

# Complaints Policy

<b>Approved Date</b>	November 2017
<b>Review Date</b>	March 2019
<b>Related Legislation/Applicable Section of Legislation</b>	
<b>Related Policies, Procedures, Guidelines, Standards, Frameworks</b>	Code of conduct
<b>Replaces</b>	Predecessor Council's policies
<b>Policy Lead (Name/Position/Contact details)</b>	Policy Manager
<b>Sponsor Directorate</b>	Chief Executive's Office
<b>Version</b>	2.0

## **1. INTRODUCTION**

- 1.1 Mid and East Antrim Borough Council strive to deliver an excellent service to all our customers and are committed to continual improvement in the quality and accessibility of those services.
- 1.2 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.

## **2. PURPOSE**

- 2.1 This policy sets out how our customers/service users can make a complaint, comment or compliment and how Council Officers will deal 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. Additionally, Elected Members, as community leaders will be in frequent contact with their constituents who may have complaints, comments or compliments about Council services. Their knowledge of this policy will enhance their community leadership role.

### **Who can complain, comment or compliment?**

- 3.2 Any person, group or organisation in receipt of, or seeking receipt of, a Council service (directly or by 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 complainant. 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.

## 4. DEFINITIONS

- 4.1 **Complaint:** any oral or written expression of dissatisfaction by any person, however made, about the service, actions or inactions of the Council or its officers which requires a response<sup>1</sup>

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 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.

- 4.2 **Comment:** suggestion or idea about how a function or service provided by the Council.
- 4.3 **Compliment:** 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.

- 5.2 It may also be made by telephone, at 0300 124 5000 or in writing to:  
Complaints, Comments, Compliments  
Mid and East Antrim Borough Council  
The Braid  
1-29 Bridge Street  
Ballymena  
BT43 5EJ

**Email:** [complaints@midandeastantrim.gov.uk](mailto:complaints@midandeastantrim.gov.uk)

or

**Online:** [www.midandeastantrim.gov.uk/contact-us](http://www.midandeastantrim.gov.uk/contact-us)

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<sup>1</sup> Definition by the Northern Ireland Ombudsman's Office

## 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, you will be advised to contact the service directly, 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 revised date.
- 6.4 Sometimes, however, the nature of your complaint may relate to serious, high-risk or high-profile issues. In such cases, Mid and East Antrim Borough Council have the discretion to escalate the complaint to formal resolution and full investigation.

### Formal resolution:

#### Stage 1

- 6.5 If you are unhappy with the outcome of informal resolution you may wish to take the matter further by contacting the Complaints Officer in writing detailing why you are dissatisfied at the outcome.
- 6.6 The Complaints Officer will ensure that the complaint is fully investigated by the Head of Service.
- 6.7 We will acknowledge receipt of your complaint within 3 working days and will respond at this stage within 15 working days. If longer is required, you will be advised in writing as soon as possible with an explanation and revised date.

#### Stage 2

- 6.8 If you are unhappy with the outcome of Stage 1 you can then contact the Complaints Officer who will carry out a full review of your complaint within 10 working days.
- 6.9 The Chief Executive will review all papers before a final decision is made and communicated to you. *If longer is required, you will be advised in writing* as soon as possible with an explanation and revised date.
- 6.10 When requesting a stage 2 complaint investigation you will be requested to detail in writing why you are still not satisfied and your expectations from a further review.

- 6.11 Where a complaint is received in relation to the Chief Executive, Council will appoint an appropriate independent person to complete an investigation.
- 6.12 The independent person on completion of the investigation will provide a report to Elected Members as to findings and recommendations on whether the complaint is upheld, partially upheld or not upheld.
- 6.13 Where a complaint is upheld Elected Members will agree the most appropriate resolution.
- 6.14 The findings of the independent person will be treated as final, and where a complainant remains unhappy they may complain to the Northern Ireland Public Services Ombudsman.

## 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 you 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.
- 7.4 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 the Northern Ireland Public Service Ombudsman (NIPSO).
- 7.5 Whilst you may complain to the NIPSO at any time, the NIPSO will usually refer the complaint back to the Council if our Complaints Procedure has not be exhausted. 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 hasn't 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.

7.6 The Northern Ireland Public Services Ombudsman can be contacted:

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 and Mid and East Antrim Borough Council will treat all complaints in strictest confidence. By being open it will make it easier for the Council to investigate and address the issue.
- 8.2 The Council recognises however 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 making this decision the following will be considered:
- 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?

## 9. VEXATIOUS COMPLAINTS

- 9.1 Mid and East Antrim Borough Council will receive a small number of vexatious complaints.
- 9.2 This may involve making serial complaints about different matters, or repeating the same or similar complaint over and over.
- 9.3 Each complaint received will be considered, and a decision made as to whether it may be vexatious.

## 10. DATA PROTECTION ACT

- 10.1 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

1998 (DPA) and handles personal data in accordance with the eight principles.

- 10.2 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.

## **11. FREEDOM OF INFORMATION ACT**

- 11.1 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.

## **12. COMMUNICATING THE POLICY**

- 12.1 The complaints, comments and compliments policy will be clearly communicated and accessible to all of the council's customers and stakeholders.
- 12.2 The policy will be published on our website.
- 12.3 An overview Complaints, Comments and Compliments information leaflet will be available on our website, and in hard copy at Council facilities, offices and venues.
- 12.4 Copies of the policy and information leaflet will be made available in alternative formats on request.

## **13. MONITORING AND REVIEW**

- 13.1 The Complaints Officer will be responsible for the monitoring and review of the Complaints Policy, to include a formal six month review in its first year of operation.