



Resolving Complaints and Improving Services

Policy and Procedure for

Shropshire Council Adult Social Care Services

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Section 1 – Scope of the Representations and Complaints Procedure

1. Defining representations and complaints

Shropshire Council welcomes all feedback from customers because it helps to improve the way we do things and to learn from things that have gone wrong.

The intention of this document is to set out the statutory procedure for a customer who is likely to want to make representations, including complaints, about the actions, decisions or apparent failings of our Adult Social Care Services and to allow any other appropriate person to act on their behalf.

A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to a customer, which requires a response. Representations may not always be complaints; they might also be positive remarks or ideas that require a response from the local authority. Enquiries or comments about the availability, delivery or nature of a service which are not criticisms are also welcomed and can help us to improve our services.

2. Policy

This policy outlines the procedure for Adult Social Care complaints. Complaints relating specifically to Children and Young People Services or other Services of the Council are covered in separate policies.

The policy is framed to:

- provide a high quality and responsive service;
- acknowledge that all people who receive services have a right to complain if they think that something that should have been done has not been done, or that something has been done badly or wrongly.

Legislation

This procedure is a statutory requirement laid upon Social Services Departments by the Local Council Social Services Act 1970, Section 7 as amended by:

- a. National Health Service and Community Care Act 1990, Section 50.
- b. Health and Social Care (Community Health and Standards) Act 2003; any function discharged by it under arrangements made under section 75 of the 2006 Act.
- c. Local Authorities Social Services Complaints (England) Regulations 2009 (replacing Local Authorities Social Services Complaints (England) Regulations 2006).
- d. Statutory Instrument 2009 No. 309.
- e. Section 50 of the NHS and Community Care Act 1990 inserted a new section (7b) into the Local Council and Social Services Act 1970.
- f. This procedure complies with the Data Protection Act 1998 and the Freedom of Information Act 2000. Any information obtained in relation to a complaint can only be used for that purpose. S19 of the Health and Social Care (Community

Health and Standards) Act 2003 amends the complaints function to S31 of the Data Protection Act 1998. When considering a complaint this is exempt from the 'subject information' provisions of the Data Protection Act 1998 where any use of these provisions would prejudice considering the complaint. The subject information provisions of the Act allow individuals to obtain information which is held on them by others. S31 of the Data Protection act provides an exemption from these provisions by reference to a number of different categories of regulatory function exercised by public bodies.

Inter-Agency Joint Working Protocol

As of April 2009 there is a duty to co-operate between different agencies for example councils, PCT's etc, to resolve issues effectively and quickly. Each agency should have a joint working protocol to ensure that both customers and officers are aware of the process involved should a complaint cover more than one organisation. This protocol sets out the steps in the decision making process as to which organisation should take the lead in handling the complaint. It also sets out the necessary steps to gain permission to share information and inform the customer throughout the process.

3. Key Principles

This Procedure is designed:

- to promote user satisfaction;
- to identify areas where services can be improved;
- to be accessible;
- to reflect the Service's desire to provide a high quality service.

Customers will receive whatever help and guidance they require to aid them in making a complaint or in understanding the procedure. Where appropriate this help will include the provision of interpreters and advocates.

Complaints will be investigated as quickly and thoroughly as possible, and in a positive problem-solving manner.

4. What may be complained about?

A complaint may arise as a result of many things relating to Service functions such as:

- an unwelcome or disputed decision;
- concern about the quality or appropriateness of a service;
- delay in decision making or provision of services;
- delivery or non-delivery of services including complaints procedures;
- quantity, frequency, change or cost of a service;
- attitude or behaviour of staff;

5. What is exempt from the complaints procedure?

There are occasions when this procedure will not be the appropriate procedure to be used, for instance:

- when the initial contact is a request for service;
- when the issue is about something other than social care provision; the Corporate complaints procedure may be more appropriate
- complaints about Children and Young People's Services;
- where the issue of the complaint is over 12 months old, unless there are exceptional circumstances;
- allegation of staff misconduct is dealt with under a separate procedure;
- appeals against Court rulings;
- matters under consideration by the Courts, for example prosecutions;
- a criminal Police investigation is invoked;
- Multi-agency adult protection procedures are invoked;
- the same complaint has already been dealt with by our complaints procedure.

