



MINORITY ETHNIC COMMUNITIES ADVISORY COMMITTEE 12 January 2006

Report of the Director of Corporate Services

Feedback on the Corporate Complaints Procedure

RECOMMENDATION

1. That the Minority Ethnic Communities Advisory Committee:
 - a) Considers the current Corporate Complaints Procedure
 - b) Informs the Corporate Complaints Officer of any amendments/improvements that the Committee considers should be incorporated in the revised procedure.

SUPPORTING INFORMATION

- 2.1 The current Corporate Complaints Procedure was introduced in April 2003. The aims of the procedure are to:
 - Provide a simple way in which members of the public can complain about Council services
 - Ensure that complaints are properly investigated, are responded to within a reasonable period of time, and, where necessary, that the Council takes the appropriate action to resolve the matter that has been complained of
 - Ensure that the Council learns from complaints and where appropriate takes action to improve its services
- 2.2 A copy of the current Corporate Complaints procedure is contained in Appendix 2 of this report.
- 2.3 It is intended to revise the Corporate Complaints procedure and the Committee is asked to indicate any amendments/improvements that members consider should be incorporated in the new procedure.

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Background papers:	Appendix 1 – Implications
List of appendices:	Appendix 2 – The Council's Corporate Complaints Procedure

IMPLICATIONS

Financial

1. None arising from this report.

Legal

2. None arising from this report.

Personnel

3. None arising from this report.

Equalities impact

4. An effective Corporate Complaints Procedure is of benefit to all Derby people.

Corporate Objectives, Values and Priorities

5. This report has the potential to link with all the Council's Corporate Objectives, Values and Priorities:

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COMPLAINTS PROCEDURE

APRIL 2003

COMPLAINTS PROCEDURE

Section 1	Introduction
Section 2	Aims and scope of the Procedure Definitions Recording and monitoring complaints
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1. INTRODUCTION

- 1.1 The Council has approved this complaints procedure as part of its overall commitment to service improvement. Leaflets explaining how to make a complaint are available from the main reception at the Council House and at Roman House and all departmental reception offices. Formal complaints can also be made by telephone or e-mail. The complaint form includes contact details for the Corporate Complaints Officer, who will be the first point of contact for most complainants.
- 1.2 The Council hopes that most complaints will be dealt with informally at the time they are first raised, to the satisfaction of the person complaining. If the customer is not satisfied, the procedure then gives an opportunity for the complaint to be fully investigated. The procedure does not prejudice the customer's right to refer a complaint to the Local Government Ombudsman at any stage if they feel that the Council is guilty of maladministration.

THE ROLE OF THE CORPORATE COMPLAINTS OFFICER

- 1.3 The Council has appointed a Corporate Complaints Officer to manage the procedure. Their role is explained in detail in this section.

Monitoring

The Corporate Complaints Officer will oversee the complaints procedure to make sure that it operates effectively and achieves the aims described in Section 2.1. This includes preparing statistical information, monitoring and reporting on individual complaints, and taking action if relevant targets are not being met. It also includes periodic 'spot checks' by contacting previous complainants for their comments on the procedure and the way the complaint was dealt with.

Investigating

The Complaints Officer will normally be the nominated Investigating Officer for the Chief Executive for all Stage Two complaints. They will keep a record of all complaints received through the formal procedure and the Council's responses. They will provide case files for complaints going before the Standards Committee, and liaise with the Ombudsman in cases that reach that point.

Advising

The Complaints Officer will act as a first point of contact for employees with any queries about the complaints procedure. They will also be available to discuss complaints informally with customers and, whenever possible, resolve these without the need for a formal complaint.

2. AIMS AND SCOPE OF THE PROCEDURE

Aims

2.1 The aims of the complaints procedure are to make sure that:

- it is as simple and straightforward as possible for customers to make complaints about Council services
- the customer feels that their complaint is being treated seriously, even if the answer is not to their complete satisfaction
- the customer is kept informed of the progress of their complaint and who is dealing with it
- the Council responds to complaints within a reasonable time and in a courteous and efficient manner
- the customer is told how to take the complaint further if they are still not satisfied
- the Council learns from complaints and takes appropriate action to improve the quality of its services.

