



Comhairle Contae Thiobraid Árann  
Tipperary County Council

# **TIPPERARY COUNTY COUNCIL'S COMPLAINT HANDLING POLICY AND PROCEDURE**

## **Complaint Handling Policy and Procedure**

Responsibility for review - Corporate Services

Related policies: All policies, though the following non-exclusive list are particularly relevant.

- Code of Conduct for Councillors **(2019)**.
- Code of Conduct for Employees **(2007)**.

Related Legislation:

- Disability Act
- Section 42 of the Irish Human Rights and Equality Act 2014 (Public Sector Equality and Human Rights Duty)
- Equal Status Acts
- Customer Charter

## Table of Contents

<b>Policy &amp; Procedures</b> .....	3
1. <b>Introduction</b> .....	3
2. <b>Complaint Definition and Duty of the LA to Give Reasonable Assistance</b> .....	3
3. <b>Decisions/Actions Where a Local Authority has Exercised Discretion</b> .....	5
4. <b>How to Make a Complaint</b> .....	6
5. <b>Resolving Complaints</b> .....	8
5.1 <b>Frontline Resolution</b> .....	9
5.2 <b>Investigation Resolution</b> .....	9
5.3 <b>Acceptable Behaviour</b> .....	11
5.4 <b>Dealing with Multiple Complaints</b> .....	12
5.5 <b>Outcome of the Complaint</b> .....	12
6. <b>Record Keeping and Reporting</b> .....	14
6.1 <b>Record Keeping</b> .....	14
6.2 <b>Reporting</b> .....	14
7. <b>How to access the policy</b> .....	14
<b>Appendix 1 Complaint Decision Letter Template</b> .....	15
<b>Appendix 2 Complaint Form</b> .....	17
<b>Appendix 3 The Complaint Handling Process Flowchart for Staff</b> ...	19

## **Policy & Procedures**

### **1. Introduction**

**1.1** This document sets out 's policy on complaint handling and sets out the complaints procedure of including the complaints recording system.

**1.2** An effective complaint handling system provides significant benefits to any organisation. It resolves issues in a timely and cost-effective way.

**1.3** It provides safeguards for employees operating in public settings where incidents may occur.

**1.4** It provides valuable information that can lead to service improvement, and it can improve the reputation of, and strengthen confidence in, an organisation.

**1.5** Staff at every level in are equipped with the appropriate skills and resources to deal with a complaint and have a full understanding of the complaints procedure including the complaints recording system. All staff should direct persons who wish to make a complaint to the appropriate Director/Head of Function, to either Civic Offices, Clonmel, Co. Tipperary E91 N512 or or Civic Offices, Limerick Road, Nenagh Co. Tipperary E45 A099.

**1.6** Appropriate training is provided for staff who may have to deal with persons who are vulnerable or who have particular needs.

### **2. Complaint Definition and Duty of the LA to Give Reasonable Assistance**

**2.1** A complaint is defined as "An expression of dissatisfaction by one or more members of the public about an organisation's action or lack of action, or about the standard of service or communication provided by or on behalf of the organisation".

#### **2.2** What is not a complaint

- An initial service request is not a complaint – this can transition into a complaint if, for example, there is an undue delay in dealing with the matter.

- Complaints about matters that are outside of the Council’s remit to examine/ deal with – you should assist the person by directing them to the relevant organisation if you can do so.
- Complaints about reserved functions of the elected members of Council – the executive of the Council cannot examine such decisions from members of the public.
- Complaints about planning decisions as there is a right of appeal to An Coimisiún Pleanála (formally An Bord Pleanála) – Councils can examine complaints about the administration of the planning process and those relating to planning enforcement.
- Complaints about alleged data protection breaches should be directed to your Data Protection Officer to deal with.
- Complaints about breaches of Ethics legislation should be referred to your Ethics Registrar in the first instance (and then signposted to the Standards in Public Office Commission).
- Complaint made under the Disability Act must be investigated by your appointed Inquiry Officer in accordance with Section 39 of the Disability Act (and then signpost the Ombudsman).
- Protected disclosures (whistleblowing or ‘reporting wrongdoing in the workplace’) should be directed to the Chief Executive/ Protected Disclosures Officer – see link to further information - <https://www.opdc.ie/en/publication/3a25c-what-a-protected-disclosure-is/>

**2.3** Section 4A of the Ombudsman Act 1980 (as amended) outlines the duty to give reasonable assistance and guidance to persons in any dealings with the “reviewable agency” (in this case the Local Authority). Reasonable assistance includes dealing with persons in a timely manner and providing information on any rights of appeal or review. It also includes informing the

public about their right to complain to the Ombudsman in the complaint decision letter/ email.

