

Complaints, Comments & Compliments Policy

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Related Legislation/Applicable Section of Legislation	The Public Services Ombudsman Act (Northern Ireland) 2016 (the legislation)
Related Policies, Procedures, Guidelines, Standards, Frameworks	<p>NI Local Government Ombudsman Code of Conduct</p> <p>Mid and East Antrim Council Data Protection Policy</p> <p>Mid and East Antrim Borough Council Privacy Notice</p> <p>Mid and East Antrim Council Whistleblowing Policy</p>
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Policy Lead (Name/Position/Contact details)	Assistant Director - Citizen Focus
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2015-2017	1.0	Initial Policy
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October 2023	4.0	Policy reviewed and updated in accordance with the Local Government Model Complaints Handling Procedure (MCHP).
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1. INTRODUCTION

This policy is aligned with the Local Government Model Complaints Handling Procedure (MCHP). The development of the MCHP was led by the Northern Ireland Public Services Ombudsman (NIPSO) in partnership with an operational network of Local Government staff of which Mid and East Antrim Borough Council was a member.

The aim of the MCHP is to help complainants understand how to make a complaint and what level of service to expect when they do so. (A **quick guide** to the complaints procedure is included at **Appendix 1**).

Mid and East Antrim Borough Council have committed to the six principles of good complaints handling outlined within the MCHP, to drive a focus on the early resolution of complaints and to promote the use of complaints information for learning and improvement.

The six principles of good complaints handling are:

1. Start off right.
2. Fix it early.
3. Focus on what matters.
4. Be fair.
5. Be honest.
6. Learn and improve.

Mid and East Antrim Borough Council strives to deliver an excellent service to our customers and is committed to continual improvement in the quality and accessibility of those services.

Our vision is *'Mid and East Antrim will be a strong, vibrant, safe and inclusive community, where people work together to improve the quality of life 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.

Feedback, both positive and negative, is an important tool in identifying what Council is doing right and where improvements can be made. Customers should feel welcome to make a complaint, comment or compliment about any of Council's services.

2. PURPOSE

This policy sets out how you may make a complaint, comment or compliment and how Council Officers will manage the process.

3. SCOPE

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.

4. DEFINITIONS

4.1 What is the definition a complaint?

A Complaint is defined as *“An expression of dissatisfaction by one or more members of the public about an action or lack of action, or about the standard of service provided by or on behalf of Mid and East Antrim Borough Council.”*

4.2 What is the definition a comment?

A Comment is defined as *“a remark, observation or criticism that may require immediate action but does not require any investigation”*

4.3 What is the definition a compliment?

A Compliment is defined as *“an expression of praise or congratulations concerning a service provided by the Council”*.

4.4 Complaints raised about senior staff: where the complaint pertains to decisions/actions of senior staff, the complaint must be investigated by an individual who is independent of the situation in order to avoid any perceived conflict of interest.

4.5 Elected Member conduct complaints

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 should complain to the Northern Ireland Local Government Commissioner for Standards.

The Commissioner is independent of Government and the Council, and their investigations are conducted at no cost to complainants.

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.

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

5. MAKING A COMPLAINT, COMMENT OR COMPLIMENT

5.1 What can you complain about?

You can complain about any aspect of Council services that you find to be unsatisfactory. Examples include:

- failure or refusal to provide/respond to a request for a service.
- inadequate quality or standard of service, or an unreasonable delay in providing a service.
- dissatisfaction with one of Council's 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
- a concern about the actions or service of an organisation who is delivering services on behalf of the organisation.
- 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 administrated.

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.

5.2 What issues can't be dealt with via the complaints process?

There are a number of issues that cannot be considered a complaint under the complaints handling procedure, however, they may be subject to other Council policies and/or procedures.

If your complaint falls within another Council policy and/or procedure, a member of staff will advise what action you need to take in order to seek resolution.

Some examples of the types of issues that do not fall within the complaint handling procedure are provided below.

a) Service Requests

A routine first-time request for a service or reporting of a fault.

However, Council's failure to provide the service or deal with that fault in a timely way would fall within the scope of the complaints handling procedure.

b) A complaint about a Freedom of Information Requests

Issues raised around the information provided/withheld in response to your freedom of information request is subject to an Internal Review by the FOI Team. If you remain dissatisfied after the internal review, you can appeal to the Information Commissioner's Office.

However, you can raise concerns around the freedom of information *processes* which are not subject to internal review and/or appeal. For example, complaints about staff, procedures, timelines or general administration.

c) A complaint about a planning decision

Your complaint should be lodged with the Planning Appeals Commission. Council's complaints handling procedure is unable to overturn a planning decision and therefore is not an appropriate method of appeal.

However, you can raise concerns around the planning process which are not subject to appeal or judicial review such as complaints about staff, procedures, timeliness or general administration.

5.3 Who can complain?

Any individual, group or organisation who receives, requests or is affected by a Council service (directly, or by a Council contractor) has the right to complain, comment or compliment.