Contracted Services and Other Cross Boundary Issues

An area of confusion arises around boundaries between the Council's responsibility and those of other bodies delivering services on behalf of the Council, for example:

- Domiciliary care through a private agency
- Registered homes
- Contracted agencies and multi agency services
- Adult placement schemes
- Social work reports submitted to court
- Protection of vulnerable adults
- Multi agency health service packages
- Single or joint assessments

Protocols are in place for successful handling of these complaints. Partner agencies will have appropriate procedures of their own in place for responding to complaints in the first instance. This will be part of the contracting procedure and will be monitored by the relevant service managers.

Complaints Regarding Residential and Domiciliary Care and/or NHS/PCT

In April 2002 the Commission for Social Care Inspection (CSCI) replaced the regulation and inspection role within Local Authorities and Health Authorities with regards to registered residential and nursing care settings; from April 2003 this then included Domiciliary Care Agencies

As of 1 April 2009, The Care Quality Commission (CQC) takes over the work of the following three commissions:

- Commission for Social Care Inspection (CSCI)
- Healthcare Commission
- Mental Health Act Commission

Where a complaint to the Community Services Directorate includes issues that are the responsibility of CQC these should be sent to the Complaints & Scrutiny Unit as soon as possible.

A member of the Customer Insight Team will discuss and agree with the customer those parts of the complaint that are the responsibility of the other agency, and seek their agreement to forward this part of the complaint to the other agency

Complaints Concerning Allegations of Abuse by Staff Against Vulnerable Adults

The Complaints Procedure will only apply to those allegations of abuse or ill-treatment made against Council staff, Council carers (adults) or any agency that the Council has contracted to provide a service on behalf of the Council.

A vulnerable adult is 'any person aged 18 years or above who is or may be in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of him- or herself, or unable to protect him- or herself from significant harm or exploitation'.

NB: Any allegation of abuse or ill-treatment registered as a complaint would still require a written response under the Complaints Procedure. After the multi-agency Adult Protection Policy has been carried out the relevant manager would be expected to investigate further any outstanding matters from the complaint which were not dealt with within the protection procedures.

The manager would reply directly to the customer and adult (unless he or she is not of sufficient understanding) or advocate. The reply would also refer to any additional matters.

Complaints about an Adult Placed in the Area of another Council by Shropshire Council

These instructions will apply to both independent and local council residential provisions in other local council boundaries.

Contracts with other Local Authorities and/or with privately provided residential carers should contain details of the agreement as to which area office will be responsible for receiving and responding to complaints from Adults placed by this Council.

Each residential home is required to have its own complaints procedure, whilst customers also have the right to have their complaints considered by the CQC or Shropshire Council as the purchasing council.

If a representation or complaint is received which involves more than one local council, it should be considered by the local council in whose area the adult is being looked after, unless a different arrangement was agreed in the contract. However, a close watch will be kept by the Customer Insight Team on these complaints to monitor how they are handled and the resolution.

Complaints Concerning Staff from Other Agencies

The complaint will be recorded by the Customer Insight Team. The Customer Insight Team will seek permission from the customer to pass the complaint to the relevant person who has responsibility for managing complaints for the other agency.

Who is a Third Party Provider?

A third party provider can be considered as:

- Services that are delivered on behalf of the Council by external providers (e.g. domiciliary care, residential care).
- This Statutory Procedure is applicable where there is a 'duty of care'.

Compensation Claims

When a complaint gives rise to a potential or actual insurance claim; usually this involves the customer suffering loss or injury arising out of an alleged negligent act by the Council, its employees or agents. Such complaints will be forwarded to the Council's Insurance Officer and the customer informed.

