



LANCASTER CITY COUNCIL
Promoting City, Coast & Countryside

COMPLAINTS POLICY

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General aims of the policy:

- 1 To acknowledge the importance and value of complaints in improving our services.
- 2 To ensure that feedback is handled in a manner that supports the council's approach to providing user focused services and with any other relevant legal and policy requirements.
- 3 To provide a clear route by which customers can feedback about the service they have received from the council.
- 4 To ensure feedback is dealt with fairly, promptly and sensitively.
- 5 To learn from our successes and mistakes; to use feedback to continuously improve our services.
- 6 To enhance the overall image of Lancaster City Council and its employees in the eyes of customers and the citizens of Lancaster district.

Introduction

Lancaster City Council welcomes all feedback from customers on how our services can be improved. Whilst this policy focuses on complaints, it is recognised that staff frequently receive compliments and letters of appreciation. These positive comments are highly valued by the council as evidence of its commitment to providing excellent services.

On some occasions, however customers may not be satisfied with a decision made by the council, the provision of a service or an action taken on an individual case. This document sets out the corporate complaints policy.

The provisions of this policy will apply across the council and all relevant feedback will be dealt with in accordance with it.

This policy will be openly publicised through leaflets that will be available on the council's website or on request from the council's reception points.

Lancaster City Council will deal with complaints fairly, thoroughly and sensitively and aim to address any problems raised at the earliest stage possible. Staff will be empowered to try and solve any difficulties reported by customers without recourse to the formal procedure.

COMPLAINTS POLICY

1 Definition of a complaint

“An expression of dissatisfaction about a council service (whether that service is provided directly by the council or by a contractor or partner) that requires a response.”

Some **appeals** may also be complaints.

An appeal is a challenge that is made to a regulator’s decision, advice or actions by the subject of the regulatory action, with the purpose of changing the decision, advice or actions.

Listed below are the categories of complaints/appeals which fall within the procedure and those which are excluded:

Categories of Complaint:

- Failure to follow agreed council procedure, policy, rules or standards of service.
- Failure to take account of relevant matters in coming to a decision.
- Neglect or unjustified delay.
- Inappropriate behaviour of a council employee or someone acting on the council's behalf.
- Malice, bias or discrimination.
- Appeals against any council advice, actions or decisions in its capacity as a regulator where no statutory right of appeal or council appeals/review procedure exists.

Exclusions:

- Day to day service requests or reporting faults (for example a missed bin).
- Criticisms or disagreement with council policies.
- Complaints against individual employees which arise from dissatisfaction with a council policy or decision, and where no other basis for the complaint exists.
- Appeals against any council advice, actions or decisions in its capacity as a regulator where a statutory right of appeal or other council appeals/review procedure exists.
- Appeals concerning a matter where an alternative appeals/review

procedure exists, such as an appeal within the council or to an independent tribunal (e.g. the awarding of Housing Benefits).

- A matter which is, or could be reasonably be expected to be, the subject of Court or tribunal proceedings, or which is in hands of the council's insurers. Challenge of a Council or Committee decision would generally be by way of Judicial Review.
- Complaints which constitute a refusal to accept a rule of law which the council is applying.
- Complaints about the conduct of councillors. These should be submitted in writing to the Monitoring Officer.

Data Protection Related Complaints

Data Protection related complaints will be dealt with in consultation with the council's Information Management Officer taking into account the council's statutory obligations and information security policies.

Complaints about discrimination

In the case of complaints about discrimination concerning the protected characteristics under the Equality Act 2010 (i.e. race, religion or belief, disability, sexual orientation and gender identity) the council will take into account its obligations under the Act and related corporate policies and objectives on equality.

2 When can a complaint be made?

- 2.1 With complaints it is far easier to find out what happened and put things right if they are received at the time. As time passes it becomes more difficult to investigate events fairly and fully – people's memories fade, staff who were involved leave the council, or records may no longer be available. For these reasons, the council will normally only accept complaints made within **twelve months** of the incident or circumstances that led to the complaint.

3 Who can make a complaint?

- 3.1 Any individual or organisation that uses or receives a council service and feels disadvantaged, or that they are about to be disadvantaged, through the actions of the council may make a complaint.
- 3.2 A complaint can be made on behalf of the service user by a councillor, advice worker, solicitor or other third party. In some cases (e.g. where the complaint comes from a private individual, whether a relative of the complainant or not) evidence will be needed that the complainant both knows of and consents to the complaint being made and is happy for

information on this matter to be shared with the third party. A consent form (available online or from Customer Services) should be sent out for the complainant to sign and return to the council prior to commencing any investigation.

- 3.3 Elected members are encouraged to use the complaints procedure on behalf of their constituents, as the monitoring and feedback provided is valuable to Services.
- 3.4 Complaints received anonymously will be considered by the Service concerned, any investigation being proportionate to the potential outcome.

4 How a complaint can be made

- 4.1 Complaints can be made by any method of contact, ***a service user should not be told that the council will only accept a complaint if it is put in writing.*** However when an issue reaches Stage 1 of the complaints process the scope of the complaint will be formally agreed with the complainant who will be encouraged to put their complaint in writing. Appropriate support will be given where needed to do this. The council's Talkback form sets out the information required and is available on line and as a paper form.
- 4.2 The council is committed to working within the Equality Framework for Local Government and will make facilities available to assist customers in making a complaint including translation facilities, home visits and information being made available in other formats as necessary.

