



**CHIEF EXECUTIVE'S AND  
CORPORATE SERVICES  
COMPLAINTS PROCEDURE**

**Chief Executive's  
Corporate Finance  
People and Property  
County Secretary's**

**May 2006**

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## 1. INTRODUCTION

- 1.1 This complaints procedures covers the Chief Executive's office and the Corporate Services of the county council. The Corporate Services are those services at the centre of the organisation which support members and the frontline departments. In total, therefore, this procedure covers:
- Chief Executive's office (including Performance Improvement and Corporate Communications)
  - Corporate Finance
  - People and Property (including Hertfordshire Property and SERMU)
  - County Secretary's (including Internal Audit, Corporate Services Business Support, Trading Standards, Lieutenancy and Statutory Services except the Registration Service which has its own complaints procedure)
  - Commercial Services and Information (including Hertfordshire Business Services)
- 1.2 We seek to provide members of the public with high quality services suited to their needs. We aim to do so with courtesy and efficiency.
- 1.3 For this reason we welcome all comments from members of the public about our services. Whether they involve congratulations, criticisms or constructive suggestions, comments help us to provide services which are more responsive and which members of the public value.
- 1.4 We recognise that from time to time members of the public may wish to make a complaint. This document, therefore, sets out our complaints procedure.

## 2. INSURANCE

### 2.1 Claims

- If a member of the public is making a claim we will pass them onto the Insurance Section in Corporate Services (Ext. 25586).
- If the matter is dealt with as a complaint and the complaint is upheld it is very unlikely that any significant sum will be paid by compensation.
- Any member of the public contacting the Council with a claim will be asked if they have or are intending to make a claim against the Council or whether they are making a complaint.
- If a claim includes a complaint – we will pass this to the appropriate department so that it can be dealt with under their complaints procedure.

### 2.2 Legal advice to claimants **cannot** be given.

Any comments or advice given to claimants could cause a conflict of interest.

Likewise if the matter is to be dealt with by the Insurance Section then County Secretary's **cannot** provide legal advice to the relevant department in respect of the claim.

When the Insurers assess a claim, they will nominate a specialist legal firm in the required subject who will advise and support in respect of the claim.

2.3 All witness statements, appointments and court visits are organised by the Insurance Section.

2.4 Complaints against Insurance Section should be addressed initially to the Insurance Officer and will be dealt with under this procedure.

### **3. THE AIMS OF THE PROCEDURE**

3.1 The aims of the complaints procedure are to ensure that:

- anyone wishing to make a complaint knows how to go about it;
- we respond to complaints within a reasonable time and in a courteous and efficient way;
- services users are satisfied that their complaint has been taken seriously and has been properly dealt with;
- we learn from complaints and where complaints are found to be justified take appropriate measures to improve services.

### **4. DEFINITION OF A COMPLAINT**

4.1 A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council.

4.2 A complaint may arise for example if a member of the public thinks we have done something wrong, have failed to do something we should have done or have acted unfairly or discourteously.

4.3 Examples of complaints would be where a member of the public considers that there has been:

- failure to provide a service at the right time or to the explicit standard expected by us;
- neglect or delay in answering a query or responding to a request for a service;
- failure to follow our/the council's agreed policy, rules or procedures;
- failure to take proper account of relevant matters in coming to a decision;
- discourteous or dishonest conduct by a member of staff;
- harassment, bias or discrimination.

4.4 The complaints procedure does not cover:

- the ordinary contacts between the Council and its service users such as requests for service or for information or explanation of a policy or practice;
- matters for which there is a right of appeal (an appeal within the council or to an independent tribunal);
- matters which are or could be expected to be the subject of legal proceedings;
- matters affecting all or most of our service users;
- complaints from staff in their capacity as such;
- complaints from applicants for posts within the Council;

