



Feedback Policy

Lead Directorate and service:	Corporate Resources Legal and Democratic Services
Effective Date:	27 February 1996
Date Reviewed:	19 August 2019
Date Due for Review:	19 August 2021
Contact Officer:	Matthew Turner
Contact Number:	01482 391419
Approved By:	The Cabinet on 24 September 2019

I. Background:

The Feedback Policy was developed as part of East Riding of Yorkshire Council's commitment to providing high quality customer service. Since then it has been reviewed to reflect changes in technology, customer demand and refinements in procedures.

The Feedback Policy aims to ensure that:

- Customers can easily provide feedback on Council services
- Customers receive a response to their complaint
- Customers are informed of improvements made to services as a result of their complaint
- Customers are dealt with in an open, fair and proportionate way
- Requests are dealt with through the appropriate channels

The Council's operation of the Feedback Policy is supported by the Feedback System (part of the Council's Customer Relationship Management system), which is the software used to keep a record of customer feedback and how it is handled. The operation of the Feedback Policy and Feedback System is monitored by the Data Protection and Feedback team who also provides a reporting function to the Council's management teams.

It is important that the Council is transparent in its dealings with the public. Residents should be able to hold the Council to account over how their Council tax is being spent, and the decisions being made on their behalf. Providing feedback on Council services is one of the ways in which the public can hold the Council to account, and contribute to service improvements and efficiencies, as per the 'Tell Us How It Is' branding used to advertise the Council's Feedback Policy.

The Council receives high volumes of informal feedback, including compliments which are never formally recorded but are dealt with at the point of contact. The Council wants to receive informal feedback as it still helps to meet its commitment to high quality customer service, but reduces the administrative burden. This Feedback Policy supports the drive for continual improvement in the face of the public sector challenge which lies ahead.

2. **Definitions for the Purposes of this Policy:**

Feedback: This is information given by customers about any Council service or member/s of staff, specifically in the form of a comment, compliment or complaint. There are, however, certain types of feedback that are not covered by this Policy. These are outlined in Appendix 7.

Feedback System: This refers to the IT software that is used by the Council to keep a record of feedback received and all other information linked to how the feedback is handled. The Feedback System is administered by the Data Protection and Feedback Team.

Comment: This is when a customer gives feedback about how the Council could improve or change the delivery of a service. This category is often used by customers who do not want to make a complaint but would like to share their idea/s about a service. Comments do not normally receive a response.

Compliment: We are always pleased to receive positive feedback. We define this as a positive statement concerning a high level of service delivered for example when delivery exceeds customer expectations by or on behalf of the Council, and/or could inform further service improvement.

Concern: This is an issue or enquiry raised by a customer directly in relation to adult social care services. The regulations for complaints handling in adult social care services encourage local resolution of issues in the first instance, before moving to a formal procedure. These initial issues or enquiries are referred to as 'concerns'. Concerns may be non-specific or may be from people who are not eligible to complain formally. Customers can decide to take their concern through the formal adult social care services complaints procedure, at which point the concern will become a complaint.

Complaint: This is a negative statement about the quality of a service provided by or on behalf of the Council or a failure to provide a previously agreed service, or about the attitude or behaviour of one or more members of staff. If things go wrong we need to know to put them right. . Normally, we will only accept complaints within six months of the event you want to complain about or finding out that you have reason to complain, but no longer than 12 months after the event. Sometimes, if your complaint is complex, we may need more time to investigate it. If this is the case, we will be in touch to explain and inform you of the new response timescale.

Ask the Leader: This is an additional access channel allowing customers to send in their questions directly to the Leader of the Council. Ask the Leader is predominately aimed at sharing ideas about how the Council could do something better, expressing views on major Council issues and asking about how the Council goes about it business. Ask the Leaders are recorded on the feedback system and customers will receive a response from the Leader of the Council.

Request for Service: This is a request for the Council to do something which it already offers as a service e.g. verge cutting, filling a pothole, collecting a missed bin or investigating a noise nuisance. Requests for service are not usually dealt with under the Feedback Policy. However, if a customer asks for a request for service to be logged as a complaint, it should be logged onto the Feedback System and dealt with as a complaint. In some cases, requests for service can become the subject of a complaint if for example, the initial request for service is not carried out, not completed to a high standard or not finished on time

Investigating Officer (IO): Responds to feedback received from customers. They are also responsible for passing on any feedback to the relevant officers within the service they represent. Once an IO has completed their investigation and responded to the customer they are responsible for ensuring that details of their response are recorded onto the Feedback System.

Unreasonable or Unreasonably Persistent Complainants: Those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints and or requests for service. See Appendix 7 for further details.

Defamatory Material: A statement is only defamatory if its publication has caused or is likely to cause serious harm to the reputation of the complainant. In the case of a body which trades for profit, harm is not 'serious' unless it has caused or is likely to cause, serious financial loss.

Local Government and Social Care Ombudsman (LGSCO): The LGSCO makes decisions independently of all government departments, Councils and politicians. The service is free of charge and the LGSCO's role is to investigate complaints in a fair and independent way.

Housing Ombudsman: The Housing Ombudsman considers complaints from Council tenants and other individuals relating to local authority's landlord functions. The Housing Ombudsman will only consider complaints once the landlord's own internal complaints procedure has been exhausted.

3. Policy Statement

East Riding of Yorkshire Council values customer feedback and would like to hear what you have to say about our services. Your feedback is important so we can put things right, improve services for the future and recognise best practice.

To ensure consistency in dealing with feedback across the Council, procedures are in place for collecting, recording, responding to and reporting on feedback received.

We encourage customers to put their name to all feedback sent to the council. We recognise that sometimes there are circumstances in which customers may prefer to remain anonymous but this can make it difficult for us to investigate fully and we will not be able to provide them with a response. Due to these difficulties we investigate anonymous complaints at our discretion.

Customers making complaints will be encouraged to settle their complaint using the stages outlined in the relevant feedback procedure (see Appendices 1 – 5).

Complaints can also be referred to the LGSCO or the Housing Ombudsman. The Ombudsman will usually ask a customer to take their complaint through the Council's feedback procedure before they will investigate it.

Any complainants deemed to be acting unreasonably will be dealt with using the unreasonable complainant procedure outlined in Appendix 7.

4. Corporate Requirements

The operation of the Feedback Policy contributes to the Council's corporate priorities. In order to do this it is essential that the Council has a good knowledge of local priorities and

that services address local people's needs. It is also important that residents and customers are able to influence change. Customers can do this by providing the Council with feedback.

The Council has committed itself to making its services, facilities and resources accessible to residents and visitors to the East Riding. The Council will also work towards ensuring that individual Human Rights are supported within its decisions, policies and practices and that people are not discriminated against.

5. Policy Development including Consultation

During the review of this Policy, consultation took place with:

- Investigating Officers
- Customer Relations Team
- Democratic Services
- Senior Management Team
- Corporate Management Team
- Organisations, groups and individuals with an interest in equalities via the Disability Advisory and Monitoring Group

Benchmarking with other Councils was also carried out during this review of the Feedback Policy.

6. Links with other Policies

The Feedback Policy has links with the following Council policies:

- [Whistle Blowing Policy](#)
- [Data Protection Policy](#)
- [GI-Disciplinary Policy \(Corporate and Schools\)](#)
- [Equality Plan 2017-21](#)

7. Dealing with Feedback

Most feedback is dealt with using the Corporate Feedback Procedure (Appendix 1); however, there are some types of feedback which are dealt with using different feedback procedures. These include:

- Complaints about Children's Services, except for policy related complaints (Appendix 2)
- Complaints about Adults Services, except for policy related complaints (Appendix 2)
- Complaints about Schools, except for policy related complaints (Appendix 3)
- Complaints about Public Health (Appendix 4)
- Complaints about enforcement agencies (Appendix 5)
- Complaints about defamatory material (Appendix 6)
- Unreasonable and persistently unreasonable customers (Appendix 7)

There are some types of feedback that are not covered by the Feedback Policy procedures. Details about how these will be dealt with are outlined in Appendix 8. These include feedback about:

- a) Members
- b) Unrelated third party, such as the NHS or Police
- c) Recruitment, staff appointments or terms and conditions of service

- d) Petitions
- e) Internal feedback
- f) Requests for service
- g) Informal feedback
- h) Pensions
- i) Data protection
- j) Insurance settlements

The Council will always try and direct feedback in to the most appropriate process.

Flowcharts outlining the different feedback procedures are included in Appendix 9.

