

NORTH STRATHCLYDE COMMUNITY JUSTICE AUTHORITY

TO: North Strathclyde Community Justice Authority

On: 29th September, 2006

**Joint Report
By
Chief Officer and Clerk**

**Scottish Public Services Ombudsman Act 2002 -
Customer Complaints Procedure**

1. Summary

- 1.1 The Scottish Public Services Ombudsman Act 2002 sets out the legislative framework for handling complaints by the Ombudsman about maladministration and service delivery arising from the activities of public authorities in Scotland. Section 21(11) of the Management of Offenders (Scotland) Act 2005 added community justice authorities to the list of persons liable to investigation. Whilst the Ombudsman can consider complaints about poor service, failure to provide a service or administrative failure made against the North Strathclyde Community Justice Authority (the Authority) there is an expectation on the part of the Ombudsman that a complainant will in the first instance take up their complaint with the body concerned as many complaints can be settled quickly in this way. However, this can only be achieved if that body has a complaints procedure in place.
- 1.2 A complaints handling procedure has a dual purpose. First, it should reassure the public that their views are taken seriously and that their comments or complaints will be dealt with sufficiently and in a fair manner. Second, it should ensure that certain standards are maintained across the organisation concerned.
- 1.3 It is recommended that the Authority adopts the complaints handling procedure as outlined in Appendix 1 to this report.
- 1.4 To facilitate the operation of the complaints procedure it is recommended that, in the Chief Officer has responsibility for co-ordinating complaints, monitoring their progress, keeping an up-to-date complaints register, identifying recurring problems and reporting back to management. She will act as a single point of contact within the Authority to whom queries and complaints can be addressed which should ensure accurate information provision to the public and other members of staff.

- 1.5 The Scottish Public Services Ombudsman has issued an unacceptable actions policy and a proposed policy for the Authority has been developed based on the Ombudsman's policy and forms Appendix 2 to this report.
- 1.6 The policy sets out the Authority's approach to the relatively few complainants (including anyone acting on behalf of a complainant) whose actions or behaviour the Authority would consider unacceptable. The policy defines how the Authority assesses what would be deemed unacceptable and unreasonable and offers guidance on how the process should be managed.

2. **Recommendations**

- 2.1 That the Authority adopts the complaints handling procedure as outlined in Appendix 1 to this report;
- 2.2 That, the Chief Officer assumes responsibility for the complaints process;
- 2.3 That where a complaint relates to the Chief Officer, or is in relation to a matter already considered by her, the Clerk to the Authority deals with the complaint;
- 2.4 That the Clerk liaise and deal with any enquiries made by the Scottish Public Services Ombudsman and make the necessary arrangements in relation to any investigations; and
- 2.5 That the Authority adopts the procedure for dealing with unacceptable actions by customers as outlined in Appendix 2 to this report.

NORTH STRATHCLYDE COMMUNITY JUSTICE AUTHORITY

CUSTOMER COMPLAINTS PROCEDURE

INTRODUCTION

The complaints handling procedure has a dual purpose. First, to reassure the public that their views are taken seriously and that their comments or complaints will be dealt with efficiently and in a fair manner. Second, it ensures that certain standards are maintained. Treating our customers with fairness and respect, listening and communicating are relevant and important.

PRINCIPLES OF THE COMPLAINTS SYSTEM

The aims and objectives of the complaints system are to:

- be easily accessible
- be simple to understand and use
- allow speedy handling, with established time limits for action
- keep people informed of progress
- ensure a full and fair investigation
- respect people's desire for confidentiality
- address all points at issue, provide an effective response and appropriate redress
- provide information so that services can be improved.

Definition

The definition of what constitutes a complaint is very important if the procedure is to work properly.

The former local authority Ombudsman defined a complaint as:

“An expression of dissatisfaction, however made, which alleges failure on the part of the Council to perform a function or provide a service in line with stated Council practices and policies.”

This definition would apply equally to the Authority and would include unreasonable delay and incompetence.

General comments about aspects of service provision or about an agreed policy that is being followed do not necessarily reflect any failure on the part of the Authority or its officers to carry out their responsibilities in accordance with the Authority's functions and consequently cannot be considered to refer to maladministration on the Authority's part. Comments of this kind will not form part of the formal complaints monitoring or review process although they will be recorded and acknowledged courteously and promptly. These comments are to be encouraged and can be useful in identifying ways to improve services, quality control, efficiency and public relations and hence reduce the number of actual complaints arising.

Published Information

Information about how to make comments, provide feedback and to complain should be readily accessible.

Employee Training

All employees who come into direct contact with the public will receive training that will help them deal with the public in a responsible, fair and reasonable manner. This training aims to empower staff, helping them to deal with difficult members of the public, to recognise and distinguish between complaints, and service requests or enquiries and to understand their role in the complaints' process. In most cases, with appropriate training and support, front line staff will be able to deal with comments and complaints before a formal complaint requires to be made - helping to foster a culture of responsiveness and customer care.