Definitions

2.2 For simplicity and to make sure customers get an effective and speedy response, complaints should be defined as widely as possible. An appropriate definition may be: *'Any expression of dissatisfaction with a service provided by the Council'*. However, this definition would result in many customer comments, requests for service or reports of problems being recorded as complaints. This would give a false picture of the level of failures or wrong doings by the Council. The Council must be given a reasonable opportunity to put things right before a customer's complaint is recorded under this procedure.

2.3 The definition of a complaint under the formal complaints procedure, and for recording and monitoring, will be ...

'Any expression of dissatisfaction with a specific service or services provided by the Council, which has been previously raised with the Council and not resolved to the satisfaction of the complainant.'

This definition excludes the types of complaint listed in 2.5, 3.12 and 3.15.

Scope of the complaints procedure

2.4 This list is not exhaustive, but complaints will generally include:

- failure to provide a service at the level or standard expected by the Council
- the unhelpful attitude of a Council employee
- neglect, or delay in answering a query or responding to a request for service
- failure to follow the Council's agreed policies, rules or procedures, including the Council's recruitment procedure
- failure to consider all relevant information in coming to a decision
- failure to tell people of their rights
- malice, bias or unfair discrimination, in particular discrimination or harassment on the grounds of age, disability, gender, race or sexual orientation (but see 2.6 below).

2.5 The types of complaint listed here are **excluded** from the procedure:

- complaints that amount to a disagreement with the Council about its decisions or policies rather than the way the decisions have been made or policies arrived at, for example the level of Council Tax or Free School Transport Policy
- a planning or development control matter where a right of objection exists, unless the complaint is about the way the matter has been administered
- a Council decision using regulatory powers, for example licences or certain environmental health functions, or when the decision is governed by other regulations such as benefit assessments or Council Tax recovery unless the complaint is about how the matter has been administered
- a complaint that is, or could reasonably be expected to be, the subject of court or tribunal proceedings
- complaints that amount to a disagreement with, or refusal to accept, a rule of law which the Council is applying

- complaints about action taken in relation to dismissals, pay, discipline, superannuation or other personnel matters, other than recruitment complaints
 - complaints alleging racial harassment of Council tenants
 - complaints about the conduct of councillors
 - complaints about Social Services, which fall within the statutory procedure for that service.
- 2.6 Complaints relating to harassment or discrimination on the grounds of age, disability, gender, race or sexual orientation, will be dealt with by the Chief Executive, or his nominated representative, in accordance with the procedures in paragraphs 3.12 to 3.14.

Recording and monitoring complaints

- 2.7 The Corporate Complaints Officer will maintain an accurate and up-to-date record of all complaints received at all stages, including those received through the Local Government Ombudsman. The Corporate Complaints Officer will prepare reports for the Monitoring Officer at agreed intervals on the number of complaints received and other relevant statistical information and analysis. These reports will be presented to the Chief Officer Group for consideration.

Contracted-out services

- 2.8 The specification for contracted-out services requires contractors to operate the Council's Complaints Procedure. Complaints will be passed initially to the relevant client officer. In cases involving alleged harassment or discrimination, the Equalities Advisor must be involved immediately.

3. COMPLAINTS PROCEDURE

- 3.1 When someone complains, the officer receiving the complaint must ask them whether they have raised this particular issue with the Council before - see paragraphs 2.2 and 2.3. If they have not raised it before, we regard it as a request for service or a report of a problem.

The officer will either deal with the complaint on the spot or refer it to the appropriate section or department for action, and tell the customer who is handling it. The officer handling the complaint must respond to the customer in writing, by telephone, interview or personal visit as soon as possible. If the complaint cannot be resolved straight away, they may need to send a holding reply telling the customer when they can expect a full reply.

