Local Government
Customer Service Group

Customer Complaints

Guidelines for Local Authorities

July 2005
## Contents

*Foreword by the Minister*  5  

Introduction and Background  7  
Purpose of the Guidelines  8  
Benefits of a Complaints System  9  
Maximising the Benefits of a Complaints System  9  
The Scope of a Complaints System  11  
The Principles of a Complaints System  14  
Gathering Information on a Complaint  14  
Facilitating the Complainant  15  
The Structure of a Complaints System  15  
Determining when a Complaint is Resolved  19  
Advertising and Communicating the Complaints System  20  
Monitoring, Evaluation and Review  22  
Ensuring a Fair Use of the Complaints System  23  
Summing Up  25  

Appendices  

I Complaints Systems – Some Examples from Local Government Abroad  26  

II Key Principles of a Complaints System  30  

III Sample Content of Information Leaflet and Complaints System - Waterford County Council  33  

IV Advice Note for Staff – What to do when a Customer Complains - Sligo County Council  45  

V Members of the Local Government Customer Service Group  47  


Foreword by Minister

“Serving the customer better” has been a key theme of the Better Local Government modernisation programme and national social partnership agreements, including Sustaining Progress. Local government’s commitment in this area is illustrated through a broadening of the services it provides and through increasing innovation in the delivery of its services. The online renewal of motor tax, and growing e-enablement in other business areas, has been one of the more significant such innovations in recent years.

Local government is frequently the first point of contact for the public in accessing public services. It is critical that local authorities deal with customers in accordance with the principles of courtesy, fairness, openness and transparency. In such an environment, customers should have the opportunity to say when service standards are not being met or when they have not been treated with courtesy and fairness. A responsive culture, which quickly resolves difficulties, can lead to a better way of conducting business with the public and also assist local authorities in improving the services they offer.

These Guidelines on Customer Complaints have been produced by the Local Government Customer Service Group, which is representative of my Department, local authorities, the Office of Local Authority Management and the Institute of Public Administration. They draw on best practice both internationally and here in Ireland, and identify the key principles and features of an effective complaints system.

The guidelines identify some important benefits of customer complaints systems. Maximising such benefits should be a key concern for local government. It is very positive that most of the 34 county and city local authorities already have customer complaints systems in place. I am now
asking each local authority to examine its own procedures so that the whole local government sector is committed to following best practice in the complaints systems available to its customers. In doing so, local authorities will need to consider what best suits their own needs and circumstances.

An important message from the guidelines is that complaints systems need to be advertised and communicated to the public. The value of any such system is lost if the public is not familiar with it. I therefore strongly recommend that local authorities respond to the recommendations in the guidelines and use the mechanisms that are best suited to public information and communication in their own areas.

Dick Roche T.D.
Minister for the Environment, Heritage and Local Government
Introduction and Background

The issue of handling complaints is an important part of service delivery in local government, underpinning the theme of ‘serving the customer better’ as emphasised in the Better Local Government modernisation programme and social partnership agreements, including Sustaining Progress. Local government’s commitment to the principles of quality customer service have been illustrated in recent years through a variety of practical developments, such as through extending opening hours, improving facilities, providing more accessible services, e-government initiatives, and published service standards, in many cases through public customer charters and customer service actions plans.

Customer complaints systems are another clear expression of local government’s commitment to customer service and to treating citizens with courtesy and fairness, and in an open and transparent manner. But complaints systems are of benefit to local authorities as well as to service users within the local community, as they provide an opportunity for continuous improvement of service, by highlighting possible anomalies and problem areas that can arise.

Most local authorities have already taken the initiative to establish internal procedures for responding to concerns expressed by local citizens about service delivery, including in many cases appropriate appeals mechanisms. The Office of the Ombudsman reports a significant increase in recent years in the number of local authorities which have procedures in place for dealing with complaints.
In general, the level of complaints about local government services are relatively low when set against the volume and scale of services and business transactions conducted by local authorities each year. Nevertheless, where complaints do occur, it is essential that systems are in place to address such complaints.

These guidelines draw from the following sources:

- guidance from the Ombudsman’s Office;
- examples of good practice in local authorities in Ireland and abroad. A short summary of some of the findings on complaints systems used in other countries is at Appendix I;
- consultation with the local government representative associations and the Consumers’ Association of Ireland;
- research in the area of complaints systems.

**Purpose of the Guidelines**

The purpose of the guidelines is to assist local authorities by identifying best practice and the key features of an effective complaints system. In view of the fact that most local authorities already have internal complaints systems in place, these guidelines will be especially useful to local authorities in future appraisals of the operation of their complaints process.

While the guidelines cannot account for every eventuality and situation, they are nevertheless intended to help inform local authorities in how they deal with complaints from members of the public. They are therefore, like those published by the Ombudsman’s Office, intended to be advisory rather than prescriptive, and each local authority should take account of their own needs and circumstances, while still adhering to the key principles underlying the guidelines.
Benefits of a Complaints System

A complaints system can:

- serve as a quick, efficient and low-cost means of resolving difficulties which service users may encounter;
- provide accurate information for the local authority on the quality of the services they provide;
- enable changes to be made in procedures and systems to ensure that similar complaints do not continue to arise;
- avoid the extra time and cost involved in appeals;
- indicate where problems or system failures exist in the provision of services;
- highlight shortcomings in the administrative system and areas which might need improvement; and
- help the local authority to avoid unfavourable publicity.

Maximising the Benefits of a Complaints System

The commitment of management is an essential ingredient in a successful complaints system. The local authority should foster a positive and receptive attitude to complaints, and see the efficient processing of complaints as part of the day-to-day work of the organisation. It should also be understood within the local authority that there is a commitment on the part of management to treating people in a fair, courteous and impartial manner.

