

**Charnwood  
Borough  
Council  
Corporate  
Complaints  
Policy  
2019**

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## 1. Introduction

Charnwood Borough Council recognises the importance of complaints and welcomes them as a valuable form of feedback about our services and those services provided by our contractors. The Council will use this feedback to continually evolve and provide services to residents in the most effective and efficient ways.

Complaints offer a valuable insight into the Council's delivery of services and the aim of this policy and procedure is to deal with complaints in a fair, consistent and structured manner and provide an efficient and streamlined framework for doing so. It will also ensure that the Council can learn from complaints and develop an enhanced, more beneficial and improved service for customers.

Emphasis is placed on resolving complaints as quickly and efficiently as possible to ensure a satisfactory outcome for those involved. All staff will be equipped with the necessary understanding and training to enable them to identify complaints and to refer matters accordingly.

## 2. Purpose and Scope

This policy applies to all employees working for the Council, including those working from home or at non-Council locations. It also applies to consultants, agency staff and contractors working for the Council while engaged on Council business.

A complaints policy ensures that there is a clear and systematic process by which customers can seek redress for failures in service provision. The aims and objectives of the Council's complaints procedure are to give our customers a fair, consistent and structured process to find a remedy when things have gone wrong.

## 3. Our Objectives

This policy will seek to deliver the following results:

- Provide a resolution in accordance with the timescales stated in the policy
- Resolve complaints at the earliest opportunity
- Increase customer satisfaction
- Learn from our mistakes
- Implement identified service improvements

## 4. What is a Complaint?

A complaint is an expression of dissatisfaction about a council service or the way it was delivered (whether the service is provided directly by the council or by a contractor) which requires a response.

A complaint is any expression of dissatisfaction which requires a response and may be raised by anyone who has been affected by the actions or inactions of the Council. Complaints may, for example, be about:

- The lack of fairness or professionalism of interaction with officers
- Failure to do something we should have done
- Refusal to provide a service or delivery of poor service
- Failure to follow the correct policy or procedure

## 5. Complaints outside the Council's responsibility

Certain types of complaint will not be dealt with through the Council's complaints procedure because there are other processes more suitable for dealing with them, or because they are outside the Council's control. These include:

- Matters of law or central government policy.
- The correct application of Council policy, or to matters for which there is a right of appeal (an appeal within the Council or to an independent tribunal)
- Complaints where the customer or the Council has started legal proceedings.
- Complaints that have already been decided by a court or independent tribunal.
- Complaints from staff about personnel matters, including appointments, dismissals, pay, pensions and discipline. These are dealt with under the Council's HR procedures.
- Complaints relating to Freedom of Information (FOI), Environmental Impact Assessments (EIA) and Data Protection legislation.

Services for which there are alternative statutory appeal or tribunal processes, including:

- Appeals against planning consent and enforcement decisions
- Appeals against statutory notices
- Housing Benefit appeals
- Housing appeals
- Insurance claims
- Parking Appeals/Notices
- Council Tax Valuations and banding

## 6. What is the time limit for making complaints?

It is far easier to find out what happened and to put things right if complaints 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 closely involved may have left 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 it. However, if there are exceptional circumstances provided by the complainant for the delay in submitting the complaint, the Council may make a discretionary decision to consider the matter.

## 7. Is there a deadline for escalating a complaint?

If you are dissatisfied with the response to your complaint at Stage 0 or Stage 1, you can escalate your complaint to the next stage of the complaints process. Escalation requests must be received within 3 months of the stage 0/1 response. Requests made after the three-month deadline will only be considered where there are extenuating circumstances. All requests to escalate a complaint must provide clear reasons for your dissatisfaction.

## 8. Who can make a complaint?

Complaints may be made by anyone who is affected, either because the Council (or someone acting on its behalf) has failed to do something we should have done or have done something to an unsatisfactory standard.

The person affected may choose to ask someone else to complain on their behalf, such as relative, carer or friend.

Complaints can also be made through a Councillor, Member of Parliament, or another elected person. However, correspondence from these individuals will be dealt with in keeping with the procedures for handling MPs and Councillor’s enquiries.

Where appropriate, the Council will seek consent from the service user for us to correspond with any third party on their behalf. This ensures compliance with data protection requirements and that the service user’s wishes are being fulfilled.

Regarding vulnerable adults, who do not have the capacity to consent, we will decide how to progress the matter in accordance with the Mental Capacity Act 2005. Where appropriate, we will signpost complainants to relevant advocacy services

## 9. How to make a complaint?

A key priority of the Council is to improve the efficiency of communication with our customers and we consider that online systems are useful in helping to achieve this aim. As such, we encourage our customers to submit any feedback or complaint via the online form which can be found at

[https://www.charnwood.gov.uk/contacts/comments\\_compliments\\_complaints\\_have\\_your\\_say1](https://www.charnwood.gov.uk/contacts/comments_compliments_complaints_have_your_say1)

Where electronic access is not possible, complaints may be made by telephone, email or face-to-face, by visiting the Council office (during office hours) or by post.