**2.4** Giving reasonable assistance to a person making a complaint might also include providing assistance or support to making/formulating a complaint and/or teasing out an implied complaint. Complaints received by the Ombudsman will be investigated against these criteria.

**2.5** Any disciplinary, or other such actions, taken with regard to a Council employee, on foot of complaints made to a Council, are dealt with in the context of Employment Legislation and the Council's HR policies and procedures. No details of this process will be disclosed to a complainant.

There are links to sample letters and forms in the appendices to this document.

### **3. Decisions/Actions Where a Local Authority has Exercised Discretion**

**3.1** Administrative decisions by their nature sometimes include the exercise of discretion where a decision maker has the power to make a choice about whether or not to take action or whether to approve an application or not (either fully or with conditions). In such cases the role of the decision maker is to make a judgement taking into account all relevant information and the particular circumstances of the case.

Where such discretion is exercised, in as far as possible, a record will be kept showing the pertinent issues that were taken into account by the decision maker and why; the weight given to these issues; and reasons for the decisions made. This information is key when investigating a complaint about a decision as it shows how the decision was arrived at. Good reasons supporting the decision taken should be provided to the complainant.

Tipperary County Council recognises the importance of strong record keeping, especially where a decision is not covered by an express policy or legislative provision or in line with the terms of a particular scheme etc.

#### 4. How to Make a Complaint

**4.1** ensures there is a culture and environment in the Local Authority that encourages people who are dissatisfied with a service to make a complaint. Making a complaint will not adversely affect a person's interaction with the Local Authority.

**4.2** The process for making a complaint is user centred, simple to access and easy to use. It is flexible depending on the complaint and the complainant and supports the early resolution of complaints. Complaints are accepted in a number of accessible ways including online, in person, over the phone and in writing. See the complaint form which is available on the Local Authority website and at Appendix 2 in this procedure document.

**4.3** It is easy for a person to find out how to make a complaint, and it is simple and convenient to do so.

:

- Ensures that all service users have access to simple and clear information about how to make a complaint.
  - Information about our complaint's procedure is clearly signposted to service users on our website, social media and on signs and posters in our Local Authority offices.
- Takes account of service users with particular requirements, such as those with intellectual or physical disabilities. Access Officer is familiar with the complaints process and information on how to contact the Access Officer is included with information on how to make a complaint.
- Some people may find it challenging to make a complaint or may have literacy issues or difficulties putting their complaint in writing. will utilise support resources at our disposal, if necessary, to assist a person making a complaint. Where such issues are identified will take the complaint over the phone/in person or, ask the person if they wish to nominate a friend, family member or advocacy service as an advocate. Citizen Information Centres can also assist such individuals subject to GDPR requirements. Where a complaint is taken verbally in person a note of the discussion will be agreed by both parties and signed by both parties where possible.
- Takes account of persons for whom English or Irish is not their first language and notes that if a person is able to articulate their complaint in their first language that this will ensure that the salient

points are not lost. The Local Authority will aim to accommodate in as far as possible a translation service noting that this may extend the timeframe for responding to the complaint.

- Accepts complaints brought by a representative of the complainant, provided the appropriate written consent has been obtained from the complainant.
- Makes information about the complaints procedure and policy easily accessible at all times, not just when a person wishes to complain. This information should be available at all public reception areas and any areas which the public may use.
- Information about the complaints procedure and policy should be notified in all decision letters/ emails.
- Explain and signpost the role of the Citizen Information Centres (and any other advocacy agencies operating within the sector) in providing assistance to persons wishing to make a complaint.
- The website and other appropriate information material will include the relevant e-mail and contact details.

**NOTE: If the Ombudsman receives a complaint where the person has not been advised of the complaints procedure and policy in the decision communication, the complaint will be dealt with once it is deemed within remit. In such circumstances the Ombudsman may not advise the person to engage with the Local Authority's complaints procedure. The Ombudsman may take a Local Authority's failure to notify about the complaints procedure and policy into consideration when deciding whether to uphold that aspect of the complaint.**

#### **4.4 Confidential Complaints**

In some cases, a person may wish to keep their complaint confidential (particularly if a complaint is being made about a specific person in respect of Anti-Social Behaviour where there is a fear of reprisal). In such circumstances a Local Authority may allow a person to keep details of their complaint confidential.

However, if information received from the complainant, or if the complaint itself, would tend to identify a complainant who requests confidentiality then they will be made aware of this and asked if they wish an investigation to proceed.