Likewise, the commitment on the part of staff, particularly frontline staff dealing with the public (as the ‘face’ of the local authority so to speak) is vital. Staff should be encouraged to take a positive attitude to complaints, and their experience of dealing with the public, and the issues that can arise, should be
reflected in the design of the complaints system. It is also important for the local authority to promote a culture that ensures that learning takes place – with that in mind, staff should be kept informed of the outcome of complaints.

The advice from the Ombudsman’s Office is that there should be consultation with staff across the organisation and their representatives on a new complaints system or in any review of such a system. Staff, and in particular frontline staff regularly dealing with the public, will be able to bring their experience to bear in terms of what issues tend to arise, and how a new or revised system might work in practice. In the local government context, the partnership committee, as well as any informal meetings with staff manning the public desks in different sections, may be appropriate in this context. In addition, the Ombudsman’s Office suggests consulting specific interest groups during the preparation or review of a complaints system – the Strategic Policy Committees, County/City Development Board and community forum structures may be useful in this context for local authorities, given that they represent a wide range of organisations operating locally in local authority areas. Consultation with staff, and with service users/interest groups in the design of a complaints system is also in line with international best practice.

The process of monitoring, evaluating and reviewing trends in complaints received by the local authority (addressed below) is also central to maximising the benefits of a complaints system.
The Scope of a Complaints System

What is a complaint? At first sight, this might seem like a very simple question. However, in practice it can be difficult to decide what constitutes a complaint as part of a local authority’s day-to-day work.

As the Ombudsman’s Office guidelines on complaints systems make clear, “the term ‘complaint’ may cover a wide range of items not all of which may be appropriate to the complaints handling system, e.g. requests for information or matters for which there is a statutory right of appeal, for example, a planning appeal”. Thus, decisions where there is a statutory right of appeal should be dealt with outside the internal complaints procedure. Another example of a local authority decision with a statutory right of appeal is a decision on a request for information under Freedom of Information legislation.

Another important consideration in determining what constitutes a complaint is the need to distinguish between a ‘complaint’ and a ‘request for service’. There is an important distinction between the two terms, as most local authorities receive far more requests for service than complaints, and treating the two as the same thing may give a very distorted impression of why individual citizens are contacting local authorities.

Definitions assist in clarifying what constitutes a complaint and what does not. The Ombudsman’s Office suggests the following definition as a starting point for public bodies in determining what may constitute a complaint in their own circumstances and in the context of the services they provide:
“a complaint exists where a decision or action is taken which relates to the provision of a service or the performance of a function which, it is claimed, is not in accordance with the rules, practice or policy of the organisation or the generally accepted principles of equity and good administrative practice and which adversely affects the person concerned”.

Most local authorities operate on a working definition that an initial request for a service is not a complaint – a complaint refers to an activity that was requested to be carried out by the local authority but which was not carried out. On this basis, one can treat the first request for a particular thing to be done as a ‘request for service’, while a second request for the same thing to be done (following a reasonable period of time) could be treated as a complaint. For example, a letter or phone call asking for a repair to a local authority house might be considered a ‘request for service’, while a second request for the same repair to be carried out might be considered a complaint, if this second request followed a reasonable period of time or was after a target timescale as set out in the local authority’s customer charter. At all times, there is an onus on the local authority to keep the individual informed of progress on their query or complaint – in particular, informing individuals that have contacted the local authority about when a service can be expected can help alleviate difficulties.

Alternatively, an individual may not be satisfied with the quality of a service provided by the local authority. A complaint may arise where an individual is dissatisfied with the manner in which a staff member interacts with him or her – the issue here may be courtesy, fairness or openness. Such issues about the standard of service are of course appropriate to the complaints system, as in the view of the complainant the service was not provided in accordance with good administrative practice.
Another scenario which needs to be considered in the context of determining what may or may not constitute a complaint is where a member of the public has difficulties or concerns with local authority policies. In this respect, it is important that complaints are not seen as a way of ‘skipping the queue’, where for example there is a defined programme or scheme of works. An example might be in the area of road maintenance, where works are prioritised according to council policy and good administrative practice. If a member of the public is concerned about the timing of certain road maintenance works, which are scheduled for a future date in accordance with the local authority’s policy and prioritisation of works, that should not be treated as a complaint. The member of the public should be given an explanation of the reasons for the scheduling of works, which often involve a mix of budgetary limitations and prioritisation of works based on objective criteria and policy. However, if the individual is, for example, informed that the work is scheduled to start or be completed within certain timeframes, but these timeframes are not met, and the matter is again raised by the individual, the issue should then be dealt with as a complaint.

If members of the public have comments or observations about local authority policies, these can of course be pursued through local Councillors, deputations and other consultation mechanisms and channels open to them.

Thus, it is important for local authorities to set out a working definition of what constitutes a complaint, and to make clear to members of the public what types of complaint can be dealt with within their complaints procedure.
The Principles of a Complaints System

Local authorities should bear in mind a number of key principles of an internal complaints system, including those identified in the Ombudsman’s 1998 Guide to Internal Complaints Systems.

Key Principles in a Complaints System, at a glance

- Accessible
- Simple
- Speedy
- Fair and Independent
- Confidential and Impartial
- Effective
- Flexible

Further elaboration on each of these is contained in Appendix II.

