



OUR COMPLAINTS SYSTEM

We define a complaint as:

Any expression of dissatisfaction with our services.

Our objectives

We actively encourage you to let us know what you think of our services and we view complaints as a way of monitoring our performance and improving our services.

Our customers deserve a fair, consistent and structured process for handling complaints and in providing a remedy where the service has failed.

What you can expect from this system:

Our customers can expect:

- To have their views heard
- To receive a good standard of service
- Prompt action to address a complaint
- To have their complaint dealt with efficiently and sensitively
- Staff that are accessible and accountable
- A clear and easy to use procedure

General Guidance:

In dealing with many enquiries staff can help resolve your concerns by responding positively to the enquiry. This approach will help to prevent some enquiries/complaints having to be dealt with through the formal stages of this procedure.

This approach does require us to listen and respond positively to the issues raised and then, using service standards, inform you what we will be doing and when to expect a remedy. We will keep a record of these communications to help improve service delivery.

Where such communications cannot be dealt with in this manner, or in the judgement of the first point of contact it raises an issue that needs to be considered through the formal complaints procedure, then the following procedure will apply.

Help with the process can be obtained by speaking to the Customer Services Manager on 0845 1211 555.

A friend, relative or other representative can act on your part if you wish.

If possible you should tell us:-

- What you feel we did wrong, or did not do.
- How you were affected by this.
- What you feel we should now do about it.

Your complaint will be investigated as quickly as possible.

At the end of each stage of the investigation you will be sent a copy of the "Satisfaction Sheet" (see Annex 1) for completion and return in a SAE.

We will at each stage of the process give clear reasons for our decisions.

This procedure is intended for individuals to seek redress.

This procedure will not include general objections to Council policy or to the merits of Council decisions. For example, if a member of the public objects to a decision to grant or refuse planning permission this will not be dealt with under the Complaints Procedure unless there is a complaint about the way in which the decision was made.

The Customer Services Manager has overall responsibility for the scheme and can be contacted on 01609 767141, or by writing to;

The Customer Services Manager
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
North Yorkshire
DL6 2UU

Email: customer.services@hambleton.gov.uk

Overview of the procedure:

The complaints policy is a three stage process.

- Stage 1- Sorting out the problem directly with the relevant section.
- Stage 2- Appeal to the Executive Director and the Chief Executive.
- Stage 3- Appeal to the Consideration and Hearing Sub-Committee of the Standards Committee.
- If you are still not satisfied after stage 3, then you have the right to appeal to the local government ombudsman.

Stage 1- initial complaint: (10 working days)

Most problems can be solved by speaking directly to the staff in the section concerned. If you are unsure who to complain to then the customer service team (0845 1211 555) will be able to give advice, or you can refer to the A-Z of council services available on line or from council offices.

A copy of our leaflet, *'Complaints - a guide to making complaints to the Council about our Services'* will be sent to you along with an acknowledgement.

A full reply will be issued within ten working days if possible.

If it is clear that more than ten days will be required, you should receive an acknowledgement within two working days stating:

- What will be done.
- How long before a reply will be given.
- Who to contact about the complaint.

If the complaint takes longer than 10 working days to deal with, the investigating officer will keep in touch to let you know why the investigation has not yet been completed and how it is progressing.

At the end of the investigation, you will be informed in writing of the result. You will be told of your right to ask for a further review by the departmental Chief Officer and the Chief Executive.

Stage 2 - Appeal to the Executive Director

If you are not satisfied after the stage 1 investigation has been completed, you can ask the Executive Director and the Chief Executive to review the complaint. Unless this review can be concluded within ten working days, the Chief Officer will first advise you in writing that this review is taking place.

Following this joint review of the complaint, the Chief Officer will write back to you advising you of the outcome and of your right to ask for the complaint to be considered by the Standards Committee.

Stage 3 – Appeal to the Consideration and Hearing Sub-Committee of the Standards Committee:

If you are not satisfied after stage 2, you may ask for a review by the Consideration and Hearing Sub-Committee of the Standards Committee (procedure at Annex 2).