- 3.2 If the customer is not satisfied with the department's response or the way the complaint has been handled, they may approach the Council again. We will regard it as a complaint under this procedure. Employees should make every reasonable effort to help the customer to complain, either by completing a complaint form over the 'phone, sending or giving a form to the customer, or giving them the Corporate Complaints Officer's 'phone number together with e-mail address, if appropriate.

A complaint form may be received by any employee, regardless of the department to which the complaint relates. It is the responsibility of that employee to pass the form quickly to the Corporate Complaints Officer. The customer has the right to have their complaint dealt with in confidence.

- 3.3 The Corporate Complaints Officer will record the complaint, send an acknowledgement to the complainant within **two** working days and pass a copy of the form to the nominated Investigating Officer, by way of the departmental Complaints Co-ordinator. A standard guidance memo and monitoring sheet will also accompany the form. The acknowledgement letter must tell the customer who is handling the complaint and when they can expect a reply.
- 3.4 The Investigating Officer must investigate the complaint and respond fully in writing within **ten** working days, or send a holding reply within that period if the complaint requires prolonged investigation. The Investigating Officer will decide if the complaint is to be upheld, partially upheld, or not upheld.

The officer also has discretion to propose a remedy to the customer under the Remedy Policy. The response from the Investigating Officer must tell the complainant what to do if they are not satisfied, in line with the guidance provided. The Investigating Officer must complete and return the monitoring sheet to the Corporate Complaints Officer, together with a copy of the response.

- 3.5 If the complainant is still not satisfied, the complaint must be investigated by the Chief Executive or his nominee. The Chief Executive may seek information or guidance from the appropriate Chief Officer before replying, but must respond within **fifteen** working days and explain to the complainant what to do if they are still not satisfied. The Chief Executive may propose a remedy under with the Remedy Policy.
- 3.6 If the complainant is still not satisfied, the complaint may, at the discretion of the Chief Executive, be referred to the Standards Committee.
- 3.7 A meeting of the Standards Committee must be arranged, if possible, within **ten** working days. The Committee will consider reports from the

Director of Corporate Services, the Chief Executive and the Chief Officer concerned. The complainant and the relevant Chief Officer, or their representative, will be entitled to attend the meeting to present their 'case' and to call witnesses if appropriate.

The complainant will have the right to be accompanied by an advocate of their choice such as an advice worker, a councillor, legal representative, trade union representative or a relative or close friend. The Director of Corporate Services, or his representative, will advise the Committee.

- 3.8 The complainant and the Chief Officer will withdraw while the Committee considers the complaint. They will then be recalled and given the Committee's decision. The Committee may approve appropriate action, make recommendations to other committees or call for further reports to a future meeting.
- 3.9 The Director of Corporate Services will inform the complainant in writing of the Committee's decision, and explain their right to refer the complaint to the Local Government Ombudsman if they remain dissatisfied.

Complaints Involving harassment or discrimination

- 3.10 A complaint may allege harassment or discrimination in employment or Council services on the grounds of age, disability, gender, race or sexual orientation. Such complaints should be made on the Council's complaint form, contained within the complaints leaflet, and forwarded to the Chief Executive. The complaint will be dealt with immediately under this procedure, whether or not the issue has been raised with the Council before.
- 3.11 The Complaints Co-ordination Officer for complaints about harassment or discrimination will be the Equalities Advisor, Chief Executive's Department.
- 3.12 The complaint will be dealt with under this procedure and within the timescales described in paragraphs 3.1 to 3.11, with these additional provisions:
 - the complaint will be investigated jointly by the departmental Investigating Officer at the first stage, or Chief Officer at the second stage, and the Equalities Advisor
 - the complainant and the person complained about will be interviewed separately by the Investigating Officer/Chief Officer and the Equalities Advisor
 - if the Investigating Officer, Chief Officer or Equalities Advisor disagree about the outcome of the investigation, the complaint

will be referred to the Chief Executive who will deal with the complaint in accordance with paragraphs 3.6 to 3.9.

