

# Complaints, Comments and Compliments Policy

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Related Legislation/Applicable Section of Legislation	Public Services Ombudsman Act (NI) 2016
Related Policies, Procedures, Guidelines, Standards, Frameworks	<p>NI Public Services Ombudsman Principles of Good Complaint Handling.</p> <p>NI Local Government Ombudsman Code of Conduct.</p> <p>Mid and East Antrim Council Data Protection Policy</p> <p>Mid and East Antrim Council Whistleblowing Policy.</p>
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Policy Lead (Name/Position/Contact details)	Policy Manager
Sponsor Directorate	Corporate Services
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## 1 INTRODUCTION

- 1.1 Mid and East Antrim Borough Council strives to deliver an excellent service to our customers and service users and is committed to continual improvement in the quality and accessibility of those services.
- 1.2 Our vision is *'Working Together to Create a Better Future for All'*. We believe that maintaining a strong customer focus is essential to delivering excellent Council services. Our [Customer Service Charter](#) sets out what you can expect from us.
- 1.3 Feedback, both positive and negative, is an important tool in identifying what we are doing right and where improvements can be made. Customers should feel welcome to make a complaint, comment or compliment about any of our services.
- 1.4 This policy is in place to ensure that all complaints are handled fairly and consistently, and to provide those making a complaint, comment or compliment with a guide on how to undertake the process.

## 2 PURPOSE

- 2.1 This policy sets out how our service users can make a complaint, comment or compliment and how Council Officers will manage the process.

## 3 SCOPE

- 3.1 All Mid and East Antrim Borough Council Staff and contractors should be aware and knowledgeable of the policy and procedures. Elected Members will be in frequent contact with their constituents who may have complaints, comments or compliments about Council services and their knowledge of this policy will enhance their community leadership role.

Who can complain, comment or compliment?

- 3.2 Any individual, group or organisation in receipt of, or seeking receipt of, a Council service (directly or by a Council contractor) has the right to complain, comment or compliment.
- 3.3 A complaint made by a third party (i.e. any one other than the aggrieved party) will only be accepted with the consent of the complainant or from their legal appointee with authority to act on their behalf. For example, where the complainant is a minor, vulnerable adult or suffering from incapacity.
- 3.4 Complaints, comments, or compliments will be accepted about any of our services, facilities, venues and staff, including all directorates and employees, agency workers, contractors and consultants.

What are your responsibilities as the complainant?

- 3.5 As a customer of Mid and East Antrim Borough Council, you have the right to expect the best possible services. If we fall short of your expectation, you have the right to complain. In doing so, we ask that you follow these guiding principles:
  - Provide adequate details of your complaint.

- Set out clearly the cause for dissatisfaction.
- Provide accurate details and supporting correspondence or other relevant evidence.
- If there has been a delay in submitting your complaint, explain the cause of that delay.
- Explain what you believe to be a satisfactory outcome.
- Treat our staff with good manners, politeness and civility at all times.
- Accept that we will act fairly and promptly in dealing with your complaint.
- Be reasonable and open minded and listen to reasonable explanations.
- Appreciate that it may not always be possible to achieve the outcome you would like.

3.6 In general, we expect you to make your complaint as soon as possible after the matter arises and no later than three months afterwards.

## 4 DEFINITIONS

4.1 A Complaint is defined as *“any oral or written expression of dissatisfaction by any person about the service, actions or inactions of the Council, its officers or contractors which requires a response”*.

For example:

- The standard of service provided by the Council;
- Failure to respond to a request for a service;
- Failure by the Council to provide an agreed service;
- That the Council has exceeded its powers;
- That the conduct of an officer has been unacceptable;
- Council has not followed an agreed policy and/or procedure; and
- Maladministration by the Council.

A complaint does not cover areas of whistleblowing (i.e. where an individual raises information about danger, wrongdoing, or illegality). This should be raised under **Mid and East Antrim Council’s Whistleblowing Policy**.

A complaint does not cover employee grievances (i.e. a personal complaint regarding **an employee’s own employment situation**). This should be raised under the **Council’s** Grievance Procedure for Staff.

A complaint does not include submissions of negative or critical feedback on policies, proposals or projects received through public consultation exercises required to be undertaken by service departments to deliver their responsibilities to Council.

A complaint related to the exercise of statutory enforcement powers by Council and its officers will not be processed pending the outcome of the criminal investigation and/or prosecution. The complainant will be informed and has the right to progress the complaint once the enforcement action is concluded.

