

Complaint Policy

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1 INTRODUCTION

Colchester City Council strives to deliver the best possible value and service to its customers and to deliver that service right first time. We understand the importance of feedback and are committed to ensuring we use it to maintain, enhance or improve our services and culture.

This policy complies with the [Local Government and Social Care Ombudsman Complaint Handling Code](#).

2 CUSTOMER SERVICE STANDARDS

Ensuring we help Customers in every way possible to access our services is very important to us. Part of this is making sure all our customers receive a consistent and appropriate level of service in all our interactions with the Council, no matter who they are.

To do so, we have a set of Customer Service Standards that outlines the minimum expectations for our staff:

- Be welcoming, fair, responsive and courteous
- Actively listen to our customers and use feedback to meet your needs and improve our services and products
- Have professional, well-informed staff, who take pride in what they do
- Let you know what we can provide and what you should expect
- Get it right for our customers and do the best we can
- Make sure everyone has easy, equal access to our services
- Communicate in plain language and avoid jargon
- Respect your right to privacy and confidentiality

3 HOW TO COMPLAIN

If you feel we have done something wrong, badly or have failed to do something, the first thing you should do is contact the relevant service or the officer you have been dealing with. You should ask them to put things right for you or explain what went wrong.

If it has not been possible, or it is not appropriate to resolve matters informally, a formal complaint should be made as soon as possible and within 40 working days of the issue occurring. The Council will not normally consider complaints made after this period, unless there is a credible and compelling reason for the delay. The formal complaints process is set out below:

3.1 What is a complaint

- Dissatisfaction with our policies
- Failure by the Council or its employees to respond to a reported problem
- Failure to provide adequate standards of service

- Delay or failure to provide a service
- Dissatisfaction with an employee's behaviour or attitude

3.2 What is not considered a complaint

- Routine or day to day issues that can be easily resolved
- Expecting a higher standard of service than we are reasonably able/required to provide
- Reporting a problem or requesting a service for the first time
- A request for information or explanation of policies or procedures
- Cases where other rights of appeal exist such as refusal of planning permission

3.3 Who can make a complaint?

We accept complaints from residents, local businesses, visitors to the city, suppliers of services or any group or individual that uses or is affected by our services. We also accept complaints made on behalf of someone else, for example councillors, Members of Parliament (MPs) or representatives (for example a friend, relative or carer).

4 HOW WE HANDLE COMPLAINTS

We have a 2-stage process for handling complaints. This gives complainants the opportunity to have their complaint reviewed by more senior levels of management if they are not satisfied with our response.

4.1 Stage 1

So that we can fully investigate, you should submit your complaint via our [online form](#) with as much information as you can, including dates, times, any officer name(s), any evidence and whether the matter has been raised informally. Please also include what form of redress/remedy you are seeking.

Your complaint will be acknowledged within 5 working days and will be forwarded to an officer or manager that deals with the service the complaint is about. The matter will be investigated by the relevant team, and we will aim to provide you with the outcome of this investigation within 10 working days of receiving your complaint. If longer is needed to complete our investigation, we will notify you of this and a date that we will respond to you by. Where appropriate, your complaint may be reviewed by an officer or manager in another department.

4.2 Stage 2

If you disagree with our response, you may submit an appeal via our [online form](#). You must provide the original complaint reference provided to you at Stage 1, otherwise the complaint may be considered as a new complaint and handled accordingly. You will receive acknowledgement of your request within 5 working days, the Stage 1 investigation and response will be reviewed by the relevant Head of Service and the outcome of the review will be sent to you within 4 weeks of receiving your appeal. If more time is needed to complete the review, we will write to you to advise you of this and a date that we will respond to you by.

4.3 What you can expect to receive from us

Every reasonable effort will be made to deal with complaints promptly and efficiently. Complaints will be investigated thoroughly and objectively, and, in every instance, you can expect our response to follow our Customer Service Standards.

If the complaint is upheld the Council will seek to provide an appropriate response and will correct any mistakes/take any other appropriate action. You may receive one or more of the following:

- An apology
- An explanation of why the Council handled the matter the way it did
- An explanation of what went wrong
- Remedial action, such as how we will provide the service
- A commitment to how we will try to prevent the same thing happening again

If a complaint is not upheld, reasons for that decision will be given.

5 LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN

If, having followed both stages of our complaint process, you are still not satisfied with our response or you are not happy with the way we have handled your complaint, you can contact the [Local Government & Social Care Ombudsman](#).

This is a free service that anyone can use and provides a final stage of investigation into complaints made about councils. They can provide information about next steps and whether they can or should investigate on your behalf. You can ask for a further review if you:

- are not happy with the way we have handled your complaint
- are not satisfied with our response to your complaint

Please note that you must contact them yourself if you want to refer your complaint and they will advise you to follow our complaint process in the first instance.