The Statutory Process will not Apply if:

- the complaint is on behalf of a group of service users; group complaints should be referred to the Complaints Manager. Where discretion is used to consider a group complaint under the statutory procedure, it will be necessary for the group to appoint a single point of contact who will assume responsibility and to whom responses will be sent, and s/he will be responsible for distributing these to the group;
- the same complaint is received from a number of individuals in such a way as to suggest an organised campaign. Although the substance of the complaint may be investigated at the discretion of the Complaints Manager or the Monitoring Officer;
- the customer is abusive or makes threats to staff in the course of submitting the complaint. The customer appears to be a persistent or vexatious customer or other unreasonable behaviour;
- the complaint appears to be substantively indistinguishable from one that has already been submitted by, or on behalf of, the same service user, and has received a written response through the statutory procedure.
- the complaint concerns the behaviour of an individual who is not employed by the Council, or in receipt of payment from the Council, to provide a service;
- the complaint has been made anonymously, although the substance of the complaint may be investigated a response cannot be made;
- the complaint is not about any actions or decisions of the Council, or anybody acting on its behalf;
- the complaint has already been dealt with at all stages of the procedure;
- the same complaint has been dealt with by a local commission, other legal process, judicial review or Local Government Ombudsman;
- the complaint is unclear or is vexatious – this should only apply to a very small number of customers. Staff should not tolerate unacceptable behaviour (abusive, offensive, threatening).
- the matters complained about should be dealt with under other procedures such as disciplinary or grievance procedures, personnel issues, or the corporate complaints procedure;
- the dissatisfaction is with a Court Decision or where a remedy to any issue is through an appeal to Court (but, where social workers provide information or reports to Court Proceedings, a customer may make a complaint about the quality or accuracy of such information or reports);

- there is a special statutory procedure which already exists for dealing with a particular issue (e.g. an Employment Tribunal is available to examine complaints about selection and recruitment);
- there are separate internal arrangements for Appeal and/or Review for re-consideration of professional decisions taken (e.g. Blue Badge, Finance, Risk Panel, and Coordination Panel). The Complaints Process is then available if a customer has grounds for complaint about the process (e.g. content of a report, flaw in the procedure);
- where the customer is 'self funded' and uses independent services. Customers will be advised of their rights under the Care Standards Act 2000;
- The actions or events occurred more than 12 months prior to the date of the complaint unless one or more of the following circumstances apply:-
 - i. the customers/service users can demonstrate that they have been making efforts to resolve the matter with the Council within those 12 months;
 - ii. the customers/service users were not aware, until beyond the period of 12 months, of the actions of the Council which now form the subject of the complaint;
 - iii. the customer was incapacitated by ill-health beyond the 12 month period which prevented him/her from making a complaint within the allowed timescales and provides proof of this;
 - iv. it would have been unreasonable for the complaint to have been made earlier than it was made;
 - v. the customer was vulnerable;
 - vi. the customer was in fear of reprisal;
 - vii. it was not possible to consider the complaint effectively and fairly;

Approved Social Worker (ASW) decisions regarding applications under the Mental Health Act 1983, are actions taken independently of the Council and fall outside this Complaints Procedure. (However, the process of the ASW assessment is covered by this procedure).

If customers are campaigning for new or amended services, or increased resources for groups of service users or potential service users they should consult with their elected representatives, not use the complaints process.

Where a customer states in writing s/he intends to take legal proceedings in relation to the substance of the complaint, access to the complaints procedure may be restricted, and where the Complaints Manager is certain the complaint cannot be resolved through this procedure. In the following situation customers should be advised to consult with their legal representative:

- Challenging legislation or judicial decisions underpinning service delivery
- Applying for compensation or damages arising from alleged actions or inaction of staff. Where the subject of the complaint is being pursued through legal action. If a complaint has been initiated under the statutory procedure, then the process should be suspended until the final outcome of the legal action. There is no requirement to suspend the complaints process if the customer is simply

seeking legal advice or is taking legal action against the Council on a matter not directly related to the complaint.

- The complaint subject is a matter to be determined by a judicial body, the complaint should be referred back to the body in question.