- complaints about matters over which we have no control
  - complaints about the conduct of councillors.
- 4.5 Once a complaint has been through the complaints procedure the Council will not consider the same or similar complaints.
- 4.6 Complaints about councillors' conduct should always be reported to the County Secretary who is the Council's Monitoring Officer. Consideration can be given to whether there needs to be a reference to the Standards Board and whether the complainant needs advice about how to do this. If a complaint is made about the actions of a Chief Officer this will be referred to the County Secretary (or the Chief Executive if the complaint is against the County Secretary).
- 4.7 Where a complaint relates to services delivered by outside providers the officer dealing with the complaint should refer to the contract for details of the providers complaints procedure.
- 4.8 If a member of the public is dissatisfied with the Council's decision on their request for information under the Freedom of Information Act he/she can appeal using the Chief Executive's and Corporate Services Complaints Procedure.

## **5. WHO CAN MAKE A COMPLAINT?**

- any member of the public who receives or wishes to receive a service from us.
- someone acting on behalf of an individual or group of individuals who receive or wish to receive a service.

## **6. HOW CAN A COMPLAINT BE MADE?**

- 6.1 The procedure provides for three levels or stages at which a complaint can be considered. These are the informal/problem solving stage, the stage of formal complaint and a review of the complaint outside Chief Executive's or Corporate Services. A complaint can be considered at more than one of these stages.
- 6.2 Sections 9, 10 and 11 refer to these three stages.

## **7. COMPLAINTS CONCERNING DISCRIMINATION**

- 7.1 If the complainant or any witness intimates that the complaint includes a racial incident then that aspect must be investigated and recorded. A racial incident is defined in the Lawrence Inquiry Report as "any incident regarded as such by the victim or anyone else."
- 7.2 In line with the Council's Putting People First Policy complaints will be monitored categorising them by age, ethnicity, disability and gender.

## **8. ASSISTANCE IN MAKING A COMPLAINT**

Officers need to be mindful of the difficulties that complainants may have in bringing complaints as a result of their disability e.g. those with learning difficulties, dyslexia, visual or hearing impairments etc. In these situations appropriate assistance and support must be provided at all stages.

## **9. STAGE 1 – (the local problem-solving stage)**

- 9.1 Many, possibly most, complaints or potential complaints can be resolved readily and speedily in discussion with us. This is where the process should start and, unless there are exceptional circumstances, there should be full discussion at the informal stage as a first step. Complainants will normally be advised to seek to resolve their complaints through informal discussion before embarking on the formal stage.
- 9.2 Complaints at stage 1 may be made either orally, in writing or online.
- 9.3 Where more than one department is involved in a complaint, arrangements will be made to appoint a lead department so that a single point of access is ensured.
- 9.4 Every attempt will be made at this stage to provide answers, resolve problems and satisfy the complainant. Conciliation processes will be offered at the earliest practicable stage.
- 9.5 The complaint will be dealt with as quickly as possible, either immediately or otherwise normally within ten working days. If exceptionally that is not possible the complainant will be provided with an explanation of what action is being taken and how the consideration of the complaint is progressing.
- 9.6 If the complaint is of such complexity or seriousness that it would not be helpful to try to resolve it informally, the complainant will be asked to make a formal complaint under stage 2 at the outset.

## **10. STAGE 2 - (formal complaint with independent review within Department concerned)**

- 10.1 If attempts to settle the complaint under the informal/problem solving stage have failed the complaint will be considered under stage 2 if the complainant so wishes.
- 10.2 It is helpful for the complaint, at this stage, to be put in writing and the complainant will be asked to do this. This can be by letter, fax, online or on a complaint form. If the complainant has difficulty, assistance will be provided. For example an interpreter, including a sign language interpreter, documents translated, put onto tape, or produced in large print, or using an advocacy service, etc.
- 10.3 The written notification should include the complainant's name, address and telephone number. It should make clear exactly what the complaint is, what the complainant would like us to do and should include any supporting documentation. It should also make it clear that this is a formal complaint for consideration under stage 2 of the complaints procedure.