8. **Roles and Responsibilities**

The roles of an **Investigating Officer (IO)** are to:

- Investigate feedback received from customers
- Pass on any feedback their service area receives to the Data Protection and Feedback Team/Customer Relations Team who will record it onto the Feedback System and assign it to the relevant IO for investigation
- Respond to feedback within the required timescale
- Ensure that the details of feedback responses are recorded directly onto the Feedback System (except for Investigating Officers in social services and education, who should send their response to the Customer Relations Team for them to input onto the system)

The roles of the **Data Protection and Feedback Team** are to:

- Monitor and administer the Council's Feedback System
- Assign feedback items to an Investigating Officer and send acknowledgements to customers
- Where necessary, place feedback items on hold
- Where necessary, escalate feedback items when a complainant is unhappy with the response they receive
- Run reports from the Feedback System
- Produce reports on feedback to the Council's management teams and Members
- Make available the feedback leaflets and posters
- Lead on policy and procedure reviews relating to feedback
- Carry out spot checks to ensure that services are following the feedback policy
- Identify areas for improvement in services through analysis of customer feedback
- Provide help, support and training for Investigating Officers
- Take a lead on unreasonable complainant cases

The role of the **Customer Relations Team** (covering Children, Families and Schools Services, and Adult Services) is to:

- Assign feedback items to an Investigating Officer and send acknowledgements to customers
- Update the Council's Feedback System with Investigating Officer responses
- Ensure that feedback received about social services is responded to using the appropriate legislation or corporate feedback procedure
- Ensure that feedback received about Local Authority Children's Services (other than Children's Social Care) is responded to using the corporate feedback procedure
- Provide advice on the School complaints procedure

- Assign feedback items to an Investigating Officer to ensure procedure has been followed (not to re-investigate the complaint); where a School complaints procedure includes an additional stage of review by the Local Authority
- Where necessary, place feedback items on hold
- Where necessary, escalate feedback items when a complainant is unhappy with the response they receive
- Produce reports on feedback for social care services management teams
- Provide help, support and training for Investigating Officers in social services

The role of **Customer Service Centre agents** (in relation to feedback items) are to:

- Record the details of feedback items onto the Feedback System (except for when customers want to make a comment or complaint about social care services, in which case they will be directed to the Customer Relations Team).
- If it is a complaint, provide customers with a feedback reference number and advise that they will receive a response.

9. Responding to Customers

When investigating complaints, all contact with the customer should be recorded or referred to on the Feedback System, in order to ensure that the Council has an audit trail to support the investigation.

The Council's preferred method of communication is email, however, customers should receive a response in the format that they have requested e.g. letter, telephone. If a customer has requested it or an IO feels it is necessary, a telephone call can be followed up by an email or letter summarising the contents of the conversation. Emails and letters should use plain English and avoid the use of generic wording.

Responses should include what steps can be taken next by the customer, such as escalating to Stage 2 or to the LGSCO.

10. Reporting

Customer feedback reports are produced regularly for Directorate Management Teams and Directors to ensure response timescales are being met, are of the standard expected and any themes and areas for improvement are identified. Additional reports can be requested from the Data Protection and Feedback Team.

11. Outcomes and Impacts

The Feedback Policy aims to achieve the following outcomes:

- a) Customers find it easy to give their feedback to the Council
- b) Customers receive a timely response to their complaint
- c) Customers are happy with the Council's handling of their complaint, even if the outcome of the complaint is not the one they hoped for
- d) Feedback is used to contribute to service improvements
- e) Service requests are sent to the relevant department to be actioned rather than being logged through the Feedback system

12. Policy Implementation

It is recognised that although the Policy is well embedded there are still areas for improvement around promotion of 'Tell Us How It Is'. In particular there may be opportunities to further explore how social media could be used as an access channel for Feedback.

13. Evaluation

The implementation of the Policy and its general operation of the Policy will be monitored by the Data Protection and Feedback Team. Response rates, customer satisfaction levels and service improvements made as a result of customer feedback will be monitored and will be reported to the relevant Directorate Management Teams.

14. References

During the review of this Policy, the following documents were used for background information, benchmarking, guidance and reference purposes:

- [Working with the Local Government and Social Care Ombudsman: a manual for Councils and authorities](#)
- [Representations Procedure \(Children\) Regulations, 2006](#)
- [Getting the Best from Complaints \(DfES\) 2006](#)
- [The Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#)
- [Government response to Getting it right and righting the wrongs, published March 2010 \(DCLG\)](#)
- [School Complaints Toolkit \(DfE\) 2014](#)
- [Ombudsmen's guidance note on managing unreasonable complainant behaviour](#)
- [Ombudsmen's revised guidance note on running a complaints system 2009](#)
- [https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure \(04/062019 16:00\)](https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure)
- [Complaints about defamatory material posted on websites](#)

Corporate Feedback Procedure

I. Logging and Acknowledging Feedback

(a) Logging Feedback

A customer will make a complaint, comment or compliment in one of the following ways:

- Form on the Council's website using our online form
- Telephone
- Letter
- Email
- Tell Us How It Is leaflet
- In person via a Member
- Via a member of staff

Requests for service are not usually dealt with under the Feedback Policy. However, if a customer asks for a request for service to be logged as a complaint, it should be logged onto the Feedback System and dealt with as a complaint.

Details of the feedback and contact details for the customer should either be logged directly onto the Feedback System by a Customer Service Centre agent or sent directly to the Data Protection and Feedback Team/Customer Relations Team. This should be done as soon as the feedback is received.

If the item is logged directly onto the Feedback System whilst speaking to the customer:

- A reference number for their feedback item
- If it is a complaint, the customer should be informed of the Council's response timescale and be given an overview of the procedure. If the customer would prefer not to be contacted using email, they should be asked how they would prefer to receive their response i.e. letter, telephone call, and this should be noted within the details of the feedback.
- If it is a compliment, the customer should be informed that it will be passed on to the relevant service area.

If an officer within a service area has received the details of a complaint or comment, they should inform the customer (where possible) that it will be logged on the Feedback System, and acknowledged within **2 working days**.

(b) Assigning Feedback

When a feedback item is logged onto the Feedback System, it should be assigned to the relevant IO. If the item is logged by a Customer Service Centre agent the complaint will be assigned to the relevant officer at a later stage by the Data Protection and Feedback Team. Once the Data Protection and Feedback Team receives the feedback item, they will assign it to the correct IO.

Once a feedback item is assigned, the Feedback System will automatically send an email to the IO with details of the feedback item ready for them to investigate and respond.

(c) **Acknowledging Feedback**

A large number of feedback items come in through the Customer Service Centre Network. The Customer Service Centre agent during the conversation with the customer as described should provide the reference number and explain the procedure, informing them they will receive an official acknowledgement within 2 working days, however the reference number will not change and is proof that it has been logged.

2. **Dealing with a Complaint**

(a) **Stage 1 – Investigating Officer**

At stage 1 an IO based in the relevant service area will investigate and respond to the complainant within **10 working days**.

Children and Young People Specialist Services complaints will initially be looked at as a concerns. Most concerns will be dealt with by the relevant team and will be responded to by their worker or the Team Manager. The customer will be informed they can progress their concern to a formal complaint if they are not satisfied with the response. Concerns will usually be responded to within 1 working day but it can take up to 10 working days.

The Investigating Officer is responsible for ensuring that any correspondence with the complainant and details of their response are recorded onto the Feedback System.

(b) **Stage 2 – Director**

If a customer is not happy with the response to their complaint at stage 1, they have 30 days in which they can ask for their complaint to be considered by the relevant Director. The customer will be asked to explain why they are dissatisfied with the outcome of the investigation at the earlier stage, i.e. production of new evidence, staff attitude at stage 1, unanswered questions, etc. The Director will respond to the customer within **10 working days**. The Data Protection and Feedback Team will close down the feedback on behalf of the Director.

Complaints about registering to vote or voting in an Election will be escalated to the Returning Officer or Electoral Registration Officer.

3. **Local Government and Social Care Ombudsman**

If after taking their complaint through both stages of the Council's feedback procedure a customer is still not satisfied, they may ask the LGSCO to investigate their complaint. If a customer has not been through both stages, they are likely to ask the customer to go through the Council's complaints procedure before the LGSCO will investigate the complaint. LGSCO complaints are handled by Democratic Services and assigned to the relevant Head of Service for a response.

4. **Housing Ombudsman**

The Housing Ombudsman will only consider complaints once the landlord's own internal complaints procedure has been exhausted.

5. Electoral Commission

Complaints about registering to vote or voting in an Election may be considered by the Commission once they have been through the Council's complaints procedure.

6. Dealing with a Comment

All comments will be sent to the relevant service area for service improvement purposes but will not receive a response. If a resident would like a response to a feedback item which is not a complaint there is nothing preventing a service area responding to the comment.

7. Suspending a Complaint

When an IO is unable to continue with their investigation of a complaint they can 'suspend' the feedback item. Examples of when this might happen could be when the IO needs to obtain further information or requires a meeting with the customer, key staff are unavailable to speak with or concurrent investigations are already running (such as court proceedings or tribunals). The Data Protection and Feedback Team will change the complaint or comment status to 'On Hold' on the Feedback System. This means the timescale for responding is paused.

The feedback item will then be taken off hold when the investigation can continue. The IO must ensure that they inform the Data Protection and Feedback Team so that they can change the category on the system. Details of why the item can now be taken off hold should be given. The feedback system will inform the resident that their complaint has been unsuspending and investigation has resumed.

Suspended items will be monitored by the Data Protection and Feedback Team. Any feedback still suspended after **30 days** will be closed automatically by the system. If no response is received and customer later chases up their complaint a new feedback item will be logged.

8. Dealing with a Compliment

Compliments will be recorded on the Feedback System and passed on to the relevant service area. When compliments are received the staff or team in question should be recognised for the contribution. Once they have been logged to the relevant IO they should be passed on to the appropriate manager to ensure this happens; and the staff/team knows a compliment has been received. Compliments help keep staff motivated and create positive attitudes, they also tell us what we are doing well and can be used to make improvements to services.