Complaints about recruitment to the Council

3.13 A complaint alleging failure to follow the Council's Recruitment Procedure should be made on the Council's complaint form, and forwarded to the Chief Executive. The Chief Personnel Officer, or her nominee, will deal with the complaint immediately under this procedure, whether or not the matter has been raised with the Council before.

3.14 The complaint will be dealt with under this procedure and within timescales in paragraphs 3.4 to 3.9, with these additional provisions:

- the complaint will be investigated by the Chief Personnel Officer, or her nominated representative
- if the complaint alleges discrimination, it will be investigated jointly by the Chief Personnel Officer and the Equalities Advisor, or their nominated representatives
- in paragraph 3.5, the Chief Officer doing the second investigation will be the Director of Corporate Services
- after the investigation, the investigating officers may make recommendations of appropriate action to the Chief Officer of the section or department concerned
- if the complaint is about recruitment to a post within the Personnel Division of the Policy Directorate, the first and second stages will be omitted and the Chief Executive, or his nominated representative will investigate the complaint immediately.

Complaints about councillors

3.14 Complaints about the conduct of councillors are outside the scope of this procedure, and are investigated by the Standards Board for England. The Standards Board may delegate investigations to the local Standards Committee. In these circumstances, the Monitoring Officer will appoint an Investigating Officer, or officers, to produce a report for the Standards Committee. The Standards Committee will then consider the complaint according to its own terms of reference.

Referrals to the Local Government Ombudsman

3.15 At any time, someone may refer their complaint, either directly or through a councillor, to the Local Government Ombudsman. However, the Ombudsman will usually give the Council the opportunity to resolve the complaint through this procedure before investigating the complaint herself. Thus, in most cases, the action set out in the last section will

happen before any detailed involvement by the Ombudsman. The stages listed here are usually what happens if the customer is still not satisfied after being given the decision of the Standards Committee, and refers the matter to the Ombudsman.

- The Ombudsman will ask the Council for its formal observations on the complaint. The Corporate Complaints Officer will send the Ombudsman copies of the reports submitted to the Standards Committee, or copies of correspondence if the complaint has been referred at an earlier stage, together with a note of the decision made and any action taken.
- If the Ombudsman decides not to investigate, the matter will rest there and a report will be taken for information to the next ordinary meeting of the Standards Committee.
- If the Ombudsman is not satisfied with the Council's response and decides to formally investigate, the Corporate Complaints Officer will liaise and co-operate with the Ombudsman's investigator. This includes arranging interviews with officers and making sure relevant documents are available.
- The Ombudsman will then issue a draft report, without a decision or recommendation, for the Council and the customer to check for factual accuracy. Following this, the Ombudsman will issue her final report indicating whether or not maladministration has been found and whether this has caused injustice.

The Ombudsman may also recommend a remedy. Under statutory requirements, the Director of Corporate Services will place a notice in the local press indicating that the report is available for public inspection for three weeks. If maladministration causing injustice is found, the Council must consider the report and tell the Ombudsman what action it proposes to take. In such cases, the Director of Corporate Services will submit the report to the Standards Committee and the Council, together with a covering report recommending appropriate action.

Complaints against employees

- 3.16 The complaints procedure is distinct from the Council's disciplinary procedure for employees. If the type of complaint indicates that disciplinary action against an employee may be involved, the Chief Officer of the department concerned, in consultation with the Chief Personnel Officer, will decide whether to invoke the disciplinary procedure. The Chief Executive, the Director of Corporate Services and the Standards Committee, in exercising powers under this complaints procedure, will not have the power to change a decision of a chief officer about disciplinary action against an employee.

Monitoring Officer's role

- 3.17 The Local Government and Housing Act 1989 provides that the Director of Corporate Services, as Monitoring Officer, has a statutory duty to deal with any proposal, decision or omission by the Council which has given, or is likely to give, rise to maladministration or which contravenes any code of practice or rule of law. The Director of Corporate Services, as Monitoring Officer, will consider these duties while monitoring the operation of this complaints procedure, including his duty to report to the full Council if necessary. The Local Government Ombudsman has drawn particular attention to the position of the Monitoring Officer in advice to all councils.

