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**Derry City & Strabane**  
District Council

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Comhairle  
**Chathair Dhoire &  
Cheantar an tSratha Báin**

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**Derry Cittie & Stràbane**  
Destrìck Council

# Complaints Handling Procedure: Policy and Organisational Guide

Approved on :

Minute Reference:

# Complaints Handling Procedure (CHP) – Policy and Organisational Guide

## Foreword from Chief Executive

As a public service organisation, Council strives to meet the needs of our stakeholders across a wide range of functions and services. In carrying out these duties we are committed to continuously improving.

A core element of making improvements is listening to and responding positively to feedback, from residents, businesses, visitors, community groups and other stakeholders.

Complaints provide us with an opportunity to review what we are doing to meet our own expectations and the expectations of those who are using our services and engaging with us. In all cases we are committed to dealing with complaints in an effective manner and in accordance with the Local Government Model Complaints Handling Procedure set out by the Northern Ireland Public Services Ombudsman (NIPSO).

This guidance aims to assist staff in ensuring that we take a robust, and consistent approach when dealing with complaints.

In addition to the introduction of a two stage process, a key aspect going forward will be monitoring and reporting on complaints handling ensuring transparency and learning.

As with any new approach, there will be a requirement to implement new systems, provide training and other supports, your participation is greatly appreciated. In the majority of cases, it is the positive engagement of our staff that will help promote an environment where complaints are dealt with proactively and successfully and services continue to help improve the quality of life in our area.

John Kelpie  
Chief Executive

If you have any queries in relation, to the implementation of this guidance please do not hesitate to contact your line manager. Further support will be available from the Information and Customer Services Officer on Ext 4310.

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# The Complaints Handling Procedure (CHP)

## Scope and Values

Anyone who receives, requests, or is affected by our services can make a complaint. This is not restricted to 'service users' and their relatives or representatives but may also include people who come into contact with or are affected by our services.

This document reflects the Ombudsman 's Model Complaints Handling Procedure (CHP) for Local Government and the six Principles of Good Complaints Handling that public bodies' complaints handling procedures should reflect and comply with. These principles aim to help drive a focus on the early resolution of complaints and promote the use of complaints information for learning and improvement.

These principles are:

- start off right
- fix it early
- focus on what matters
- be fair
- be honest
- learn and improve

## Definitions

### What is a Complaint?

Derry City and Strabane District Council's definition of a complaint is: **'An expression of dissatisfaction by one or more members of the public about Council's action or lack of action, or about the standard of service provided by or on behalf of Council.'**

A complaint may relate to the following, but is not restricted to this list:

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- dissatisfaction with one of our policies or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct, treatment by or attitude of a member of staff or contractor (except where there are arrangements in place for the contractor to handle the complaint)

themselves: please see section 'Complaints about Contracted Commissioned Services'

- a concern about the actions or service of an organisation who is delivering services on our behalf
- disagreement with a decision, (except where there is a statutory procedure for challenging that decision, or an established appeals process)
- dissatisfaction with how an element of a decision was administered
- failure to meet service standards where appropriate.

**Appendix 1** provides a range of examples of potential complaints we may receive at stage 1, and how these may be handled.

Where an employee also receives a service from Council as a member of the public, they may complain about that service.

A complaint **is not**:

- a routine first-time request for a service or reporting of a fault (see Section 'Complaints and Service Requests')
- a request for compensation only (see section 'Complaints and compensation claims')
- issues that are in court or have already been heard by a court or a tribunal and where that process has dealt with issues raised in the complaint and the court or tribune had the ability to provide an appropriate remedy in relation to the matters raised (see section 'Complaints and legal action')
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as Freedom of Information requests), or an established appeals process followed throughout the sector (such as planning, or a parking ticket appeal)
- a request for information under the Data Protection or Freedom of Information (Northern Ireland) Acts and requests for reviews of decisions under these statutory regimes
- a grievance by a staff member or a grievance relating to employment or staff recruitment
- a concern raised internally by a member of staff which was not about a service they received (such as a whistleblowing concern)
- a concern about a child or an adult's safety

- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our 'Dealing with Unacceptable Behaviour Policy'
- a concern about the actions or service of a different organisation, where we have no involvement in the issue (except where the other organisation is delivering services on our behalf: see section 'Complaints about contracted services')

We will not treat these issues as complaints. We will instead direct customers to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.

If a matter is not a complaint, or not suitable to be handled under the Complaints Handling Procedure (CHP), we will explain this to the customer, and tell them what (if any) action we will take, and why the Complaints Handling Procedure CHP does not apply'.

Some complaints may be more complex. Examples of potentially complex complaints include:

- complaints about senior staff
- complaints involving more than one department within the organisation
- compounded complaints about both an original issue and the organisation's handling of the complaint

**Appendix 2** provides examples of complaints which are not appropriate for this Complaints Handling Procedure (CHP).

The section on '*Complaints relevant to other agencies*' provides information about some of the other agencies that may be able to assist customers if their complaint is not appropriate for this Procedure.



## Policy statement

Derry City and Strabane District Council welcomes all feedback, including complaints.

The Council values feedback about its services and recognises the right of all its stakeholders to complain, compliment or make a comment about any Council activity or service. Stakeholders include local residents and businesses, visitors, suppliers of services, community groups and any other group or individual who is affected by our services. The Council is committed to ensuring that it uses stakeholder feedback to help improve services and to focus on the needs of all customers.

The Council is committed to dealing with all complaints equitably, comprehensively and in a timely manner and to providing high quality services.

## Roles and responsibilities and Governance Arrangements

### All staff

NIPSO recommend that as part of introducing a CHP, all staff are made aware of:

- the CHP
- how to handle and record complaints at the frontline response stage
- who they can refer a complaint to, in case they are not able to handle the matter
- the need to try and resolve complaints early and as close to the point of service delivery as possible; and
- their clear authority to attempt to resolve any complaints they may be called upon to deal with.

Awareness training on the CHP will be part of the Council's induction process for all new staff. More in-depth and refresher training will be provided to relevant staff on a regular basis.

### Elected Members

Elected Members play a key role in the accountability and governance of complaints handling. Their role is to:

- ensure complaints data is scrutinised, analysed, and routinely considered as part of leadership information (annually, as a minimum)
- provide the necessary challenge and hold senior staff to account for the organisation's performance in complaints handling and management

- provide strategic leadership to drive the required culture of openness in organisations where complaints are welcomed and valued.

The strategic oversight and scrutiny role of Elected Members is designed to promote effective organisational learning from complaints. This helps to ensure early warning signs are identified and acted upon so that wider and more serious issues, which often originate from complaints, may be negated.

## Chief Executive

The Chief Executive provides leadership and direction to ensure effective delivery across all services. This includes driving a culture change where complaints are welcomed and valued, ensuring that there is an effective CHP that is followed by all staff and assists organisational learning from the complaints received and having an appropriate recording and reporting system in place to enable the organisation to report annually on complaints performance and learning from complaints. The Chief Executive may take a personal interest in all or some complaints or may delegate responsibility to senior staff to sign-off on final complaint responses. Regular management reports assure the Chief Executive of the quality of complaints performance.

The Chief Executive is also responsible for ensuring that there are governance and accountability arrangements in place in relation to complaints about contractors/commissioned services. This includes:

- ensuring performance monitoring for complaints is a feature of the service/management agreements between the Council and contractors/commissioned services
- setting clear objectives in relation to this complaints procedure and putting appropriate monitoring systems in place to provide the Council with an overview of how the contractor/service provider is meeting its objectives

## Directors

On the Chief Executive's behalf, Directors are responsible for:

- managing complaints and the way we learn from them
- reporting complaints quarterly to the senior management team
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints; and
- deputising for the Chief Executive on occasion.