Social Care Services Feedback Procedure

Separate feedback procedures are used for dealing with complaints about children and adult social care services, except for policy related complaints which are dealt with under the corporate feedback procedure as outlined in Appendix 1. Comments and compliments will also be dealt with as outlined in the corporate feedback procedure.

1. Logging and Assigning Complaints about Social Care Services

Complaints about children and adult social care services are dealt with by the Customer Relations Team. Contact details for the Customer Relations Team are available on the Council's Intranet, website and 'Tell Us How It Is' or Social Care Services leaflets.

The Customer Relations Team will log the complaint (or concern) onto the Feedback System and assign it to the relevant Investigating Officer.

If it is a concern or a complaint about adult social care services it will then be dealt with using the procedure outlined in section 2 below.

If it is a complaint about children's social care services it will then be dealt with using the procedure outlined in section 3 below.

2. Dealing with Concerns and Complaints about Adult Social Care Services

Arrangements for complaints handling in adult social care services are covered in the Local Authority Social Services and NHS Complaints Regulations 2009, which came into force on 1 April 2009.

(a) Acknowledging and Responding

The Customer Relations Team will acknowledge receipt of the concerns no later than **3 working days** after the date received. The Customer Relations Team will review the nature of the concerns received and identify the most appropriate way to deal with the concerns raised at that time to provide an effective and timely resolution. Most concerns will be dealt with by the relevant team and will be responded to by their worker or the Team Manager. The customer will be informed they can progress their concern to a formal complaint if they are not satisfied with the response. Concerns will usually be responded to within **1 working day** but it can take up to **10 working days**.

If it is a complaint, the customer will be provided with a reference number and name of an Investigating Officer and provided with an estimated response time. Most complaints should be completed within **6 weeks**, although the statutory timescale is **6 months**. The timescale commences at the point the wording of the complaints agreed, either in writing or verbally, with the customer. Some cases may justifiably exceed this timescale if there are exceptional factors such as Police investigations. A report is produced for each complaint investigation, presented at an adjudication meeting and then sent to the complainant along with a letter from the adjudicating officer and a covering letter from the Customer Relations Team.

(b) Local Government and Social Care Ombudsman

If a customer is not satisfied with the Council's response they can ask the LGSCO to investigate their complaint.

3. Dealing with Complaints about Children's Social Care Services

Arrangements for complaints handling in children's social care services are based on the complaints and representations procedures established through the Children Act 1989 and Representations Procedure (Children) Regulations, 2006.

(a) Acknowledging and Responding

The Customer Relations Team will acknowledge receipt of the concerns no later than **2 working days** after the date received. The Customer Relations Team will review the nature of the concerns received and identify the most appropriate way to deal with the concerns raised at that time to provide an effective and timely resolution. Most concerns will be dealt with by the relevant team and will be responded to by their worker or the Team Manager. The customer will be informed they can progress their concern to a formal complaint if they are not satisfied with the response. Concerns will usually be responded to within **1 working day** but it can take up to **10 working days**.

If it is a complaint, the customer will be provided with a reference number and name of an Investigating Officer. It will also inform the customer of the **10 working day** response timescale (unless it has been classed as a complex complaint, the service may need more time to investigate it. If this is the case, they will be in touch to explain and inform you of the new response timescale). The timescale commences at the point the wording of the complaints agreed, either in writing or verbally, with the customer.

(b) Stage 1 – Investigating Officer

At stage 1 an Investigating Officer based in the relevant service area will investigate and respond to the customer within **10 working days**.

If it is a complex complaint, the Investigating Officer will investigate and provide a response or update to the customer within **20 working days**.

(c) Stage 2 – Independent Person

If a customer is not satisfied with the response at stage 1, they can ask for their complaint to be investigated by an Investigating Officer who is independent of the team subject to the complaint. Legislation requires an Independent Person to be assigned to oversee the investigation and provide a separate report. An Independent Person can also be asked to act as the Investigating Officer, with another Independent Person allocated to oversee the process.

The Investigating Officer will produce a report for each complaint investigation, this will be presented at an adjudication meeting where a Senior Manager, acting as Adjudicating Officer, will consider the report and identify the Local Authority's response, decision on each point of complaint and any actions to be taken. Present at the meeting will be the Customer Relations Manager, Investigating Officer and Independent Person. The Adjudicating Officer will provide a written response to the reports. The reports will then be sent to the complainant along with a letter from the adjudicating officer and a covering letter from the Customer Relations Team.

The Local Authority will respond to the customer within **25 working days**, although there is a caveat for up to **65 working days** if needed to complete the investigation.

(d) Stage 3 – Review Panel

If a customer is not satisfied with the decisions made about their complaint at stage 2, they can ask for a Review Panel to take place. The Review Panel consists of:

- Independent Chair
- 2 Independent People
- Customer
- Customer Relations Manager
- Investigating Officer (who responded at stage 2)
- Independent Person (who responded at stage 2)
- Adjudicating manager representing the authority

The purpose of the Review Panel is to review the decision made in respect of each complaint. The Review Panel will consider the representation made by the customer and make recommendations about what they believe the decision about each complaint should be. They will also provide reasons for each of their recommendations. The Panel will send their report to the Director of Children, Families and Schools within **5 working days**. The Director will respond to the customer, taking into account the Panel's findings, within **15 working days** of the panel date.

(e) Local Government and Social Care Ombudsman

If a customer is not satisfied with the recommendations of the Review Panel, they can ask the LGSCO to investigate their complaint, as described in Appendix 1, Section 4.

Schools Feedback Procedure

Complaints about schools are dealt with directly by the school in question, except for policy related complaints (e.g. admissions process, school transport, etc) which are dealt with under the corporate feedback procedure as outlined in Appendix 2. The Education Act 2002 places a duty on school governing bodies to adopt a procedure for the receipt and handling of school complaints. The Council is not empowered to investigate complaints made about schools.

Schools should differentiate between concerns and complaints made by parents and other parties. Concerns should be dealt with informally wherever possible before following the schools' formal complaints process. Comments and compliments about schools are also dealt with directly by the schools.

I. Schools Complaints Procedures will normally include

(a) Member of staff

Most complaints can be quickly resolved by talking to the relevant teacher or member of staff. To do this, the complainant can contact the school to arrange a time to meet with the person concerned and discuss the problem. If you want to complain about a School's SEN Support talk to the School's Special Educational Needs Co-Ordinator (SENCO).

(b) Headteacher

If a complainant cannot resolve the matter directly with the person concerned, then they should contact the Headteacher. This can be done by contacting the school and arranging an appointment. If possible, the complainant should put their complaint in writing to allow the Headteacher to look into the matter in preparation for the meeting. Alternatively, the complainant can ask for a response in writing rather than a meeting.

(c) School's Governors or Academy Trustees

If a complainant is not happy with the Headteacher's response they can complain to the School Governors or Academy Trustees. The complaint should be in writing. If the complainant has not already discussed the matter with the Headteacher, it is not usually possible to progress their complaint to the School Governors or Academy Trustees. However, if the complainant cannot discuss their complaint with the Headteacher, they should put their complaint in writing, stating the reasons why they have not discussed it with the Headteacher and send it to the School's Governors or Academy Trustees.

(e) Department for Education

If the complainant feels that the School Governors or Academy Trustees or the Council is acting unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education. This should be a last resort, and the complainant should have already taken steps to resolve the problem. Details of this procedure can be found at:

<https://www.gov.uk/government/organisations/department-for-education/about/complaints-procedure>

Public Health Feedback Procedure

Councils are responsible for improving the health of their local population and for public health services including most sexual health services and services aimed at reducing drug and alcohol misuse.

Public health complaints are handled in line with the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 (SI 2012/ 3094).

1. What to do if you have a complaint about public health service

You should talk directly to the provider of the services about which you have concerns. They will have a complaints procedure which you can use to make sure your concerns are heard.

If you come to us first we will ask your permission to pass your complaint to the appropriate service provider if you are not complaining about a service provided directly by the Council.

If you feel unable to contact your service provider or you are dissatisfied with their response, you can complain directly to us using the Council's corporate complaints procedure.

2. Dealing with your complaint

The legislation challenges us to resolve complaints speedily and efficiently and to keep you informed, as far as is reasonably practicable, as to the progress of the investigation.

We will acknowledge the complaint not later than **2 working days** after the day on which we receive it and will offer to discuss with you how the complaint will be handled and how long this may take.

The complaint must be made no later than **12 months** from the incident occurring, or of the incident coming to the attention of the customer.

Your complaint will be assigned to the Director of Public Health.

The complaint process must be completed within **6 months** of the complaint being received and a report sent which explains how the complaint has been considered and the conclusions reached. If an outcome cannot be reached in **6 months** we will tell you and aim to complete the investigation as soon as possible.

3. Local Government and Social Care Ombudsman

If after taking their complaint through the Council's feedback procedure a customer is still not satisfied, they may ask the LGSCO to investigate their complaint. If a customer has not been through the Council's complaints procedure before the LGSCO will not investigate the complaint.

Enforcement Agencies Feedback Procedure

Councils' are accountable for the actions of enforcement agencies, who therefore fall within the jurisdiction of the Ombudsman. Complaints about enforcement agencies will be put through the Council's corporate feedback process if they relate to issues the Council has direct control of, for example the decision to engage an enforcement agency. Any complaint which relates to the enforcement agencies service, such as their employees conduct, should be dealt with by the enforcement agency.