4.2 A Comment is defined as *“a suggestion or idea about how a function or service provided by the Council”*.

4.3 A Compliment is defined as *“an expression of satisfaction concerning a service provided by the Council”*.

## 5 HOW TO MAKE A COMPLAINT, COMMENT OR COMPLIMENT

5.1 A complaint, comment or compliment may be made in person to any member of staff at any Council service area.

5.2 It may also be made by telephone, at 0300 124 5000 or preferably by email to [complaints@midandeastantrim.gov.uk](mailto:complaints@midandeastantrim.gov.uk).

Alternatively, you can write to us at:

Complaints, Comments, Compliments  
Mid and East Antrim Borough Council  
The Braid  
1-29 Bridge Street  
Ballymena  
BT43 5EJ

5.3 **Service users may use the Council's social media accounts** to make contact in relation to queries about Council services or to inform us initially about a complaint. However, if you wish to take the matter further, you will be required to use one of the other methods listed above.

5.4 The Council wishes to ensure access for all and will provide for additional requirements such as alternative formats on request for customers with a disability or alternative language access for those customers for whom English is not their first language. Please advise us if you require assistance in this regard.

## 6 HOW WE WILL HANDLE A COMPLAINT

Informal resolution

6.1 Mid and East Antrim Borough Council believe a complaint is best dealt with by those who provide the service.

6.2 In the first instance, we will direct the responsible service to contact you, with the aim to resolve any mistakes or misunderstandings quickly and informally.

6.3 We will respond at this stage within 5 working days. If longer is required, you will be advised as soon as possible with an explanation and a revised date.

6.4 If you are not satisfied, you have a maximum of 20 working days to request that your complaint be progressed to formal resolution.

6.5 If the nature of your complaint relates to serious, high-risk or high-profile issues, Mid and East Antrim Borough Council has the discretion to escalate the complaint to formal resolution and full investigation.

Formal resolution: Stage 1

6.6 If you are unhappy with the outcome of the informal resolution, you may wish to take the matter further by contacting the Policy Team, detailing why you are dissatisfied at the outcome.

- 6.7 An Officer will ensure that the complaint is fully investigated by the appropriate Manager or Head of Service.
- 6.8 We will acknowledge receipt of your complaint within 3 working days and issue a full response within 15 working days. If longer is required, you will be advised in writing as soon as possible with an explanation and a revised date.
- 6.9 Following receipt of our response at this stage, if you are not satisfied, you have a maximum of 20 working days to request that your corporate complaint be progressed to Stage 2.

#### Formal Resolution: Stage 2

- 6.10 If you are unhappy with the outcome of Stage 1, you can contact the Policy Team, who will process a full review of your complaint in conjunction with the respective department within 20 working days. If longer is required, you will be advised in writing as soon as possible with an explanation and revised date.
- 6.11 When requesting a stage 2 complaint investigation, you will be required to detail in writing why you remain unsatisfied and your expectations from a further review.
- 6.12 The Chief Executive, or an appropriate Director, will review all papers before a final decision is made and communicated to you.

## 7 OUTCOMES

- 7.1 Where a complaint is upheld, you will receive a written apology and explanation. Where possible, the mistake will be corrected and a satisfactory service will be provided as a matter of urgency.
- 7.2 If the mistake cannot be corrected or you can demonstrate it has caused personal hardship or financial loss, the Council will consider some or all of the following:
- Apology
  - Explanation
  - Correction
  - Undertaking service improvement
  - Change in policy or procedure
  - In-kind compensation such as, tickets to another event
  - Financial compensation if appropriate, and in line with Council Policy.
- 7.3 Where a complaint is not upheld, you will receive a letter of explanation setting out our reasons for not upholding your complaint. You will be advised that if you are unhappy at any stage of the complaints process, you have the right to contact any one of the supervising authorities to which Council is accountable to e.g. the Northern Ireland Public Service Ombudsman (NIPSO), the Equality Commission.
- 7.4 Whilst you may complain to the NIPSO at any time, the Ombudsman will usually refer the complaint back to the Council to be handled under our complaints policy. The ordinary time limit for making a complaint to the NIPSO is 6 months from the day that the complaints handling procedure has been exhausted. If the NIPSO has decided to accept a complaint which has not exhausted the internal complaints handling procedure, the time limit is 12 months from the day that the person aggrieved first became aware of the problem.