Gathering Information on a Complaint

Good practice would suggest that a complaint form should be relatively easy to complete and that information requirements should, as far as possible, be kept to a minimum. Typically, a complaint form would require the following information:

- the name, address and contact telephone number of the person making the complaint;
- details/description of the complaint;
- where applicable, details of any location associated with the complaint;
- the individual, section or department of the local authority concerned;
- date of the complaint.
Facilitating the Complainant

The basic principle should be to make it as easy as possible for members of the public to make a complaint. The steps that are part of the complaints procedure should be made clear to complainants, and can be advertised on the local authority’s website, on information leaflets, etc. Ideally, when a formal complaint is made, the individual should be given a single point of contact within the local authority. The more people and the more tiers within the local authority that the person has to deal with (or worse still, repeat their complaint to), the more dissatisfied the individual is likely to become.

Local authorities should facilitate members of the public in making complaints in different ways, for example in person, by post, fax, email, website, etc. With a view to supporting local authority activities in the field of social inclusion, care and assistance may be needed to help some complainants fill out complaint forms (for example in the case of those with a disability, those with literacy or language needs), or in simply identifying and clarifying the issue at hand. Whenever called on, staff should assist complainants in a manner that is courteous and helpful.

The Structure of a Complaints System

There are a number of different models of complaints systems, which often vary according to the size of an organisation. As local authorities vary in size, the model used by a local authority and the operation of that model may need to be adapted according to local circumstances.

The steps involved in a typical model are illustrated below:
Customer unhappy with service – chance to put things right by staff concerned there and then

Is Customer Satisfied?

No – Complaints Process initiated – formal complaint passed to separate person within the section/designated complaint coordinator

Is Customer Satisfied with response?

No – Complaint passed to internal complaints unit/service, involving a senior officer of the local authority who does not have any direct working involvement in the service area where the complaint was made

Yes – Issue resolved, without the need for paperwork or form filling

Yes – File closed

No – Customer advised that the complaint has not been upheld, and the reasons why, but also advised that he/she may bring the matter to the Ombudsman, providing the relevant contact details

Yes – File closed
Where a complainant approaches a local authority prior to lodging a formal complaint, every effort should be made to sort out the problem straight away, rather than involving the public in filling out forms and awaiting a response if this is unnecessary. In this way, problems can be addressed without recourse to the formal complaints procedure.

However, if the problem cannot be immediately resolved, a formal complaint may be initiated, and the individual is asked to complete a complaint form.

When a formal complaint is made, the local authority should acknowledge receipt of the complaint in writing. Some local authorities have established a system based on identifiable, designated complaint co-ordinators within individual sections/departments, to whom the complaint is referred in the first instance. In other cases, the complaint is first referred to the head of the relevant section/department.

Special arrangements may need to be put in place where a complaint involves more than one section of a local authority, or may also involve an area office as well as the local authority’s head office. Some local authorities use tracking systems or contact management systems to ensure complaints are properly coordinated and are responded to within a reasonable timeframe. The important point here is that a system or process is in place where a response to a complaint requires input from more than one section/office.

If the complaint is not resolved to the satisfaction of the complainant at this juncture, the complaint may be referred to an internal complaints handling unit/internal complaints service. Either the co-ordinators within the section/department or the complaints unit should be responsible for monitoring progress on the complaint and keeping the complainant up-to-date on developments.
The advice from the Ombudsman’s Office is that an internal complaints unit should be headed by a senior officer in the organisation and should not have any direct working involvement in the area which is the subject matter of the complaint. In most local authorities, this function typically appears to be located within the corporate affairs section. The officer handling the complaint should have the authority to take a decision in relation to the complaint, including as appropriate and where relevant, altering a decision which may have been the subject of a complaint.

If the complainant is still unhappy with the final outcome of the internal complaints process, they should then be advised that they can bring the matter to the Office of the Ombudsman, providing the relevant contact details.

As noted above, the entire complaints process should be relatively simple. The important principle in any complaints system is that it should enable a particular decision to be reviewed by a person other than the original decision maker and outside the original service area. It should be a genuine review of the merits of the case and of the decision, rather than a ‘rubber stamping exercise’.

Complaints files should be kept separately from any relevant files within individual service areas (e.g. housing, planning, environment, etc.). The individual should be assured that the making of a complaint will not in any way affect their future dealings with the council.

A question may arise within local authorities as to how complaints made via elected members should be dealt with. The practice in most cases is that complaints made via elected members are treated as complaints in the normal way, and handled in a similar fashion to complaints that are made directly by
members of the public. Local elected representatives perform a valuable service in this way, by assisting members of the public in dealing with difficulties they might encounter in public service provision, and identifying potential breakdowns in the system. These guidelines do not prejudice the right or ability of local elected representatives to facilitate members of the public in their dealings with the local authority.

Anonymous complaints should not be dealt with through the internal complaints system. For its part, the Office of the Ombudsman requests complainants to give their name and address, and does not entertain anonymous complaints. However, it may be appropriate for a local authority in certain circumstances to deal with certain matters outside of the complaints process - for example where anonymous information is sent to the local authority in relation to the enforcement of regulations. In such cases, local authorities should deal with these through the normal channels and statutory procedures (as opposed to dealing with them through the complaints procedure).

**Determining when a Complaint is Resolved**

Complaints are normally judged to be resolved if the complainant is satisfied at any one of the stages in the complaints procedure outlined above, namely:

- at the initial raising of the issue with the local authority;
- after formal consideration of the complaint;
- after the internal review of the complaint.