5 Overview of the complaints procedure

Resolution of problems

- 5.1 All frontline staff should be empowered to resolve problems at the point of service delivery without recourse to the formal complaints procedure.
- 5.2 If a complaint cannot be resolved at the point of service delivery the Service concerned should deal with it as a formal complaint.
- 5.3 In exceptional circumstances (e.g. where it is felt a satisfactory resolution will not be reached) the Chief Executive may ask the Local Government Ombudsman to consider the complaint without it having been through the council's procedure.

Stage 1 Formal Complaints

- 5.4 A senior officer within the Service which is the subject of the complaint should deal with the complaint and inform the complainant of their decision. For appeals against the council in its capacity as a regulator the officer will not have been involved in the decision or action against which the appeal is being made.
- 5.5 The complainant should be advised of any further steps which they may take if they are not satisfied with the decision. The council will normally only review complaints if the complainant responds to the decision letter within 28 days stating why they disagree with the outcome.
- 5.6 Where a complainant seeks a review of the outcome of their complaint, the Service involved may look at the case again and, where the Stage 1 process is considered complete arrange for the case to be independently reviewed as a Stage 2 complaint.

Stage 2 Formal Complaints

- 5.7 The review should be undertaken by a Chief Officer (or their delegated senior officer) which is not the subject of the complaint.
- 5.8 The complainant should be advised of any further steps which they may take if they are not satisfied with the outcome of the review of their complaint, in that they may refer their complaint to an appropriate statutory or local body. This is usually the Local Government Ombudsman or Information Commissioner. However those with a complaint about council housing may refer their complaint to a Designated Person (MP, councillor or tenant panel) to help resolve the complaint. The Designated Person may refer the complaint to the Housing Ombudsman. Alternatively the complainant can wait 8 weeks and refer the matter directly to the Housing Ombudsman.

6 Standards for responding to complaints

- 6.1 Normally, complaints should be acknowledged and replied to on the basis of the format of the original complaint (e.g. an email complaint should be responded to by email).

All complaints should be acknowledged within 5 working days of receipt.

- 6.2 **All complaints should be responded to within 10 working days of initial receipt. This can take the form of a full reply to the complaint or an interim response.**

- 6.3 Where an interim response has been provided, it should indicate when a full reply could reasonably be expected.
- 6.4 If it takes more than 20 working days to respond to a complaint the complainant should be kept informed of progress.
- 6.5 Responses to further correspondence from the complainant should be provided in line with the council's standard for replying to all letters within 5 working days.

7 Complaints involving more than one Service

- 7.1 Where a complaint covers more than one service a single council reply should be provided and this should be co-ordinated by the Service which is the subject of the largest part of the complaint.

8 Complaints involving third parties

- 8.1 Where there is a complaint about a service which the council is responsible for but which is delivered by a third party, the council remains accountable for any service failure.
- 8.2 An agreement should be made with a partner or contractor about how complaints are handled. This should incorporate adherence to this Code of Practice.
- 8.3 Subject to the arrangements in paragraph 8.2 above, a contractor may investigate a complaint.

9 Abusive, persistent or otherwise unreasonable complainants

- 9.1 The council aims to treat all complainants fairly and will, as far as possible, ensure that the substance of any complaint is addressed. However, the council also has a duty to effectively manage public funds by ensuring resources expended on handling complaints are proportionate.
- 9.2 Where the council considers a complainant unreasonably persistent, it will take action to restrict their access to the council's complaints procedure. Examples of unreasonable actions and behaviours include:
- refusing to co-operate with the complaints investigation process;
 - refusing to accept that certain issues are not within the scope of the complaints procedure;
 - making unjustified complaints about staff who are trying to deal with the issue, and seeking to have them replaced;
 - changing the basis of the complaint as the investigation proceeds;

- introducing trivial or irrelevant information at a later stage;
 - frequent, lengthy contacts and repetitive information;
 - submitting repeat complaints with minor additions/variation; and
 - refusing to accept the decision; repeatedly arguing points with no new evidence.
- 9.3 The council will notify complainants deemed unreasonably persistent of the action it proposes, which may include terminating contact with them.
- 9.4 The council welcomes comments but will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants and will take appropriate and proportionate action should such circumstances arise.

10 Replies to complainants

- 10.1 Complaints should be seen as an opportunity to resolve the customer's problem and to learn from feedback and should be responded to in that way.
- 10.2 A reply to a complaint should contain:
- A summary of the complaint
 - Steps taken to investigate the complaint
 - The decision and reasons for it
 - Reference to whether the council upholds, partly upholds or does not uphold the complaint
 - An apology where appropriate
 - Information on any action that is going to be taken to resolve the problem
 - Details of any service improvements as a result of the complaint
 - Details of further stages of appeal if the complainant remains dissatisfied
- 10.3 Where follow up action is promised the person responding to the complaint should ensure that this is carried through.

11 Keeping records

- 11.1 The council aims to resolve issues immediately at the first point of contact thus negating the need to invoke the formal complaints process.
- 11.2 Records should be retained for all formal complaints.

- 11.3 Detailed information on individual complaints should be treated confidentially with access limited to those involved in resolving the matter.
- 11.4 Records on individual complaints should be stored for 3 years from the end of their administrative use.
- 11.5 Mechanisms should be put in place for ensuring that any suggestions for service improvements arising from complaint investigations are considered and followed through as appropriate.
- 11.6 The arrangements for reporting complaints data should assist the council in managing its overall performance.