1. What to do if you have a complaint about a enforcement agency

You should talk directly to the enforcement agency about which you have concerns. They will have a complaints procedure which you can use to make sure your concerns are heard.

If you come to us first we will sign post you to the relevant enforcement agency, if you are not complaining about a service provided directly by the Council.

2. Dealing with your complaint

The enforcement agency will have a complaints process in place and make efforts to resolve your complaint and keep you informed, as far as is reasonably practicable, as to the progress of the investigation.

If you remain dissatisfied with the enforcement agencies responses and you have exhausted their complaints process you can then raise your complaint with the Council.

The Council will acknowledge your complaint within 2 working days. We will then consider your complaint and the evidence provided at stage 2 of our corporate complaints process. You will receive a response within **20 working days**. If an outcome cannot be reached in **20 working days** we will tell you and aim to complete the investigation as soon as possible.

3. Local Government and Social Care Ombudsman

If after taking their complaint through the Council's feedback procedure a customer is still not satisfied, they may ask the LGSCO to investigate their complaint. If a customer has not been through the enforcement agency and Council's complaints procedure, the LGSCO will not investigate the complaint.

Defamatory Material Feedback Procedure

The purpose of the Defamation Act 2013 is to rebalance the law on defamation to provide more effective protection for freedom of speech while at the same time ensuring that people who have been defamed are able to protect their reputation. In accordance with this aim, Section 5 of the Act creates a new defence to an action for defamation brought against the operator of a website hosting user-generated content where the action is brought in respect of a statement posted on the website.

1. What to do if you find something on the Councils website which you think is defamatory

If you find something on the Council website which you think fits with the definition of defamatory then you should contact us using the Councils online notice of complaint form.

If you want to complain about more than one statement you can put all the details on the same form.

2. What will happen once the form has been completed

On completion of the form you will receive an email from the Council (within 48 hours) explaining that the Council has received your notice of complaint and has contacted the poster of the defamatory material.

The poster (the person who created the defamatory material) then has 5 days after that to respond to the notice of complaint. On receiving the response the Council will notify you of the outcome within 48 hours.

If the poster does not want the defamatory material removed we will inform you of this and provide you with their name and postal address (if they have consented) so that you can contact them directly. If they do not consent to their details being shared you will need to consider what further action you wish to take, including whether to seek a court order for disclosure. You may wish to take legal advice before taking any further steps.

3. What happens if the defamatory material is posted again

If the material is removed and is then reposted, you will need to complete the notice of complaint eform again. To help the Council deal with the issue you need to inform us of your previous notice of complaint, ideally quoting the reference number you will have received previously.

Procedures for Dealing with Unreasonable and Persistently Unreasonable Complainants

1. Introduction

Generally, dealing with a complaint is a straightforward process, but in a minority of cases customers pursue their complaints in a way which can either impede the investigation of their complaint, can have significant resource issues for the Council or impact inappropriately on its employees and Members. This can occur whilst complaints are being investigated, or once the Council has concluded the complaint investigation. When this happens, it may result in the complainant being identified as 'unreasonable'.

The procedures outlined below are intended to ensure that the Council deals with these complainants in a fair and proportionate way. It helps complainants and staff understand clearly what is expected of them and what action may be taken. These procedures can also be shared with complainants if they start to behave unreasonably, which will help to manage their expectations and behaviour.

2. Definitions

The Council uses the following definitions to refer to unreasonable complainants:

Unreasonable and Unreasonably Persistent Complainants: are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints and or requests for service.

Examples of actions and behaviours of unreasonable and persistently unreasonable complaints include:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Covertly recording meetings and conversations

- Behaviour which is unacceptable, for example abusive, offensive or threatening. This may include one or two isolated incidents or behaviour over a longer period
- Combinations of some or all of the actions above

It also important to note that raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as an unreasonable complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonable.

3. Considerations Prior to Taking Action under the Procedure

If a complainant is demonstrating at least one of the actions or behaviours outlined in section 2 above, the Council can consider using the unreasonable complainant procedure.

However, before using the procedure, the following should be considered:

- (a) If the investigation of the complaint has concluded, the Council has the option of ending all communication with the complainant on the issue, and, where appropriate, referring the complainant to the LGSCO.
- (b) If the complaint is still under investigation, the procedure may need to be used in order to manage the complainant's behaviour. At this point, the relevant Head of Service and Director should be consulted before a decision is made. However, the decision to designate someone's behaviour as unreasonable or persistently unreasonable, and restrict their access, could have serious consequences for the individual, therefore before this decision is made, the Council should be satisfied that:
 - The complaint is being or has been investigated properly
 - Any decision reached on it is the right one
 - Communications with the complainant have been adequate
 - The complainant is not now providing any significant new information that might affect the Council's view on the complainant
- (c) If the Council is satisfied that the above conditions are met, it should consider whether further action is necessary prior to taking the decision to designate the complainant as unreasonable. The following steps should be considered:
 - Offering the complainant a meeting with an officer of appropriate seniority to explore scope for resolution of the complaint and explain why their current behaviour is seen as unreasonable.
 - Sharing the Council's Policy with the complainant and warning them that restrictions may need to be applied if their behaviour continues.
 - Setting up a strategy meeting to agree a cross-directorate/service area approach.
 - Designating a key Investigating Officer to co-ordinate the organisation's response/s.
 - Helping the complainant to find a suitable independent advocate if necessary.

4. Operating the Procedure

If the above steps have been considered/carried out, and the Council deems it necessary that the unreasonable complainant procedure be used, authorisation must be sought from the relevant Director. The actions then taken should be proportionate to the nature and frequency of the complainant's contacts with the Council at that time. The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be

brought to a conclusion quickly, without further distractions. Taking the complainant's behaviour and circumstances into account, the following options can be considered:

- (a) Placing limits on the number and duration of contacts with staff per week or month
- (b) Offering a restricted time slot for necessary calls
- (c) Limiting the complainant to one medium of contact (telephone, letter, email, etc)
- (d) Requiring the complainant to communicate with only one named member of staff
- (e) Requiring any personal contacts to take place in the presence of a witness and in a suitable location
- (f) Refusing to register and process further complaints about the same matter
- (g) Restrict access to Council premises

If the decision is taken to operate the procedure and restrict access, the relevant Director should write to the complainant with a copy of the procedure to explain:

- Why the decision has been taken
- What it means for his or her contacts with the Council
- How long any restrictions will last
- What the complainant can do to have the decision reviewed

The Council should also ensure that both parties are clear from the outset what the substantive complaint is about. They should also clarify with the complainant what remedy/action they are seeking from the Council so that the investigation can be clearly focused. A date when the complainant can expect to receive a response or update should also be defined at the start.

The investigation should be thorough. All relevant correspondence and evidence should be looked at. Interviews with all parties should take place and should be documented. Where necessary, site visits should also be carried out.

The relevant members of staff and Customer Service Centre Team Leaders should also be informed of any complainants who have been classed as unreasonable and the restrictions that have been imposed on them.

5. Record Keeping

When dealing with complainants that the unreasonable complainant procedure has been considered for or applied to, adequate records of the following should be kept:

- When a decision is taken not to apply the procedure when a member of staff asks for this to be done
- When a decision is taken to make an exception to the procedure once it has been applied
- When a decision is taken not to put a further complaint from a complainant through the Council's complaints procedure for any reason
- When a decision is taken not to respond to further correspondence, any further letters, faxes or emails from the complainant should be checked to pick up any significant new information.

A copy of all records needs to be sent to the Data Protection and Feedback Team so they can ensure the feedback system is updated accordingly with the relevant notes.

6. Action Following the Completion of the Complaint Investigation

Once the complaint has been investigated and a decision has been made, the Director should inform the complainant of the decision. If the Council is at fault, they should consider what remedy is appropriate. If it is not, the Council should clearly state the reasons, in writing. They should also inform the complainant that future correspondence will be read and placed on file but not acknowledged, unless it contains relevant new information. A designated officer should be identified who will read future correspondence.

When complaints about new issues are made, these should be treated on their merits. The Council should consider whether any restrictions previously applied are still appropriate and necessary. If a new complaint is accepted from an 'unreasonable' complainant it must be dealt with by following the standard two-phase complaints procedure, allowing escalation where necessary.

7. Reviewing Decisions to Restrict Access

When imposing a restriction on access, the Council should have a specified review date. Restrictions will usually last for one year from the date that they are applied. On this date, restrictions should be lifted unless there are good grounds to extend the restrictions. Once restrictions have been reviewed, the Head of Service/Director should inform the complainant of the outcome. If the restrictions are to continue, the reasons for this should be explained and a date given when the restrictions will be next reviewed. Previous bans and/or restrictions will be considered.

If the complainant is contacting the Council about the same issue then it would be advised to permanently enforce the restrictions in relation to that issue with no review date. However, the complainant should still be able to contact the Council to raise any new issues they may have.

8. Referring Unreasonable or Persistently Unreasonable Complainants to the Local Government and Social Care Ombudsman

If relations between the complainant and the Council break down during a complaint investigation and there is little prospect of achieving a satisfactory outcome, the LGSCO may be prepared to consider complaints before the procedure has been exhausted, if the request is made by both sides to the dispute.

A complainant can also be referred by the Council to the Ombudsman prior to and instead of being classed as unreasonable, or by the complainant contacting the Ombudsman themselves prior to or after going through the unreasonable complainant procedure.