The provisions of the FOI Act also apply when processing any request for information from the person against whom the complaint is made.

There may be situations where the public interest outweighs the right to privacy of the individuals to whom the information relates.

In cases where the public interest factors favour withholding the records the following should be taken into account

- 1) The public interest in protecting the right to privacy of individuals in relation to making complaints.
- 2) The public interest in individuals being able to communicate in confidence with the Council and without fear of disclosure in relation to personal or sensitive matters.
- 3) The public interest in the Council as a public body being able to perform their function in relations to complaints from members of the public effectively.
- 4) The need to preserve confidentiality having regard to the subject matter and the circumstances of the communications.

#### **4.5 Anonymous Complaints**

Tipperary County Council will not deal with anonymous complaints unless there is a risk of injury to person or property and substantial information that warrants investigation - e.g. Tipperary County Council will not investigate trivial, frivolous or complaints without substance.

#### **5. Resolving Complaints**

On receipt of a complaint Tipperary County Council will clarify exactly what the person is complaining about. The person may be asked for more information to get a full understanding of the complaint, the outcome they are seeking and how they believe the complaint can be resolved.

If aspects of the complaint are outside Tipperary County Council remit to investigate (for example if the complaint concerns the actions of third parties that are not under the remit or contracted to act on behalf of Tipperary County Council this will be clearly communicated to the person at the outset.

will advise the person of their right to contact the Ombudsman if they do not agree with the decision not to deal with the issue as a complaint.

There are potentially two stages involved in resolving complaints:

- **Frontline Resolution**, or where this is not successful then;
- **Investigation Resolution**.

## 5.1 Frontline Resolution

will seek to resolve a customer's queries and complaints as early as possible and, ideally, at the first point of contact. Dealing with customers in a fair, reasonable and timely manner through an informal process will minimise complaints being escalated to a formal complaint investigation.

Frontline resolution occurs where the staff member can achieve the expected complaint outcome quickly and effectively either by phone, in person or in writing.

Complaints resolved through the frontline process will be recorded on the complaints record system. Details recorded will include the category or nature of the complaint; the outcome; any action taken and whether the person making the complaint was satisfied with the outcome. Persons making a complaint should be given a unique reference number concerning their complaint to quote on any future correspondence. The same reference number should be used if the complaint proceeds to investigation.

Decisions on time critical complaints will be signposted to the Ombudsman, skipping the investigation. Where complaints relate to an immediate negative consequence the Ombudsman will consider a complaint in those circumstances.

## 5.2 Investigation Resolution

Where a complaint is not resolved through the frontline resolution process set out above at 5.1 it will be referred to the Complaints Officer/Manager immediately for formal investigation. The aim is to resolve the complaint where possible, or to give the person making a complaint a full, objective, and proportionate response that represents the final position. Whenever possible, complaints will be investigated by a manager not involved with the issue complained of.

It is important to be realistic and clear with the person making the complaint about timeframes, and to advise them early if it will not be possible to meet the timeframes set out below:

The following deadlines apply to complaint investigations cases (counting day one as the day of receipt for investigation, or the next working day if the complaint was received on a weekend or public holiday):

- A complaint will be acknowledged within 5 working days, and all reasonable means will be applied to resolve the issue. The acknowledgement should issue in a format which is accessible to the person, taking into account their preferred method of contact.
- Managing expectations of complaint outcomes and clarifying the scope of the investigation at the outset are essential to complaint handling efficiency and effectiveness.

The complaint should be investigated with the issues raised considered afresh at the outset and without relying on any previous assumptions or conclusions made. The Complaints Officer/Manager, staff member or person assigned to investigate the complaint should:

- Ensure they have access to all necessary communications and evidence - this could include records of phone calls or meetings, work requests, recollections of staff members and internal emails;
- Examine what happened;
- Consider what should have happened - this should include any relevant policies or procedures that apply including the Local Authority's Public Sector Equality and Human Rights Duty;
- Contact or meet with the complainant, if necessary to fully understand the complaint being made. If such contact takes place, complete a written record of same; and
- At all stages in the investigation process the Complaints Manager should seek opportunities to resolve the matter amicably.

In forming his or her final view, having taken the above and any other relevant matters into consideration, the investigator should simply decide if there is a difference between what happened and what should have happened.

Where the relationship with the person making the complaint has broken down or the complaint relates to serious/high-risk/high profile issues the complaint will be investigated at a suitable level as required.