They are also responsible for preparing and signing off decisions for customers, so they should be satisfied that the investigation is complete, and their response addresses all aspects of the complaint. However, Directors may decide to delegate some elements of complaints handling (such as investigations and the drafting of response letters) to other senior staff. Where this happens, Directors should retain ownership and accountability for the management and reporting of complaints.

### **Heads of service**

Heads of service are involved in the operational investigation and management of complaints handling. As senior officers they may be responsible for preparing and signing decision letters to customers, so they should be satisfied that the investigation is complete, and their response addresses all aspects of the complaint.

### **Senior management will ensure that:**

- the Council's final position on a complaint investigation is signed off by an appropriate Officer in order to provide assurance that this is the definitive response of the Council and that the complainant's concerns have been taken seriously
- it maintains overall responsibility and accountability for the management and governance of complaints handling (including complaints about contracted services)
- it has an active role in, and understanding of, the CHP (although not necessarily involved in the decision-making process of complaint handling)
- mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed, and reported at all levels in the Council; and
- complaints information e.g., number of complaints received, types/issues of complaint received, number of complaints resolved/upheld/not upheld/partially upheld, complaint outcomes, [please see section 'Recording, reporting, publicising, and learning from complaints'] etc. is annually published; and
- complaints information is used to improve services, and this is evident from regular publications.

## **Complaints investigator**

The complaints investigator is responsible and accountable for the management of the investigation. They may work in a service delivery team or as part of a centralised customer service team and will be involved in the investigation and in coordinating all aspects of the response to the customer. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery and identifying wider opportunities for learning across the organisation.

## **The Human Resources Officer**

The HR or training officer is responsible for ensuring all new staff receive awareness training on the CHP as part of the induction process.

## **Information and Customer Services Officer**

The Information and Customer Services Officers will work with Service Managers / Heads of Service to ensure that complaints handling staff receive more in-depth training and refresher training on a regular basis and that there are adequate procedures and guidance in place to facilitate the effective implementation of the Model Complaints Handling Procedure (CHP).

## **The organisation's NIPSO liaison officer/s (generally Heads of Service)**

Our NIPSO liaison officer/s role includes providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to NIPSO reports, and confirming and verifying that recommendations have been implemented].

## General Principles and When and How to Use the Complaints Handling Procedure (CHP)

### Who can make a complaint?

Anyone who receives, requests, or is affected by our services can make a complaint. This is not restricted to 'service users' and their relatives or representatives but may also include people who come into contact with or are affected by these services, such as:

- a resident living in a neighbourhood where Derry City and Strabane District Council is running an event
- a third-party stakeholder interested in the administration of a planning decision.

Further information on managing complaints made by a representative of a service user is provided in section 'Complaints by a third party'.

### Supporting the customer

All members of the public have the right to equal access to our complaints procedure. It is important to recognise the barriers that some customers may face barriers to complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Customers may need support to overcome these barriers.

Section 75 of the Northern Ireland Act 1998 (the Act) requires Derry City and Strabane District Council to comply with two statutory duties:

#### Section 75 (1)

In carrying out our functions relating to Northern Ireland we are required to have due regard to the need to promote equality of opportunity between

- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- men and women generally
- persons with a disability and persons without
- persons with dependants and persons without.

#### Section 75 (2)

In addition, without prejudice to the obligations above, in carrying out our functions in relation to Northern Ireland we are required to have regard to the

desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

As set out in our Equality Scheme, we are aware that some groups will not have the same access to information as others. In particular:

- People with sensory, learning, communication and mobility disabilities may require printed information in other formats.
- Members of ethnic minority groups, whose first language is not English, may have difficulties with information provided only in English.
- Children and young people may not be able to fully access or understand information.

The Council is committed to equality of opportunity and our aim is to make our Complaints Procedure easy to use and accessible to all our stakeholders. It will be widely publicised, available in a variety of formats and customer leaflets and feedback forms will be available in all Council public points of access.

All necessary efforts will be made to ensure that stakeholders with particular needs, such as physical or sensory impairments, learning disabilities and stakeholders who are less familiar with English have full access to the procedures. Forms can be provided in large print, Braille, audio and translated into community languages as required. In some specific circumstances, the Council will offer face-to-face support or advocacy to those who may need help in making a complaint or in response. Derry City and Strabane District Council encourages people to seek support from friends and other representatives, and the Council will assist people in finding such support where possible.

The Council will monitor the use of this policy for equality purposes to ensure it is being accessed by all sections of the community.

### **Expected behaviours**

We expect all staff to behave in a professional manner, treat customers with courtesy, respect, and dignity and to demonstrate a high level of candour, honesty, and openness when dealing with and investigating complaints. Complaints should be received with a willingness to listen to challenge about our services and/or service delivery. We expect staff to be responsive in dealing with complaints to help build and maintain customer relations.

We also ask customers bringing a complaint to treat our staff with respect. We ask customers to engage actively with the Complaints Handling Procedure (CHP) by:

- telling us their key issues of concern and organising any supporting information they want to give us (we understand that some people will require support to do this)
- working with us to agree the key points of complaint when an investigation is required
- responding to reasonable requests for information.

We recognise that people may act out of character in times of trouble or distress. Sometimes a health condition or a disability can also affect how a person expresses themselves. The circumstances leading to a complaint may also result in the customer displaying unacceptable behaviours.

Customers who have a history of challenging or inappropriate actions, or have difficulty expressing themselves, may still have a legitimate grievance, and we will treat all complaints seriously. However, we also recognise that the actions of some customers may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable actions such as unreasonable persistence, threats, or offensive behaviour from customers. Where we decide to control access to a customer under the terms of our policy, we have a procedure in place to communicate that decision, notify the customer of their right of appeal, and review any decision to control contact with us in accordance with our 'Dealing with Unacceptable Behaviour Policy'.

If we decide to control a customer's contact, we will be careful to follow the process set out in our 'Dealing with Unacceptable Behaviour Policy' and to minimise any controls on the customer's access to the complaints process. We will normally continue investigating a complaint even where contact controls are in place (for example, limiting communication to letter or to a named staff member). In some cases, it may be possible to continue investigating the complaint without contact from the customer. This would be as a last resort, should be as limited as possible (for a limited time, or about a limited set of subjects) and requires Director approval.

Where access to the complaint process is controlled, we will signpost the customer to NIPSO [please see section 'The Complaints Handling Procedure - Signposting to NIPSO'.]

## Maintaining confidentiality and data protection

Confidentiality is important in complaints handling. This includes maintaining the customer's confidentiality and confidentiality in relation to information about staff members, contractors or any third parties involved in the complaint.

This should not prevent us from being open and transparent, as far as possible, in how we handle complaints. This includes sharing as much information with the complainant (and, where appropriate, any affected staff members) as we can. When sharing information, we should be clear about why the information is being shared and our expectations on how the recipient will use the information.

We will always bear in mind legal requirements, for example data protection legislation, as well as internal policies on confidentiality and the use of customer information and will seek specialist advice, where necessary, including from the Information Commissioner's Office.