However, where the complainant is still not satisfied at the end of the process, the local authority will deem the internal complaints process to have been completed, so long as it provides the complainant with an explanation of the reasons for its decision on the complaint.
It is recognised that in many cases, the complaint may not be upheld for very valid reasons, due to legislative provisions or the terms of a particular scheme administered by the local authority. If a complaint is not upheld, it can help to respond to the complainant in a sensitive manner, rather than for example through a one-line letter stating simply that an applicant did not meet the eligibility criteria of the scheme in question. As noted above, complainants should also be informed of their right to raise the matter with the Office of the Ombudsman, providing the relevant contact details.

**Advertising and Communicating the Complaints System**

Good practice suggests that every effort possible should be made to advertise the complaints system. The effectiveness of any complaints system is diluted if the public do not know it exists. The Ombudsman’s Office suggests that amongst the ways the complaints system can be publicised are through:

- including a reference to the system in the local authority’s information leaflets and relevant application forms;
- advertising the availability of the system in the local authority’s public offices, on the local authority’s website, in local papers and on radio; and
- arranging information sessions with interest groups.

Local authorities should use whatever mechanisms are best suited to informing the public in their own areas about their complaints system. With regard to interest groups, bodies such as the Strategic Policy Committees, the County/City Development Board and the community & voluntary forum may be useful outlets in this context. Many local authorities in Ireland and in other countries advertise their complaints system on their website, and include an online complaints form.
The text of an information leaflet on Waterford County Council’s complaints system, as well as details of the operation of its complaints system, are attached as Appendix III. Cork City Council, as part of their information leaflet on complaints, provide information on:

- an outline of their complaints and appeals procedure;
- information on the standards of customer care the public are entitled to expect from the council (for example, courtesy and consideration, openness and impartiality, access and review of services with a view to improvement);
- a code of conduct, outlining accepted levels of behaviour for members of the public using the facilities and services of the council, with a view to providing a high quality service in a safe and secure environment for all service users and council staff (for example, harassment or threat of violence towards staff or other members of the public is not acceptable).

When publicising their complaints system, local authorities may also wish to make it clear that they value suggestions from members of the public on how things might be improved, and compliments on a ‘job well done’, as well as complaints. These can form a useful source of information and ideas on customer service. Some local authorities use the heading ‘complaints, comments and compliments’, as a way of not focusing wholly on the negative, but also inviting suggestions for improvements, and compliments where people have been happy with the service, on the basis that the local authority likes to provide feedback to staff in the area concerned, as an acknowledgement of their positive contribution.
While it is important to advertise the complaints system, local authorities should however, note that the experience of some local authorities abroad has been that an increase in complaints can stem from changes in citizen awareness and the accessibility of the complaints system, rather than any change in the number of complaint-provoking incidents - a higher number of complaints may simply arise because citizens believe the local authority has become more responsive and feel that their complaints will be handled fairly.

As well as advertising the complaints system to the public, local authorities should ensure that staff are familiar with the complaints system – this can be achieved through involving staff in the design of the system, as suggested above. It should also be part of induction training for new staff. Sligo County Council has produced a 1-page guidance note for staff entitled ‘What to do when a Customer Complains’, including a number of Do’s and Don’ts for council personnel (reproduced as Appendix IV).

**Monitoring, Evaluation and Review**

Where a complaint has been resolved in favour of a complainant, the result should be noted for reference in similar cases. The complaints system can be a resource for the local authority, particularly in terms of identifying potential problem areas. If a particular issue becomes a regular source of complaint, there may be a number of reasons for this, and a review of the operation of the relevant scheme might be undertaken. It should be noted however, that a high number of complaints in a certain department or section does not automatically mean that there is a problem in a specific area, but it can indicate that there may be a problem – other causes of complaints may arise due to the local authority’s regulatory or enforcement role in various service areas, which can cause the local authority to take decisions that may be in the public interest, but which may be unpopular with some members of the public or the specific individuals concerned. The lack of available resources in a particular area may also be a factor.
Response times are obviously important from the complainant’s point of view. On average, local authorities may wish to aim for a normal deadline of 4 weeks for responding to complaints, as suggested by the Ombudsman. This is the standard response time for most local authorities currently operating complaints procedures. Having systems and processes in place to track complaints is particularly important in meeting the 4-week deadline. It is also accepted however, that there may be occasions when more complicated issues arise that can require more time to address complaints. If the normal response time cannot be met, the complainant should be informed of this, and given the reasons for the delay.

The Ombudsman’s Office recommends that complaint handling units publish annual (or if considered necessary, more regular) reports on their activities, detailing how the system is performing. It is also recommended that such reports are made widely available within the organisation and circulated to elected members, user groups and other interested parties. This might be achieved through inclusion of appropriate material in the local authority’s annual report.

Any system needs to be kept relevant and up-to-date. Changes in personnel, staff mobility, new administrative procedures, changes in the law or in the operation of schemes administered by the local authority, and new sources of complaints, may all have implications for the complaints system. The Ombudsman’s Office suggests that the complaints procedure needs to be continually reviewed by the person with ultimate responsibility for its organisation and management.

**Ensuring a Fair Use of the Complaints System**

The sections above are intended to illustrate the value of a complaints service. However, it should be recognised that individual local authorities may
encounter persistent or ‘serial’ complainants – that is individuals who continually make significant numbers of complaints to the council and where such complaints have generally been held to be unfounded in the past. Such a situation should not arise very often, but where it does, it can result in a disproportionate amount of time being taken up with specific individuals, and the end result is a diversion of resources away from other tasks and public services.

The Ombudsman’s Office has adopted an approach that after three separate reviews of the same complaint from the same individual, and once the Ombudsman is satisfied that all relevant material has been taken into account and properly evaluated, and the original decision stands, the case is closed. The complainant is advised that any further correspondence will be filed only.