5.4 What are your responsibilities as the complainant?

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 your full name and contact details. Information on how Council manages your personal data is outlined at Section 5.5 of this policy;
- Provide adequate details of your complaint;
- Set out clearly the cause for dissatisfaction - what has gone wrong;
- Provide accurate details and supporting correspondence or other relevant evidence, if possible;

- 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 from Council;
- Treat our staff with good manners, politeness, and civility at all times. Please see Council's Code of Conduct.
- Accept that Council will act fairly and promptly in dealing with your complaint;
- Be reasonable and open minded and listen to reasonable explanations: and
- Appreciate that it may not always be possible to achieve the outcome you would like.

5.5 How will Council manage your personal information?

Council manages your personal data in accordance with it's duties and responsibilities under the UK GDPR and the Data Protection Act 2018.

Retention of complaint documentation will be in adherence with the Council's Records Management Policy.

For detailed information of how Council manages your personal data in respect of this policy, please see the Council's Privacy Notice.

A copy of the Council's Privacy Notice is available at <https://www.midandeantrim.gov.uk/privacy-notice>

If you have any further queries about Council's management of your personal data, Council's Data Protection Officer can be contacted at dpo@midandeantrim.gov.uk

5.6 Anonymous complaints

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

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.

In determining whether to investigate an anonymous complaint, Council will consider the following:

- 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?

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.

5.7 How long do you have to make a complaint?

In general, we expect you to make your complaint as soon as possible after the matter arises or when you become aware of the issue.

If this is not possible, you should inform Council no later than six months after the matter arose or when you became aware of the issue.

5.8 How to make a complaint

A complaint, comment or compliment may be made via the following methods:

- In person to any Council staff member
- In writing, directly to the service area, or to:

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

- By telephone: 0300 124 5000
- By email, directly to the service area, or to
complaints@midandeantrim.gov.uk.

Social Media: customers should not use the Council's social media accounts to make contact in relation to queries about Council services or to make a complaint. These accounts are not monitored for this type of activity. The most appropriate ways to contact Council for the purposes of making a complaint are those set out above.

Third party: A complaint will be accepted from a third party acting on behalf of the complainant(s), such as relatives or other representatives. However, consent from the complainant(s) must be provided. If the complainant is a minor, a vulnerable adult or suffering from incapacity, the complaint will be accepted from their legal appointee with authority to act on their behalf.

5.9 Getting help to make a complaint

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 using one of the methods listed at 5.8.

If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, Braille, audio or Easy Read, please contact Council via one of the options below:

- In writing to: Complaints
Mid and East Antrim Borough Council
The Braid
1-29 Bridge Street Ballymena
BT43 5EJ
- Telephone: 0300 124 5000
- Email: complaints@midandeastantrim.gov.uk
- Tell us in person at any service area.

6. THE COMPLAINT HANDLING PROCESS

6.1 What happens when you make a complaint?

Council's complaints handling procedure consists of 2 stages:

- Stage 1: Frontline resolution
- Stage 2: Investigation

A quick guide to making a complaint is attached at Appendix 1.

6.2 Stage 1: Frontline Resolution

In the first instance, the complaint will be managed as a stage 1 frontline response. This gives the Council an opportunity to resolve or respond to complaints quickly and effectively.

Council will respond at this stage within **5 working days** of the date of registration of the complaint. The Council will register all complaints on the day received unless it is received after normal business hours or received on a weekend or bank holiday, in which case the date of receipt is considered to be the next working day.

On many occasions, it will be most appropriate to resolve complaint 'on-the-spot'.

If your complaint requires a written response, this will include the outcome of the complaint, the reasons for the decision or agreed action taken to resolve the complaint and provide you with the appropriate information on how to escalate to stage 2 if you remain dissatisfied.

If longer than 5 days is required to resolve your complaint, you will be advised as soon as possible with an explanation and a revised date. In the event of an extension

the Council will provide a reason for the extension and a revised date no longer than 10 working days in total from the date the complaint was registered.

If your complaint is extended and you have not received a response within 10 working days and the Council has not provided you with a revised date, you have the right to request the complaint is escalated to stage 2.

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 Stage 2: Investigation.

If you are dissatisfied with the outcome of your stage 1 response, you can request an escalation to Stage 2: Investigation, within 30 days of receiving the stage 1 response.

6.3 Stage 2: Investigation

If you are unhappy with the outcome of the Stage 1 frontline response, you may wish to take the matter further, escalating to a Stage 2 investigation.

You can contact Council in respect of your Stage 2 escalation using the details outlined at Section 5.8 above, or using the service specific contact details found within your stage 1 response.

This is the final stage of Council's complaints procedure. Stage 2 aims to explore the complaint in more depth. Therefore, when requesting a stage 2 complaint investigation, you will be required to detail in writing why you remain dissatisfied and your expectations from a further investigation.

Receipt of your complaint will be acknowledged within 3 working days of receipt.