Examples of situations where a response to a complaint may be limited by confidentiality, include:

- where a complaint has been raised against a staff member and has been upheld – we will advise the customer that their complaint is upheld, but would not share specific details affecting staff members, particularly where disciplinary action is taken.
- where someone has raised a concern about how a child or adult safeguarding issue was managed, the response would most likely be confined to whether the safety concerns had been properly dealt with.

## How complaints may be made

Complaints may be made verbally or in writing, including face-to-face, by telephone, letter, or email. We will try to be as flexible as possible to remove any barriers to customers submitting complaints.

Where a complaint is made **verbally**, we will make a record of the key issues of complaint raised. In line with good practice, we will endeavour to confirm the details with the person involved to prevent any misunderstandings.

The completion of a complaint form by an individual should not be a barrier to making a complaint and the Council will provide support arrangements, where possible, in capturing compliant details.

Complaint issues may also be raised on **digital platforms** (including **social media**).



Where a complaint issue is raised via a digital channel managed and controlled by [the organisation] (for example an official Twitter address or Facebook page), it is stated on our pages that in order to get a response to a complaint or a query they should contact us directly via phone or email. The Council monitors commentary and where possible will respond to simple queries or complaints on social media,

Where a complaint issue is raised via a digital channel managed and controlled by Council

we will normally respond by explaining that we do not normally take complaints on social media and signposting people to contact us via email or phone.

- in exceptional circumstances, we may respond to very simple complaints on social media. This will normally only be appropriate where an issue is likely to affect a large number of people, and we can provide a very simple response (for example, an apology for a cancelled bin service or late cancellation of an information session).

We may also become aware that an issue has been raised via a digital channel not controlled or managed by us (for example a YouTube video or post on a private Facebook group). In such cases we **may** respond, where we consider it appropriate, by telling the person how they can complain.

We will always be mindful of our data protection obligations when responding to issues online or in a public forum [see section 'Maintaining confidentiality and data protection'].

### **Time limit for making complaints**

The customer should raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement or was unaware of the issue).

Where a customer has received a stage 1 response, and wishes to escalate to stage 2, unless there are special circumstances, they should request this within 30 days of receiving their stage 1 response.

We will not apply the above time limits in a rigid fashion. In determining whether to apply discretion outside these time limits, the following factors are relevant: taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood

that an investigation will lead to a practical benefit for the customer or useful learning for the organisation.

At the conclusion of the complaints procedure, the complainant has the right to complain to NIPSO and the time limit for this is usually within six months of completing our complaints procedure. However, NIPSO has discretion to waive this time limit and may do so if NIPSO considers special circumstances apply.

## **Particular Circumstances**

### **Complaints by (or about) a third party**

Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends, advocates and advisers. Where a complaint is made on behalf of a customer, we must ensure that the customer has authorised the person to act on their behalf, by completing the Council's Consent Form. It is good practice to ensure the customer understands their personal information will be shared as part of the Complaints Handling Procedure (CHP) (particularly where this includes sensitive personal information). This can include complaints brought by parents on behalf of their child, if the child is considered to have capacity to make decisions for themselves.

In certain circumstances, a person may raise a complaint involving another person's personal data, without receiving consent. The complaint should still be investigated where possible, but the investigation and response may be limited by considerations of confidentiality. The person who submitted the complaint should be made aware of these limitations and the effect this will have on the scope of the response.

### **Maintaining confidentiality and data protection**

Guidance/ support in relation to issues around capacity, providing and gaining consent and information sharing, for example in relation to Power of Attorney or Guardianship arrangements will be provided to staff, on an individual case basis, via the relevant officer(s).

### **Anonymous complaints**

We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous

complaint must be authorised by the relevant Head of Service / Director and a rationale recorded.

If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.

If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant child protection, adult protection or disciplinary procedures.

### **What if the customer does not want to complain?**

If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the customer to submit their complaint and allow us to handle it through the Complaints Handling Procedure (CHP). This will ensure that the customer is updated on the action taken and gets a response to their complaint.

If the customer insists they do not wish to complain, we are not required to progress the complaint under this complaints procedure. However, we will record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).

Please refer to the example in **Appendix 1** for further guidance.

### **Complaints involving more than one area or organisation**

If a complaint relates to the actions of two or more areas within our organisation, we will tell the customer who will take the lead in dealing with the complaint and explain that they will get only one response covering all issues raised.

If a customer complains to us about the service of another organisation or public service provider, but we have no involvement in the issue, the customer should be advised to contact the appropriate organisation directly.

If a complaint relates to our service and the service of another organisation or public service provider, and we have a direct interest in the issue, we will handle the complaint about the Council through the Complaints Handling Procedure (CHP). If we need to contact an outside body about the complaint, we will be mindful of data protection [please see section 'Maintaining confidentiality and data protection']'.

Such complaints may include:

- A complaint against a third party and/or a contractor who provides a service on our behalf.

### **Complaints about contracted or commissioned services**

We may use third parties to deliver certain services. [An example might be a community organisation delivering a festival /event on our behalf.]

Where we use a third party to deliver a service on our behalf we recognise that we remain responsible and accountable for ensuring that the services provided meet our standards (including in relation to complaints). We will either do so by:

- ensuring the contractor complies with this procedure; or
- ensuring the contractor has their own procedure in place, which fully meets the standards in this procedure. At the end of the investigation stage of any such complaints the contractor must ensure that the customer is signposted to NIPSO.

We will confirm that service users are clearly informed of the process and understand how to complain. We will also ensure that there is appropriate provision for information sharing and governance oversight where required.

We retain discretion to investigate complaints about organisations contracted to deliver services on our behalf even where the procedure has normally been delegated.

Contracted service providers will be required to report back to the Council and share their complaints data relating to the delivery of the contract or commissioned service for monitoring and learning purposes. This will help ensure that we meet our overall governance responsibility for the provision of the service.

It is noted that where a complaint about a contractor is submitted to NIPSO, NIPSO will treat it as a complaint about the Council.

### **Complaints about senior staff**

Complaints which involve decisions or actions involving senior staff can be more difficult, as there may be a conflict or perceived conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, the investigation will be conducted by an individual who is independent of the situation. We will ensure we have strong governance arrangements in place that set out clear procedures for handling such complaints.

Advice, on a case-by-case basis, will be provided via the HR Section.

## **Complaints and other processes**

Complaints can sometimes be confused (or overlap) with other processes, such as disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

### **Complaints and service requests**

If a customer asks the Council to do something (for example, provide a service or deal with a problem), and this is the first time the customer has contacted us, this would normally be a routine service request and not a complaint.

Service requests can lead to complaints, if the request is not handled promptly or the customer is then dissatisfied with how we provide the service.

### **Complaints and disciplinary or whistleblowing processes**

If the issues raised in a complaint overlap with issues raised under a disciplinary or whistleblowing process, we still need to respond to the complaint.

Our response must be careful not to share confidential information (such as anything about the detail of whistleblowing or disciplinary investigations, or outcomes for individual staff members). It should focus on whether we failed to meet our service standards, where relevant, or expected standards and what we have done to improve things, in general terms. It is important to make clear to the complainant what issues they have raised are being dealt with under other procedures.

Staff investigating such complaints will need to take extra care to ensure that:

- we comply with all requirements of the Complaints Handling Procedure (CHP) in relation to the complaint (as well as meeting the requirements of the other processes)
- all complaint issues, which can be, are addressed; and
- we keep records of the investigation that can be made available to NIPSO if required, subject to confidentiality requirements.

### **Contact from MLAs or Councillors**

Complaints may be made by elected representatives or alternatively brought by elected representatives on behalf of constituents. Where a matter is being dealt with as a complaint, it must be handled in line with this Complaints Handling Procedure (CHP).