Confidentiality

The public should not be deterred in any way from making a complaint. All complaints must be handled with due discretion at all times. While complaints against employees should be treated in strictest confidence, only in exceptional circumstances should an employee not be told about such an investigation.

Monitoring and Maintaining Records

Complaints will be recorded fully and accurately. This is important as it allows the progress of complex complaints to be tracked and monitored. Ultimately, if the Ombudsman takes a complaint up it also allows a clear record of all investigations and decisions taken to be shown. Complaints should be classified in a way that will identify routine problems like delays in responding, staff attitudes and failures to provide service.

Responsible Officers

The Chief Officer will have responsibility for co-ordinating complaints, monitoring their progress, keeping an up to day complaints register, identifying recurring problems and reporting back to the Authority giving summary information as to the number and nature of complaints received. Furthermore she will act as a single point of contact to whom queries and complaints can be addressed which should ensure more accurate information provision to the public and to other staff members.

PROCEDURES TO BE FOLLOWED

1 STAGES OF COMPLAINT

1.1 Complaints are identified in three stages:

Stage 1 - Informal Complaints

When approached by potential complainant the officer concerned should try to resolve the complaint as quickly as possible by making contact with the member of staff dealing with the issue and obtaining appropriate information or taking appropriate action regarding the matter. The complaint should be recorded and an appropriate record kept of the complaint and the action taken.

If the complainant is not satisfied at this stage they should be asked if they wish to make a formal complaint.

Stage 2 - formal Complaints

Formal complaints **MUST** be in writing.

Complaints will be acknowledged in writing within three working days together with any request for further information which may be required in order to process the complaint. Contact information will be sent along with details of the complaints procedure and their right to contact the Scottish Public Services Ombudsman.

A detailed response to a complaint will be made in writing, giving an explanation of the situation and explaining what further action, if any, will be taken within a further 10 working days. If this deadline cannot be met, then the complaint will be advised when a full reply will be provided.

In all cases full records will be maintained together with records of who has been involved and the decisions and action taken.

Stage 3 - Appeal

If the complainant remains dissatisfied they will be invited to write to the Clerk to the Authority stating why they are still unsatisfied and how they wish to see the matter resolved. A response will be sent to the complainant within 10 working days of receipt of a statement of continued dissatisfaction.

All information issued to complainants will remind people at every stage of their right to contact the Scottish Public Services Ombudsman and the address and contact numbers. Records of all correspondence will be kept.

2 IDENTIFICATION OF COMPLAINTS

- 2.1 Complaints may relate, among other things, to delays in responding; failure to provide a service; failure to achieve standard/quality of service; failure to fulfil a statutory responsibility; bias or unfair discrimination; employee attitude or actions of an agent.

3 RECEIPT OF COMPLAINTS

- 3.1 Personal callers should be asked to complete a complaints form, if they have not already done so. Assistance should be offered with this, including an officer completing the form if necessary. The complainant should be given a copy of their complaints form and the name, address and contact number for the officer who will be handling the complaint.
- 3.2 When a complaint is received by telephone, a complaints form should be completed from the details received. A copy should be sent to the complainant together with details of the complaints procedure and the name, address and contact number for the officer who will be handling their complaint.
- 3.3 When a written complaint is received it should be acknowledged in writing within 3 working days, the complainant should be asked for any further information which may be required in order to process the complaint. Details of the complaints procedure, and the name, address and contact number for the officer handling the complaint should also be issued.

4 INVESTIGATION OF COMPLAINT

- 4.1 The Chief Officer has the right to undertake such investigations as she sees fit. If members of staff require to be interviewed proper minutes of the meeting should be kept and the staff member has the right to be accompanied or represented at the interview.

5 RESPONSE TO COMPLAINTS

- 5.1 All complaints received should be acknowledged within three working days of receipt.
- 5.2 Detailed responses should be issued within a further ten working days of the acknowledgement. Where it is anticipated that this time scale cannot be met the complainant should be informed of a revised date on which a response will be issued.
- 5.3 Once a complainant has been advised of the outcome of the investigations into their complaint, they must be advised that if they remain dissatisfied with the response or the manner with which their complaint has been dealt they may appeal in terms of stage 3 of the complaints procedure.

6 MONITORING OF COMPLAINTS

- 6.1 All complaints received will be monitored by the Chief Officer to determine what changes, if any, should be made to procedures to avoid such complaints arising in the future.
- 6.2 Reports should be prepared for the Authority on an annual basis which will identify complaints received and how they were resolved.

