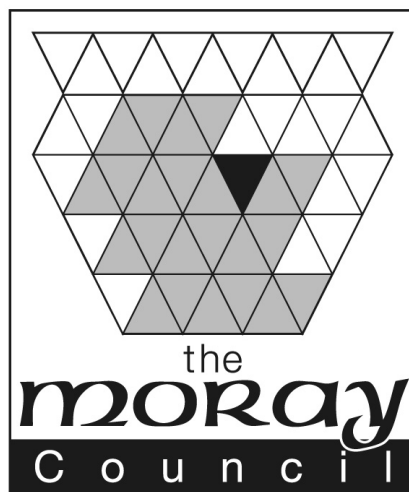


MORAY COUNCIL
COMPLAINTS POLICY
PROCEDURAL GUIDANCE NOTES
2010/11 version



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INTRODUCTION

This guide should be read in conjunction with the Council Complaints Policy, which can be found on the Moray Council website under Quick Service Links, Complaints. It provides a detailed explanation of the procedures that underpin complaint handling. It describes the relationship the Council wants to establish with those who complain by establishing a culture that values complaints seeing them as an opportunity rather than a threat. The Council through the Complaints Policy is demonstrating both fairness and openness in the way it deals with members of the public and that it is prepared to listen to its customers.

1. Aim of Complaint Handling

The aim of the policy is to improve customer relations by dealing fairly and openly with complaints from the public, put things right where they have gone wrong and where possible using outcomes to make improvements to services.

1.1 Commitment to the Public

Complaints procedures are customer focused promoting a culture that respects members of the public who complain. The Council recognises complaints as an opportunity to resolve problems and to put things right where they have gone wrong. They support the Council's commitment to diversity and transparency in its dealings with the public, its procedures will be easy to understand, widely available and the outcomes of complaint investigations will offer fair and timely remedies. To clarify this commitment the following summarise the basic principles of complaint handling. The process will be:-

1.1.1 Customer Focused

- Complaints are seen as an opportunity to resolve a problem.
- The principles and working practice contained in the Customer Care Policy are observed in all dealings.
- Complaints can be made in writing, over the telephone or in person.

1.1.2 Respectful

- At all times Council staff will be polite and courteous in their dealings with members of the public.
- Complainants are expected to respect the right of staff to a working environment free from harassment, threat or intimidation.

1.1.3 Accessible

- Information about making a complaint is clear and straightforward.
- Competent staff are available to explain the procedures to complainants.
- Information about how to complain can be made available in different languages and formats.

1.1.4 Flexible

- Rules are applied fairly but not rigidly.
- Investigations can be adapted to take account of circumstances. This can be by either escalating a complaint to stage two if this is requested by the complainant or considered the most appropriate course of action by the Head of Service.

Alternatively complaints can be referred back to stage one when matters are raised that have not previously investigated by the relevant Head of Service.

1.1.5 Confidential

- All complaints are treated in confidence.
- Correspondence about complaints is held confidentially.

1.1.6 Timely

- There are set timescales for responses.
- Timescales are published and are available to the public.
- Complaints are resolved at the earliest opportunity and close to the point of service delivery.
- Where targets are not being met, the complainant will be advised of progress.

1.1.7 Accountable

- Remedies are fair and equitable.
- Apologies are offered for mistakes or poor service.
- Remedies put right what has gone wrong.
- Remedies prevent a reoccurrence and where possible lead to service improvement.
- Investigation procedures are impartial and transparent.
- Performance is monitored and reported to Committee.

1.2 Commitment to Staff

Staff have a right to a workplace that is free from harassment, threat or intimidation. Whilst it is accepted that the act of complaining can be an emotional and distressing experience, the Council will not tolerate unacceptable behaviour towards its staff and will terminate dealings with complainants who behave in such a manner. A protocol for dealing with unacceptable behaviour is attached. **(Appendix 1)**

1.3 Definition of a Complaint

The Council has adopted the following definition devised by the Commissioner of Local Government in Scotland (the Ombudsman):

“A complaint is an expression of dissatisfaction with the Council’s procedures, charges, employees, agents or quality of service.”