Consideration may be given to arrangements for elected members in relation to seeking third party consent (guidance available via the Information Commissioner's Office: <https://ico.org.uk/media/for-organisations/documents/1432063/constituency-casework-of-mps-and-the-processing-of-sensitive-personal-data.pdf>)

### **Complaints and compensation claims**

Where a customer is seeking financial compensation **only**, this is not a complaint. However, in some cases, the customer may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we will consider that matter as a complaint, but may deal with the financial claim separately. The compensation claim may also form part of the resolution of the complaint. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim.

### **Complaints and legal action**

Where a customer advises that legal action is being actively pursued, advice should be sought from the Lead Legal Services Officer, although it is unlikely that this matter would be handled under this Complaints Handling Procedure (CHP) and the customer should be directed to the Council's legal process.

Where a customer indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the complaints handler and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the Complaints Handling Procedure (CHP).

If an issue has been, or is being, considered by a court, we will generally not consider the same issue under the Complaints Handling Procedure (CHP) though this should not prevent any learning from the issue raised in the legal action being implemented.

### **Complaints relevant to other agencies**

Customers may raise concerns about issues which cannot be handled through this Complaints Handling Procedure (CHP), but which other agencies may be able to provide assistance with or may have an interest in. The organisations may include:

Northern Ireland Commissioner for Children and Young People:  
Website: [www.niccy.org](http://www.niccy.org)

Equality Commission for Northern Ireland  
Website: [www.equalityni.org](http://www.equalityni.org)

Advice NI  
Website: [www.adviceni.net](http://www.adviceni.net)

This list is not exhaustive, and it is important to consider the circumstances of each case, and whether another organisation may also have a role to play.

## **What to do if the Complaints Handling Procedure (CHP) does not apply**

If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (for example, due to time limits), we will explain to the customer why we have made this decision. We will also tell them what action (if any) we will take (for example, if another procedure applies), and advise them of their right to contact NIPSO if they disagree with our decision not to respond to the issue as a complaint.

Where a customer continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to NIPSO. We may also consider whether we need to take action under our Dealing with Unacceptable Behaviour Policy.

## **Recording, reporting, publicising, and learning from complaints**

Complaints provide valuable customer feedback. One of the aims of the CHP is to identify opportunities to improve services across the Council. By recording and analysing complaints data, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

We also have arrangements in place to ensure complaints about contractors or ALEOs are recorded, reported on, and publicised in line with this CHP.

### **Recording complaints**

It is important to record suitable data to enable us to fully investigate and respond to the complaint, as well as using our complaint information to track themes and trends. As a minimum, the following should be recorded for each complaint:

- the date the complaint was received
- the customer's name and contact details
- the issue/nature of the complaint
- the service the complaint refers to
- staff member responsible for handling the complaint
- action taken and outcome at frontline (stage 1) response
- the date frontline (stage 1) response was issued
- the date request for stage 2 investigation was received (if applicable)
- any extensions authorised at stage 2 (if applicable)
- action taken and outcome at investigation (stage 2) (if applicable)
- whether the complaint was resolved, upheld, partially upheld, not upheld
- date the investigation response was issued at stage 2 (if applicable)
- the underlying cause of the complaint and any remedial action taken
- any organisational learning as a result of the complaint.
- If the customer does not want to provide any of this information, we will reassure them that it will be managed appropriately, and record what we can. If the customer submits their complaint to NIPSO and NIPSO decide to investigate the complaint, the Council will receive a copy of the report and the details of the complaint.
- Individual complaint files will be stored in line with our document retention policy.

### Reporting of complaints

We have a process for the internal reporting of complaints information, including analysis of complaints trends. Regularly reporting the analysis of complaints information helps to inform management of areas where services need to improve.

We will report at least **quarterly** to senior management on:

- complaints performance statistics
- analysis of the trends and outcomes of complaints (this should include highlighting where there are areas where few or no complaints are received, which may indicate either good practice or that there are barriers to complaining in that area).



## Publicising complaints information

- We publish on a **quarterly** basis information on complaints outcomes and actions taken to improve services i.e. good practice and lessons learned.
- This demonstrates the improvements resulting from complaints and shows that complaints can help to improve our services. It also helps ensure transparency in our complaints handling service and will help to show our customers that we value their complaints.
- We will publish an **annual** complaints performance report on our website in line with NIPSO requirements and provide this to NIPSO (on request only). This summarises and builds on the quarterly reports to senior management we have produced about our services. It includes:
  - complaint performance statistics;
  - complaint trends and the actions that have been or will be taken to improve services as a result; and
  - lessons learned from complaints.
- These reports must be easily accessible to members of the public and available in alternative formats as requested.
- In addition, NIPSO recommend a common dataset for complaints information across all public sector organisations. It is expected that we will work together with other local government sector organisations to publish an overall complaints report.

## Learning from complaints

- We must have clear systems in place to act on issues identified in complaints. As a minimum, we must:
  - seek to identify the root cause of complaints
  - take action to reduce the risk of recurrence
  - systematically review complaints performance reports to improve service delivery.
- Learning may be identified from individual complaints (regardless of whether the complaint is upheld or not) and from analysis of complaints data.
- Where we have identified the need for service improvement in response to an individual complaint, we will take appropriate action. In such cases the following minimum standards will apply:
  - the action needed to improve services must be authorised by an appropriate manager

- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
  - a target date must be set for the action to be taken
  - the designated individual must follow up to ensure that the action is taken within the agreed timescale
  - where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved
  - any learning points should be shared with relevant staff.
- NIPSO has issued guidance on **Learning from complaints** which can be accessed at [www.nipso.org.uk](http://www.nipso.org.uk)
  - Senior management will review the information reported on complaints regularly to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed. Where we identify the need for service improvement, we will take appropriate action (as set out above). Where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved.

## Monitoring compliance and performance

### Compliance

Like all local government bodies, we are required to comply with the MCHP under section 38(2) of the legislation, six months after NIPSO publishes the MCHP.

NIPSO expect the Council to have appropriate self-assessment arrangements in place to assure ourselves that our CHP is operating in accordance with the MCHP (NIPSO has available self-assessment templates), and to track performance as set out in our CHP. Any significant changes to the CHP would require NIPSO to be notified for prior approval.

NIPSO will monitor our compliance with the MCHP both through the complaints it investigates and through our standards function, including quality checks of published and available complaints procedures. Any feedback on issues which could affect compliance will be provided directly to the Council in the first instance, in line with NIPSO's 'Support and Intervention Policy'.

Under the terms of the legislation, NIPSO may also declare that an organisation is non-compliant. NIPSO intend to use this option as a means of last resort in the event that attempts to work with the Council to facilitate implementation have failed. If NIPSO does declare a CHP to be non-compliant with the MCHP it will, in line with

the legislation, give reasons in writing and specify any modifications to the CHP which would result in the declaration being withdrawn.

## Future revisions of the MCHP

The MCHP may be reviewed and revised periodically. Any revisions to the MCHP will be managed by NIPSO. Where we or a public body considers that an amendment to Parts 1, 2 or 3 is required, we are required to prepare and submit a request for change to NIPSO. This should briefly describe the change requested, explain why the change is proposed and highlight any associated issues in relation to costs, time, quality or risks.