A meeting will be held at the earliest opportunity and in any event within two months. However, the Chief Executive may also direct you to the Ombudsman if it is felt that you and or ourselves will achieve nothing by dealing with the complaint through (all stages of) the Complaints Procedure.

The Consideration and Hearing Sub-Committee is the last stage of our Complaints Procedure. If you still wish to take the matter further, you will be reminded of your right to contact the Local Government Ombudsman and be given a copy of the Ombudsman's advisory leaflet "Complained to the Council - Still not satisfied?"

Remedies:

Where we accept that a complaint has substance, we will:

- a) Acknowledge our mistake or failure and apologise.
- b) Make every effort to resolve the matter quickly.
- c) In principle, restore you; wherever practical and lawful, to the position that existed before the mistake or failure occurred.
- d) Through the Standards Committee, consider the possibility of financial compensation if (c) above is not achievable, if recompense is practical and lawful.
- e) Through Executive Directors acting under delegated powers, consider the possibility of other recompense such as flowers, free service, book token, etc.
- f) Analyse the complaint to see whether lessons can be learnt for the future.

Exceptions:

There are a number of types of complaint which may not be dealt with by this Procedure as follows:-

- (a) Complaints alleging breaches of the Member Code of Conduct by individual Councillors should be referred to the monitoring officer Head of Service – Legal; Martyn Richards.
- (b) Complaints which involve allegations of criminal behaviour may be referred to the Police.
- (c) Complaints alleging financial irregularity may be referred to the Council's Chief Financial Officer.
- (d) Complaints alleging other illegal acts by the Council may be referred to the Monitoring Officer.
- (e) Complaints which allege matters which could lead to disciplinary action against officers may be processed through the Council's internal staff disciplinary procedures.
- (f) Complaints made anonymously, unless under exceptional circumstances.
- (g) Complaints regarding current planning applications will be considered through the planning process and not through this procedure.

Policy on unreasonably persistent complaints

Hambleton District Council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service we do not normally limit the contact complainants have with our offices.

However there are a small number of complainants who, because of the frequency of their contact with the council, hinder our consideration of their or other people's, complaints. We refer to such complainants as 'unreasonably persistent complainants' and exceptionally, we will take action to limit their contact with our offices.

The decision to restrict access to our offices will be taken at Executive Director level and will normally follow a warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- Requesting contact in a particular form (for example, letters only)
- Requesting contact to take place with a named officer.
- Restricting telephone calls to specified days and times and/or
- Asking the complainant to enter into an agreement about their future conduct and contact with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In all such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complaints policy will be treated on their merits.

Policy on unacceptable behaviour

Hambleton District Council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service we do not normally limit the contact complainants have with our offices. However, we do not expect our staff to tolerate behaviour by complainants which is unacceptable, for example, which is abusive, offensive or threatening, and we will take action to protect staff from that behaviour.

When we consider that a complainant's behaviour is unacceptable we will tell them why we find their behaviour unreasonable and we will ask them to change it. If the

unacceptable behaviour continues, we will take action to restrict the complainant's contact with our offices.

The decision to restrict access will be taken at Executive Director level; any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are the same as those outlined in the policy on unreasonably persistent complainants.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

Where a complainant continues to behave in a way which is unacceptable, we may decide to terminate contact with that complainant and discontinue any investigation into their complaint.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the Council's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning.

Review:

The Standards Committee will receive annual reports reviewing the number and type of complaints to the Council. The review will also include an analysis of complaints to comply with the Council's Equalities Policy.

HAMBLETON
DISTRICT COUNCIL

COMPLAINTS PROCEDURE - SATISFACTION SHEET

ARE YOU SATISFIED?

Please let us know if you are satisfied or - if not - what we can do about it.
Either complete and return this Questionnaire to us, or telephone, or visit us within one month from receiving it.

Please delete as appropriate:

Was everything you complained about dealt with?

YES / NO

Do you want your case to be reviewed?