- 10.4 The complaint should be sent to Andrew Laycock, County Secretary (extension 25500), who is our nominated Complaints Officer.
- 10.5 The formal complaint will be acknowledged promptly and at the outside within five working days.
- 10.6 The complainant will be able to discuss the complaint in person or by telephone with the Complaints Officer following the submission of the written complaint. The purpose of the discussion will be to enable the complainant to bring out more fully the nature and detail of the complaint so as to enable consideration of it to proceed. The purpose is not to enable a response to the complaint to be made at that stage.
- 10.7 At any such meeting in connection with the complaint the complainant may be accompanied if they wish by a friend or representative (who may speak on his or her behalf) and also by an interpreter, including sign language interpreter, if necessary.
- 10.8 The Complaints Officer may also request a discussion with the complainant if this is necessary to clarify the complaint.
- 10.9 Following the investigation of the complaint by the Complaints Officer the reply to the complainant will be sent by the appropriate chief officer/head of service, i.e.:

Chief Executive  
Corporate Director (People & Property)  
County Secretary  
Director of Finance  
Director of Commercial Services and Information

Where the complaint relates to the actions of a chief officer/head of service the Complaints Officer will request another chief officer/head of service to deal with it. Where the complaint relates to the actions of the County Secretary, the Chief Executive will designate another senior officer to act as Complaints Officer.

- 10.10 In most cases the reply will be sent within 10 working days. If not it will normally be done within 28 working days. If in exceptional circumstances that is not possible, the complainant will be provided with an explanation of what action is being taken and how the consideration of the complaint is progressing. The full reply will be sent as quickly as possible. The reply will notify the complainant of the outcome of the complaint. It will explain the conclusion, the reasons for it, any action taken or proposed, and the further recourse available if appropriate. This notification brings stage 2 to a conclusion.
11. **STAGE 3 – (review of complaint for consideration outside the Department)**
  - 11.1 If after the completion of stage 2 the complainant remains dissatisfied, he or she may ask for the complaint to be independently considered. This will be carried out by a Complaints' Manager from another service department.

- 11.2 The complainant should write to the reviewing officer giving the same details as for a stage 2 complaint together with any further comment he or she wishes to make. They should indicate that this is a formal complaint for consideration under stage 3 of this procedure.
- 11.3 The reviewing officer will acknowledge the complaint promptly, at the outside within five working days, and will arrange for an independent review of the complaint.
- 11.4 The complainant will be able, if he or she wishes, to discuss the complaint with the person considering it. The purpose of the discussion and the arrangements will be the same as for stage 2 as referred to in section 10.6.
- 11.5 A full written reply will be sent to the complainant as soon as possible and normally no later than 28 working days after the submission of the complaint for consideration under stage 3. If it is not possible to give a substantive reply within that time the complainant will be provided with an explanation of what action is being taken and how the consideration of the complaint is progressing.
- 11.6 When the complaint has been fully considered the reviewing officer will notify the complainant of the outcome in writing, giving an explanation of the conclusion, the reasons for it, and any action taken or proposed.

## **12. ACTION AFTER THE COUNCIL'S PROCEDURES ARE COMPLETED**

- 12.1 The completion of stage 3 brings our complaints procedure to an end. Our aim is to resolve the complaint wherever possible and to ensure the outcome will be to the complainant's satisfaction. At the very least the complainant should feel that they have been treated fairly and independently and that their complaint has been listened to.
- 12.2 Complainants will be reminded that if they remain dissatisfied they have the right to submit a complaint to the Local Government Ombudsman where the complaint falls within the Ombudsman's jurisdiction. A booklet about the Local Government Ombudsman service is available at all main offices of the council or from the County Secretary at County Hall, Hertford.
- 12.3 In appropriate cases complainants will be reminded that they have the right to complain to the external auditor.

## **13. ACTION TO BE TAKEN IF A COMPLAINT IS JUSTIFIED AT ANY STAGE**

- 13.1 If a complaint is found to be justified the steps which will be taken are:
  - an apology will be given;
  - action will be taken to put right what went wrong if that is practicable;
  - a review will be undertaken with a view to preventing a similar problem arising in future.