NIPSO will consider and decide upon any request, in consultation with the relevant public sector and other relevant stakeholders. This will help to ensure consistency of approach across the sector by ensuring that only the current agreed version of the MCHP is available to the sector at any given time. Importantly it will also allow for an accurate evaluation of the complaints procedure when appropriate.

While public sector bodies, including the Council may use the MCHP Parts 1-3 as templates to develop our own CHP, it is important to remember that the MCHP Parts 1-3 may only be altered, amended or changed by NIPSO.

## NIPSO advice and support

### Training

- NIPSO's MCHP Parts 1-3 places a strong emphasis on early management of complaints, effective recording of complaints and staff being properly trained and empowered to deal with complaints. All staff need to have an understanding of how to deal with complaints and the appropriate knowledge and skills to do so effectively. This includes being aware of how we identify complaints and when we are authorised to use a range of measures to respond to a complaint such as a simple apology where appropriate.
- It is for us to identify the training needs of appropriate staff to ensure they have the skills and confidence to use the authority delegated to them. NIPSO's Complaints Standards Team will endeavour to provide training and guidance on specific aspects of complaints handling. Further details may be obtained from <https://nipso.org.uk/nipso/>

## **NIPSO website**

- The NIPSO website provides a centre for best practice in complaints handling. It contains information to help support improvement in public sector complaints handling, including published MCHPs for public bodies in NI, implementation and compliance guidance, and best practice and training resources.

## **Complaints handler Networks**

- NIPSO supports a Local Government complaints handling network. The remit of this group includes identifying, developing and evaluating best practice, supporting complaints handling practitioners and providing a forum for benchmarking complaints performance. The network is used to help take forward the ongoing standards work of NIPSO in areas such as developing standardised complaints recording categories.

## **Part 2: The Operations of the Complaints Handling Process (CHP)**

### **The complaints handling process**

The MCHP aims to provide a quick, simple, and streamlined process for responding to complaints early and locally by capable, well-trained staff. The aim is, where possible, to resolve the complaint to the customer's satisfaction. Where this is not possible, the customer should be provided with a clear and reasoned response to their complaint. Complaints should be managed in an open and transparent way which builds trust in the organisation's complaints handling process.

### **Resolving the complaint**

A complaint is resolved when both we and the customer agree what action (if any) will be taken to provide full and final resolution for the customer. Occasionally this may be done without making a decision about whether the complaint is upheld or not upheld. In many cases, however, it may be possible to resolve complaints and make a decision about whether the complaint is upheld or not upheld.

You should try to resolve complaints wherever possible, although Council accepts this will not be possible in all cases.

A complaint may be resolved at any point in the Complaints Handling Procedure (CHP), including during the investigation stage. It is particularly important that we try

to resolve complaints where there is an ongoing relationship with the customer or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.

It may be helpful to use alternative complaint resolution approaches when trying to resolve a complaint [please see section '*Alternative complaint resolution approaches*'].

Where a complaint is resolved, we do not normally need to continue looking into it or provide a response on all points of complaint. There must be a clear record of how the complaint was resolved, what action was agreed, and the customer's agreement to this as a final outcome. In some cases, it may still be appropriate to continue looking into the issue, for example where there is evidence of a wider problem or potential for useful learning. You should use your professional judgment in deciding whether it is appropriate to continue looking into a complaint that is resolved.

- In all cases, we must record the complaint outcome (resolved), any action taken and signpost the customer to stage 2 (for stage 1 complaints) or to NIPSO as usual [please see section '*Signposting to NIPSO*'].

- If the customer and our organisation are not able to agree a resolution, we then follow this CHP to provide a clear and reasoned response to each of the issues raised.

### **What to do when you receive a complaint**

- When you receive a complaint, you should consider four key questions. This will help you to either respond to the complaint quickly (at stage 1) or determine whether the complaint is more suitable for stage 2:

#### **What exactly is the customer's complaint (or complaints)?**

- It is important to be clear about exactly what the customer is complaining about. You may need to ask the customer for more information and probe further to get a full understanding.
- You will need to decide whether the issue can be defined as a complaint and whether there are circumstances that may limit our ability to respond to the customer (such as the time limit for making complaints, confidentiality, anonymity or the need for consent). You should also consider whether the complaint is serious, high-risk or high-profile.
- If the matter is not suitable for handling as a complaint, you will explain this to the customer and signpost them to the relevant procedure or NIPSO for further advice.

- In most cases, this step will be straightforward. If it is not, the complaint may need to be handled at stage 2 following discussion and agreement with the customer [please see section '*Stage 2: Investigation*'].

### **What does the customer want to achieve by complaining?**

- At the outset, you will clarify the outcome the customer wants. Of course, the customer may not be clear about this, and we may need to probe further to find out what they expect, and whether they can be satisfied.

### **Can I achieve this, or explain why not?**

- If you can achieve the expected outcome, for example by providing an on-the-spot apology or explain why they cannot achieve it, you should do so.
- The customer may expect more than we can provide. If so, we will tell them as soon as possible.
- Complaints which can be resolved or responded to quickly should be managed at stage 1 [please see section '*Stage 1: Frontline response*'].

### **If I cannot respond, who can help?**

- If the complaint is simple and straightforward, but you cannot deal with it because, for example, you are unfamiliar with the issues or area of service involved, you should pass the complaint to someone who can respond quickly.
- If it is not a simple and straightforward complaint that can realistically be closed within 5 working days (or 10, if an extension is appropriate), it should firstly be fully considered at stage 1, in case, for example there is a resolution that has not yet been considered. Following full consideration at stage 1 and discussion and agreement with the customer, the complaint should be moved to stage 2. A record should be made of the decision to move the complaint to stage 2. If the customer refuses to engage at stage 1, insisting that they want their complaint investigated, a record of this should be made and the complaint handled immediately at stage 2 [please see section '*Stage 2: Investigation*'].

## Stage 1: Frontline response

- Frontline response aims to respond quickly (**within 5 working days**) to straightforward complaints.
- Any member of staff may deal with complaints at this stage (including the staff member complained about, for example with an explanation or apology). The main principle is to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.
- We may respond to the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future. If we consider an apology is appropriate, we may wish to follow NIPSO's '[Guidance on issuing an Apology](#)'.
- All complaints should be fully considered at stage 1 to identify any opportunities for resolution. Only after discussion and agreement with the customer, will the complaint be moved to stage 2: Investigation. The decision to handle the complaint at stage 2 should be recorded.

## Notifying staff members involved

- If the complaint is about the actions of another staff member, the complaint should be shared with them, where possible, before responding (although this should not prevent us responding to the complaint quickly, for example where it is clear that an apology is warranted).

## Timelines

- Frontline response must be completed **within 5 working days**, although in practice we would often expect to respond to the complaint much sooner. 'Day one' is always the date of receipt of the complaint (or the next working day if the complaint is received on a weekend or public holiday).

Correspondence received after 4pm will be dated as received the next working day.

## Extension to the timeline

- In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Extensions must be agreed with an appropriate manager. We will tell the customer about the reasons for the extension, and when they can expect a response. **The maximum extension that can be granted is 5 working days (that is, no more than ten working days in total from the date of receipt).**

- If a complaint will take more than 5 working days to look into, it should be handled at stage 2 immediately. Any movement of a complaint to stage 2 should be discussed and agreed with the customer first. The decision and rationale for the decision should be recorded. The only exception to this is where the complaint is simple and could normally be handled within 5 working days, but it is not possible to begin immediately (for example, due to the absence of a key staff member). In such cases, the complaint may still be handled at stage 1 if it is clear that it can be handled within the extended timeframe of up to **10 working days**.
- If a complaint has not been closed within 10 working days, it should be escalated to stage 2 for a final response following discussion and agreement with the customer.
- **Appendix 3** provides further information on timelines.