It would not be unreasonable for local authorities to consider adopting a similar policy vis-à-vis their internal complaints system. This would assist in ensuring equitable access to complaints procedures for all members of the public.

Many local authorities advise members of the public of the standards of service they can expect in their dealings with local authorities, such as courtesy, respect and so forth – this is often done through a published customer charter. Some local authorities, in both Ireland and abroad, also state that in return staff and other members of the public are also entitled to courtesy and respect. It is both understandable and accepted that complainants will often feel a grievance. However, abusive complaints, and aggressive or even threatening behaviour, should not be tolerated or entertained.
Summing Up

Most local authorities have complaints systems in place. Those that do not will find the guidelines of use in putting a system in place. Those that already have a complaints handling system may like to proof their arrangements against the guidelines.

Much good work has been done in local government in recent years to provide quality services to the public. However, it is only realistic to acknowledge that on occasion difficulties will arise and individuals will feel a sense of grievance - having a complaints system in place can help highlight potential problems, resolve them where they exist, and improve systems, with a view to continuous improvement.
This Appendix provides a short overview of some of the findings of research conducted into complaints systems operated by local authorities in other countries, in particular in the United States and Britain.

The Importance of Responding to Complaints

From a local government perspective, dealing with complaints in a prompt, fair and impartial manner is considered an important part of day-to-day business for local authorities in most countries. As a guide for US local authorities, jointly published by the Urban Institute and International City Management Association (ICMA), points out, “complaints and requests often represent the only direct contacts citizens have with their local government. As a result, such contacts frequently become the primary basis for citizen perceptions of government efficiency, effectiveness, and responsiveness”.

The guidance for US local authorities states that the overall objectives of a complaints system will usually involve:

- responding and if technically and legally possible, resolving satisfactorily reported complaints with speed, fairness and courtesy;
- encouraging and facilitating the reporting of legitimate citizen complaints;
- reducing or preventing the occurrence of circumstances that lead to justifiable citizen complaints (justifiable in that a problem exists and is within the responsibility of the local authority).
Handling a Complaint

International experience shows that a critical element of establishing a complaints system is ensuring that the right personnel are selected to deal with complaints. In particular, those dealing with complaints need to be highly motivated, should be well versed in principles of customer care, and need to possess good interpersonal and communications skills. The advice issued by the three Local Government Ombudsmen for English local authorities is that “staff who handle complaints need to be positive, understanding, open-minded and helpful; and they should let it be seen that the council takes complaints seriously and deals with them sympathetically”.

Many local authorities have invested in training and development for those staff dealing with complaints from the public. Initial training in basic skills and techniques can be complemented by in-house training to enable staff to keep up to date with new advances in the area of complaint handling, overall trends emerging, etc.

Local authorities may need to review physical resources (such as accommodation or equipment) to ensure these are appropriate. Basic improvements, such as making a room available for members of the public who may need assistance in making a complaint, can enhance the system.

‘Complaints’, ‘Requests for Service’ and Local Government Policies

Distinguishing between ‘complaints’ and ‘requests for service’ is also an issue addressed by local government in other jurisdictions. The Local Government Ombudsmen for English local authorities advise that “councils need to be clear about whether they have received a complaint, rather than a request for a service or a request for an explanation of a decision”. Similarly, the advice to US local authorities is to distinguish between ‘complaints’ on the one hand and ‘requests for service’ on the other. According to guidance for US local
authorities, this is an important distinction as most local authorities receive far more requests for service than complaints, and treating the two as the same thing may give a very distorted impression of why individual citizens are contacting local authorities.

The definition used in guidance for US local authorities describes a complaint as:

“an expression of annoyance, an indication of the presence of a problem (i.e. something that is wrong or unsatisfactory). The presence of explicit or implicit dissatisfaction (and a consequent need for corrective action) distinguishes a ‘complaint’ from a ‘request for service or information’”.

A complaint is regarded by the Local Government Ombudsmen in England as “an expression of dissatisfaction by one or more members of the public about the council’s action or lack of action or about the standard of a service”.

Local authorities abroad generally exclude comments or complaints about local authority policies from their complaints systems – rather issues that individuals or local groups have with local authority policies can be pursued through elected members, participative structures of policy making, local consultative arrangements, deputations, and so forth.
Structure of Complaints Systems

The advice from the Local Government Ombudsmen for English local authorities is that complaints systems should have at least 2 stages (one of which involves a review by someone outside the service department), while any more than 3 stages is probably excessive: “the more stages there are, the more difficult it is to resolve complaints quickly and without waste; and the complainant’s grievance can be increased by their having to jump through too many hoops”.

The advice to local authorities in the United States is that complaints are normally judged to be satisfactorily resolved if the correction has been completed, or if resolution was impossible but an adequate explanation of the reason was provided to the complainant.

Responding to Complaints

International best practice suggests responding to complainants in a courteous and sensitive manner, especially when complaints are not upheld. As the guidance from the Local Government Ombudsmen for English local authorities explains, “most complaints come from people who have a genuine sense of grievance. This should be recognised. When the council gives a decision that a complaint is not upheld, great care should be taken not to increase that feeling of grievance. Any letter or communication setting out the reasons for not upholding a complaint should give a clear, full and sympathetic explanation”.
Local authorities should bear in mind a number of key principles when devising an complaints system. The following paragraphs largely draw from the Ombudsman’s 1998 Guide to Internal Complaints Systems. In this document, the Ombudsman identified the following key features of a good complaints system:

**Accessible**

Simple instructions about how to make a complaint should be available to the public. These should clearly identify the designated complaint handlers and explain how they will operate. The various ways in which a complaint may be made should be stated. Suitable accommodation should be provided for receiving and interviewing complainants who wish to make a complaint in person. Complainants who wish to pursue their complaints using the Irish language should be catered for and the needs of those, for example, with disabilities and literacy difficulties should be given careful consideration. Accessibility will be improved if FREEFONE and Lo-call numbers and freepost facilities are also available. At all times it should be emphasised that complaints are welcome by the public body as a means of improving the quality of service provided.