In the following situation, complaints should be discussed with the Complaints Manager and a Senior Manager:

- The complaint involves allegations against staff of a serious nature, for example professional incompetence, dishonesty or criminal behaviour. In such cases, a relevant senior manager may determine that other processes should be used to deal with the complaint, for example formal disciplinary procedures or criminal investigation.
- Advice should be sought before a complaint is responded to within the statutory procedure in the above instances, where a degree of local discretion is required. Consideration would be given to these types of issues under the Corporate Complaints Procedure:

6. Who may complain?

Individuals can use this procedure if they are:

- someone for whom the Council has a power or duty to provide or secure the provision of a service, and this need for a service has come to the attention of the Council;
- someone in receipt of direct payments from the Council for services or
- anyone, such as a relative, acting as an advocate on behalf of a service user.

Where the complaint is being made on behalf of another person:

- The Council must be satisfied the person making the complaint is a suitable person, and is making the complaint in the best interests of the person on whose behalf the complaint is being made.
- Where the service user has capacity (i.e. the ability to receive, understand and process information given and can make a decision) then their written permission should always be obtained. The Authority will consider representations including complaints made to us by any customer or third party who is contacting us on the customer's behalf.

Complaints through a Member of Parliament

Complaints that are received from elected Members of Parliament will be processed through the procedure but the response will be sent from the Director of Health and Care within the agreed timescale of receipt. All communications will be copied to the Customer Insight Team for recording purposes.

Who May Act on Behalf of a Service User with Written Permission?

- A person providing care to a service user without being employed for that purpose (private carer).
- Family member or relative of the service user.

- Any other person having sufficient interest in the service user's wellbeing to warrant their making representations on their behalf (staff may make a complaint on behalf of a service user where there is no other person able to do so and there is a duty of care).
- Elected Councillor, MP, MEP

7. Relationship to other Policies and Processes

This procedure may be suspended if any of the following procedures are invoked:

- a) Disciplinary and Grievance Procedures
- b) Children and Young People's Services Complaints Procedure
- c) Harassment Procedures
- d) Police Investigation – Criminal

Deferring or Freezing Decisions

Customers must not be discouraged from making their complaints. The status of the provision of a service which is the subject of complaint would not usually be subject to change, delay, suspension or withdrawal while a complaint is being dealt with under this procedure. However decisions may be frozen when a complaint has been made about such a decision/action which could have a significant impact on the life of an individual. The decision would be considered by the relevant operational manager and unless good reason could be shown for doing otherwise, the decision would be frozen pending the outcome of the complaint. The manager would be expected to record the reasons for not freezing a decision and to provide a copy to the Complaints Manager.

The investigation of complaints must preserve confidentiality and reflect the Council's commitment to equal opportunities and anti-discriminatory practice.

8. Basic Principles of Complaints

Concerns or worries are often raised as part of normal everyday interaction between Services and their customers. Normally these will be easily resolved by staff working on a day-to-day basis with the customer. However, there may be complaints that cannot be sorted out in that way to the customer's satisfaction.

Basic Principles:

- Most complaints arise from a genuine feeling of grievance and not of maliciousness.
- Small grievances can become large if not dealt with at the early stages.
- Complaints can serve to highlight deficiencies in service and staffing levels.
- People have the right to complain, to be heard, and to have their complaints looked into as quickly as possible.
- Handling complaints properly is an important part of the way the Authority provides its services.
- If the customer considers their comments as a complaint then it should be regarded as a complaint; do not deny the right to complain.

- Complaints are part of the feedback system as to how services are provided - and it is free.
- The confidentiality of the customer and those persons mentioned (whether staff or others) should be appropriately protected.
- Even persistent/vexatious customers can have a new valid complaint.

Values

This policy sets out certain values that the Service holds to be implicit in this process:

- that services and information about services should be readily available and easy to understand;
- that customers are involved as fully as possible in our processes to promote better services;
- that individuals have rights, and can ask the Service to account for its action or inaction on their behalf;
- that individuals have the right to redress when the services provided have not been good enough, and when there has been an injustice caused by the Service.

These values imply a number of things for our Services and for our staff:-

- that the Service should be trying to provide a quality service. Where this does not happen, for any reason, then the Complaints Procedure offers a means of redress and of improving the quality of the service provided;
- the rights of individuals to complain are clear. However, the right of staff to equally fair treatment is also explicit. This procedure does not provide a means of placing one person's "rights" above those of another.

Section 2 – How the Process Works

9. Introduction

This section details the Procedure for handling all Representations, which must be registered with the Customer Insight Team.