Website: www.lgo.org.uk

Telephone: 0300 061 0614

6 COMPLAINT MONITORING

The Council produces statistical reports and analysis of complaints received that are shared with the Senior Leadership Team. This information is used to review our performance and ensure we continually enhance and improve our services.

7 UNREASONABLE BEHAVIOUR

People can behave out of character in times of distress and there may have been upsetting circumstances leading up to making a complaint to us. As a Council we do not consider a person's behaviour to be unreasonable just because they are forceful or determined.

However, a complainant may place unreasonable demands on our service by submitting multiple, frequent or lengthy contacts or through rude, demanding or unacceptable behaviour towards the Council's staff.

Unreasonable behaviour can take up unnecessary resources and taxpayer funds and can impact upon our ability to deliver services. We have a duty of care to our staff members and will not tolerate offensive or abusive behaviour, either in person or by another contact method.

When necessary, the Council will act to restrict access to our services when unreasonable behaviour persists.

7.1 What is unreasonable behaviour?

Behaviour that may be considered unreasonable includes some of the below (although this list is not exhaustive):

- Refusing to specify the grounds of a complaint, despite offers of assistance from Council staff;
- Adopting a 'scattergun' approach: pursuing a complaint with the Council and at the same time with a Member of Parliament/a Councillor/the Council's independent auditor/Standards for England/local police/solicitors/the Local Government Ombudsman;
- Submitting repeat complaints, during or after the Council's complaint process has been completed, about the same or very similar issues;
- Refusing to accept the decision – repeatedly arguing the point and -complaining about the decision;
- Refusing to co-operate with the complaint investigation while still wishing their complaint to be resolved;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaint procedure or with good practice;
- Recording meetings that are not relevant to the complaint or failing to make reasonable efforts to inform all parties that any conversation is being recorded

7.2 What action we will take

Where Council staff identify that they may be dealing with unreasonable behaviour, they will take appropriate action to deal with the nature and frequency of the complainant's actions.

7.2.1 Warnings

In the most cases, we will explain why we consider someone's behaviour to be unreasonable and ask them to change it. We will warn them that, if their behaviour persists, we may act to restrict their contact with us.

Where someone's behaviour is so extreme that it threatens the immediate safety and welfare of Council staff, we may report the matter to the police or consider taking legal action. In such cases, we may not give prior warning of this action.

7.2..2 Limitations and Single Point of Contact (SPOC)

The Senior Leadership Team may decide to limit the complainant to one form of contact, such as telephone, letter or email.

Where it is deemed appropriate, complainants may be limited to communicate with a one named member of staff and will be required to only communicate with that Single Point of Contact (SPOC).

Any limitations applied to a complainant will take effect for a minimum period of six months. After six months, a complainant can ask for the limitations to be reviewed for removal. They should make their request using the method of contact or SPOC they have been limited to.

7.2..3 Terminating access to the complaints process

If a complainant continues to behave unreasonably or refuses to comply with the limitations applied to their contact, we may decide to terminate contact with them and end any investigation into their complaint.

Any future submissions on the same matter will be recorded, but no further action will be taken.

7.3 Offensive and abusive behaviour

Council staff members are expected to do their best to provide an expected standard of service as outlined in our Customer Service Standards. However, they cannot do this if they experience abusive or offensive behaviour from someone, through any form of contact. If a complainant is abusive in writing, in person or over the telephone, staff should advise them that abusive or offensive language or behaviour is not acceptable and, if the behaviour persists, terminate the contact.

Offensive or abusive behaviour includes intimidation, harassment, sexual threats, verbal abuse over the telephone or email, threats to others (family, friends, colleagues, “the Council”, etc.) or threats to property. A person who may place employees in compromising or threatening situations will be considered for the cautionary contact register (**Colchester City Council Cautionary Contact Register Policy**).

8 FREEMAN ON THE LAND

The Freeman on the Land movement and similar groups commonly believe that people are only bound by the contracts and laws they have consented to. However, contract law and alleged rights under common law are not the same as legislation relating to the administration and collection of council tax.

You do not have a choice as to whether you are liable for council tax and being a ‘freeman’ does not exempt anyone from paying council tax.

While we do our best to answer all relevant enquiries about council tax, we reserve the right to refuse to respond to lengthy spurious enquiries or complaints that focus on hypothetical arguments that have no basis in statute which use our resources at the expense of other taxpayers. This includes letters and notices served on the Council's Chief Executive with the same misleading reasoning.

9 COMPLAINTS ABOUT COUNCILLORS

There is a separate process if you wish to make a complaint about any Colchester City Councillors or Co-opted members. You can find details of this process and how to make a complaint about a Councillor on our website.

10 WAYS TO CONTACT US

10.1 Online

You can access many of our services online, including submitting a complaint:

www.colchester.gov.uk

10.2 By phone

Contact us by phone Monday to Friday 9am to 5pm, excluding Bank Holidays:

01206 282222