### Closing the complaint at the frontline response stage

- If we convey the decision face-to-face or on the telephone, we are not required to write to the customer as well (although we may choose to). We must:
  - tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld or not upheld)
  - explain the reasons for our decision (or the agreed action taken to resolve the complaint – please see section '*Resolving the complaint*')
  - explain that the customer can escalate the complaint to stage 2 if they remain dissatisfied and how to do so (we should not signpost to NIPSO until the customer has completed stage 2).
- You should keep a full and accurate record of the decision given to the customer. If you are not able to contact the customer by telephone, or speak to them in person, you should provide a written response to the complaint where an email or postal address is provided, covering the points above.
- If the complaint is about the actions of a particular staff member(s), you should share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).
- The staff member handling the complaint should consider whether any learning has been identified. Where learning has been identified, this should be recorded to enable reporting [please see section '*Learning from complaints*'].



- The complaint should then be closed and the complaints system updated accordingly.

## Stage 2: Investigation

- Stage 2 is appropriate where:
  - the customer is dissatisfied with the frontline response or refuses to engage at the frontline stage and would like their complaint to be investigated. Unless exceptional circumstances apply, the customer should escalate the complaint within six months of when they first knew of the problem or within two months of the stage 1 response, whichever is later [please see section '*Time limit for making a complaint*'. Exceptional circumstances will be considered and if acceptable, we will accept the complaint outside of these timeframes.]
  - the complaint is complex (for example where the customer has raised a number of issues, or where information from several sources is needed before we can establish what happened and/or what should have happened)
  - the complaint relates to serious, high-risk, or high-profile issues
- An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the customer a full, objective, and proportionate response that represents our final position. Wherever possible, complaints should be investigated by someone not involved in the complaint (for example, a line manager or a manager from a different area/department. The organisation should decide at what level in the organisation a final complaint response at stage 2 can be signed off).
- Details of the complaint must be recorded on the complaints system. Where appropriate, this will be done as a continuation of frontline response. If the investigation stage follows a frontline response, the officer responsible for the investigation should have access to all case notes and associated information.
- The beginning of stage 2 is a good time to consider whether complaint resolution approaches other than investigation may be helpful [please see section '*Alternative complaint resolution approaches*'].

## Acknowledging the complaint

- Complaints must be acknowledged **within 3 working days** of receipt at stage 2.
- You should issue the acknowledgement in a format which is accessible to the customer, taking into account their preferred method of contact.
- Where the points of complaint and expected outcomes are clear from the complaint, you should set these out in the acknowledgement and ask the customer to get in touch with us immediately if they disagree (see '*Agreeing the issues of complaint and outcome sought*').
- Where the points of complaint and expected outcomes are not clear, you should tell the customer in the acknowledgement letter that we will contact them to discuss this.

## Agreeing the issues of complaint and outcome sought

- It is important to be clear from the start of stage 2 about the issues of complaint to be investigated and what outcome the customer is seeking. We may also need to manage the customer's expectations about the scope of our investigation.
- Where the issues of complaint and outcome sought are clear, we can confirm our understanding of these with the customer when acknowledging the complaint.
- Where the issues of complaint and outcome sought are not clear, we must contact the customer to confirm these. We will normally need to speak to the customer (by phone or face-to-face) to do this effectively. In some cases, it may be possible to clarify complaints in writing. The key point is that we need to be sure we and the customer have a shared understanding of the complaint. When contacting the customer, we will be respectful of their stated preferred method of contact. We should keep a clear record of any discussion with the customer.

In all cases, we must have a clear shared understanding of:

- **What are the issues of complaint to be investigated?**

While the complaint may appear to be clear, agreeing the issues of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion arising at a later stage. The issues of complaint should be specific enough to direct the investigation, but broad enough to include any multiple and specific points of concern about the same issue.

We will make every effort to agree the issues of complaint with the customer (alternative complaint resolution approaches may be helpful at this stage). In very rare cases, it may not be possible to agree the issues of complaint (for example, if the customer insists on an unreasonably large number of complaint issues being separately investigated, or on framing their complaint in an unacceptable way). We will manage any such cases in accordance with our 'Unacceptable Behaviour Policy', bearing in mind that we should continue to investigate the complaint (as we understand it) wherever possible.

- **Is there anything we can't consider under the CHP?**

We must explain if there are any issues that are not suitable for handling under the CHP [please see section '*What to do if the CHP does not apply*' ].

- **What outcome does the customer want to achieve by complaining?**

Asking what outcome the customer is seeking helps direct the investigation and enables us to focus on resolving the complaint where possible.

- **Are the customer's expectations realistic and achievable?**

It may be that the customer expects more than we can provide or has unrealistic expectations about the scope of the investigation. If so, we should make this clear to the customer as soon as possible.

### **Notifying staff members involved**

If the complaint is about the actions of a particular staff member/s, you should notify the staff member/s involved (including where the staff member/s is/are not named but can be identified from the complaint). You should:

- share the complaint information with the staff member/s (unless there are compelling reasons not to)
- advise them how the complaint will be handled, how they will be kept updated and how we will share the complaint response with them
- discuss their willingness to engage with alternative complaint resolution approaches (where applicable); and
- signpost the staff member/s to a contact person who can provide support and information on what to expect from the complaint process (this must not be the person investigating or signing off the complaint response).

- If it is likely that internal disciplinary processes may be involved, the requirements of that process should also be met. It is important that there is clear separation between the complaint and the disciplinary process and that staff are aware of the remit of both.

### **Investigating the complaint**

It is important to plan the investigation before beginning. The staff member investigating the complaint should consider what information they have and what they need about:

- what happened? (This could include, for example, records of phone calls or meetings, work requests, recollections of staff members or internal emails)
- what should have happened? (This should include any relevant policies or procedures that apply); and
- is there a difference between what happened and what should have happened, and is the Council responsible?

In some cases, information may not be readily available. We will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue (for example, it may be appropriate to contact a former employee, if possible, where they hold key information about a serious complaint).

If we need to share information internally or externally, the Council will be mindful of our obligations under data protection legislation.

[NIPSO has resources to assist organisations conducting investigations, including: An Investigation Plan template and Decision-making tool for complaint investigators]

### **Alternative complaint resolution approaches**

Some complex complaints, or complaints where customers and other interested parties have become entrenched in their position, may require a different approach to resolving the matter. Where we think it is appropriate, we may use alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to try to resolve the matter and to reduce the risk of the complaint escalating further. If mediation is attempted, a suitably trained and qualified mediator will be used. Alternative complaint resolution approaches may help the Council and the customer to understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.

Alternative complaint resolution approaches may be used to resolve the complaint entirely, or to support one part of the process, such as understanding the complaint, or exploring the customer's desired outcome.

If Council and the customer (and any staff member(s) involved) agree to using alternative complaint resolution approaches, it is likely that an extension to the timeline will need to be agreed. This should not discourage the use of these approaches.

### Meeting with the customer during the investigation

To effectively investigate the complaint, it may be necessary to arrange a meeting with the customer. Where a meeting takes place, we will always be mindful of the requirement to investigate complaints (including holding any meetings) within 20 working days wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.

As a matter of good practice, a written record of the meeting should be completed and provided to the customer. Alternatively, and by agreement with the person making the complaint, we may provide a record of the meeting in another format. We will notify the person making the complaint of the timescale within which we expect to provide the record of the meeting.