Complaints can be wide ranging but typically will fall into the following general categories:

- Dissatisfaction with the service provided, including failure to achieve a specific standard of service.
- Delays in responding.
- Dissatisfaction with staff.

1.4 Matters not regarded as complaints:

- Initial reporting of faults.
- Request for a service.
- Dissatisfaction with Council policy or decision by Council’s committees or sub committees.
- Legal matters.

- Insurance Claims
- Matters covered by other procedures
- Outcomes of planning applications and planning enforcement although complaints about the process associated with these functions may be considered
- Conduct of Elected Members.
- Statutory Social Work Complaints (i.e. those services provided under a statutory obligation).
- Housing Support Services for 16-24 Young Person Service, Outreach and Resettlement, Temporary Accommodation, and Sheltered Housing.
- Where a statutory right of appeal exists i.e. Planning refusal, exclusion of pupils from school, valuation appeals.
- Employment related personnel matters.

Compensation is outwith the scope of the Complaints Policy. Complainants seeking compensation should be referred either to the Council Insurers or Legal Services where compensation would be a matter for the courts to decide.

1.5 Matters covered by other procedures: -

- Conduct of Elected Members is governed by the Standards Commission who carry out investigations into any complaint against elected members.
- Statutory Social Work Complaints (i.e. those services provided under a statutory obligation) have their own separate procedures and leaflets. The policy and procedures are consistent with the Council Complaints Procedures but introduce additional procedures that conform to specific statutory directions. Details can be found on the Council website using the following link <http://www.moray.gov.uk/downloads/file54905.pdf> and are also published in leaflet form available from Council Access Points.
- Housing Support Services in respect of the 16-24 Young Person Service, Outreach and Resettlement, Temporary Accommodation, and Sheltered Housing. Complaints about these and other Housing Care and Support Services should be made in the first instance to the Housing Manager responsible for the service but if unresolved, referred to the Care Commission.
- Where a statutory right of appeal exists i.e. Planning refusal, exclusion of pupils from school, valuation appeals- The appropriate appeal procedure must be used in such instances rather than the complaints procedure.

2. Procedures - Making a complaint

Most enquiries/problems can be resolved at the service delivery point. However at times an individual may still feel that their enquiry remains unresolved. This is when the complaints procedure is used. Formal complaints will come in to various locations and staff throughout the Council. They will also be in a variety of ways i.e. writing, in person or by telephone.

2.1 Service Delivery Points

The majority of complaints start out as enquires or problems with a service or function and these will be dealt with at the service delivery point. This may be an area office, access point, school, library or community education centre. Knowledge of Council policies and procedures should enable staff at these service delivery points to put things right quickly by explaining how the service operates, why a

decision was made or instructing work to be done i.e. housing repairs, snow clearing, etc.

2.2 Making a Complaint by Telephone or in Person

Complaints can be made by telephone or in person. The following guide deals with procedures for handling complaints by telephone, or in person: -

- (a) Be polite and helpful at all times - try to remember how you would like to be dealt with.
- (b) If you can assist the complainant, make a record of what was said and take a note of the date, name, address and telephone number of the caller. Include in the acknowledgement a record of the telephone call or meeting and ask the complainant to confirm it as an accurate record. It is important to identify all of the issues raised and if a particular remedy is being sought by the complainant. This will enable the Investigating Officer to provide a comprehensive response to all the matters raised by the complainant.
- (c) If you are unable to deal with the complaint, explain why and transfer the individual to the appropriate person, ensuring that person is available to take the call. If the staff member is unavailable, take a message and arrange for the appropriate person to call back.
- (d) If a caller is rude or unduly persistent, or you are not able to deal with the problem, then find a more senior member of staff to deal with the problem.

