

# Hampshire County Council

## CUSTOMER COMMENTS, COMPLIMENTS AND COMPLAINTS PROCEDURE

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## **Introduction**

We acknowledge that – despite our best intentions – things do sometimes go wrong. When this happens, we want to put things right. We want our customers to be satisfied with our services. We welcome hearing our customers’ comments, compliments, and complaints to better understand how they view our services and to use these valuable opportunities to learn and improve for the future.

## **Aims**

We aim to deliver and comments, compliments and complaints provision that:

- Is simple for everyone to use and understand
- Is led and supported by the very top of the organisation
- Consistently ensures excellent service standards are delivered
- Fulfils the needs of our customers
- Encourages us to learn from customer feedback in order to improve
- Complies with the relevant legislation and council policy
- Focuses on fair, proportionate resolution at the earliest stage
- Works in an open-minded and impartial way

## **Comments and Compliments**

We understand that customers may wish to share their experiences of using our services, express a concern, or tell us about services which they would like to receive. Sometimes, customers may want to tell us when we’re doing something particularly well. Comments of this nature are welcome.

## **Service Requests**

The complaints process is used when there has been some form of persistent service failure and the customer believes it to be the County Council’s fault. We don’t treat “requests for service” as complaints. For example, if a customer reports a pothole, or that a hedge has become overgrown, or that a tree has come down over a right of way, we will arrange for the matter to be dealt with in line with normal service delivery – there is no need to use the complaints process unless there is evidence of multiple or systemic service failure.

## **Definition of a Complaint**

A complaint is: *“an expression of dissatisfaction or concern by the public, however made, about the conduct, standard of service, actions or lack of action by the County Council or its staff”.*

## **Complaints service standards**

- We will protect personal information given to us in the course of a complaint.
- We will work to specific response targets and agree with the customer if we need more time to investigate and resolve the matter.
- We will ensure that customers are informed of the options to request escalation to the next stage of the complaints process – or to the Local Government and Social Care Ombudsman – if they are dissatisfied following our response.
- We will ensure that decisions are properly and promptly implemented.

## **What the complaints scheme covers**

The scheme will deal with any form of service dissatisfaction or maladministration. Examples could include;

- Delay
- Incorrect action or failure to act
- Failure to follow procedures
- Failure to provide information
- Inadequate record-keeping
- Failure to investigate
- Failure to reply
- Misleading or inaccurate statements
- Inadequate liaison
- Inadequate consultation
- Broken promises
- Behaviour of our staff
- Other issues causing unfairness

## **Where special arrangements apply**

Sometimes there is a different, more appropriate procedure which must be used instead of the complaints procedure e.g. Appeals processes, Safeguarding procedures or Human Resources (HR) procedures. If this applies, we will advise the customer of the appropriate procedure.

Here are some examples;

- Complaints relating to the Council's Whistleblowing - Duty to Act or Health & safety policies.
- The conduct of Councillors; these are dealt with according to the [Members' Code of Conduct](#)
- [Children's Services](#) and [Adults Health and Care](#) complaints; the County Council follows a statutory procedure.
- Schools admission or exclusion; Appeal.

- Special Educational Needs (SEN) provision; Tribunal.
- [Freedom of Information](#) or [Data Protection](#) matters.
- Safeguarding procedures.
- The customer is seeking compensation.
- The customer has started legal proceedings.
- Complaints by an employee of the County Council about any matter relating to that employment.
- Any other matters for which an alternative statutory or Constitutional appeals mechanism exists.

### **Treatment of other/concurrent procedures**

Occasionally, a complaint may require us to start another procedure, such as an internal disciplinary procedure. In the interests of fairness, it may not be possible to provide a full response to the complaint until those proceedings have been completed. We will endeavour to keep complainants updated of the process of their complaint, if this occurs.

### **Exclusions**

The following issues cannot be dealt with under the Complaints procedure;

- The complaint is about services or matters which fall outside of the control of the County Council.
- Complaint by another professional body or organisation.
- Complaints which relate to contractual arrangements or other business arrangements made with the County Council.
- Complaints where the subject matter has previously been investigated under these procedures or previous procedures prior to this one.
- Any complaint which is being or has been investigated by the Local Government and Social Care Ombudsman.
- Where a court has made, is making, or is about to make, a determination on the specifics of the complaints.

### **Who Can Complain?**

- Any person or organisation receiving or looking to receive a service from the County Council.
- Any person acting on behalf of an individual or group of individuals, provided they have written consent to do so; (this includes Members, MPs, Advice Agencies and other advocacy groups).

## **Anonymous Complaints**

The County Council does not deal with anonymous complaints. However, any complaints relating to vulnerable groups such as children, the elderly, and people with mental health or learning difficulties will be considered and investigated if there are safeguarding issues.