Compliments, Comments and Suggestions

It is important that the Service learns from the positive statements made by customers as well as the negative comments about services. Where these other forms of representation are made, including criticisms which the sender does not wish to regard as a complaint, the Customer Insight Team will record and forward these representations to the appropriate manager for their attention. These comments/representations also present an opportunity to improve services.

How Complaints can be made

Complaints can be in writing, by telephone, by email, on-line or in person. Once a complaint has been made no acknowledgment will be made to the customer but a response, or request for a time extension, will be made within 10 working days.

Anonymous Complaints

The Council is keen to receive customer feedback and considers it is important, especially if it has not provided the expected level of service. All feedback is treated in confidence and with impartiality and gives the council the opportunity to work positively with the customer towards a resolution and also to gain learning and improve services.

From time to time the council receives anonymous complaints and although these will be passed to the relevant service for investigation if appropriate, although there will be no response.

10. Complaints Procedure

An initial assessment of the complaint is done to determine the issues, the severity and potential impact and to identify any other organisations that may be involved.

An acknowledgement is done which may be telephone contact to discuss the matter to seek an early resolution if possible. An explanation of the complaints procedure will be given at this point and if deemed necessary details of advocacy and an explanation of representation.

Timeline and actions:

Task	Timescale	Actions
Complaint received		Initial Stage Assessment of complaint – severity/impact/likelihood of recurrence - identify this as a safeguarding issue or if there is any involvement of other agencies – joint working protocol. Identified safeguarding issue: follow Adult Protection Policy and protocol before any other action.

Task	Timescale	Actions
		Telephone Contact relevant service manager to discuss the issues raised and agree the risk assessment and possible required action plan prior to contact with the customer. This discussion may lead to more information being required from customer in order to properly assess issues.
Acknowledgement	Within 3 working days	Telephone If a telephone number has been given then telephone the customer to discuss issues, where appropriate arrange a meeting and offer advocacy and signpost other available support OR perhaps resolve issues if possible. Following the telephone discussion and acknowledgment, confirm the time and date of any meeting, the name of the officer involved in the case and advise them of the complaints handling process. Signposting leaflets will be sent out along with, if relevant, 3 rd party consent to act forms, if a representative is involved. Letter – ad hoc letter If a telephone number has not been given write to the customer requesting a telephone number (or that they make telephone contact with the Customer Insight Team, in order to discuss the issues and offer a meeting with a stated date and time. Within this letter it will state that if we receive no response by the indicated target date then we will send out a further letter that will outline the complaint handling process and potential responsible responding officer. Timeline If writing to a customer for telephone contact, if no response or contact is received by the target date then send out an acknowledgement letter as stated in the ad hoc letter. Action required If the received complaint is about social care provider or PCT then consent to share this with the named organisation is required from the customer and agreement gained that the organisation be allowed to investigate and respond to the complaint. Customer Insight Team can act as main contact and work with other agencies to agree a combined response.
Mediation meeting	Mutually agreed timescale	Primary Stage: It is useful to arrange a mediation meeting to discuss the issues and work towards a solution. If no meeting is possible it is essential that contact

Task	Timescale	Actions
		<p>either by letter or telephone is made with the customer to agree a way forward which will shape the action plan and work towards an agreed timescale of resolution.</p> <p>There may be other parties/agencies that need to be involved.</p>
Response with action plan and timescale	Mutually agreed timescale	<p>Following the mediation meeting the Customer Insight Team will send out a letter giving details of the action plan, timescale of resolution and confirm the name of responding officer.</p> <p>If no meeting has taken place but contact has been achieved by letter, email or telephone and agreement has been reached via this method – the Customer Insight Team will send out a letter giving details of the action plan, timescale of resolution and confirm the name of responding officer.</p>
Investigation	Mutually agreed timescale – no longer than 6 months.	<p>Final Stage:</p> <p>Issues are fully investigated – this investigation may be undertaken by an independent person or a member of the Customer Insight Team whichever is deemed the most appropriate and is acceptable by the customer.</p>
Full response	Mutually agreed timescale – no longer than 6 months	<p>Following the investigation a copy of the investigation and a full response is sent to the customer.</p> <p>The customer is advised of their right to take the matter to the LGO if they are unhappy with the response and investigation findings. They have 12 months in which to do this.</p>
Review	6 months	Customer Insight Team will monitor complaints that are coming up to six months without resolution and review the status with the relevant officers.
Referral to LGO		The customer can take the matter to the LGO for their consideration.