2.3 Complaints in Writing

Complaints in writing make it easier to understand the circumstances involved in the complaint. This in turn should make it easier to identify how the complaint can be handled. Some complaints will be sent directly to the department concerned while others will be sent to the Chief Executive or Complaints Officer. Those complaints will be logged and acknowledged and then forwarded to the appropriate department for action and response.

If the complaint is made by email the person lodging the complaint should be asked to supply their full name and address to establish their entitlement to receive a response. Responses will only be provided when the investigating officer is satisfied the complainant is permitted to receive information about the complaint.

2.4 Complaints against Staff

Complaints against staff not made in writing will be confirmed by the Investigating Officer in writing. The staff member involved will receive a copy of the letter and the Investigating Officer will consult a Personnel Adviser to ensure the correct procedures are observed. The member of staff can request the presence of a colleague or trades union representative at any interview and will receive copies of all replies and reports of the investigation.

2.5 Enquiries about Complaints through MP/MSPs

Enquiries made through MP/MSPs will be dealt with in accordance with the Complaints Policy. Matters that have not previously been raised as a complaint will be referred to the appropriate Service Director who will treat the matter as a stage one complaint. If a stage one response has been given the enquiry will be treated as a stage two complaint. The MP/MSP and the complainant will be advised accordingly.

2.6 Complaints made through Councillors

If a Councillor receives a complaint, they may decide to ask the Complaints Officer to deal with it on their behalf. The complaint will be registered on the system and will incorporate any existing enquiry and follow the two stage process. The Councillor must be kept advised of the action taken on the complaint and receive copies of all correspondence.

2.7 Complaints made by Councillors

If a Councillor complains about a service failure or member of staff this cannot be dealt with through the Complaints Policy. Such complaints should be referred to the Chief Executive.

2.8 Complaints against Councillors

The Council has no powers to investigate complaints against Councillors and their conduct is governed by the "Code of Conduct for Councillors". A member of the public who wishes to make a complaint about a Councillor they should be advised to refer their complaint in writing to:

Mr D Stuart Allan
Chief Investigating Officer
Office of the Chief Investigating Officer
44 Drumsheugh Gardens
Edinburgh
EH3 7SW
Telephone 0300 011 0550
Email investigations@ethicalstandards.org.uk

The Council cannot do this on behalf of a member of the public.

3. Procedures - Responding to Complaints

Responses should provide comprehensive replies that address in a fair and impartial manner all of the issues raised by complainants. Wherever possible responses should aim to resolve complaints as close as possible to the point of service delivery as experience has shown this is where effective resolutions to complaints are found. They should state whether the complaint has been upheld, part upheld or not upheld and indicate if it has been possible to offer the remedy sought by the complainant. Response should also support the Council's commitment to diversity and transparency in its dealings with the public and where possible, remedies should be clearly linked to service improvement.

3.1 Response Targets

The Council will respond to all complaints. Upon receipt of a complaint an acknowledgement will be sent within 2 working days. A full response will normally be sent within 20 working days and, if this cannot be achieved, an interim response will be sent stating the reason and offering a revised response date. These timescales apply to both stages of complaints and comply with the Customer Care Policy. Complaint details will be logged on the complaint database to enable the service to track progress and produce reports.

Targets for responses to complaints are set and agreed annually. For 2010/11 they are

- 100% for acknowledgments
- 85% for responses

3.2 Investigation

The Service Director will normally delegate the complaint to the Head of Service responsible for the service area that is the subject of the complaint. The Head of Service may investigate or can appoint an investigating officer who will consider all of the relevant evidence in order to recommend what is fair and reasonable in the circumstances of each case.

The investigating officer will in a manner that is fair, open and free from any unlawful discrimination or harassment consider all the available evidence. Conclusions will be drawn on the balance of probabilities when determining what was most likely to have occurred. The Investigating Officer will make recommendations to the Head of Service for consideration and approval prior to a formal response being sent to the complainant. Officers investigating complaints should have the necessary authority and management support to apply the lessons from complaints directly to service improvements.