**Simple**

The various stages in the complaint handling process should be kept to a minimum with each stage in the process clearly identified. It is essential that internal disputes about the handling of the complaint do not develop. When the receipt of a complaint is being acknowledged, an outline of the various stages the complaint will go through should be sent to the complainant.
**Speedy**

Targets should be set for acknowledging receipt of complaints and the completion of their examination. Where it is not possible to meet the target for completion, interim letters, updating the complainant on progress, should be issued.

**Fair and Independent**

Complaints which have not been resolved by the original decision maker should be examined objectively by persons not involved with the original decisions or actions. The examination should have regard not only to the rules governing the scheme but also to considerations of equity and good administrative practice. In particular, the principles outlined in the Ombudsman’s 2002 Guide to Standards of Best Practice for Public Servants should be taken into account.

**Confidential and Impartial**

All complaints should be treated in confidence (except where the complainant wishes otherwise). The public should be assured that making a complaint will not adversely affect their future dealings and contacts with the body concerned. Correspondence about the complaint should be filed separately from other information held on the complainant as a client of the body.

**Effective**

The complaints system should have the authority to address all the issues giving rise to the complaint. Where the examination finds that the fault lies with the public body, the system must have the power to provide appropriate redress. A complainant who remains dissatisfied should be advised of his or her right to refer the case to the Ombudsman where appropriate.
Flexible

While rules are necessary to ensure consistency, too much rigidity should be avoided and there should be a degree of discretion given to those involved in the system to adjust to the changing needs and demands of complainants and to adapt to new situations.
Who can make a complaint?
Anyone can make a complaint if they feel that:

• they have been unfairly treated by the Council;
• that a service to which they are entitled is not being provided;
• that a service which is being provided is inadequate;
• that a decision made with regard to them is wrong or did not take into consideration all the facts; or
• that a request for a service/information has been ignored.

Are there any areas excluded from the Complaints System?
Yes. Excluded are areas where formal appeal/complaint procedures already exist e.g. complaints/appeals relating to decisions on planning applications, or appeals against decisions made under Freedom of Information legislation.

How do I make a complaint?
A complaint must be made in writing, to the Complaints Officer, Waterford Co. Council, Civic Offices, Dungarvan, Co. Waterford. Simply complete the attached form giving all relevant details of your complaint. If you require assistance in phrasing your complaint, you may telephone or call in person to the Complaints Officer. Telephone: 058 22000 or email complaints@waterfordcoco.ie
How do I know my complaint is being dealt with?
You will receive an acknowledgement from the Complaints Officer within five working days. This acknowledgement will quote your individual complaint number if your claim is deemed to be valid, and will give the name and contact number of the individual assigned to deal with your complaint. It will also confirm a date when you can expect to receive a comprehensive response. If your complaint is not deemed to be a valid complaint, you will be advised within five working days, and the reason for this will be explained.

If I am not happy with the response received what can I do?
If you do not receive a response within the time frame specified, or if the response you receive is not satisfactory, you may appeal to the Complaints Officer. On receipt of an appeal, the Complaints Officer will undertake a full and comprehensive review of the case. When making an appeal you should ensure that your letter of appeal quotes your complaint number.

What happens if I’m still not happy with the outcome?
You may appeal the matter to the Office of the Ombudsman, 18 Lower Leeson Street, Dublin 2.
INTERNAL COMPLAINTS SYSTEM

Introduction

In conjunction with his 1997 Annual Report, the Ombudsman published The Ombudsman’s Guide to Internal Complaints Systems in order to encourage public bodies within his remit to introduce formal internal complaints systems.

Waterford Co. Council’s Corporate Plan 2000 – 2004 includes a Customer Action Plan which highlights the local authority’s commitment to provision of improved quality services to the public. In order to achieve this goal the Customer Action Plan includes an undertaking, on the part of the Council to operate a well-publicised, accessible, transparent and simple to use system for dealing with complaints about the quality of service provided.

Benefits

A good internal complaints system will provide essential feedback from the public and will enable Waterford County Council to assess:

- how well it is progressing in its efforts to provide an improved quality service;
- where problems exist in the provision of services;
- where shortcomings exist in the administrative system which may need to be addressed.
A good internal complaints system will also:

- serve as a quick and efficient means of resolving difficulties without the need for protracted appeal procedures involving third parties and outside bodies;
- promote good relations and communications with the public;
- enhance the Council’s reputation for integrity and transparency;
- assist the Council to avoid unfavourable publicity.

The public will also benefit from a system which provides:

- a quick, easy and cost-effective means of resolving difficulties and obtaining redress;
- an assurance that complaints are being taken seriously and that the effective resolution of an individual complaint may contribute to the improvements in the public service as a whole.

**Defining Complaints**

In order to operate a successful complaints system we need to define what a "complaint" actually is. Many "complaints" received by the local authority are merely requests for information, or matters for which there is a statutory right of appeal e.g. planning decisions, rateable valuations etc. Such "complaints" are not appropriate to the Internal Complaints Procedure.