In some cases, it may not be possible to agree the points of complaint. It may be that the person expects more than can be provided or has unrealistic or unreasonable expectations about the scope of the investigation. Such matters should be clarified for the person as soon as possible in order to manage expectations at the outset. Unreasonable or unrealistic complaints should be managed in accordance with the Local Authority's acceptable behaviour policy, or equivalent, bearing in mind that the complaint should continue to be investigated wherever possible. (See further information below regarding acceptable behaviour – Section 5.3.)

Tipperary County Council will ensure that any party assigned to carry out the investigation of a complaint shall be independent of the content of the complaint and not have a direct reporting relationship with any person under investigation as a result of that complaint.

### **5.3 Acceptable Behaviour**

There is express recognition that Tipperary County Council has its own acceptable behaviour policy but that these are general principles that should underpin that, with regard to the steps that Tipperary County Council can/should take when this type of behaviour arises.

Treat staff of Tipperary County Council with the same courtesy and cooperation you would like to receive.

Accord staff the due respect and freedom to carry out their duties and refrain from intimidating or threatening staff in any manner whatsoever. The following behaviour is not acceptable from any member of the public in any of our facilities, or in the provision of any of our services

- Harassment of staff by use of abusive, racist or threatening language;
- Use of violence or threat of violence towards staff members;
- Behaviour which is disruptive and interferes with delivering a

quality customer service.

Customers are advised that where a staff member is subjected to such treatment, contact will have to be terminated.

#### **5.4 Dealing with Multiple Complaints**

A Local Authority is not expected to accept an unreasonable burden on its complaints processes produced by an organised campaign or multiple versions of the same complaint. In such circumstances the Local Authority may either issue a single 'form' response or may ask the group to nominate a single person to receive the Local Authority's response. For this to apply it would be necessary to be clear that all of the complaints being brought to the Local Authority are the same, and to clearly set out what issues are being considered under the complaint. Any other additional or separate concerns that a person (making a complaint as part of that campaign) may raise would need to be handled as a separate complaint and addressed in the normal manner.

These types of complaints are distinct to persistent complaints which involve repeated correspondence about the same issue previously decided on by Tipperary County Council. Persistent complaints can be dealt with through the Local Authority Customer Charter or equivalent or related policies.

#### **5.5 Outcome of the Complaint**

The outcome and response to the complaint will be signed off by the Complaints Officer/Manager and recorded on the complaints record system.

Where service failings have been identified, Tipperary County Council will in so far as possible rectify the matter give an explanation and/or apologise.

- A full response to the person making the complaint will be provided as soon as possible, but not later than 30 working days from the time the complaint was received.
- If this timeframe cannot be met, extensions will be agreed by both parties. This will be carried out on a case-by-case basis with the

circumstances fully explained and will only occur in exceptional circumstances.

- If the extension date cannot be met the timeframe for provision of response may be further extended by agreement of both parties and to a specified date.
- If the person has not received an investigation decision after 30 working days or after on the agreed date of extensions, they should be informed that they can complain to the Ombudsman.

It is noted that extended delays may increase the dissatisfaction felt by the complainant.

The complaint response is very important, and will:

- Be clear and easy to understand
- Where possible, share the information informing the investigation outcome with the person so they can understand the findings. Staff should ensure that any legislation/policy/guidelines relied upon should be explained in a way that makes it easy to understand the decision that has been reached.
- Avoid technical terms and if these must be used provide an explanation of the term(s) will be provided.
- All issues agreed/ identified at the outset of complaint should be addressed to demonstrate a fair and fully considered decision.
- Where a failure on Tipperary County Council part is identified and the Local Authority proposes to take action to resolve the issue, the response will include details of what will be done and when.
- Where administrative failings have been identified include an apology.
- Highlight any area of disagreement and explain why no further action can be taken.
- Indicate a named member of staff, for example the Complaints Officer/Manager, who is available to discuss/clarify any aspect of the response. If the complainant is still dissatisfied with the response or does not accept Tipperary County Council decision, explain that they have been given Tipperary County Council final decision/response on the matter and inform them they may seek a review by the Ombudsman.

A suggested decision letter can be found at Appendix 1.

## **6. Record Keeping and Reporting**

### **6.1 Record Keeping**

A cornerstone of dealing with a complaint in a timely and effective manner is good record keeping. Tipperary County Council has a suitable system in place which will capture and record complaint data and which is capable of producing complaint insights.

Tipperary County Council maintains a complaint file containing complete and accurate records of all contact regarding a complaint and ensure that this information is easily accessible.