Use of advocates

- 3.18 People will be offered the opportunity to be put in touch with independent people who can speak on their behalf, help with translation or interpretation, or any other help they want, at any stage in the procedure.
- 3.19 If someone's complaint proceeds to the final stage of consideration by the Standards Committee, the complainant has the right to be accompanied at the Committee meeting by an advocate of their choice such as an advice worker, a councillor, legal representative, a trade union representative or a close friend or relative.

Ward councillors

- 3.20 The Corporate Complaints Officer will not routinely inform councillors of all complaints in their ward but will advise of complaints that are directly relevant to the work of a councillor, either through their ward or their position on a committee. The Corporate Complaints Officer will also provide reports to councillors on specific complaints or trends, at their request.

REMEDY AND COMPENSATION POLICY

Aims and objectives

The purpose of this policy, in line with the guidance produced by the Local Government Ombudsman, is to set out the Council's policy in assessing the appropriate remedy for people who have made a complaint when their complaint has been upheld, or partially upheld.

Remedy

The general principle of the policy in providing a remedy is that the complainant should be placed, as far as is practicable, in the position they would have been in if things had not gone wrong.

Generally, the remedy will be one or more of these:

- an apology
- providing the service required if it was not provided at all or was provided but not to an acceptable standard, within a stated timescale.
- a financial remedy if the complainant has suffered a clear and definable financial loss.

The complainant should also be told about action taken, or to be taken, if their complaint relates to the service in general rather than only their individual case.

Compensation

The general principle of the policy in providing compensation is that if the complainant has clearly been disadvantaged in some way, either by the cause of their complaint or in pursuing it, that we should recognise this.

Generally, compensation will be a payment in recognition of distress or inconvenience caused to the complainant. Other forms of compensation may be used as appropriate in some cases.

The policy allows for these levels of compensation:

- at Stage 1 the Investigating Officer may authorise a payment of up to £50. Normally a payment of £10 or £20 should be deemed sufficient.
- at Stage 2 the Chief Executive, or his nominee, may authorise a payment of up to £1,000. Again, a substantially lower figure will generally be appropriate.

REMEDY AND COMPENSATION POLICY GUIDANCE

Upholding or partially upholding a complaint

A complaint is **upheld** when the Council concedes it was at fault in its actions or lack of actions, and the responsibility for this lies solely or predominantly with the Council.

A complaint is **partially upheld** when the Council was at fault in its actions to some extent, but that the actions of the complainant or a third party also contributed significantly to the situation that resulted in the complaint. The Remedy Policy can apply when a complaint is upheld or partially upheld, but will normally only apply where the complaint is upheld.

Remedy

The appropriate remedy depends on the individual case. Often, an apology may be the only necessary action. In other cases more will be required but an apology should always be given when a complaint is upheld or partially upheld.

If the complaint is about a service not having been provided, for example a housing repair promised but not done, then the service should be provided as soon as possible. If the service was provided but not to an acceptable standard, for example repair done but not properly, the service should be provided again correctly.

When the service level is not specific to the complainant but relates to a wider problem, for example the time taken to provide a service, the senior managers of the relevant service area should be informed and asked to look into the situation, within a timescale. The complainant should be informed that this will happen, and the timescale. When appropriate and practical, the complainant should be informed of the outcome at a later date.

It should be possible to remedy most complaints as described. However, in some cases a financial remedy may be appropriate. It is important to remember that this is not the same as compensation - see next section. A financial remedy is appropriate if the complainant has suffered a clear financial loss because of the Council's actions. It is for the complainant to demonstrate this loss, and that it resulted directly, and wholly or partially from the Council's actions. The Investigating Officer will consider what financial remedy is appropriate, based on the individual case.

Compensation

Regardless of the remedy the Council provides, compensation may also be considered appropriate. Compensation is defined as an acknowledgement that the Council was at fault and the complainant has put time and effort into pursuing the issue, which would not have been necessary had the Council not

been at fault in the first place. Compensation is separate from and in addition to the remedy, financial or otherwise.