3.3 Responses and Outcomes

Responses should be clear, concise and address all of the issues raised by the complainant. They should confirm one of the following complaint outcomes - Upheld, Part-Upheld or Not Upheld.

- Not upheld - The investigation concludes that the Council has acted properly and there is no further action to be taken.
- Upheld - The investigation concludes that the Council was at fault, this should be linked to any identifiable service improvement that will prevent a reoccurrence.
- Part-upheld - The investigation concludes that the Council was at fault in part and acknowledges this. The part-upheld outcome should also be linked to service improvement.

3.4 Remedies

In addition upheld or part-upheld responses should indicate how the Council intends to put matters right. Remedies should offer fair and equitable solutions which address the issues that have been either upheld or part-upheld by the investigation. Remedies will in addition to an apology and admitting a mistake or error has been made, offer to:

3.4.1 Put Things Right

- Redress -The service offers to put things right where they have gone wrong, admitting where mistakes have been made. The Head of Service on behalf of the Director is taking corrective action aimed at restoring the reputation of the Council.
- Reimbursement - Reimbursements are authorised by Heads of Service on behalf of Directors to cover vouched actual costs incurred as a direct result of mistakes made by the Council.

3.4.2 Prevent a Reoccurrence

- Reinforcement - Recognises that the correct Council procedures have not been followed or service has fallen short of what could be expected. Corrective action involves providing training or instructions to staff which reinforce the correct systems of work in order to prevent a reoccurrence.
- Service Improvement - The service recognises that its working procedures can be improved. It has learned from a mistake and adapts its procedures to avoid a reoccurrence and improve future service delivery.

Note – Claims for compensation are outwith the Complaints Policy. Any claims should be referred to either Legal or Payments who will provide advice on how these should be handled.

4. Two-stage Process

4.1 Stage One: Departmental Investigation

- 4.1.1 A complaint should be acknowledged within 2 working days. An officer will be nominated to deal with the complaint and they must be given all the correspondence promptly in order to maximise the time available to carry out an enquiry. All complaints should be entered on the complaint database. NB This also covers stage one for Social Work complaints.
- 4.1.2 If a complaint is received directly by the Chief Executive's Office the Complaints Officer will acknowledge within 2 working days, enter details on the complaints database and the correspondence, together with a copy of the acknowledgement letter, will be e-mailed to the Head of Service and copied to the Director.
- 4.1.3 If a response is required from more than one department, a lead Department will be agreed with the Complaints Officer. They will be responsible for co-ordinating stage one responses to the complainant and entering relevant information on the complaint database. A copy of this response will be sent to the Complaints Officer.
- 4.1.4 It is the responsibility of the Service Director to ensure that a competent officer is assigned to carry out investigations. Normally complaints are delegated to the Head of Service responsible for the service associated with the complaint. The Head of Service will either carry out the investigation themselves or appoint an investigating officer who should have the necessary authority and competence to investigate the complaint.
- 4.1.5 The Investigating Officer will collect all the relevant facts and may
 - Seek further information in writing.
 - Carry out interviews with the complainant- if it is necessary to interview the complainant they must be given the opportunity to be accompanied by a person of their choice.
 - Interview staff involved about the complaint – however if the complaint is about the conduct of a member of staff once the facts have been established and it becomes clear there is a case to answer separate

procedures exist and this becomes a personnel management matter which is outwith the scope of the complaints procedures.

- Obtain copies of additional documents.
- Carry out site visits.
- Take expert advice ie legal.

If it is necessary to interview the complainant they must be given the opportunity to be accompanied by a person of their choice. In relation to staff interview, if the complaint is about the conduct of a member of staff separate procedures exist within personnel policies which should be handled separately outwith the scope of the complaints policy.