11. What is Mediation?

Mediation is sometimes referred to as Alternative Dispute Resolution (ADR) and can be used at all or any stage of the process of handling complaints.

Mediation provides all persons involved the time and space to listen to each other and their expectations, with a better chance of focusing on solutions rather than on problems, which benefits everyone.

A structured and open approach to conflict resolution, seeking to help all parties identify their own and others' feelings and interests rather than defend individual positions.

Mediation will be agreed in advance by the Complaints Manager, the customer and the responding officer. It will be offered as early as possible in the process, but can be accessed at any point by agreement, and will be:

- Confidential.
- Without prejudice.
- Impartial, independent and non-judgemental and encourage collaboration with all people.
- All parties involved in mediation must be willing to be involved and be committed to seeking a resolution to the issues of the complaint.

What is Adjudication and Who is the Adjudicator?

Adjudication is part of the decision making process following the investigation. The Adjudicator may take the opportunity on receipt of the Investigation Report to meet the customer and discuss outcomes before a written response is sent. The Adjudicator may be the responding Head of Service.

Who is A Formal Authorised Representative?

A person with a formal statutory entitlement, locally recognised authority, or explicit mandate to complain on behalf of a service user. These may include:

- Power of Attorney, Enduring Power of Attorney, or Lasting Power of Attorney or Receiver (e.g. a person appointed by court of law).
- Person appointed as a proxy decision maker under Adults with Incapacity Act.

Who is an Independent Person?

An independent person may take part in the Council's consideration of a complaint during the process, about services provided to vulnerable adults.

An Independent Person is:

- Not a current or former member of the Council.
- Not the spouse or partner of a Member of the Local Council handling the complaint.
- Not the advocate; his/her role is to provide an objective element in the Council's considerations for the vulnerable adult.

The Independent Person will:

- Have written consent from the Complaints Manager to have access to the customer's files, should access not be with the Investigating Officer.
- Treat all aspects of the complaint with strict confidentiality.
- Begin by first meeting the Investigating Officer and/or Complaints Manager to plan their part of investigation.

- See the customer with the Investigating Officer, if required, to hear about the complaint.
- With the Investigating Officer, see other people involved in the complaint - then be invited to attend any meetings in connection with the complaint.
- Be informed of all information relevant to the complaint.

The local council cannot direct the Investigating Officer and Independent Person to see or interview anyone. It is for them to decide how many interviews they will attend in order to satisfy themselves that the investigation has been thoroughly investigated.

The Independent Person should not:

- Assume the complaint could not have happened;
- Make promises they may not be able to keep;
- Say that nothing can be done.

What is an Advocate?

An advocate is a person from an advocacy organisation who is able to speak on behalf of a service user (not to be confused with a solicitor) in respect of a representation.

The Council will facilitate, as far as reasonably practicable, independent and confidential advocacy for customers where requested and will always offer assistance and information.

A professional or citizen advocate from an organisation recognised to be a provider of independent advocacy.

12. Resolution and Remedies

Where some justification is found for a complaint consideration needs to be given to the question of appropriate remedy.

An apology and/or explanation will always be needed where any part of the complaint is upheld. It may be necessary to determine who can provide remedial action and what arrangements are needed.

The Council's guidance in the use of financial redress is that this should be made in exceptional circumstances where some direct financial loss has been incurred, and where agreement has been reached with the Head of Service as well as the Monitoring Officer.

13. Vexatious and Persistent Complaints

The council is committed to dealing with complaints fairly and providing a high quality of service to those who make them. As part of this service there is not normally a limit to the contact that customers can have with the council.

However there are a small number of customers who, because of the frequency of their contact, hinder consideration of their and other people's complaints. The council

refers to such customers as “unreasonably persistent complainants” and exceptionally, will take action to limit their contacts.