The Ombudsman sets out the following rough definition of a complaint as:

> "a decision or action is taken which relates to the provision of a service or the performance of a function which, it is claimed, is not in accordance with the rules, practice or policy of the organisation or the generally accepted principles of equity and good administrative practice and which adversely affects the person concerned"
In other words, the service provided was bad, inadequate, flawed or not carried out to an acceptable standard or in accordance with proper procedures.

Establishing Acceptable Standards

In order to establish whether a complaint is justified on the grounds that the service provided did not meet acceptable standards, it is necessary to establish acceptable standards. Acceptable standards will come under various headings and will vary from Section to Section. For example, while it is feasible that a simple query may be dealt with in a matter of days, it is not realistic for a member of the public to expect to receive anything, other than acknowledgement of receipt of a planning application, within five weeks of lodging the application. Acceptable standards will be governed, to a great extent, by current legislation.

In establishing Acceptable Standards the following areas should be addressed:

- minimum acceptable standard of service i.e. the lowest level at which a service can be provided to meet the needs of the person for whom the service is being provided;
- time – the maximum reasonable time in which a service should be delivered;
- information – the level of information required in order that the person receiving the service fully understands what he or she is entitled to receive.

In compiling Waterford County Council’s Corporate Plan, the individual services provided by each department will have been examined and Service Indicators will have been established to monitor effectiveness of delivery. The
Service Indicators highlight the areas which need to be addressed and for which specific goals, or targets, need to be achieved. Notwithstanding the above, as a minimum standard, the customer should receive, at very least, an acknowledgement of a complaint or query within five working days of receipt by the local authority.

**Complaints Hierarchy**

The customer should be made aware of a definitive hierarchal structure for dealing with complaints. Complaints should, in the first instance, be addressed to the Section head. In the absence of a comprehensive response, within a specified time frame, the customer would then have the right to appeal to the Internal Complaints Officer.

The Internal Complaints Officer, an Officer at Grade VII level or above, should be completely independent of the service providing areas of the local authority and should not have been involved with the original decisions or actions. This Officer would undertake a full review of the complaint, with due reference to the Section Head and Director of Services concerned.

**Recording & Monitoring Complaints**

A Complaints Register should be maintained by the Complaints Officer. The Register should contain the following information:

- date received;
- name and address of complainant;
- nature of complaint;
- date acknowledged;
- date finalised;
- if internal review requested.
A summary of the Register should be presented to the Management Team on, at least, a monthly basis.

**Procedure for dealing with Complaints**

- On receipt of a complaint, the Section Head or Internal Complaints Officer should register same.
- An acknowledgement should issue within five working days.
- The acknowledgement should make reference to the complaint and should give a specific time scale within which the complainant could expect to receive a comprehensive response. The suggested time scale would be within four weeks of receipt of the original complaint. The acknowledgement should also make reference to the complainants right of appeal to a higher authority – i.e. the Internal Complaints Officer – in the absence of a satisfactory response.
- If, for any reason, the Section Head, or Internal Complaints Officer is unable to provide a comprehensive response within the specified time scale, the complainant should be kept fully appraised of developments and the reason for any such delay.
- Complaints files should be maintained separately from other customer files and the complainant should be assured of confidentiality (unless he or she wishes otherwise).
- When a final decision is issued by the Internal Complaints Officer, the complainant should be advised of his or her right to refer the case to the Ombudsman if dissatisfied.
Publicity

For an Internal Complaints System to be successful it is vital that the public are aware of its existence. Maximum publicity should be afforded to the establishment of a complaints system within Waterford County Council. This should be done in a number of ways:

- inclusion of reference to the system on the Waterford County Council Website and in the Waterford Co. Council Freedom of Information Manual;
- advertising the establishment of the system in the Council’s main offices and sub-offices;
- advertising the establishment of the system in the local press;
- publication of a simple information leaflet advising the public how to make a complaint.

Assessment & Review

A good complaints system needs to respond to changing circumstances and events. It needs to be continually reviewed by the person responsible for its organisation and management. This person, the Internal Complaints Officer, should make recommendations to Directors of Services and Section Heads if, in his or her opinion, current practices adversely affect the customer. The Internal Complaints Officer also needs to monitor staffing requirements to ensure that adequate internal resources are being allocated to this vital area.

Appointment of Internal Complaints Officer

Waterford County Council should immediately implement an Internal Complaints System. Initially, the post of Internal Complaints Officer could be assigned to the Administrative Officer designated as FOI Officer. This post is remote from the service providing sections and, as such, does not have any direct involvement in the areas where decisions made are likely to give rise to complaints. This provides a degree of impartiality required for such office.
Complaints System – Working Document

Defining Complaint

1. No other avenue of appeal open e.g. planning decisions excluded – appeal to An Bord Pleanala; FOI excluded – appeal to Information Commissioner etc.

and

2. Service or action must have been requested previously and the response received, was, in the opinion of the complainant:

   (a) not in accordance with the rules, practice, or policy of the organisation;

   (b) not in accordance with the generally accepted principles of equity and good administration;

   (c) adversely affects the person concerned; or

   (d) no response received.

Receipt of Complaints by Heads of Sections

A Section Head receiving a complaint should:

• examine each complaint received in light of the definition tests above;

• if satisfied that the complaint is valid ensure that it is date stamped and passed to the Complaints Officer who will allocate a complaint number and acknowledge receipt;

• if satisfied that the complaint is not valid, ensure it is passed to the Complaints Officer with a comprehensive explanation as to why it is not valid. The Complaints Officer will then deal with the customer directly.
Receipt of Complaints by the Complaints Officer

On receipt of a complaint, the Complaints Officer will allocate a complaint number and liaise with the relevant Section Head, to determine whether or not the complaint is valid.