## **Access and Equalities**

Customers may make a comment, compliments, or complaint in the simplest way for them using any of the following contact methods;

- By using the online forms found on the County Council's website
- By letter
- By telephone
- Email ([Corporate.complaints.team@hants.gov.uk](mailto:Corporate.complaints.team@hants.gov.uk))

Please note: A complaint may be made to any member of staff, who will take the details and forward them to the Corporate Complaints Team or the involved service complaints team.

## **Unreasonable contact and customer behaviour**

Usually dealing with concerns is a straightforward process, but in a small number of cases customers pursue their complaints in a way that can get in the way of investigating the complaint or unfairly take staff away from their other duties.

If a customer's behaviour adversely affects our staff's ability to do their work and provide services to others, we may decide to restrict the contact that person has with the County Council. The steps and actions outlined in the County Council's Guidance Note on the Management of Unreasonable Contact and Customer Behaviour may be used to restrict contact even where a formal complaint has not been received. If we decide to treat someone using this guidance, we will write to tell them why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action.

A copy of our guidance can be viewed [on our website](#) or on request from the Corporate Complaints Team.

## **Time limit for initiating a complaint**

You must make your complaint within 12 months of the disputed occurrence or incident. We will only investigate complaints relating to issues that are more than 12 months old at the discretion of the Corporate Complaints Team. The complainant will

need to explain why it was not possible for the complaint to be raised within the required 12 month period, for matters to be considered.

## **Resolution and Remedies**

Where a complaint is found to be upheld, consideration will be given to the question of an appropriate remedy. Any remedy should be proportionate and, where possible, put the complainant back in the position they were in before the complained-about occurrence. Here are some examples of remedies which complainants might expect;

- Apology
- Explanation
- Action taken that should have been taken before
- Reconsideration of a decision that was not taken properly
- Improved procedures
- Re-run procedures
- Re-calculation of monetary amounts owed if applicable

## **Further Escalation**

Complainants have the right to contact Local Government and Social Care Ombudsman if they remain dissatisfied once all stages of the complaints procedures have been exhausted. We will include the contact details with our responses.

The Local Government and Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

Telephone: 0300 061 0614

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

## Appendix 1

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

- All complaints must be made in writing and this can either be through completing the online complaints form, a letter, email or fax.
- If at any stage the scope of the complaint is not clear, a Statement of Complaint will need to be agreed. This may be drafted by the investigator or the complainant, depending on the specifics of the case. The investigation will not commence until the Statement of Complaint has been agreed.
- If a Stage 3 investigation is requested but the complainant has not yet completed Stage 2, we will explain the process and pass it to the relevant department.
- All requests must be acknowledged within five working days and the investigations should be completed within 20 working days.
- In some cases, due to the complexity of the complaint or exceptional circumstances, we may not be able to meet this deadline.
- Complainants will be kept informed and provided with regular updates of the situation.

### **Stage 1 Complaint**

- Stage 1 of the Corporate Complaints procedure is to try and reconcile the problem with the person concerned.
- The complainant either contacts or is directed to the relevant member of staff or their manager to try and come to an agreement over the issue that has led to a complaint being made.
- This first important step in responding to the customer's concerns usually results in the problem being resolved.

### **Stage 2 Complaint**

- When it has not been possible to resolve the complaint at Stage 1 with the person concerned the next stage of the Complaints procedure is to request an investigation to be carried out on behalf of the relevant Department.
- This requires a senior officer to carry out an investigation on behalf of the Chief Officer, reviewing all the circumstances and previous actions taken.
- The investigating officer must be suitably removed from the decisions made that have resulted in the complaint.

- The investigating officer will be able to recommend any action or changes to be made, perhaps by creating improved guidance to staff, when dealing with a particular issue.
- It is hoped the complainant is able to accept any resolution or changes to working processes offered by the investigation officer.

### **Stage 3 Complaint**

- A Stage 3 investigation is undertaken on behalf of the Chief Executive by a member of the Information Governance Team.
- One of the investigators will carry out an independent investigation requiring all policies, procedures and documentary evidence held by a department to be provided as part of the review of the complaint.
- The complainant and relevant staff will be contacted in order to establish what has happened and why.
- After consideration, discussions and liaison with departments and the complainant, a full response is sent.
- This is the final stage of the County Council's complaints procedure.

### **Local Government and Social Care Ombudsman**

- When a person is still not satisfied with the response of the County Council, following completion of all three stages of the complaints procedure, the Ombudsman can be contacted because they believe the County Council is guilty of maladministration.
- If the Ombudsman believes there is a case to answer, the County Council is required to carry out an investigation and provide all relevant evidence and explanations to the Ombudsman's investigating officer.