Actions & behaviours of unreasonable and unreasonably persistent complainants:

Some examples – not an exhaustive list

- Refusing to specify grounds of the complaint, despite offers of assistance from the council.
- Refusing to cooperate with the complaints investigation process whilst still wishing the complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure’s scope.
- Insisting on the complaint being dealt with in ways that are incompatible with the complaints procedure or good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaint, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large number of detailed but unimportant questions and insisting they are fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a “scattergun” approach; pursuing a complaint or complaints with the council and, and at the same time, with a Member of Parliament/a councillor/local police/solicitors/the Ombudsman.
- Making unnecessary excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these “new” complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Abusive or threatening behaviour or language towards council staff.

Operating the Policy:

Any of the above behaviours will trigger the decision to restrict contact with the council and this will be taken at Head of Customer Services level or above and will normally follow a prior warning to the complainant. This policy applies to complainants regardless of whether the complaint is being handled under Corporate Complaints Procedure, Adult Social Care or Children & Young People’s Complaints Procedures.

Any restrictions imposed will be appropriate and proportionate and examples of some options most likely to be considered are:

- Requesting contact in a particular format e.g. letters only.
- Requiring contact to take place with a named officer.
- Restricting telephone calls to specified days and times; and/or member of staff.

In all cases where the council decides to treat someone as an “unreasonably persistent complainant”, they will receive a letter explaining why the council believes that their behaviour falls into that category, what action is being taken and the duration of that action.

They will also be advised on how to challenge the decision if they disagree with it. If, after six months, the council is still investigating a complaint raised by a persistent complainant then the council will review and decide if restrictions should still apply.

Where a complainant continues to behave in a way which is unreasonable, the council may decide to discontinue any investigation into their complaint. Where the behaviour is so extreme that it threatens the immediate safety and welfare of the council’s staff, other options will be considered, for example reporting the matter to the police or taking legal action.

Where a customer whose case has been closed persists in communicating with the council about it, the council may decide to terminate contact with the customer. In such cases all the correspondence relating to the complaint will be reviewed, but unless there is fresh evidence which affects the council’s decision on the complaint the council will simply place the correspondence on the file but not enter into communication with the complainant.

New complaints that come from people who have come under the “unreasonably persistent complainants” policy will be treated on their merit.

The Local Government Ombudsman will be informed by the council when a customer has triggered the “unreasonable and unreasonably persistent complainants” policy.

Right of Appeal:

If the customer feels that the decision for restricted contact to the council as an “unreasonable or unreasonably persistent complainant” is unfair or incorrect they have the right of appeal by writing to the Complaints Monitoring Officer outlining their reasons.

The decision will be reviewed by the Complaints Monitoring Officer and the outcome of that review will be final. The next review will take place on the anniversary six month’s following the imposition of the restriction.

14. Complaints to the Local Government Ombudsman (LGO)

Introduction

The Local Government Ombudsman is independent and impartial, gives a service which is confidential and free of charge, and has the same powers as the High Court to require people to provide information and to produce documents for investigation.

Any member of the public is able to complain to the LGO if they feel there has been an injustice. However, the Ombudsman's office usually states that customers should first take up their complaint with the relevant Department or Council.

If the customer is not happy with how the Council has dealt with their complaint, they can take the matter to the LGO. The LGO's role is to investigate complaints of maladministration by Local Authorities. Maladministration means that there has been a fault in the way the Council has or has not done something, such as a failure to follow its own rules or a breach of legislation.

Complaints which members of the public make to the LGO will be dealt with by the Customer Insight Team who will ensure that the complaints process has been followed.

The LGO may reject any complaint as premature if the complaints procedure has not been followed. LGO involvement may be ended at any point where it is clear there is no maladministration or where the Council agrees to settle with the customer.

Referral to the Ombudsman

If staff are asked by customers about an approach to the LGO, they should first encourage them to use the appropriate Council Complaints Procedure.

If the customer still wishes to approach the LGO, then the office which covers Shropshire is:

Commission for Local Administration in England
The Oaks No2
Westwood Way
Westwood Business Park
Coventry
CV4 8JB