An acknowledgement must issue within 5 working days and a specific undertaking must be given, in the acknowledgement, that a comprehensive response will be forthcoming within four weeks of receipt of the complaint. Initial acknowledgements will always issue directly from the Complaints Officer, who will allocate an individual reference number. The Complaints Officer will supply the complainant with the name of the individual dealing with the complaint. If the complaint is not deemed to be valid, the Complaints Officer will advise the complainant accordingly, and will give reasons.

The complainant must be advised, that in the absence of a response, or an unsatisfactory response, within the specified time scale, an appeal may be made to the Complaints Officer.

The complainant must also be advised that the Complaints Officer is a senior member of staff, outside of the service providing areas, who will undertake a complete and independent review of the matter.

Recording a Complaint

Once a complaint has been determined to be valid, it should immediately be recorded in the Complaints Register. The Complaints Officer will maintain an overall register and will be responsible for allocation of complaint numbers. Once a number has been allocated, the Complaints Officer may pass the complaint to the relevant Section Head for dealing, if appropriate.
The following information should be detailed:

a) date complaint received;

b) name & address of complainant;

c) nature of complaint;

d) date acknowledged;

e) nature of decision made e.g. original decision upheld/overturned/redress;

f) date complainant informed of decision;

g) date of any appeal; and

h) outcome of appeal.

If the complaint is dealt with by the Section Head the complainant should be advised, when informed of the decision on their appeal, as per f) above, of the right to appeal to the Complaints Officer.

**Monthly Reports**

The Complaints Officer will submit a report, on a monthly basis, to the Management Team.

**Procedure for making a Complaint**

In the first instance a complaint must be made in writing. This will allow the Complaints Officer to determine whether or not the complaint is valid and whether or not it merits an entry in the Complaints Register.

The Complaints Officer will assist complainants with compilation of submissions, should the complainant wish to call to the office to make the complaint verbally and in person.

Regardless of whether or not a complaint merits registration, an acknowledgement of receipt must be issued within 5 working days. The
acknowledgment will advise the complainant of the reference assigned to the complaint, in the Complaints Register, if the complaint is deemed valid. If the complaint is not deemed valid, the complainant must be advised of the fact, and an explanation given as to why the complaint is not valid.

Complainants will be advised, at both acknowledgement and decision stage, of the right to appeal to the Complaints Officer, if the complaint is being dealt with by a Section Head.

Complainants will be advised, when issued with a decision on appeal, of the right to appeal to the Ombudsman.
ADVICE NOTE FOR STAFF – WHAT TO DO WHEN A CUSTOMER COMPLAINS (SLIGO COUNTY COUNCIL)

1. Recognising a Complaint
It is a complaint when the customer has been disappointed with the manner in which a service has been delivered or when the service expected was not delivered.

2. Dealing with the Complaint
- Compose the person and listen attentively.
- Show understanding and empathy.
- Take details quickly but comprehensively.
- Inform the customer about the process and response times.
- Provide contact names and telephone number for follow up.
- Log in eDirect (a local authority database), acknowledge and pass on details immediately after the interaction with the customer.
- Investigate completely referring to all previous documentation and correspondence.
- Reply comprehensively within 10 business days, acknowledging failings with a commitment to get it right (include timeframe) and log details.
- Check satisfaction with the customer after 2 weeks.
- Operate internal appeals procedure – with reply within 20 working days.
- Offer Ombudsman Appeal procedure if not satisfied.
3. Do’s and Don’ts

Do’s

• Talk issues through with the customer right away to work towards a quick resolution
• Determine if it’s a complaint as early as possible
• Refer to Department staff person originally dealing with this as soon as possible before it gets to be a formal ‘complaint’
• Be sympathetic but businesslike
• Record all details so the customer only has to tell the story once.

Don’ts

• Have the customer hang on (until you figure out how and by whom this customer should be dealt with)
• Expect the customer to repeat the story
• Delay the recording process
• Let the customer go away frustrated.
## APPENDIX V

### MEMBERS OF THE LOCAL GOVERNMENT CUSTOMER SERVICE GROUP

<table>
<thead>
<tr>
<th>Name</th>
<th>Role/Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joe Allen (Chair)</td>
<td>Department of the Environment, Heritage and Local Government</td>
</tr>
<tr>
<td>Tim Caffrey</td>
<td>Director of Service, Sligo County Council</td>
</tr>
<tr>
<td>Mark Callanan</td>
<td>Institute of Public Administration</td>
</tr>
<tr>
<td>Brian Kenny*</td>
<td>Department of the Environment, Heritage and Local Government</td>
</tr>
<tr>
<td>Seamus Lyons</td>
<td>Executive Manager, Dublin City Council</td>
</tr>
<tr>
<td>John McCormack</td>
<td>Director of Service, Kilkenny County Council</td>
</tr>
<tr>
<td>Ann McGuinness</td>
<td>County Manager, Westmeath County Council</td>
</tr>
<tr>
<td>Conn Murray</td>
<td>City Manager, Waterford City Council</td>
</tr>
<tr>
<td>Edmond O’Connor</td>
<td>County Manager, South Tipperary County Council</td>
</tr>
<tr>
<td>Anne O’Keeffe</td>
<td>Office of Local Authority Management</td>
</tr>
<tr>
<td>John Tierney</td>
<td>County Manager, Fingal County Council</td>
</tr>
</tbody>
</table>

**Secretariat:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Role/Institution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conor Falvey</td>
<td>Department of the Environment, Heritage and Local Government</td>
</tr>
</tbody>
</table>

* Replaced by Frank Gallagher, Department of The Environment, Heritage and Local Government, April 2005