YES / NO

Areas of your complaint not properly dealt with (please continue on a separate sheet if necessary):

What you expect the District Council to do:

Signature: _____ Date: _____

Name: (BLOCK CAPITALS PLEASE) _____

Address: _____

To be completed by the officer dealing with this complaint:

Section: _____ Complaint Ref No: _____

Stage: _____

Officer dealing with complaint: _____ Tel No: _____

Please tell us what you think of the reply to your complaint by sending this sheet to:

Customer Services Manager
Hambleton District Council
Civic Centre, Stone Cross
Northallerton
DL6 2UU

(sae attached)

PROCEDURE FOR THE HEARING OF APPEALS
BY THE STANDARDS CONSIDERATION AND HEARING SUB-COMMITTEE
UNDER THE COUNCIL'S INTERNAL COMPLAINTS PROCEDURE

- 1 The Standards Committee comprises five Elected Members of the Council, three independent members and three Parish Council representatives. A complaint will be heard by the Hearing and Consideration Sub-Committee comprising three Members of the Standards Committee. All Members will be independent of any decision-making process relating to the subject matter of the complaint leading to an Appeal.
- 2 The Sub-Committee will be assisted by an Administrative/Legal Adviser who may be consulted from time to time on procedural/legal matters and who will ensure that the proceedings are conducted in accordance with this procedure.
- 3 The hearing will not be adversarial. Strict rules of evidence will not be adhered to and evidence will not be given on oath. Nevertheless, the procedure will follow the rules of natural justice so that each party will have a fair hearing.
- 4 The procedure will, therefore, be as follows:-
- 5 The Complainant may choose to make written representations or appear in person before the Sub-Committee. If written representation is chosen, each Member of the Sub-Committee will be provided with copies of the written representations submitted. The written representations should be submitted to the Council at least 7 days prior to the meeting.
- 6 The Complainant shall be given at least 14 days' notice of the time and place of the Hearing and may be represented by his/her solicitor or other representative of his/her choice.
- 7 Copies of all documents to be relied upon by either the Council or the Complainant, together with the identity of any witnesses to be called, shall be submitted not less than 7 days before the date of the Sub-Committee meeting, or otherwise by mutual agreement. The Complainant and the Council shall have the right to have all witnesses present during the whole of the Hearing provided that there is unanimous agreement between all the parties concerned before the commencement of the proceedings. Otherwise, witnesses shall remain outside until called.
- 8 The Complainant or his/her representative shall put his/her case to the Sub-Committee and may call witnesses to support his/her point of view.

- 9 The Council's representative shall have the opportunity to ask questions of the Complainant or his/her representative and any witnesses he or she may call on his/her behalf.
- 10 The Sub-Committee may ask questions of the Complainant, his/her representative, or any witnesses called on his/her behalf.
- 11 The Council's representative shall put the Council's case and may call witnesses to support the Council's point of view.
- 12 The Complainant or his/her representative may ask questions of the Council's representative and witnesses.
- 13 The Sub-Committee may ask questions of the Council's representative and witnesses.
- 14 The Council's representative shall have the opportunity to sum up the Council's point of view.
- 15 The Complainant or his/her representative shall have the opportunity to sum up his/her point of view if they so wish.
- 16 The Council's representative and witnesses and the Complainant and his/her representative and witnesses shall withdraw.
- 17 The Council's Administrative/Legal Adviser may remain with the Sub-Committee to give advice on legal or procedural matters.
- 18 If any further questions are to be asked of either party before the Sub-Committee reaches a decision, both parties shall be asked to return.
- 19 The Sub-Committee shall announce its decision, which shall be confirmed in writing in due course.
- 20 In the event of the Sub-Committee requiring further time or advice to enable a decision to be reached by a majority of the membership, the proceedings may be adjourned.
- 21 If you are not satisfied with the decision made by the Sub-Committee, you may contact the Local Government Ombudsman, who may undertake an independent inquiry on your behalf. As stated in the leaflet "A Guide to Making Complaints to the Council About Our Services", a complainant is not required to exhaust the Council's Complaints Procedure before referring it to the Local Government Ombudsman.