### Timelines

The following deadlines are appropriate to cases at the investigation stage (counting day one as the day of receipt, or the next working day if the complaint was received on a weekend or public holiday):

- complaints must be acknowledged **within 3 working days**
- a full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received for investigation.

### Extension to the timeline

Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the **20-working day** timeline. It is important to be realistic and clear with the customer about timeframes, and to advise them early if we think it will not be possible to meet the **20-day timeframe**, and why. We should bear in mind that extended delays may have a detrimental effect on the customer and any staff member/s complained about (if applicable).

Any extension must be considered and approved by an appropriate manager. A clear rationale should be recorded on each occasion for the appropriate manager to consider and approve. The manager should consider the legitimacy of the reasons provided before approving any extension. There should be a clear record of what action has been taken to progress the complaint during the extension timeframe before a further extension is approved. The customer and any member/s of staff complained about should be kept updated on the reason for the delay and give them a revised timescale for completion. You should contact the customer and any

member/s of staff complained about **at least once every 20 working days** to update them on the progress of the investigation. Repeated extensions should be avoided where possible as this can lead to a loss of faith in the process by the customer.

For example: The reasons for an extension might include the following:

- essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, customer or others but the person is not available because of long-term sickness or leave.
- we cannot obtain further essential information within normal timescales; or
- the customer has agreed to alternative complaint resolution approaches as a potential route for resolution.

These are only a few examples, and we will judge the matter in relation to each complaint. However, an extension would be the exception].

**Appendix 3** provides further information on timelines.

### **Closing the complaint at the investigation stage**

The final response to the complaint should be in writing (or by the customer's preferred method of contact) and must be signed off by a manager or officer who is empowered to provide the final response on behalf of the Council. *[Organisations may wish to include guidance on local sign-off arrangements].*

We will tell the customer the outcome of the complaint (whether it is resolved, upheld, partially upheld, or not upheld). The quality of the complaint response is very important and in terms of good practice should:

- be clear and easy to understand, written in a way that is person-centred and non-confrontational
- avoid technical terms, but where these must be used, an explanation of the term should be provided
- address all the issues raised and demonstrate that each element has been fully and fairly investigated
- include an apology where things have gone wrong (this is different to an expression of empathy) and any other action to be taken to put things right
- highlight any area of disagreement and explain why no further action can be taken

- indicate that a named member of staff is available to clarify any aspect of the letter.

In the same correspondence, and within two weeks of the day the complaints procedure is exhausted/completed, the customer must be advised of our statutory requirements:

- The customer has exhausted/completed our complaints procedure; and
- if the customer is not satisfied with the outcome of the local process and stage 2, the customer may seek a review by NIPSO [please see section '*Signposting to NIPSO*' below].

Where a complaint has been resolved, our final response does not need to provide a decision on all points of complaint but should instead confirm the resolution agreed [please see section '*Resolving the complaint*' at page 19].

If the complaint is about the actions of a particular staff member(s), we will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).

A record of the decision, and details of how it was communicated to the customer, should be recorded on the complaints system.

Before the closure of the complaint, the staff member handling the complaint should consider whether any learning has been identified. Where learning has been identified, this should be recorded to enable reporting.

### **Signposting to NIPSO**

Once the investigation stage has been completed, the customer has the right to approach NIPSO if they remain dissatisfied. We must make clear to the customer:

- their right to ask NIPSO to consider the complaint
- the time limit for doing so
- how to contact NIPSO.

NIPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. NIPSO looks at issues such as service failure and maladministration (administrative fault), and the way we have handled the complaint. There are some subject areas that are not within NIPSO's jurisdiction, but it is NIPSO's role to determine whether an individual complaint is one that they can consider (and to what extent). All investigation responses must signpost to NIPSO.

The following wording should be used to inform customers of their right to ask NIPSO to consider the complaint. This information will be included on Council's final response to the complaint.

## Information about NIPSO

The Northern Ireland Public Services Ombudsman (NIPSO) is the final stage for complaints about the majority of public services in Northern Ireland. This includes complaints about Derry City and Strabane District Council. NIPSO is an independent organisation that investigates complaints. The service provided by NIPSO is free. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

If you remain dissatisfied when you have considered this response, you can ask NIPSO to look at your complaint. NIPSO generally expect complaints to be brought to it:

- within 6 months since you received correspondence from the Council informing you that the complaints handling procedure is complete and of your right to refer your complaint to NIPSO.

NIPSO will generally ask complainants to provide details of their complaint and a copy of the final response from the organisation. You can do this online at [How do I make a complaint to NIPSO? • Office of the Northern Ireland Ombudsman](#) or call them on Freephone 0800 34 34 24.

You may wish to get independent support or advocacy to help you progress your complaint. Organisations who may be able to assist you are:

- Advice NI

Website: [www.adviceni.net](http://www.adviceni.net)

Freephone: 0800 915 4604

**NIPSO's contact details are:**

**The Northern Ireland Public Services Ombudsman  
33 Wellington Place  
Belfast  
BT1 6HN**

**Tel Freephone: 0800 34 34 24**

**Email: [nipso@nipso.org.uk](mailto:nipso@nipso.org.uk)**

**Web: [www.nipso.org.uk](http://www.nipso.org.uk)**



### Post-closure contact

- If a customer contacts us for clarification when they have received our final response, it is permissible to have further discussion with the customer to clarify our response and answer their questions. This can be used as a further opportunity to try to resolve the complaint and the organisation's commitment to improvement and learning. However, if the customer is dissatisfied with our response or does not accept our findings, we will explain that we have already given them our final response on the matter and signpost them to NIPSO.

## Appendix 1 – Potential Stage 1 Complaints

The following tables give examples of complaints that may be considered at the frontline stage and suggested possible actions.

<b>Complaint</b>	<b>Possible Actions</b>
A customer reports that their bin has not been emptied for two weeks in a row.	<ul style="list-style-type: none"> <li>• Apologise to the customer.</li> <li>• Liaise with the waste management department to investigate the reason for the service fault.</li> <li>• Maintain contact with and update the complainant whilst liaising with relevant organisational personnel.</li> <li>• Ensure that the service is provided the following week.</li> <li>• Check in with the customer the following week to ensure the service was provided.</li> <li>• Record all details of the complaint for monitoring and learning purposes.</li> </ul>
A customer complains that the changing facilities in a council operated leisure facility are dirty.	<ul style="list-style-type: none"> <li>• Communicate clearly with the customer by thanking them for drawing the matter to the organisation’s attention and assure them that the complaint will be investigated.</li> <li>• Liaise with leisure centre management</li> <li>• personnel to investigate the status of the</li> <li>• changing facilities.</li> <li>• Ensure leisure centre management rectify the issue.</li> <li>• Maintain communication with the customer and update them on the progress of the complaint.</li> <li>• Record all details of the complaint for monitoring and learning purposes.</li> </ul>
Council Owned Community Managed Centres – A member of the public or Community Group complains about the Community	<ul style="list-style-type: none"> <li>• Communicate clearly with the individual / group by thanking them for drawing the matter to the Council’s attention</li> </ul>

