

Complaints Procedure

HOW TO COMPLAIN

If you have a complaint we will try to put it right as quickly as possible and will never take a service away from you because you have complained. Most complaints are solved with a phone call, email or personal visit.

If a problem is not sorted out satisfactorily then you should follow the formal procedure by writing to the Department concerned. You can use our Customer Contact form to do this or the form on the Council's web site if you wish.

If you need help to make your complaint please ask a member of staff, your local Councillor or the local Citizen's Advice Bureau.

COMPLAINTS PROCEDURE

The Council's Complaints Procedure has four stages. Regular monitoring reports are prepared for information and to ensure that any necessary action is taken.

Stage 1 – At the point of service delivery

The service providers deal with the initial approach from the customer and attempt to resolve the customer's concerns to the best of their ability and to the satisfaction of the customer.

Front line staff will pass any issues raised persistently to their line management.

Stage 2 – within relevant Department(s)

Departments should aim to settle complaints quickly and amicably. However, customers who are still not satisfied after Stage 1 should be encouraged to write, email, telephone or to visit the officer who is handling the matter to ask for it to be investigated further.

The complaint will then be investigated fully and objectively by the Director of the Department concerned or an appropriate person nominated by him. The customer should be told who is dealing with

their complaint, kept informed about progress and action being taken if the review of the complaint is likely to take more than a few days.

It may be necessary for the complaint to be investigated by an officer from another Department in certain circumstances. Final accountability for the conduct of the investigation lies with the Director. In these cases, a written reply must be sent to the customer within 10 working days of the request for their complaint to be investigated. The reply must inform the customer of the availability of the third stage of the procedure and the Ombudsman service and of how to refer the complaint again.

In complex cases, the complaint may take longer than 10 working days to investigate, but the customer must still be notified in writing of progress to date, the reason for the delay and the revised timescale, within those 10 working days.

Stage 3 – by the Chief Executive

If the customer remains dissatisfied with stage 1 and 2, they can ask that the complaint be considered by the Chief Executive. The Chief Executive himself, or an appropriate person nominated by the Chief Executive, will consider the complaint and gather any information they require in order that they can review the handling of the complaint. The customer should be kept informed of action taken, who is responsible and when a response can be expected.

The Chief Executive will consider the complaint within 25 working days of the customer asking for the review and the customer informed in writing of the outcome of the complaint. Where there are unavoidable delays (i.e. staff holidays, sickness etc.) the customer must be informed of these and of the revised timetable.

This is the final stage of the Council's Complaints Procedure. The Customer can refer the matter to the Local Government Ombudsman if they are still dissatisfied with the Council's response to their complaint.

Stage 4 – Local Government Ombudsman

This is the final stage of the Council process when the customer can refer the matter to the Local Government Ombudsman. The customer has the right to do this at any stage of the process. But if they have not tried to resolve the matter through the Council's Customer Care procedure, the Ombudsman is likely to point them in that direction first. If this happens and the Council doesn't follow its own procedures it could be found to be maladministration.

In all cases...

When a customer has made a written complaint to the Council, he or she must be informed of the outcome in writing.

MONITORING COMPLAINTS

All verbal, electronic or written complaints, and their outcomes, must be recorded in an appropriate manner, so that records can be analysed. The Council will use statistics obtained from each Department to publish regular public reports on complaints and how they have been handled.

REMEDIES

When a complaint has been found to be justified, the Council's objective should then be, as far as possible, to put the customer in the position he or she would have been in had things not gone wrong. Depending on circumstances, this will usually be achieved by:

- Apologising to the customer and explaining what went wrong
- Providing the service the customer wanted
- Changing things so that the cause of the complaint is not repeated

In some circumstances, a personal visit or other gesture, to mend damaged relationships with a customer may be appropriate. There is no specific stage at which this approach should be taken and this type of approach should be agreed with a Supervisor or Senior Officer. (Guidance of personal safety should be considered at this stage, if appropriate).

There may be circumstances where the complainant feels justified in seeking financial compensation from the Council for the loss incurred. Other than in situations where there is a clear Council Policy, all such cases should be referred to the Director concerned. The customer must be kept informed of progress.

DEFINITION OF A COMPLAINT

The Council's formal definition is:

"A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council or its employees affecting an individual customer or group of customers"

A complaint does not include:-

- Requests for service
- Requests for information or explanation of Council policy or practice
- Complaints about "third parties, who are not working on behalf of the council"
- Matters for which there is a right of appeal or legal remedy (either within the Council or to an independent tribunal) – see below

Some complaints cannot be dealt with under this procedure as they are covered by statutory or legal limitations such as:

- A Town & County Planning appeal against refusal of planning permission
- A complaint that has already been heard by a court or tribunal
- Statutory notices served about housing issues or homelessness applications, all of which contain full details of the appeals process to be followed for that type of notice
- A complaint about the issue of a penalty charge notice that is within the remit of the National Parking Adjudication Service
- Employment related issues, including appointments, dismissals, pay, pensions and discipline

CONTACT DETAILS:

If you require copies of this document in large print, audio-tape, Braille or other languages please contact:

Chief Customer Services Officer,
Harrogate Borough Council,
Council Offices, Crescent Gardens,
Harrogate HG1 2SG

Telephone Number: 0845 300 6091
Fax: 01423 556100
E-Mail: customerservices@harrogate.gov.uk
Textphone: 01423 556543

This document and a copy of the customer contact form is available on the Council's website www.harrogate.gov.uk

September 2006