7.5 The Northern Ireland Public Services Ombudsman can be contacted at:

Northern Ireland Public Services Ombudsman  
Progressive House  
33 Wellington Place  
Belfast  
BT1 6HN  
Tel: 028 9023 3821  
Website: [www.nipso.org.uk](http://www.nipso.org.uk)  
Email: [nipso@nipso.org.uk](mailto:nipso@nipso.org.uk)

## 8 ANONYMOUS COMPLAINTS

8.1 It is your right to complain. Mid and East Antrim Borough Council will treat all complaints in strictest confidence.

8.2 The Council recognises that there may be circumstances where you may prefer to remain anonymous, and will respect your reasons for doing so. However, the Council will exercise discretion in deciding whether or not to investigate anonymous allegations.

8.3 In determining whether to investigate the complaint, the following will be considered:

- Has sufficient information been provided to enable the Council to fully investigate the issue?
- How serious and/or credible is the issue(s) raised?
- Have similar allegations been raised and/or investigated before?
- Can the allegation be confirmed from other sources?
- Is clarification or cooperation required from the complainant?

8.4 If the Council decides to investigate the complaint and the complainant chooses to remain anonymous, the Council will exercise discretion in deciding whether to provide information relating to the investigation and/or any explanation of the findings. The Council will confirm that the complaint has been considered and confirm the outcome as upheld, partially upheld or not upheld.

8.5 When the complainant chooses to remain anonymous, the Council will consider the complaints process to be exhausted and will be advised of their right to contact the Northern Ireland Public Service Ombudsman (NIPSO).

## 9 CORPORATE COMPLAINTS

9.1 Where a complaint is made about an issue other than an operational matter or the provision of service, or is particularly wide ranging or severe in its nature, the Policy Team will assess the complaint and may recommend that the Council exercise its right to appoint an appropriate independent person to complete a thorough investigation.

Examples of what may constitute a corporate complaint:

- A complaint against the Council as a corporate entity;
- A complaint against a corporate decision or policy;
- A complaint against the Chief Executive;
- A breach of human rights by the Council;
- The Council has exceeded its powers.

- 9.2 Where the complaint pertains to the action(s) or decision(s) of the Council as a corporate entity, the Chief Executive, on recommendation of the Policy Manager and/or Head of Corporate Services will decide whether an independent investigation is required and if so, agree the terms of reference for the investigation.
- 9.3 Where the complaint pertains to the action(s) or decision(s) of the Chief Executive, acting in his or her professional capacity, the Independent Member of the Audit and Scrutiny Committee, on recommendation of the Policy Manager and/or Head of Corporate Services, will decide whether an independent investigation is required and if so, agree the terms of reference for the investigation.
- 9.4 When the decision is taken that an independent investigation is not warranted, the complainant will be informed.
- 9.5 The independent person on completion of the investigation will provide a report as to findings and recommendations on whether the complaint is upheld, partially upheld or not upheld.
- 9.6 Where recommendations are made, Elected Members will consider and agree the most appropriate resolution.
- 9.7 The determination of Elected Members in response to an independent investigation will be treated as final, and where a complainant remains unhappy, they will be advised to contact the Northern Ireland Public Services Ombudsman (NIPSO).

## 10 ELECTED MEMBER CONDUCT COMPLAINTS

- 10.1 The Northern Ireland Local Government Code of Conduct for Councillors sets out principles and rules of conduct which must be observed by elected members. If you believe that a Councillor or the Mayor may have breached the Code of Conduct, you can complain to the Northern Ireland Local Government Commissioner for Standards.
- 10.2 The Commissioner is independent of Government and the Council and her investigations are conducted at no cost to complainants.
- 10.3 You can obtain a complaint form, further information about making a complaint, and a copy of the Code from **the Commissioner's** website at [www.nipso.org.uk/nilgcs](http://www.nipso.org.uk/nilgcs). Alternatively, you can contact NILGCS at:

The Northern Ireland Local Government Commissioner for Standards  
Progressive House  
33 Wellington Place  
Belfast  
BT1 6HN  
Tel: 028 9023 3821

## 11 UNACCEPTABLE BEHAVIOUR

- 11.1 The Council recognises that individuals may act out of character in times of difficulty or distress, which may result in unreasonable demands being placed on the Council, or unacceptable behaviour towards Council Officers and/or Elected Members.