9. Dealing with Abusive, Offensive, Threatening, Violent or Otherwise Unacceptable Behaviour

Situations can escalate and in a few cases complainants can become abusive, offensive, threatening, violent or display otherwise unacceptable behaviour. Any behaviour of this nature directed towards our employees and Members will not be tolerated. In such circumstances the Council will take whatever action is necessary to protect its employees and Members. All Council employees and Members should be able to come to work without being subjected to this type of behaviour.

In a situation where it has been identified that a complainant is causing harassment, alarm or distress to Council employees or Members through their behaviour, actions should be

identified that will be taken to tackle such behaviour. If appropriate, an action plan should be created, this does not need to be limited to reporting any potential criminal acts, for example causing harassment, alarm or distress, public order offences or applying for an injunction to prevent a person from contacting or approaching individuals. Determining that future contact should only be in writing, nominating single points of contact, or confirming that the council will only respond to communications if it chooses to do so are examples of potential management actions.

The Council recognises that in some circumstances immediate action may need to be taken outside of this policy to protect its employees and Members. In these scenarios the relevant Head of Service should be consulted with and the steps outlined in Appendix 7 reviewed once the appropriate action has been taken.

Violent behaviour should also be highlighted through the Council's accident procedure, alternatively a conversation should take place with the Health and Safety Services Manager to ensure the appropriate warning markers are applied.

10. Monitoring of the Unreasonable Complainant Procedure

The number of complainants that have been classed as 'unreasonable' and the restrictions which have been imposed are reported on annually in the corporate feedback report. To ensure that the information is correct, it is important that when a complainant is dealt with through the unreasonable procedure, the Data Protection and Feedback Team is informed so it can be included in the report and a central record can be held regarding restrictions.

Types of Feedback that are not dealt with under the Feedback Policy Procedures

There are some types of feedback that are not covered by the Feedback Policy procedures. These include:

(a) Complaints about Members

Complaints concerning the conduct of any elected, co-opted or independent Member of either East Riding of Yorkshire Council or any Town and Parish Council in the East Riding local authority area should be made in writing and addressed to the Monitoring Officer, East Riding of Yorkshire Council, County Hall, Beverley, HU17 9BA or can be emailed to standards@eastriding.gov.uk.

Complaints will be considered by the Standards Committee, which has a responsibility to investigate complaints about Members who may have failed to comply with the Code of Conduct, the set of rules governing the behaviour of Members.

Further details about the Standards Committee and how to complain are available on the Council's website www.eastriding.gov.uk or from the Council's Legal and Democratic Service.

(b) Complaints about unrelated third parties

Complaints received by the Council which are solely about another organisation are classed as 'third party' complaints. They will be logged on the Feedback System and assigned under the 'third party' category. The responsible services area who receives the complaint will inform the complainant that the complaint is not relating to a Council service or member of staff, and where possible, offer the complainant the contact details for the correct organisation. In some cases, they may be able to forward the details of the complaint onto the appropriate organisation on behalf of the complainant, and inform them that they have done so.

Before assigning a complaint as 'third party' the Data Protection and Feedback Team should ensure that the Council has no responsibility for the complaint; in some cases it may be that the Council still has responsibility or has shared responsibility with another organisation for the complaint. In these situations, a response or joint response, co-ordinated by either the Council or other organisation should be sent to the customer. These types of complaints should not be classed as 'third party'. The Public Health and Enforcement Agent's processes are examples of this.

(c) Complaints related to recruitment, staff appointments or terms and conditions of service

Complaints related to recruitment should be referred to the Council's Recruitment team if it cannot be resolved with the relevant manager. The Recruitment team maintains the paperwork for each post, including the shortlisting matrix, and can also advise on Council policy. This applies to both internal and external candidates.

All complaints regarding appointments and terms and conditions of service should be referred to the Council's Human Resources team.

The LGSCO does not accept complaints of this nature. Employment tribunals are the available route for those seeking to escalate their complaint beyond the Council's internal systems.

(d) Petitions

Residents have the right to submit petitions to the Council. There are, however, four categories of petitions whose criteria must be met in order for the Council to consider such a petition. Any petition must include the name and address of at least 10 Local Government electors of the area.

Further details on how petitions will be dealt with are included on the Council's website at <https://www.eastriding.gov.uk/council/committees/petitions/> or from the Council's Democratic Service.

(e) Internal feedback

Feedback received regarding other services from within the Council should not be recorded on the Feedback system. However, services are encouraged to maintain a file of such items, which will provide useful information, and can, for example, aid an application for a Customer Service Excellence accreditation.

(f) Requests for service

Requests for service are not usually dealt with under the Feedback Policy. Usually these are dealt with directly through the Customer Service Centre network and relevant service areas. However, if a customer specifically asks for a request for service to be logged as a complaint, it should be logged onto the Feedback System and dealt with as a complaint in the interests of good customer service. In some cases, requests for service can also become the subject of a complaint; if for example the initial request for service is not carried out, not completed to a high standard or not finished on time.

(g) Informal feedback

Feedback is received from residents and customers via different communication channels on a daily basis, and it is not feasible or necessary for all feedback to be logged onto the Feedback System. A large proportion of feedback is dealt with immediately by the Officer or Member at the time of the first contact with the customer, and it is this feedback that is referred to as 'informal'. Informal feedback is not recorded, either because the customer does not wish to make it formal, or the officer or Member dealing with the customer by using their discretion and/or discussion with the customer is assured that the customer is satisfied with their response or the action taken, and that the matter does not require further investigation or explanation through the relevant feedback procedure.

(h) Pensions

Complaints about pension benefits will be dealt with through the Disputes and Appeals procedure. Details of this procedure can be found at - <http://www.erpf.org.uk/welcome/contact/disputes-appeals/>

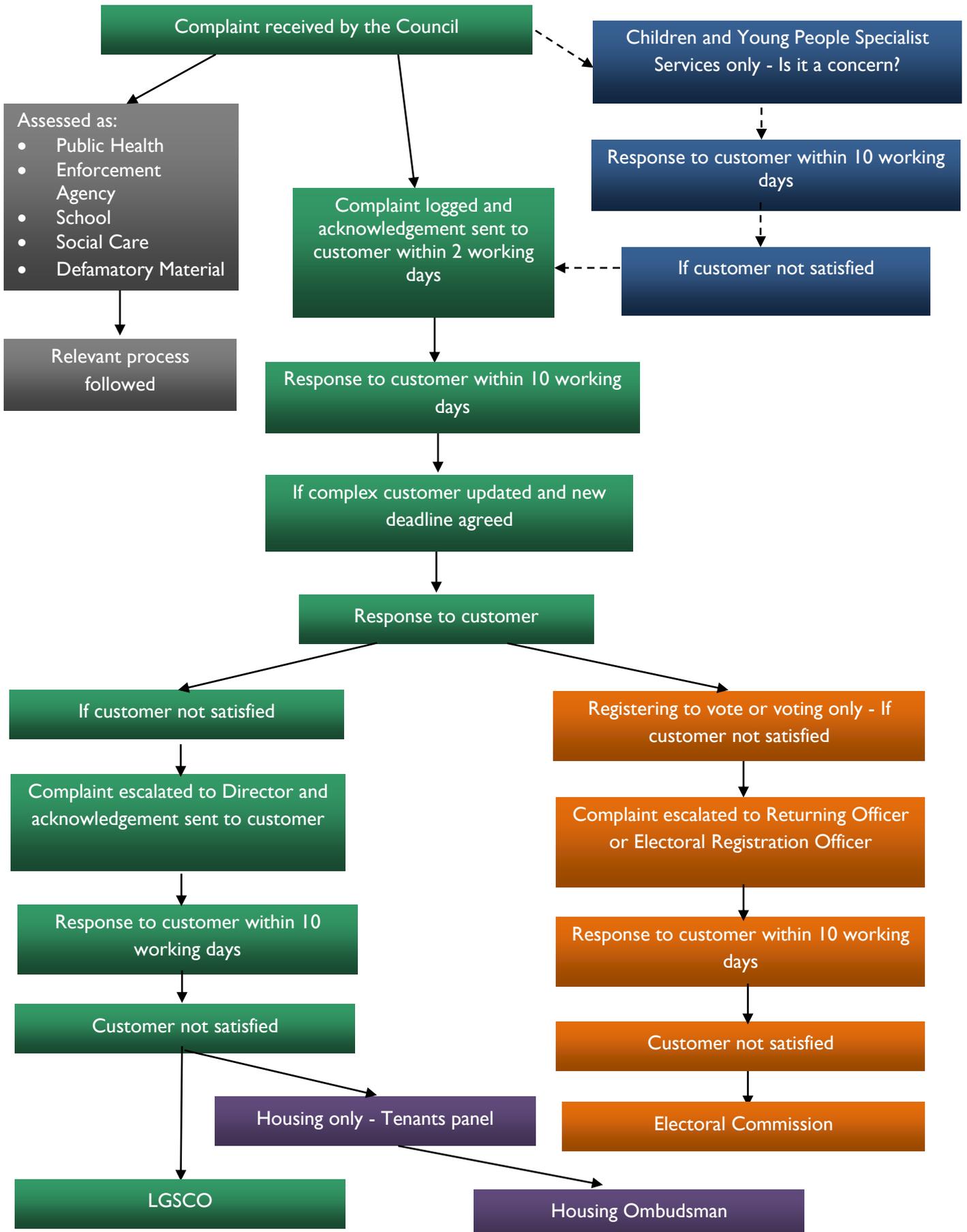
(i) Data Protection

Regulations – complaints in relation to Data Protection are covered by separate processes.