<p>Centre programme / activities / cleanliness etc.</p>	<p>and assure them that the complaint will be investigated.</p> <ul style="list-style-type: none"> <li>• Facilities Manager to liaise with the Lead Community Organisation named within the Shared Management Agreement who carries out the day-to-day operations of the Centre to resolve any issues relating to the complaint.</li> <li>• Maintain communication with the customer and update them on the progress of the complaint.</li> <li>• Record all details of the complaint for monitoring and learning purposes</li> </ul>
<p>A customer expresses dissatisfaction in line with the definition of a complaint but says she does not want to complain – just wants to tell the organisation about the matter.</p>	<ul style="list-style-type: none"> <li>• Tell the customer that the organisation values complaints because they help to improve services and/or service delivery.</li> <li>• Encourage them to submit the complaint.</li> <li>• In terms of improving service delivery and</li> <li>• learning from mistakes, it is important that</li> <li>• customer feedback, such as this, is recorded, evaluated, and acted upon.</li> <li>• If the customer still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that they will not be contacted again about the matter.</li> <li>• Record all details of the complaint for monitoring and learning purposes.</li> </ul>

<p>A customer complains that they must wait over 7 days for an appointment to register their baby.</p>	<ul style="list-style-type: none"> <li>• Apologise to the customer for the inconvenience</li> <li>• Explain to the customer that due to the office having a high volume of birth registrations this is the usual waiting time for an appointment.</li> <li>• Reassure the customer that they will not be penalized for not having their baby's birth registered within 42 days of the date of birth as this is something out of their control.</li> <li>• Offer the customer an earlier appointment in the alternative office.</li> <li>• Maintain communication with the customer and update them if an earlier appointment becomes available in the local office.</li> <li>• Record all details of the complaint for monitoring and learning purposes.</li> </ul>
<p>Grant Aid Funding – Lack of adequate funding to the Community &amp; Voluntary sector. Community &amp; Voluntary sector groups not successful in receiving grant aid funding. Issues with the on-line grant process etc.</p>	<ul style="list-style-type: none"> <li>• Communicate clearly with the individual / group by thanking them for drawing the matter to the Council's attention and assure them that the complaint will be investigated.</li> <li>• Relevant DEA to investigate the complaint and outline / address any issues highlighted.</li> <li>• Maintain communication with the individual / group and update them on the progress of the complaint.</li> <li>• Record all details of the complaint for monitoring and learning purposes</li> </ul>

A customer reports that they are dissatisfied with an unreasonable delay in providing a service, e.g., determining a licence application

- Contact the customer to gather information.
- Review the complaint file
- Assure customer that officers are fully trained, experienced and competent.
- Assure the customer that officers follow a documented food complaints procedure
- Speak to the relevant officer if necessary.
- Arrange training for staff member if necessary.
- Record details on Tascomi.

## Appendix 2 – Complex complaints not to be handled through the CHP

A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the customer has to keep on asking for service.

1. In some cases, a measure of discretion or further clarification is required in determining whether something is a complaint that should be handled through this procedure or another matter which should be handled through another process. There are also some specific circumstances when complaints should be handled in a particular manner.
2. The following paragraphs provide examples of the types of issues or concerns that must not be handled through the complaints handling procedure. This is not a full list, and you should decide the best route based on the individual case.

### Planning decisions

3. *Customers may express dissatisfaction after the refusal of a planning **decision** or other related permissions. An example would be dissatisfaction with a condition of consent or an enforcement action.*
4. *Planning applicants, or their agent, have the right to appeal to the Planning Appeals Commission about the planning decision. Appeals may be determined on the basis of a hearing, written representations with an accompanied site visit or by written representations with a Planning Appeals Commissioner's site visit.*
5. *Customers who are dissatisfied with one of our planning decisions, and who have a right to appeal to the Planning Appeals Commission, should be directed to this service. However, some complaints about planning matters are from third parties such as neighbours. These customers do not have the right of appeal to the Planning Appeals Commission. These complaints, and those complaints about the administration of the planning process, should be considered through the CHP.*

### Claims for compensation only

6. *A customer may seek to use the CHP to obtain compensation from us if they consider us liable. This includes issues such as personal injury or loss of. Where it is clear from the information provided by the customer that the matter is not a complaint but is a claim **only** and the outcome sought is compensation, it may not be appropriate to consider the matter as a complaint. Claims for compensation **only** are not complaints, so will not be handled through the CHP. Where a customer wants to complain about the matter leading to their request for compensation, we may consider that matter as a complaint. The request for compensation may or may not be dealt with separately. We may decide to suspend complaint action pending the outcome of the claim for compensation. In these*

*circumstances we will must notify the customer and explain that the complaint will be fully considered when the compensation claim has been decided.*

- 7. If we receive a compensation claim, we will explain to the customer the process for claiming compensation in line with our policy on these claims.*

### **Licence decisions**

- 8. We are responsible for issuing various licences, including public entertainment, HMO (Houses in Multiple Occupation), caravan licenses. These have their own legal redress. Customers who are dissatisfied with these decisions will have to pursue this through the correct procedure for the type of licence they want.*

## Appendix 3 - Timelines

### General

1. References to timelines throughout the CHP relate to working days. We do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.
2. Correspondence / emails received after 4pm are marked as having been received the next working day.

### Timelines at frontline response (stage 1)

3. We will aim to achieve frontline response within 5 working days. The date of receipt is day 1, and the response should be provided (or the complaint escalated) on day 5, at the latest.
4. If we have extended the timeline at the frontline response stage in line with the CHP, the response should be provided (or the complaint escalated) on day 10, at the latest.

### Transferring cases from frontline response to investigation:

5. If the customer wants to escalate the complaint to the investigation stage, the reason must be recorded at stage 1 and the case must be passed for investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

### Timelines at investigation (stage 2)

6. For complaints at the investigation stage, day 1 is:
  - the day the customer requested or agreed the matter to be considered at the investigation stage (stage 2).
7. We must acknowledge the complaint within 3 working days of receipt at stage 2 i.e. by day 3.
8. We should respond in full to the complaint by day 20, at the latest. We have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline response stage.
9. Exceptionally, we may need longer than the 20-working day limit for a full response. If so, we will explain the reasons to the customer, and update them (and any staff involved) at least once every 20 working days.



## Appendix 4 - Frequently asked questions

What happens if an extension is granted at stage 1, but then the complaint is escalated?

10. The extension at stage 1 does not affect the timeframes at stage 2. The stage 2 timeframes apply from the day the complaint was received at stage 2 (we have 20 working days from this date, unless an extension is granted).

What happens if we cannot meet an extended timeframe?

11. If we cannot meet the extended timeframe at stage 1, the customer should be notified. The complaint should be discussed with the customer and if in agreement, the complaint should be moved to stage 2. The maximum timeframe allowed for a stage 1 response is 10 working days.

12. If we cannot meet the extended timeframe at stage 2, a further extension may be approved by an appropriate manager if there are clear reasons for this. There should be a clear record of what action has been taken to progress the complaint during the extension timeframe before a further extension is approved. This should only occur in exceptional circumstances (the original extension should allow sufficient time to realistically investigate and respond to the complaint). Where a further extension is agreed, we should explain the situation to the customer and give them a revised timeframe for completion. We must update the customer and any staff involved in the investigation at least once every 20 working days.

What happens when a customer asks for stage 2 consideration a long time after receiving a frontline response?

13. Unless exceptional circumstances exist, customers should bring a stage 2 complaint within six months of learning about the problem, or within two months of receiving the stage 1 response (whichever is latest).

This information is available upon request in a number of formats including large print, Braille, PDF, audio formats (CD, MP3, DAISY) and minority languages.

For further information on alternative formats please contact the Equality Officer on

Tel 028 71 253253 Ext 6705

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