Compensation could be offered when no financial remedy has been given, or may not be offered when financial remedy has been given. Compensation does not necessarily have to be financial. There may be cases when something more than an apology is appropriate, but not a cash payment. In such cases a 'gesture' may be the best way to acknowledge the situation. This is the Investigating Officer's decision, although they may seek guidance.

In considering compensation, the Investigating Officer must consider the type of complaint, the degree of fault the Council accepts, and the amount of time and effort the complainant has put into it. It is also important to judge whether the time and effort was reasonable, or whether the complainant has, in the view of the investigator, gone to unnecessary lengths in pursuing the complaint. An example might be a complainant who has engaged solicitors for a minor complaint, or made multiple visits or telephone calls despite being advised that this was not necessary.

An officer investigating a Stage 1 complaint has the discretion to award compensation up to £50, although a 'standard' figure of £10 or £20 should normally be sufficient for time and trouble.

When a complaint is upheld at Stage 1 and compensation is offered and accepted - cashing our cheque is seen as acceptance - the complaint will be considered resolved. The complainant will not have the option to escalate the complaint further through the Council's complaints procedure in the hope of further compensation. However, their right to refer the matter to the Ombudsman is unaffected. If the complaint is upheld at Stage 1, but the offer of compensation is rejected as too low by the complainant, the complaint will be escalated to Stage 2 on this basis.

When a complaint is not upheld at Stage 1 but escalates to Stage 2 and is upheld, the Chief Executive, or his nominee, has discretion to award up to £1,000, although a substantially lower figure should normally be appropriate. The Council will not normally award a compensation figure beyond £1,000, but rather refer the matter to the relevant committee or to the Ombudsman for a final decision.

STANDARD MEMO TO ACCOMPANY COMPLAINTS, PROVIDED TO INVESTIGATING OFFICER FOR GUIDANCE

FORMAL COMPLAINT

I attach a formal complaint, which you have been nominated to investigate. Please read this guidance before beginning.

Investigating

You can decide the method and extent of investigation you use. In general, the minimum required is to read the complaint and contact the complainant if you need more information or clarification, then examine any relevant records that exist. You may decide to speak to officers who are mentioned in the complaint or who have had dealings with the complainant in the past. If you have any doubts or concerns about your authority or the appropriateness of your investigation, please contact me for advice, and/or speak to your line manager.

Assessing

When you have completed your investigation and are satisfied that you have all of the relevant facts needed to reach a conclusion, you must decide whether the complaint is upheld, partially upheld, or not upheld.

To uphold a complaint you must be satisfied that the Council has acted inappropriately. If you are satisfied that the Council has acted correctly and fairly, you would not uphold the complaint. You may feel that the Council was at fault in some ways, but not in others, and/or that the actions of the complainant contributed to the situation they are complaining about.

In these cases you may decide to partially uphold the complaint. These decisions will always be subjective and sometimes difficult, but you should try to reach the fairest conclusion you can. If you would like advice or a second opinion, please contact me, or consult your line manager.

Replying

Your reply to the complainant should respond to each point they have raised as directly as possible, although you are justified in ignoring points which are clearly sarcasm, abuse or similar.

Try to be concise, without giving the impression that you are 'brushing off' the points raised.

If the complainant has suffered any inconvenience, even if this was not the result of our actions, it is a good idea to apologise. There is nothing wrong with expressing sympathy that something happened, and this is not the same

as admitting responsibility for it. If we are admitting that something went wrong, it is very important to apologise. Often this is all the complainant wants, but it is often forgotten. Remember that apologies are best made simply and directly. Adding excuses or justifications usually just makes the apology seem less sincere, so say sorry clearly, and then move on. Try to explain why something went wrong and what we are doing to make sure it doesn't happen again, wherever possible.

Finally, please conclude your letter with this next paragraph. Amend it slightly to fit the style of your letter, but it is important that you keep basic meaning.