**NORTH STRATHCLYDE COMMUNITY JUSTICE AUTHORITY
PROPOSED POLICY ON UNACCEPTABLE ACTIONS BY CUSTOMERS**

The Authority is committed to providing customers with an effective and efficient service and treating customers with respect. However, Authority employees also have a right to be treated with respect. The Authority will not tolerate any form of violence towards its employees, including foul or abusive language. If anyone acts in a threatening manner, we will ask them to leave and, if necessary, we will report the incident to the police.

1. Policy Aims

- 1.1 To ensure that other customers and Authority staff do not suffer any disadvantage from customers who act in an unacceptable manner.
- 1.2 To deal fairly, honestly, consistently and appropriately with all customers, including those whose actions we consider unacceptable. We believe that all customers have the right to be heard, understood and respected. We also consider that Authority staff have the same right.
- 1.3 To provide a service that is accessible to all customers. However, we retain the right, where we consider customer actions to be unacceptable, to restrict or change access to our services.

2. Defining Unacceptable Actions by Customers

- 2.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming to our offices. We do not view behaviour as unacceptable just because a customer is forceful or determined. However, the actions of customers who are angry, demanding or persistent may result in unreasonable demands on the Authority or unacceptable behaviour towards staff. It is these actions that we consider unacceptable and aim to manage under this Policy. These actions are grouped under three broad headings

Aggressive or Abusive Behaviour

- A. 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.
- B. 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 can be abusive behaviour.
- C. We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. The anger felt by many customers involves the subject matter of their complaint. However, it is not acceptable

when anger escalates into aggression directed towards Authority staff. Staff should report any such incidents to the Authority's Chief Officer.

Unreasonable Demands

- A. Customers may make what we consider unreasonable demands on our officers through 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 customer.
- 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. We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of our officers, such as taking up an excessive amount of staff time to the disadvantage of other customers or functions.

Unreasonable Persistence

- A. We recognise that some customers will not or cannot accept that the Authority is unable to assist further or provide a level of service other than that provided already. Customers 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 Authority can or cannot do and continuing to pursue a complaint without presenting any new information. This persistent behaviour is unreasonable.
- C. We consider the actions of persistent customers to be unacceptable when they take up what the Authority regards as being a disproportionate amount of time and resources.

3. Managing Unacceptable Actions by Customers

- 3.1 There are relatively few customers whose actions we consider unacceptable. How we aim to manage these actions depends on their nature and extent. If it adversely affects our ability to do our work and provide a service to others, we may need to restrict customer contact with the Authority in order to manage the unacceptable action. We aim to do this in a way, wherever possible, that allows a complaint to progress to completion through our Complaints Process. We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these. We will try to maintain at least one form of contact. In extreme

- situations, the Chief Officer may advise the customer in writing that their name is on a personal contact' list. This means that they must restrict contact with the Authority to either written communication or through a third party.
- 3.2 Should a customer appear at any office having been informed not to contact the Authority except in writing and refuses to leave, security and if necessary the police will be called to remove them.
 - 3.3 The threat or use of physical violence, verbal abuse or harassment towards Authority staff is likely to result in ending of all direct contact with the customer. Incidents may be reported to the police. This will normally be the case if physical violence is used or threatened.
 - 3.4 We do not deal with correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. When this happens we will tell the customer that we consider their language offensive, unnecessary and unhelpful. We will ask them to stop using such language and state that we will not respond to their correspondence if they do not stop. We may require future contact to be through a third party.
 - 3.5 Authority staff will end telephone calls if the caller is considered aggressive, abusive or offensive. Either the staff member taking the call or their supervisor 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.
 - 3.6 Where a customer repeatedly phones, visits the office, sends irrelevant documents or raises the same issues, without good cause, we may decide to only take telephone calls from the customer at 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 customer in the future; require the customer to make an appointment to see a named member of staff before visiting the Authority's offices or that the customer contacts the Authority in writing only; return the documents to the customer or, in extreme cases, advise the customer that further irrelevant documents will be destroyed; take other action that we consider appropriate. We will, however, always tell the customer what action we are taking and why.
 - 3.7 Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, then the customer is told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
 - 3.8 Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute the Authority's decision relating to their complaint. The customer is told that no future phone calls will be accepted or interviews granted concerning this complaint. Any future contact by the customer on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the customer provides significant new information relating to the complaint.

4. Deciding to Restrict Customer Contact

4.1 Authority staff who directly experience aggressive or abusive behaviour from a customer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this policy.

4.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the Authority are only taken after careful consideration of the situation by the Chief Officer. Wherever possible, we will give a customer the opportunity to modify their behaviour or action before a decision is taken. Customers will 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

5. Recording and Reviewing a Decision to Restrict Contact

5.1 We will record all incidents of unacceptable actions by customers. Where it is decided to restrict customer contact, an entry noting this will be made in the relevant file and on appropriate computer records.