11.2 There may be exceptional circumstances where a complainant, either individually or collectively as part of a group or campaign, is considered to demonstrate unacceptable behaviour. The Council will aim to identify proportionate ways of responding to these situations.

11.3 Unacceptable behaviours are categorised under the following:

- Aggressive and/or abusive behaviour.
- Unreasonable demands (including vexatious complaints).
- Unreasonable persistence.

Further information in relation to unacceptable behaviours is available at Appendix One.

#### Managing unacceptable behaviour

11.4 Any threat or use of physical violence, verbal abuse or harassment towards Council officers and/or Elected Members will result in the termination of all direct contact between Council and the complainant. The complaint will also no longer be processed. Incidents of threat or use of physical violence will be reported to the police.

11.5 Where a complainant is demonstrating unacceptable behaviour, a decision may be taken to restrict contact with the complainant through one or more of the following:

- Written advice to modify their behaviour and that any continuance may adversely impact the processing of their complaint;
- Only taking telephone calls at set times on set days;
- Arrange for only one member of staff to deal with calls and correspondence;
- Establish an appointment process before visiting Council;
- Only accept contact in writing;
- Undertake other appropriate action - advising the complainant of the action to be taken and why.

11.6 If a complainant continues to correspond on a wide range of issues, and this action is considered excessive, they will be advised to limit or focus their requests accordingly.

11.7 If, during the course of managing a complaint, an officer or elected member encounters an individual whose behaviour is unacceptable, they will restrict contact immediately and inform their Head of Service and the Policy Manager.

11.8 The relevant Head of Service in conjunction with the Policy Manager will decide on the action to be taken in cases of unacceptable behaviour by complainants. The agreed action must be recorded by the Policy team.

11.9 Complainants will be informed, in writing, why a decision has been made to restrict future contact, the restricted contact arrangements, and, if relevant, the length of time that these restrictions will be in place. Complainant behaviour will continue to be monitored, and agreed action(s) amended to reflect conduct and modified behaviour.

## 12 DATA PROTECTION

12.1 Mid and East Antrim Borough Council is legally obliged to process personal data gathered from individuals with whom it interacts. The Council fully complies with the provisions of the Data Protection Act 2018 and handles personal data in accordance with its principles.

- 12.2 All information and personal data provided in relation to complaints, comments or compliments will be treated in a secure manner and will be used for the purpose for which it was submitted, in accordance with our Data Protection Policy.
- 12.3 We use customer feedback and information obtained as a result of corporate complaints so that we can monitor the types of issues that arise and report on performance to Senior Management and Council Committees. This information helps us to improve service delivery and customer satisfaction. All information will be suitably anonymised to prevent complainant identification.
- 12.4 In line with Data Protection legislation, the personal details you provide to us as a result of making a complaint will not be disclosed to a third party. Should you make a complaint to NIPSO, we may disclose such information to the Northern Ireland Public Services Ombudsman to assist with their investigation.
- 12.5 Retention of complaint documentation will be in adherence with the **Council's records** retention and disposal schedule.
- 12.6 **A copy of the Council's Privacy Notice is available at <https://www.midandeantrim.gov.uk/privacy-notice>.**

## 13 FREEDOM OF INFORMATION ACT

- 13.1 Mid and East Antrim Borough Council is committed to implementing the provisions of the Freedom of Information Act 2000 (FOIA). The Act requires the Council to make information routinely available through our publication scheme and to respond to written requests for information. It gives the public right to access information, unless it is subject to an exemption to disclosure.

## 14 SECTION 75 EQUALITY AND GOOD RELATIONS

- 14.1 Mid and East Antrim Borough Council is committed to meeting its obligations in relation to Equality and Good Relations under Section 75 of the Northern Ireland Act. This policy will be screened using Section 75 guidelines **and in line with the Council's Equality Scheme**.

## 15 COMMUNICATING THE POLICY

- 15.1 The complaints, comments and compliments policy will be clearly communicated and accessible to all of the **Council's customers and stakeholders**.
- 15.2 The policy will be published on our website.
- 15.3 A Complaints, Comments and Compliments information leaflet will be available on our website, and in hard copy at Council facilities, offices and venues.
- 15.4 Copies of the policy and information leaflet will be made available in alternative formats on request.

## 16 MONITORING AND REVIEW

16.1 The Policy Manager will be responsible for the monitoring and review of the Complaints, Comments and Compliments Policy, to include **reporting to Council's** Policy and Review Committee every 12 months.