If Council remains unclear as to your expectations, we will contact you to agree the issues of complaint and outcome sought before an investigation begins.

Council will ensure that the complaint is fully investigated by an appropriate Head of Service, Assistant Director or Director, who was not involved in the matter that is the subject of the complaint.

Council will provide a full response to your Stage 2 complaint as soon as possible but no later than **20 working** days from the time the complaint was received for investigation.

If longer than 20 days is required to investigate your complaint, you will be advised as soon as possible with an explanation and a revised date.

If you are unhappy with the outcome of a Stage 2 investigation, Council will direct you to NIPSO for escalation of your complaint. If NIPSO decide to investigate further, they will look at how the complaint was handled by Council.

6.4 Outcomes

Where a complaint is upheld, you will receive an apology and explanation. Where possible, the mistake will be corrected, and a satisfactory service will be provided as a matter of urgency.

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 (e.g. tickets to another event)
- Financial compensation, if appropriate, and in line with Council policy.

Where a complaint is not upheld, you will receive a letter of explanation setting out Council's reasons for not upholding your complaint.

6.5 What if you remain dissatisfied?

If you are unhappy at any stage of the complaints handling process, you have the right to contact NIPSO who is the supervising authority to which Council is accountable in respect of complaints. NIPSO is an independent organisation that investigates complaints and is free. NIPSO is not an advocacy or support service.

Whilst you may complain directly to NIPSO at any time, the Ombudsman will usually refer the complaint back to the Council to be handled under our complaints policy.

If, upon exhaustion of Council's complaints process NIPSO decide to look into your complaint, they will look into how your complaint was handled by Council.

NIPSO expect complaints to be brought within 6 months from the receipt of Council's Stage 2 response.

If NIPSO has decided to accept a complaint which has not exhausted Council's internal complaints handling procedure, the time limit is usually 12 months from the day that you first became aware of the problem.

NIPSO can be contacted via:

- In writing to: The Northern Ireland Public Services Ombudsman
33 Wellington Place
Belfast
BT1 6HN
- Freepost: FREEPOST NIPSO
- Freephone: 0800 34 34 24

- Email: nipso@nipso.org.uk
- Website: www.nipso.org.uk

6.6 Unacceptable behaviour

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.

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.

Unacceptable behaviours are categorised under the following:

- Aggressive and/or abusive behaviour.
- Unreasonable demands.
- Unreasonable persistence.

6.7 How Council will Manage unacceptable behaviour

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.

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 behaviour and any continuance may adversely impact the processing of the 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.

If a complainant continues to correspond on issues not related to the original complaint or continue to add to the original complaint whilst the complaint is being looked into by Council, and this action is considered excessive, they will be advised to limit or focus their requests accordingly.

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 or Assistant Director.

The relevant Head of Service or Assistant Director will decide on the action to be taken in cases of unacceptable behaviour by complainants. The agreed action must be recorded in the complaint file.

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.

7.COMMUNICATING THE POLICY

This policy will be clearly communicated and accessible to all of Council's customers and stakeholders.

The policy will be published on our website.

Copies of the policy will be made available in alternative formats on request using the details at Section 5.9.

8. MONITORING, REVIEW, EVALUATION AND REPORTING

Council will publish quarterly complaints data and an annual complaints performance report on its website.

The Assistant Director - Citizen Focus will be responsible for the monitoring and review of the Complaints, Comments & Compliments Policy.

The Assistant Director- Citizen Focus will also be responsible for all internal and external reporting and publishing requirements as set out by NIPSO.

APPENDIX 1: A quick guide to the Complaints Procedure

Complaints procedure

You can make your complaint in person, by phone, by email or in writing.
Council has a **2 stage complaints procedure**.

Council will always try to deal with your complaint quickly. But if it is clear that the matter will need in-depth investigation, Council will talk to you about this, agree a way forward and keep you updated on our progress.



Stage 1: Frontline response

Council will always try to respond to your complaint quickly, within **5 working days** if we can.

If you are dissatisfied with Council's response, you can ask us to consider your complaint at Stage 2.



Stage 2: Investigation

Council will look at your complaint at this stage if you are dissatisfied with our response at Stage 1. Council also look at some complaints at this stage, if following discussion and agreement with you, it is clear that an in-depth investigation is needed.

Council will acknowledge your complaint within **3 working days**.
Council will confirm the issues of complaint to be investigated and what you want to achieve.

Council will investigate the complaint and give you our decision as soon as possible. This will be after no more than **20 working days** *unless* there is clearly a good reason for needing more time.



Northern Ireland Public Services Ombudsman

If, after receiving Council's final decision on your complaint, you remain dissatisfied with the decision or the way Council have handled your complaint, you can ask NIPSO to consider it. NIPSO will assess whether there is evidence of service failure or maladministration not identified by us which requires further investigation. NIPSO will signpost you to alternative independent reviewers and provide contact details (where relevant).