever a complaint is being dealt with.

The procedure contains three stages: -

- Stage 1 - First contact by letter, telephone, fax; e-mail, in person or via an elected member.

Any service failure or problem will be put right if possible with the minimum delay.

If you are not satisfied then you may take your complaint to Stage 2, by informing or writing to the person handling your complaint or the Information Officer at Town Hall, Ilkeston, Derbyshire, DE7 5RP

- Stage 2 - Formal investigation – a complaint will be investigated in a structured way and reported back to you. It would be helpful to have the details of your complaint in writing at this stage.

If you are not satisfied then you may take your complaint to Stage 3 by informing or writing to the person handling your complaint or the Information Officer at Town Hall, Ilkeston, Derbyshire, DE7 5RP

- Stage 3 - Appeal – you can have the matter reviewed if you are not satisfied following the formal investigation.

If you are still dissatisfied then you will be given details of how to contact the Local Government Ombudsman (see section 16)

## **7 Comments and Compliments**

As well as dealing with complaints, we also want to know if you have any suggestions or comments about council services and their provision. We want to positively encourage you to put forward your views, good or bad, so that we can learn from them and use them to guide improvements to our services.

Our staff are important to us. If you have had a positive experience with the Council then we would welcome the opportunity to share that with members of staff. Compliments will help us understand where our services are being delivered well and are as important to us as complaints.

## **8 How to make a Comment or Compliment**

Your first contact may be by letter, telephone, fax; e-mail or in person stating that you wish to make a comment or a compliment. You may also wish to refer your comment or compliment through your local elected member.

We will encourage you to put your thoughts in writing so that we can administer the procedure in a structured way and provide you with written responses in a timely manner.

## **9 Responsibility for Dealing with Comments, Compliments, Complaints and Administering the Procedure**

Initially your comment, compliment, complaint will be passed to Customer Services where an advisor will record, co-ordinate and monitor the process. The advisor will provide assistance if this is needed.

The comment, compliment, complaint will then be passed to the relevant service area where an acknowledgment letter will be sent to within 3 working days of receipt informing you of who will be dealing with your comment, compliment, complaint and providing you with a reference number together with the timescales for response.

In line with section 6 detailed above, if you wish to make a complaint then this will be dealt with by the following members of staff dependent upon the stage in the process:

- Stage 1 - An officer dealing with the service being complained about (e.g. manager or team leader)
- Stage 2 - Service Manager or Deputy Chief Officer, from the service being complained about.
- Stage 3 - Chief Executive or nominated Director.

## **10 Complaints about Elected Members**

Should complaints be received regarding the conduct or actions of Elected Members, these will be referred to the Council's Standards Committee. In the event that the complaint is about a potential breach of the Members Code of Conduct, this will be referred to the Assessment Sub-Committee of the Standards Committee within 20 working days of its receipt. Complaints that are to be considered by the Standards Committee must be made in writing.

## **11 Time Limits**

An acknowledgement will be sent within 3 working days of receipt.

A response will normally be provided within 15 working days of receipt.

However for matters involving detailed investigation the time limit is 28 days.

These time scales apply at each stage.

If these time limits to respond or to rectify your complaint cannot be achieved, you will be advised why and given an expected period.

## **12 Your Rights**

You are entitled to: -

- A full and impartial investigation of the complaint.
- Response within the laid down time limits.
- A full written response to the complaint or subsequent appeal within stages 2 and 3.
- If the complaint is justified, then one of the following remedies will be recommended.
- The opportunity to indicate whether your complaint has been dealt with satisfactorily. This can be via a telephone call.

## **13 Remedies**

1. An apology.
2. The provision of the service you want.
3. Repayment of any nominal out of pocket expenses.

## **14 Comment, Compliment, Complaint Monitoring**

- A record will be kept within Customer Services of the number, nature and outcome of comments, compliments and complaints (including date received; acknowledged and responded).
- A record of the number, nature and result of stage 3 complaint appeals will also be kept within Customer Services.

- A monitoring report will be prepared quarterly setting out numbers and categories of comments, compliments, complaints and results of stage 3 appeals including report findings. This will be presented to the Corporate Management Team (CMT). Service Managers will also monitor reports on a monthly basis to assess trends and what actions should be taken.
- Annually the Chief Executive and the Leadership Group will review the operation of the comments, compliments, complaints procedure. The quarterly report will be submitted to the Council Executive who will receive a strategic overview of trends of complaints from the Director of Customer Services.
- The Council will publish an annual report on the number of complaints: the categories of comments, compliments and complaints, the length of time to respond and the length of time to resolve complaints; how your satisfaction or otherwise was assessed; and how the provision of services has changed as a result of your comments, compliments and complaints.

## **15 Suspension of Procedure**

In exceptional circumstances the Chief Executive can suspend this complaints procedure to enable investigation by a panel of officers or Members.

## **16 Local Government Ombudsman**

If you are still dissatisfied after you have used the complaints process you will be told that the Local Government Ombudsman is an independent person who investigates allegations of misadministration causing injustice to anybody who has complained. The Ombudsman can be contacted at: -

The Commission for Local Administration in England  
Beverly House  
17 Shipton Road  
York  
YO3 6FZ  
Telephone No. 01904 380200  
Fax No. 01904 380269.  
E-mail. [enquiries.york@lgo.org.uk](mailto:enquiries.york@lgo.org.uk)

You will be told that there is a leaflet about how to complain to the Local Government Ombudsman, which is available from Ilkeston & Long Eaton Town Halls or by telephoning or writing to the address above or by downloading it from the Ombudsman's website at [www.lgo.org.uk](http://www.lgo.org.uk).