- 4.1.6 It is important to inform the individual of what is happening to their complaint, particularly if the matter requires some research or investigation. The overall aim should be to reply in full within 20 working days. Where this is not possible inform the complainant in writing of the reasons for the delay.
- 4.1.7 In notifying the complainant of the outcome of the stage one investigation a standard paragraph will be included to advise the complainant that he/she has three months from the date of the response to pursue to a stage two complaint.
- 4.1.8 The Investigating Officer should arrange for the response details to be entered on the complaint database. A copy of the complaint response will be sent to the Service Director for information.

4.2 Stage Two: The Appeal Stage (A Review by the Chief Executive)

If the complainant is dissatisfied with the outcome of the stage one response from the Service Director/Head of Service, they can appeal to the Chief Executive within three months of receipt of the stage one response. The appeal will involve a review by the Complaints Officer who will also be responsible for logging and tracking stage two complaints. The Complaints Officer will carry out this impartial review examining all of the available evidence against the following grounds for appeal:

- That the stage one response was made in accordance with Council policy and within limits of any delegated authority.
- That the complaint procedures were correctly observed.
- That all available evidence was considered.
- Any additional relevant evidence has been submitted and considered.
- That the appeal is not out of time.

If further investigation is required the Complaints Officer may gather evidence in the following manner:

- Seek written answers to new matters and any not addressed in the original complaint response.
- Carry out interviews.
- Obtain copies of additional documents.
- Carry out site visits.
- Take expert advice ie. from Planning, Education, Housing.

The Complaints Officer will collect the evidence available in order to determine what is fair and reasonable in the circumstances of each case. Appeals will be determined from the available evidence and on the balance of probabilities. Conclusions will be drawn from what was most likely to have occurred. The Complaints Officer will report the outcome to the Chief Executive for consideration and approval.

The complainant will receive a reply from the Chief Executive within 20 working days and the complaint will now be considered closed. The Complaints Officer will keep the records of complaint correspondence. Details will be entered on the complaints database.

4.3 Commissioner of Local Government in Scotland (the Ombudsman)

Finally, the complainant can refer matters to the Commissioner of Local Government in Scotland (the Ombudsman) once the Council's complaint procedures have been exhausted. This must be submitted to the Ombudsman within 12 months of the complainant first notifying the Council about the complaint.

The Ombudsman can consider complaints about:

- Administrative failure.
- Failure to provide a service.
- Failure in a service provided.

The Ombudsman cannot generally consider:

- Properly made decisions that the Council has a right to make even if the complainant does not agree with the decision.
- Complaints which the complainant could take to court or an independent tribunal.
- Personnel issues such as appointments of staff, pay or discipline
- Most commercial or contractual matters.

The Ombudsman may carry out an independent inquiry into the conduct of the Council in relation to a complaint. If so, the complainant will receive a written report on the Ombudsman's findings. The Ombudsman's address is:

Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh, EH3 7NS.
Telephone 0800 377 7330 or email ask@spsso.org.uk

5. Performance Management and Service Improvement

Performance measures must support the stated objectives of the complaints system providing meaningful information about how the Council is performing in terms of complaint handling. The basic profile of measures will be to monitor and report upon the integrity of the process in terms of meeting targets, identifying where targets are not being met and reporting the outcome of complaints, particularly where this has led to a change or improvement in service delivery. Reports to committee will include:

- Performance targets against actual response times and setting annual targets.
- Detail of upheld and part upheld outcomes and any service improvements.
- Outcomes of Ombudsman cases and any awards.

- Details of restricted access to the Council as a result of unacceptable behaviour.
See **Appendix 1**

NB In addition to reporting to their Service Committee there is a statutory responsibility for Social Work to report separately and these are contained in the guidance details of which can be found at

<http://www.moray.gov.uk/downloads/file54905.pdf>

6. Tracking Formal Complaints

All complaints will be logged and tracked through the corporate complaints database. The purpose is to provide the data for performance reporting and to provide an audit trail evidencing that the complaint has received suitable responses to their complaint within the agreed timescale, and that the outcome is correctly recorded. The system will provide the basic data for regular reports, which will be submitted to service committees and Policy & Resources committee quarterly as well as Audit & Performance committee.