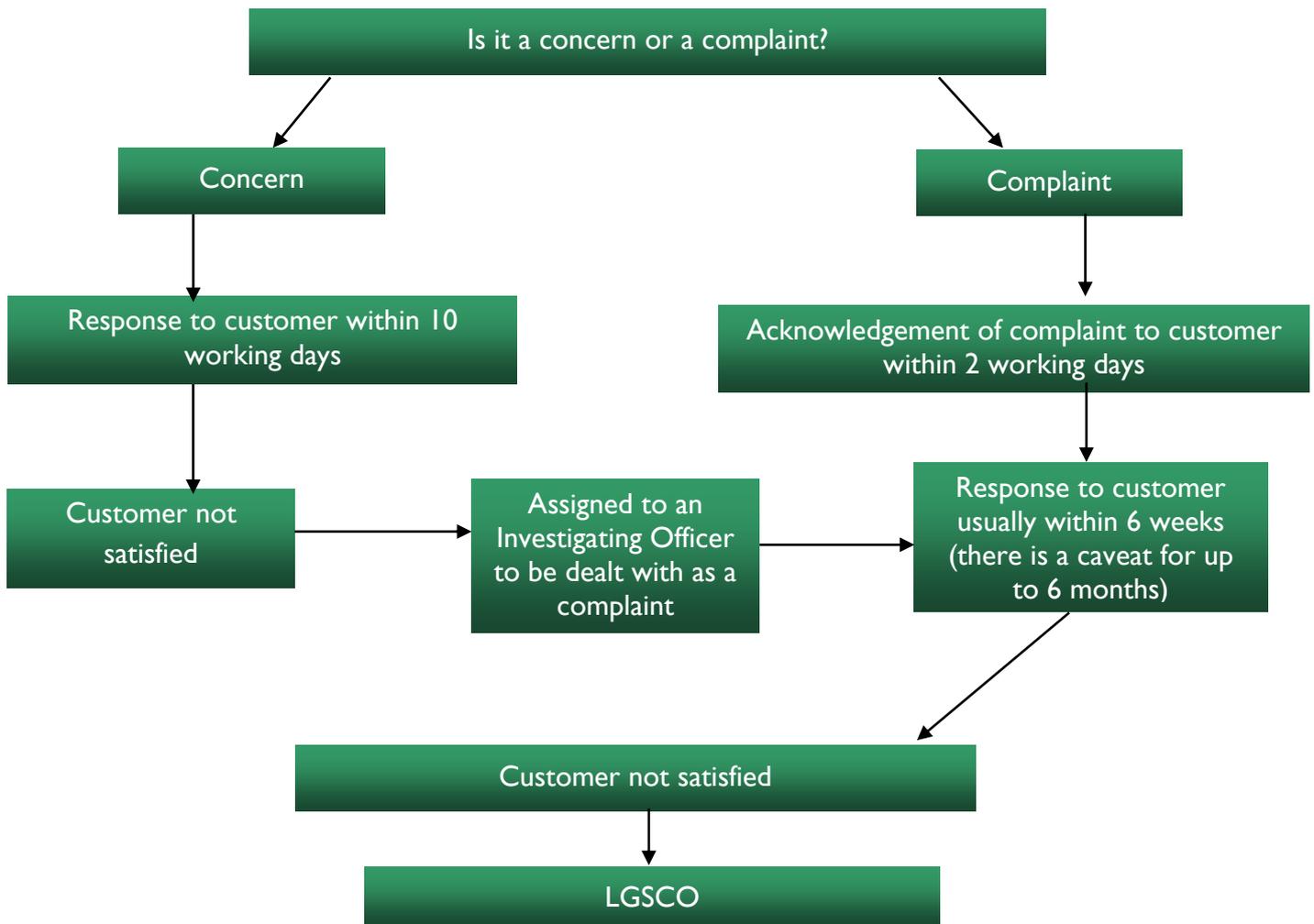
(j) Insurance Settlements

All insurance claimants have the option to take their own legal advice and to bring actions against the Council through the legal process. Complaints about insurance settlements are not dealt with under this policy. There is no recourse for a claimant to take an insurance claim against the Council to the Ombudsman where a claimant disagrees with the outcome.

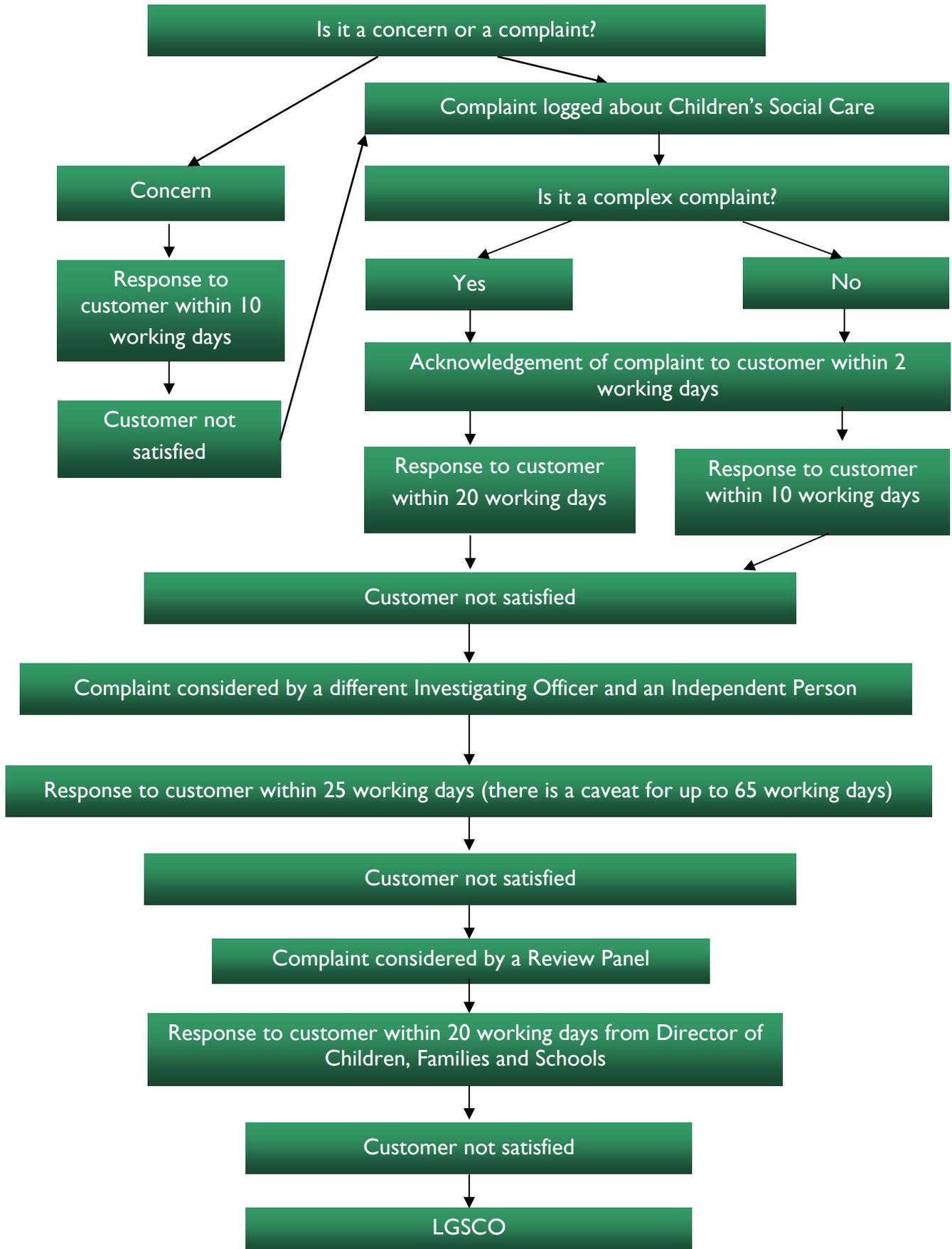
(a) Overview of the Procedure for Dealing with Complaints (Corporate)