'I hope that you are satisfied with my response to your complaint. The Council takes complaints very seriously and we do investigate each one carefully. If you need any further clarification or explanation of what I have told you, please contact me. If you are not satisfied with this response please write to the Council's Corporate Complaints Officer, *within 21 days of the date of this letter*, who will advise you on taking your complaint further.'

Administration

Please copy your reply to your department's Complaints Co-ordinator, who will usually be the person who sent you the complaint. They will copy the response to me. Please also complete and return the assessment sheet. We use this to monitor how well the complaints system is working and to identify common trends, which we can tackle in the long term.

Thank you for dealing with this complaint.

Corporate Complaints Officer

CORPORATE COMPLAINTS PROCEDURE

COMPLAINT ASSESSMENT SHEET

Please provide this information for monitoring purposes and return this form, with a copy of your response to the complaint to

Co-ordinator's name

Complaint reference

Investigating Officer's name

Upheld/partially/not upheld - please circle

Remedy or compensation offered, if any

Has the situation complained about now been resolved? Yes No

If 'no', what is the timescale for resolution, if this can be assessed?

Approximate time you spent investigating and responding to this complaint

Comments

Please use this section to give any particular views you have on the complaint. Also, please add action you feel the Council could, or should, take either specifically or in general to prevent similar complaints or improve the service complained about.

Thank you for dealing with this complaint!

GOOD INVESTIGATIVE PRACTICE

It is likely that most complaints can be dealt with speedily and simply. However, when a more substantial inquiry is required, Investigating Officers may find this guidance helpful.

1. Check if there are any previous complaints from this person.
2. Contact the complainant to:
 - clarify the complaint
 - clarify the outcome sought
 - check whether they need support of any kind, whether they have poor sight or hearing, or a language difficulty, check what they need to understand the discussion properly
 - explain the investigation procedure.
3. Familiarise yourself with the relevant legal and administrative background to the complaint.
4. Assess whether the complaints procedure is the most appropriate way of handling this complaint. Consider these alternative possible procedures and discuss them with the complainant if appropriate:
 - appeals to tribunals
 - legal action
 - police involvement.
5. Consider whether the complaint could be resolved without further investigation.
6. If the complaint is about a proposed action by the Council, consider whether the action should be deferred while the complaint is investigated.
7. Obtain all relevant documents, making sure that you see the originals, not copies. These may include files, log books and time sheets. Get copies of all documents you need.
8. Establish the relevant sequence of events from the files and the names of the officers or councillors most directly involved in the matters complained of.
9. Prepare the line of questioning for each person to be interviewed, making sure that you:
 - use open, not leading questions
 - don't express opinions in words or by your body language

- ask single, not multiple questions.
10. Arrange the order of interviews so that if you need to establish what procedures are normally followed you do this first from more senior officers, and end with the officers most directly involved in the matters complained of.
 11. Inform all those to be interviewed that a friend or a trade union representative can accompany them, provided the friend is not in a supervisory position over them. Explain the complaint clearly to them.
 12. Consider whether you need a witness at a particularly difficult interview.
 13. Make sure each interview is as informal and relaxed as possible, but persist in your questions if necessary. Don't be afraid to ask the same question twice. Make notes of each answer given.
 14. Try to separate hearsay evidence from fact by asking interviewees how they know a particular fact.
 15. Deal with conflicts of evidence by seeking corroborative evidence. If this is not available then, as an exceptional measure, consider arranging a face-to-face meeting between the conflicting witnesses.
 16. At the end of the interview, summarise the main points covered by the interviewee in their own words, and ask if they have anything to add.
 17. Make a formal record of the interview from your written notes as soon as possible after the interview while your memory is fresh. Never leave it longer than the next day.
 18. If appropriate, visit the establishment complained about unannounced to check normal practices.
 19. Draft a report setting out the evidence, preferably without including your own opinions, and circulate it for comment to all those interviewed. Include the complainant, unless there are special reasons not to do so.
 20. Consider comments and amend the report as necessary, adding conclusions and, if appropriate, a suggested remedy for the complainant.

Please contact the Corporate Complaints Officer, on 255538 or by e-mail, for advice on any aspect of this complaints procedure.