7. Complaints Policy Availability and Review

Copies of the Policy are available on the Moray Council Website (www.moray.gov.uk). The Council reviews this Policy on a regular basis to make sure that the aims of the Policy are being achieved.

Social Work procedures can be accessed by using this link:

<http://www.moray.gov.uk/downloads/file54905.pdf>

This document has been Equality Impact Assessed and is reviewed annually.

8. Contact Details

Complaints Officer
Council Offices
High Street
Elgin
IV30 1BX
Tel: 01343 563318
E-mail: complaints@moray.gov.uk
Web: www.moray.gov.uk

Complaints Assistant
Council Offices
High Street
Elgin
IV30 1BX
Tel: 01343 563003
E-mail: complaints@moray.gov.uk
Web: www.moray.gov.uk

Scottish Public Services Ombudsman
4 Melville Street

Edinburgh
EH3 7NS
Tel: 0800 377 7330
E-mail: ask@spsso.org.uk
Web: www.spsso.org.uk

Standards Commission
Office of the Chief Investigating Officer
44 Drumsheugh Gardens
Edinburgh
EH3 7SW
Tel: 0300 011 0550
E-mail: investigations@ethicalstandards.org.uk
Web: www.standardscommissionscotland.org.uk

Care Commission
Phoenix House
1 Wards Road
Elgin
IV30 1QL
Tel: 01343 541734
Web: www.carecommission.com

APPENDIX 1**COMPLAINT PROTOCOL FOR DEALING WITH
UNACCEPTABLE BEHAVIOUR****Introduction**

Most people behave reasonably when pursuing complaints although some individuals may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint. Behaviour is not unacceptable just because a complainant is forceful or determined, being persistent can be a positive advantage when pursuing a complaint.

Unfortunately, a minority of individuals display unacceptable behaviour such as unreasonable persistence, rudeness and aggression. Whilst it is accepted the act of complaining can be an emotional and distressing experience the Council will not tolerate unacceptable behaviour towards its staff. Dealing with such behaviour is stressful for staff and dealings will be terminated when complainants behave in such a manner. This Protocol provides guidance on handling cases of unacceptable behaviour by complainants. Such behaviour falls under three broad headings:

Aggressive or Abusive Behaviour

- (a) Staff should be treated courteously and with respect - violence and/or abuse towards them is unacceptable and will not be tolerated. Council staff should be aware of the difference between aggression and anger and whilst the anger felt by many complainants involves the subject matter of their complaint it is not acceptable when this anger escalates into aggression directed towards Council staff.
- (b) Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.
- (c) Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks and rudeness. We also consider that inflammatory statements and unsubstantiated allegations to be abusive behaviour.

Unreasonable Demands

- (a) Complainants may make unreasonable demands for instance in the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the complainant.
- (b) Examples of actions grouped under this heading include demanding responses within an unreasonable time-scale, insisting on seeing or speaking to a particular member of staff, continual phone calls or letters, repeatedly changing the substance of the complaint or raising unrelated concerns.
- (c) These demands are considered unacceptable and unreasonable if they start to impact substantially on the work of the office, by taking up disproportionate amounts of staff time, which disadvantages other complainants or functions.

Unreasonable Persistence

- (a) Some complainants will not or cannot accept that the Council is unable to assist them further or provide a level of service beyond that already provided. Complainants may persist in disagreeing with the action or decision taken in relation to their complaint or contact the office persistently about the same issue.
- (b) Examples of actions grouped under this heading include 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. The way in which these complainants approach the Council and its staff may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.
- (c) Actions of persistent complainants become unacceptable when they take up what the Council regards as being a disproportionate amount of time and resources.