## APPENDIX ONE: UNACCEPTABLE BEHAVIOURS

Mid and East Antrim Borough Council has adopted the Northern Ireland Public Services **Ombudsman's definition of Unacceptable Behaviours**<sup>1</sup>.

For the purpose of this policy, unacceptable behaviours are categorised as follows:

- 1 Aggressive and/or abusive behaviour
- 2 Unreasonable demands
- 3 Unreasonable persistence.

### 1 Aggressive and/or abusive behaviour

Council officers and Elected Members can expect to be treated courteously and with respect. Violence or abuse towards staff or elected members is unacceptable.

Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) which may cause an individual to feel afraid, threatened and/or abused.

Examples include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness.

The Council also considers inflammatory statements and unsubstantiated allegations may be regarded as abusive behaviour.

### 2 Unreasonable demands

Complainants may make unreasonable demands through the amount of information or the resolution that they seek, the nature and scale of service expected, or the number of approaches they make.

Vexatious complaints fall under this heading. Mid and East Antrim Borough Council has **adopted the Northern Ireland Public Services Ombudsman's definition, provided at Appendix Two**.

What amounts to unreasonable demands will depend on the circumstances of the complaint, e.g. the seriousness of the issues.

Examples include demanding responses within an unreasonable timeframe, continual or repeated phone calls or letters, frustrating the complaints process, repeatedly changing the substance and focus of the complaint, or raising unrelated concerns.

Such demands may be considered unacceptable when they consume a disproportionate amount of time and resources.

### 3 Unreasonable persistence.

Some complainants may persist in disagreeing with the action or decision taken in relation to their complaint, will not or cannot accept that the Council is unable to assist them further, or contact the Council persistently about the same issue.

Examples include a persistent refusal to accept a decision made in relation to a complaint, persistent refusal to accept explanations relating to what the Council can or cannot do, and continuing to pursue a complaint without presenting any new information.

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<sup>1</sup> <https://nipso.org.uk/site/wp-content/uploads/2016/02/Policy-on-Unacceptable-Behaviour-by-Complainants-.pdf>

Whilst the way these complainants approach Council may be reasonable, the persistent behaviour is not, and will be considered unacceptable when they consume a disproportionate amount of time and resources.

## APPENDIX TWO: VEXATIOUS COMPLAINANTS

Mid and East Antrim Borough Council has adopted the Northern Ireland Public Services **Ombudsman's definition of Vexatious Complainants**<sup>2</sup>.

A complainant may be defined as **'habitual' or 'vexatious'** where current or previous contact with them demonstrates that they:

1. Change the substance of a complaint, continually raise new issues, or seek to prolong contact by continually raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. Care must be taken not to discard new issues that are significantly different from the original complaint as these might need to be addressed as separate complaints.
2. Are unwilling to accept documented evidence as being factual; deny receipt of an adequate response in spite of correspondence specifically answering their questions; or do not accept that facts can sometimes be difficult to verify when a long period of time has elapsed.
3. Do not clearly identify the precise issues that they wish to have investigated, despite reasonable efforts of staff and, where appropriate, third party advisors to help them specify their concerns; and/or where the concerns identified are not within **the Council's** remit to investigate.
4. Focus on a trivial matter to an extent that is out of proportion to its significance, and **continue to focus on this point. It is recognised that determining what is a 'trivial' matter** can be subjective, and careful judgement must be used in applying this criteria.
5. Have, in the course of their complaint, had an excessive number of contacts with the Office placing unreasonable demands on staff. A contact may be in person or by telephone, letter or fax. Discretion must be used in determining the precise number of **'excessive contacts' applicable under this section, using judgement based on the specific** circumstances of each individual case.
6. Have harassed, been personally abusive, or verbally aggressive on more than one occasion towards staff dealing with their complaint. Staff must recognise that complainants may sometimes act out of character at times of stress, anxiety, or distress and should make reasonable allowances for this. All incidents of harassment must be recorded.
7. Are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.
8. Display unreasonable demands or expectations, and fail to accept that these may be unreasonable, i.e. insist on responses to complaints or enquiries being provided more urgently than is either reasonable or normal practice.

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<sup>2</sup> <https://nipso.org.uk/site/wp-content/uploads/2016/02/Policy-on-Unacceptable-Behaviour-by-Complainants-.pdf>