### **6.2 Reporting**

Senior management should be provided with periodic updates on the number and type of complaints received, timeline for response and where appropriate matters arising and actions required. Actions required to improve service delivery shall be noted by senior management. Annual reporting of the number of complaints processed by service area should be facilitated within the Chief Executive's Report to include any changes to services resulting from issues raised.

## **7. How to access the policy**

This policy will be made available on the Council's website, in order to communicate to the general public what the Council's complaint policy is.

This policy will be circulated to all staff, councillors and Council committee members and published on the Council's Intranet.

This policy will be provided as part of induction and general employee awareness activities. Employees shall be obliged to acknowledge receipt of the policy.

This policy will be kept under review and updated annually and after a significant change and/or as required.

## Appendix 1 Complaint Decision Letter Template

Dear Mx .....

You contacted the Council to complain about **[Issue]**. I have now completed my investigation of your complaint. In this letter I will explain what I found out during my investigation, what my conclusions are **[insert if relevant: and what actions I am taking to address your concerns]**. The complaint(s) we agreed on **[Date]** and that I have investigated is/are  
xxx

### Background

- Background to the events leading to the complaint including brief timeline if helpful
- This section should outline relevant events/facts only

### Investigation

- Provide brief background to investigative process for example: I have reviewed the documentation you provided, views of staff involved, notes etc.
- Outline a timeline of key events/ communications (where appropriate) in date order **if relevant** for example: I spoke to Mr X on (date)

### What happened?

- List out the **relevant** information you have considered – this should include any differing views.
- Discuss the evidence presented and available from the complainant / in the records / discussed with staff / communication from staff.
- Always remain objective and not subjective.

### What should have happened?

- Identify relevant policy, internal process/procedure that should have been taken into account in relation to the issue of complaints. Provide any other factual evidence relevant to the complaint, for example, expert opinion.

## **Conclusion**

- The conclusion should summarise the complaint, the arguments presented, and combine factual points that identify any areas of poor practice or service failure
- Identify key areas where any failings have already been identified and / or remedial action has already taken place as a result of the complaint.
- Summarise these below each complaint and/or at the end of the letter.
- Note apologies, meetings or other steps already provided by staff to address the concerns

## **What happens next?**

I will follow up to ensure that the issues are addressed and any further action I have identified are completed, by **(date)**. If there is anything in this letter which you would like to discuss with me, please contact me. My contact details are shown below.

We hope that we have been able to resolve your complaint satisfactorily. However, if you remain unhappy with our response then you can refer your complaint to the Office of the Ombudsman. The Ombudsman is impartial, independent, and free to use. The Ombudsman will ask you for details of your complaint and to provide a copy of this letter or email (our final response to your complaint). The best way to do this is by:

- Clicking on the 'Make A Complaint' button at [www.ombudsman.ie](http://www.ombudsman.ie)
- Or writing to: Office of the Ombudsman, 6 Earlsfort Terrace, Dublin 2, D02 W77.
- Or calling the Ombudsman on 01 636 5600 if you have any queries.

Yours sincerely,

---

**Director/Head of function**

**Tipperary County Council**

## Appendix 2 Complaint Form

### **A: Details of the person making the complaint Please complete form in block letters**

**Name**

---

**Address**

---

**Email**

---

**Contact  
number/email**

---

**Please state which is your preferred method of contact:**

#### **Your requirements**

**If you have any difficulty with this form or making your complaint, please tell us so that we can discuss how we might help you.**

**The person who experienced the problem should normally fill in this form. If you are filling this in on behalf of someone else, please fill in section B. Please note that before taking forward the complaint we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.**

### **B: Details of a person making a complaint on behalf of someone else:**

**Name**

---

**Address**

---

**Contact  
number/email**

---

**Relationship to the person making the complaint**

---

Why are you making a complaint on their behalf?

---

**C: About your complaint (Please continue your answers to the following questions on a separate sheet(s) if necessary)**

What do you wish to complain about?

Describe how the person affected suffered or has been affected

---

What do you think should be done to put things right?

---

Have you already put your concern to the staff responsible for delivering the service? If so, please give brief details of how and when you did so.

---

---

**Signature**

---

**Date**

---

If you have any documents to support your concern/complaint, please attach them with this form.

When you have completed this form, please send it to:

**Name (Director/Head of Function) and Address or Email:**

[customerservices@tipperarycoco.ie](mailto:customerservices@tipperarycoco.ie)

## Appendix 3 The Complaint Handling Process Flowchart for Staff

A customer may complain in a number of ways, including face-to-face, by phone, letter or email. Your first consideration is whether the complaint should be dealt with at Stage 1 (Frontline Resolution) or Stage 2 (Investigation).