Managing Unacceptable Actions by Complainants

The relatively few complainants whose actions are considered unacceptable will be managed on a case-by-case basis depending on their nature and extent of their behaviour. When dealing with such difficult cases staff should:

- Make it clear to all complainants both at initial contact and throughout their dealings, what the Council can or cannot do in relation to their complaint. In doing so, be open and do not raise hopes or expectations that cannot be met.
- Be open and honest with all complainants, including those whose actions are unacceptable. All complainants have the right to be heard, understood and respected - Council staff have those same rights.
- Provide a service that is accessible to all complainants. However, the Council retains the right, where a complainant's actions are unacceptable, to restrict or change access to the service or to terminate dealings with the complainant. See Managing Contact below.
- Ensure that other complainants and Council staff do not suffer any disadvantage from complainants who act in an unacceptable manner and that arrangements are in place to deal with such behaviour.

Managing Contact

If contact adversely affects the service to others, contact may need to be restricted with the complainant in order to manage the unacceptable action.

- It may become necessary to restrict contact - for instance contact in person, by telephone, fax, letter or electronically or by any combination of these. It is important to maintain at least one form of contact. The complainant must be advised, in writing, that their name is on a 'no personal contact' list, if this is appropriate. This means that they must restrict contact to either written communication or through a nominated third party. This action must be approved by the appropriate Head of Service on the advice of the Complaints Officer.
- The threat or use of physical violence, verbal abuse or harassment towards Council staff will result in the termination of all direct contact with the

complainant. Incidents will be reported to the Complaints Officer and may be referred to the police. This will always be the case if physical violence is used or threatened.

- Correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence will not be processed. The complainant will be advised their language is offensive, unnecessary and unhelpful. They would be asked to stop using such language and state that we will not respond to their correspondence if they persist. Future contact may be through the Complaints Officer.
- Council staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- Where a complainant repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, it may be necessary to:
 - Restrict telephone calls from the complainant to set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant.
 - Restrict contact to pre-arranged appointments with a named member of staff or the complainant should be advised to contact the office in writing only. Personal visits must be risk assessed prior to any meeting in order to control any potential danger to staff involved.
 - Return the documents to the complainant or, in extreme cases, advise the complainant that further irrelevant documents will be destroyed.
 - Take other action considered necessary including authorising no further contact. The complainant should always be advised what action is being taken and why. Authority of Head of Service is required following advice from the Complaints Officer.
- Where a complainant continues to correspond on a wide range of issues, and this action is considered excessive, the complainant should be advised that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- A complainant's action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the complainant continues to dispute the Council decision relating to their complaint. The complainant should be told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the complainant on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the complainant provides significant new information relating to the complaint.

Deciding to Restrict Complainant Contact

- Council staff who directly experience aggressive or abusive behaviour from a complainant have the authority to deal immediately with that behaviour in a manner they consider appropriate and which is consistent with the Complaints

Policy. They must report such occurrences immediately to their line manager who should in turn advise the Complaints Officer.

- With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Council will only be taken after careful consideration of the situation by a more senior member of staff. Wherever possible, give a complainant the opportunity to modify their behaviour or action before escalating the situation. Complainants should be told 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.
- For complaints that are considered harassing or deliberately repetitive the Service Director will review the case. If there are any new issues to be considered in connection with the complaint, the Service Director will consider those issues only. The Director may also refer the complaint to the Chief Executive with a view to reviewing and closing the file.

Appealing a decision to restrict contact

A complainant can appeal a decision to restrict contact. The Chief Executive will consider the original decision following a review by the Complaints Officer. The Chief Executive will advise the complainant in writing that either the restricted contact arrangements still apply or a different course of action has been agreed.

Recording and reviewing a decision to restrict contact

All incidents of unacceptable actions by complainants will be recorded. Where it is decided to restrict complainant contact, an entry noting this must be recorded in the relevant file and on appropriate computer records.

A decision to restrict complainant contact may be reconsidered if the complainant demonstrates a more acceptable approach. The Complaints Officer will review the status of all complainants who are subject to restricted contact arrangements as a result of unacceptable behaviour and will incorporate this in the monitoring report to Committee.