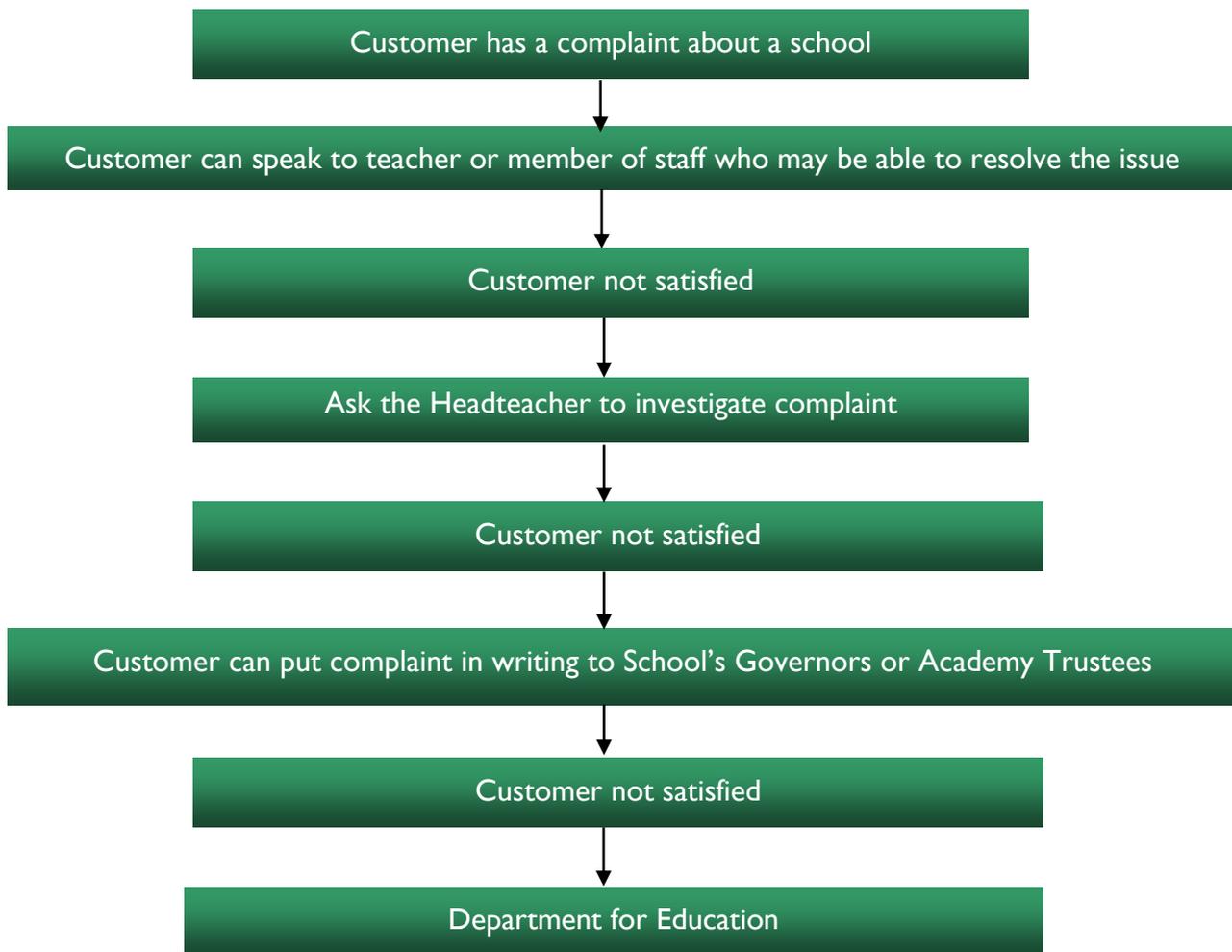
(b) Overview of the Procedure for Dealing with Concerns and Complaints about Adult Social Care Services



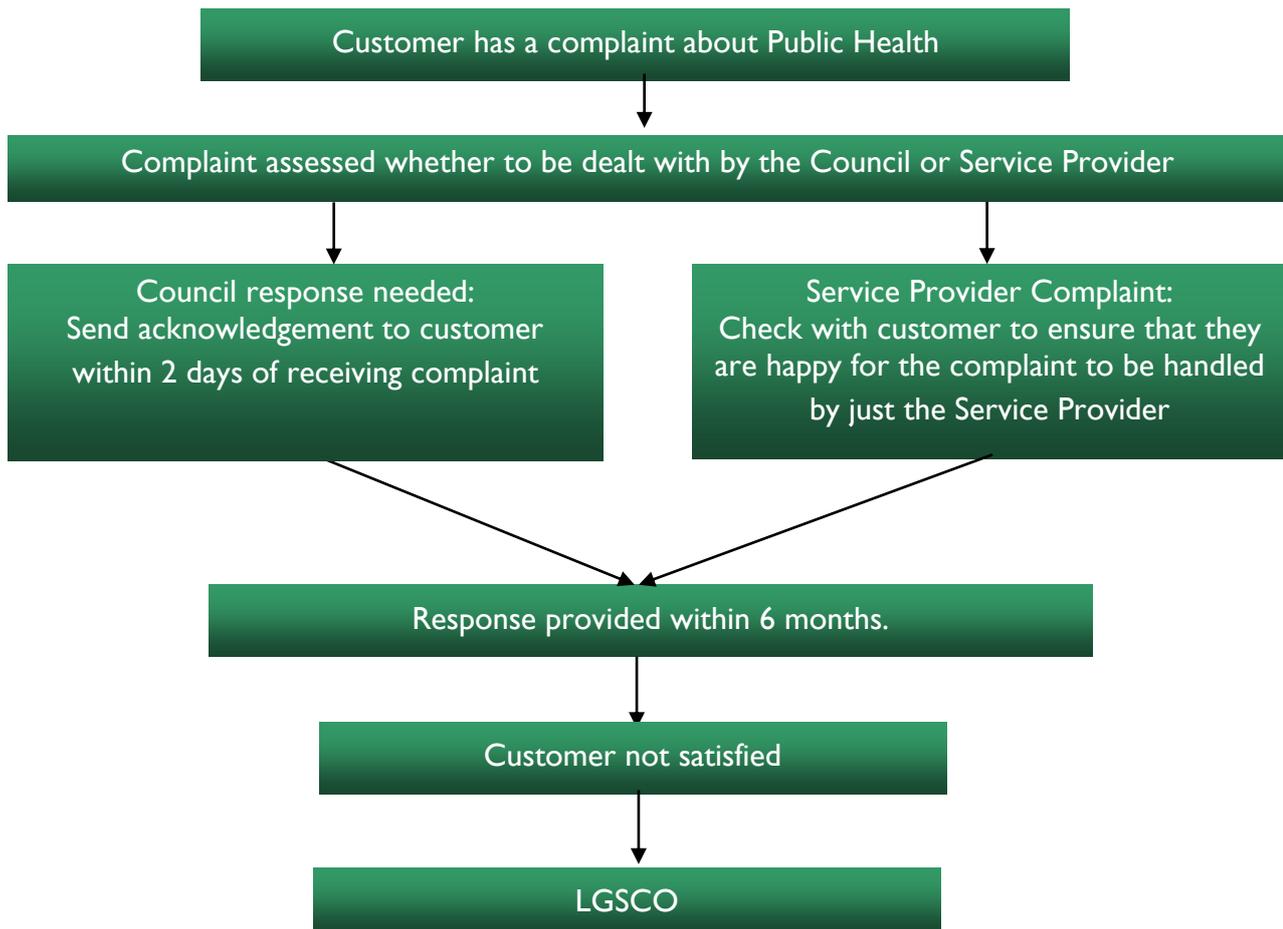
(c) Overview of the Procedure for Dealing with Complaints about Children’s Social Care Services



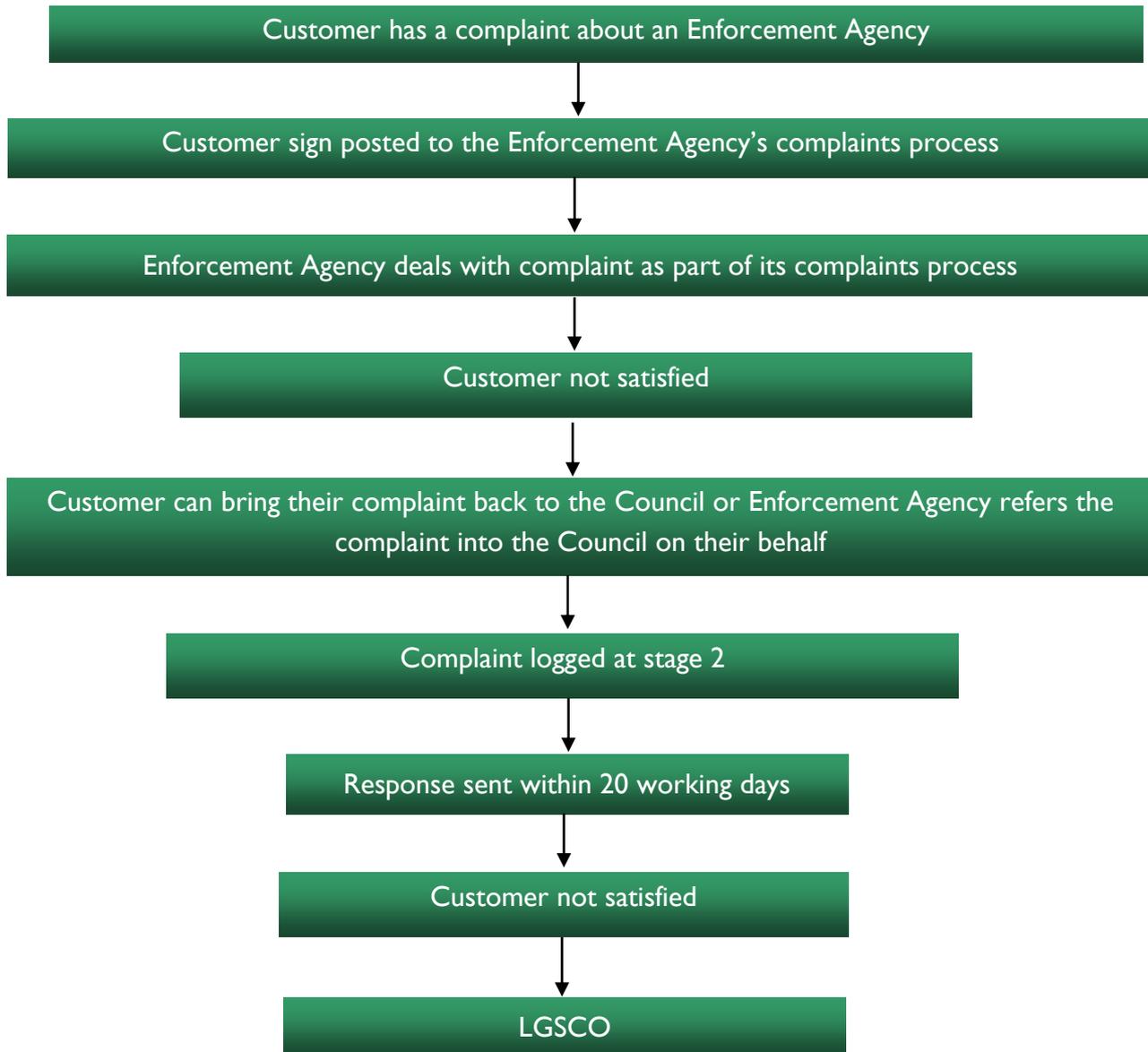
(d) Overview of the Procedure for Dealing with Complaints about Schools