## **14. CONFIDENTIALITY**

- 14.1 Complainants have the right to have their complaint considered in confidence by the County Council or those contracted or delivering services on its behalf. The identity of a complainant will not be revealed, except where that is the wish of the complainant.
- 14.2 Anonymous information about complaints or statistics about complaints may be made available in monitoring reports.

## **15. ANONYMOUS COMPLAINTS**

- 15.1 Anonymous complaints will not normally be considered. However, the Complaints Officer at his discretion may consider such complaints if in his judgement this is warranted.

## **16. COMPLAINTS ABOUT POLICY**

- 16.1 Complaints about policy which result in maladministration to the individual are within the complaints system. Other complaints about policy are outside the system and can be dealt with by other processes.
- 16.2 There are formal processes, for example, for the public to present petitions at Council and Scrutiny Committees and to ask questions at Council. Complaints can also be made to the relevant Executive Member or to the Local Member.

## **17. ROLE OF MEMBERS**

- 17.1 Members have an important role in relation to complaints. Their role includes the following:
- considering, as members, reports on complaints, identifying trends and assessing the need for policy changes
  - carrying out a constituency role in responding to complaints made to them direct
  - considering complaints as a member of an Appeals Panel e.g. under the Adult Services or Children Schools and Families Department's statutory complaints procedures.
- 17.2 The appropriate Executive Member(s), Select Committee Spokespersons and local members are kept informed about Ombudsman complaints affecting constituents by the County Secretary's Department.
- 17.3 We will keep local members informed on complaints arising within their locality as appropriate. Locality will normally be the constituency in which the complainant resides. We will also keep the appropriate Executive Member(s) and Scrutiny Committee Spokespersons informed on the progress of complaints as appropriate. The Executive Member(s) and Spokespersons and local members will be given ready access to information about stage 2 and stage 3 complaints, subject to the necessary safeguards on confidentiality.

## **18. MANAGEMENT AND MONITORING OF COMPLAINTS**

- 18.1 The Complaints Officer is responsible for dealing with the management of the complaints procedure within the department. All formal complaints will be recorded and monitored. Once a year (provided any Stage 2 complaints have been received) there will be a report to the Portfolio Holder for our service area - Resources. A copy of the report will be supplied to the Chairman and Vice Chairman of the Resources Scrutiny Committee. The report will identify the number of complaints for stages 2 and 3 categorised by age, ethnicity, gender and disability, the matters of complaint (identifying in particular complaints of discrimination and the action taken), the length of time to resolve complaints, how complainant satisfaction was addressed and how the provision of services has changed as a result. The report will not identify individual complaints. It will draw attention to any trends, which suggest implications for the provision of services.
- 18.2 The Complaints Procedure will be periodically evaluated. This will involve, where practicable, feedback from complainants in the process.

## **19. STAFF DISCIPLINARY PROCEDURE**

- 19.1 The complaints procedure is distinct from the county council's disciplinary procedure for employees.
- 19.2 Any action to be taken against an employee as a result of a complaint must be considered in accordance with the disciplinary procedure. Disciplinary action has to be considered in consultation with the appropriate Personnel Adviser and by reference to the principles of the disciplinary procedure and is a separate issue, although the investigation of the complaint may be relevant to it.

## **20. FINANCIAL IRREGULARITY**

- 20.1 Where a complaint appears to concern fraud, corruption or other financial irregularity this should be reported to the Chief Internal Auditor.

## **21. AVAILABILITY OF THIS DOCUMENT**

- 21.1 This document is available for inspection in all departments covered by the procedures and is on the Council's web site ([www.hertsdirect.org](http://www.hertsdirect.org)), Herts Direct and on Connect.
- 21.2 A copy of the document may be given to any person wishing to make a complaint under this procedure or any other interested person. No charge will be made for single copies but if multiple copies are required a charge may be made.
- 21.3 We will provide a copy of this document in languages other than English, on tape, in large print and in Braille if required.
- 21.4 This document and publicity on complaints procedures will be regularly reviewed and circulated.