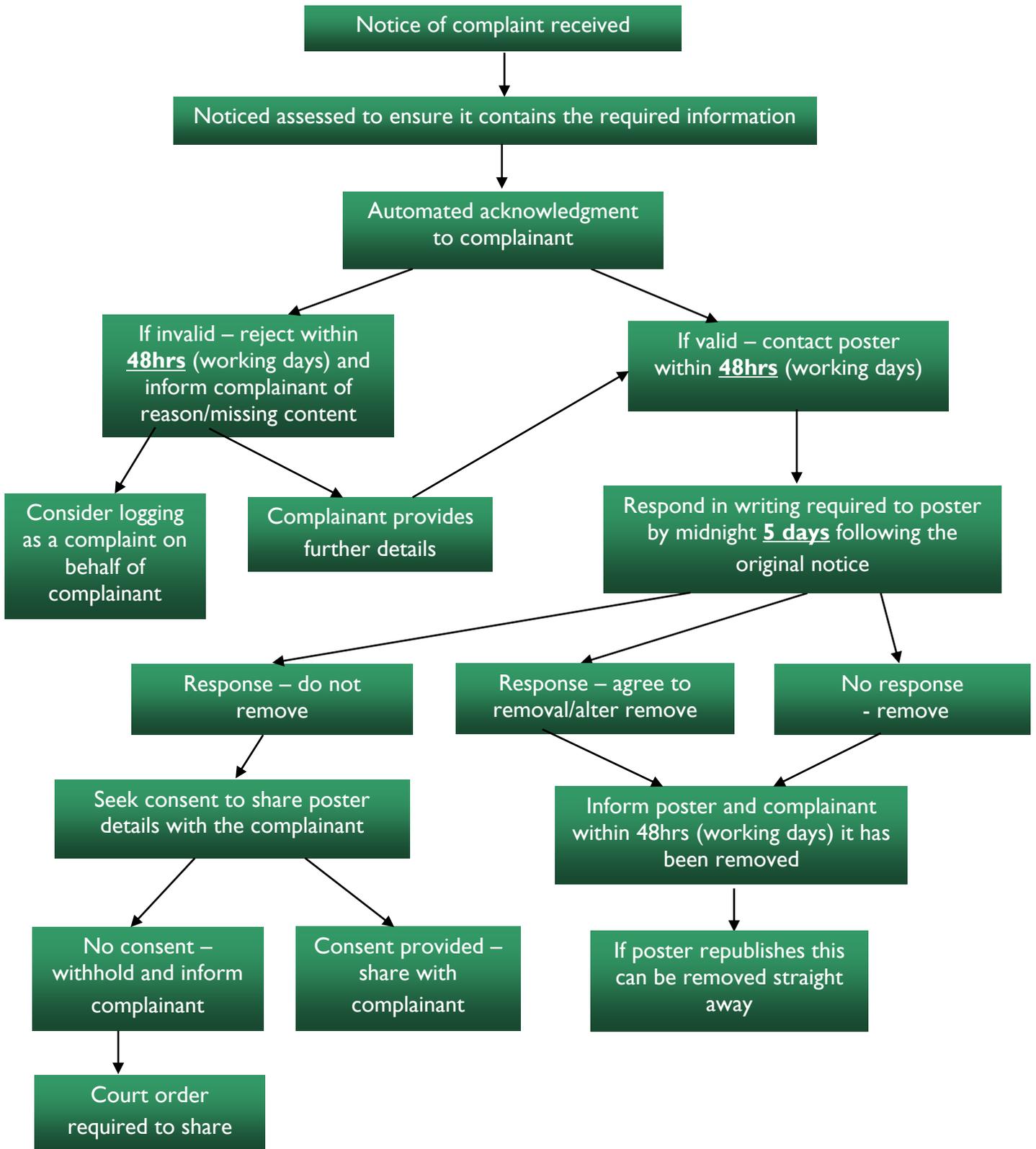
(e) Overview of the Procedure for Dealing with Complaints about Public Health



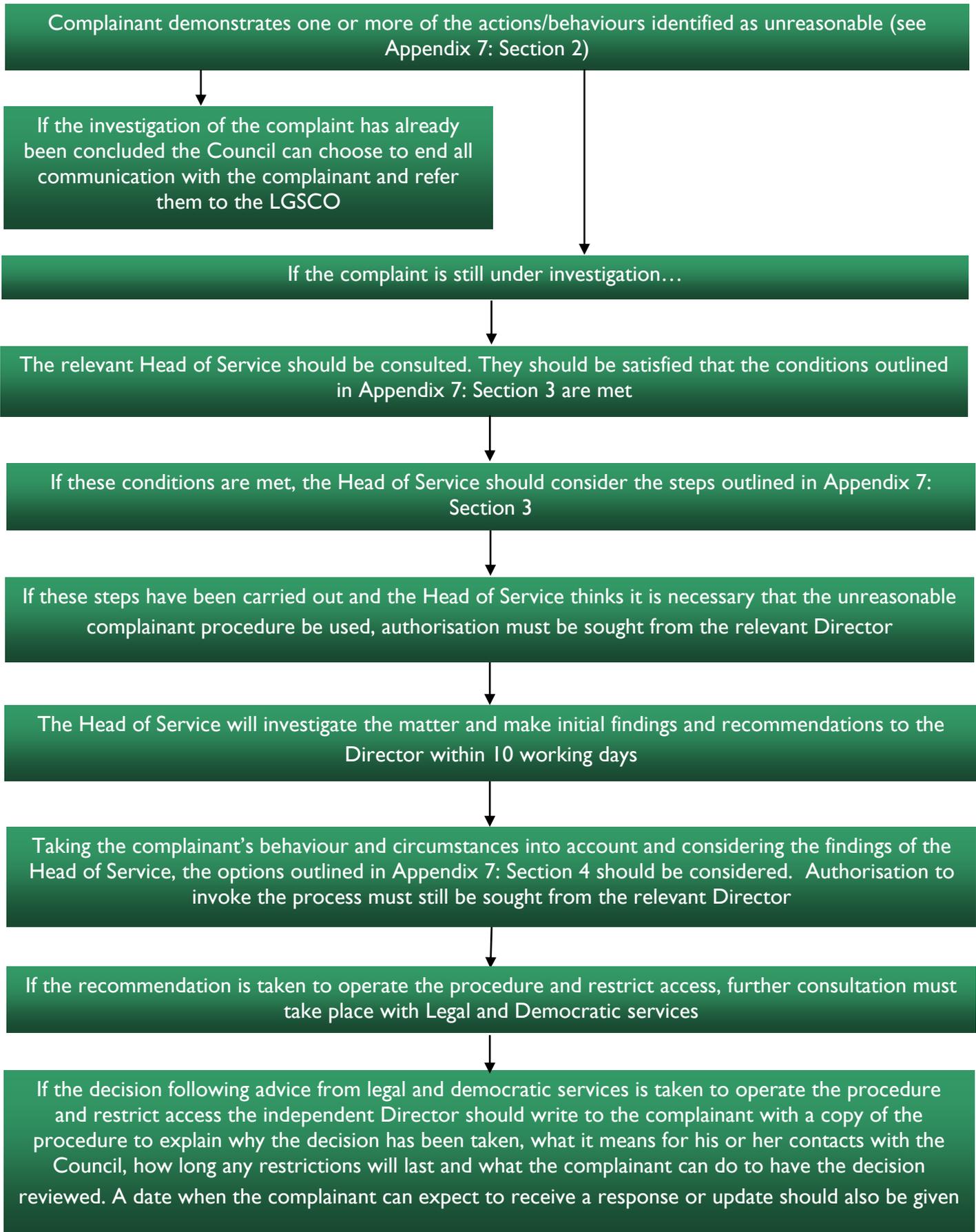
(f) Overview of the Procedure for Dealing with Complaints about Enforcement Agencies



(g) Overview of the Procedure for Dealing Defamatory Material



(h) Overview of the Procedure for Dealing with Unreasonable Complainants



(i) Overview of the Procedure for responding to 'Ask the Leader' requests