Telephone: 01509 263151

Email: [complaints@charnwood.gov.uk](mailto:complaints@charnwood.gov.uk)

Post / visit:

Charnwood Borough Council, Southfields, Loughborough, LE11 2TX

Complaints received via social media (e.g. twitter: <https://twitter.com/CharnwoodBC>; and Facebook: <https://www.facebook.com/pages/charnwoodbc>) will be forwarded to the relevant service area and handled in keeping with this policy.

A complaint should not be dismissed if it is submitted anonymously. A decision will be made on a case by case basis about whether it is possible or appropriate to consider anonymous complaints.

For more information regarding making a complaint click on the link below:

<https://www.lgo.org.uk/make-a-complaint/top-tips-for-making-a-complaint>

## 10. Time Line

We will acknowledge a complaint within two working days of receiving it. We should receive your complaint as soon as possible but not more than twelve months from the incident which led to your complaint.

The Council's complaints policy has an informal process; Stage 0 and two formal Stages, 1 and 2.

**Stage 0** The Council will direct your complaint to the relevant department and Officer who will respond directly to you. The Council will respond to your Stage 0 complaint within 10 working days of receipt.

**Stage 1** The Council will direct your complaint to a senior officer / manager within the relevant department who will respond directly to you. The Council will respond to your Stage 1 complaint within 10 working days of receipt.

**Stage 2** The Council will direct your complaint to Customer Experience Team who will provide an independent review of the complaint. The Council will respond to your Stage 2 complaint within 20 working days of receipt.

Some complaints may be of a complex nature and will require additional time to those specified above. Where a complaint investigation is likely to exceed the allocated time frame, the investigating officer will advise the complainant in writing of the additional time required and the revised deadline for a response.

## 11. Informal Complaint - Stage 0

If we make a mistake or fail to give someone a service, our priority is to resolve the problem as soon as we become aware. We therefore expect customers to first approach the team

responsible for the service delivery they are unhappy with so that the matter can be addressed.

In situations where the complainant remains dissatisfied with the outcome, the complainant has the right to escalate their complaint to stage 1. This must be done within three months of receiving the Stage 0 response.

The outcome of the informal investigation will be confirmed either over the telephone, face to face or in writing.

## 12. Formal Complaint - Stage 1 Service Review

Stage 1 is the first formal stage of the complaints procedure. If Stage 0 was unable to resolve the issue and the customer wishes to make a formal complaint, or an officer feels the issue requires formal investigation, the complaint must be progressed to Stage 1 which is a Service Review undertaken by a Senior Officer within the relevant service.

The outcome of the investigation will be confirmed in writing clearly stating what decision has been reached.

Where the complaint is upheld the response will contain:

- an explanation of what happened and why things went wrong
- an apology for service failures
- details of the corrective action to be taken and appropriate redress
- the timescale within which the action will be taken
- the name of the officer responsible for ensuring that action is taken and their contact details
- appropriate and clear instructions about anything the complainant needs to do
- where appropriate, details of the actions to be taken to prevent a recurrence of the problem

Where the complaint is not upheld the response will provide:

- background information relevant to the complaint
- an explanation of the decision

The response will also inform the complainant that if they remain unhappy with the outcome or the way the complaint has been handled they have the right to request a review of their complaint under the final stage of the procedure. This must be done within three months of receiving the Stage 1 response.

## 13. Formal Complaint - Stage 2 Independent Review

The aim of the Stage 2 process is to review the handling and outcome of the first stage complaint. The Stage 2 is not intended to re-investigate the complaint nor is it to consider new complaints or information that has not been investigated at stage 1.

All Stage 2 complaints will be reviewed by an independent officer from within the Customer Experience Team. A member of the Customer Experience Team is likely to contact the complainant to discuss the complaint and agree on the matters to be reviewed.

## 14. Ombudsmen

The Local Government and Social Care Ombudsman (LGO) and the Housing Ombudsman (HO) considers complaints about public bodies including local authorities. The LGO investigates complaints about poor service, failure to provide a service and administrative failure. The HO investigates complaints between tenants and a social landlord. If after going through both formal stages of the Council's procedure a complainant remains unhappy with the way their complaint has been handled, they have the right to complain to the Ombudsman.

In most cases, the Ombudsman will normally only consider complaints if the complainant has exhausted the two formal stages of the Council's complaints procedure. However, the Ombudsman has discretion to investigate a complaint prior to the Council conducting its own investigation. For example, where the Ombudsman deems the complainant to be vulnerable or the case raises an issue of general concern to the public.

Prior to approaching the Housing Ombudsman, the tenant (including leaseholders) has the right under the Localism Act of 2011 to refer the matter to a "Designated Person" which is currently a Councillor or MP. The Designated Person may engage with the complainant and the Council in trying to resolve the complaint or referring the matter to the Housing Ombudsman after it has been considered at all stages of the Council's complaints procedures.

The Housing Ombudsman has the right to insist on a cooling off period of 8 weeks after the final stage response before accepting the complaint, unless the tenant has already referred the matter to a Designated Person.

Contact details for the Local Government and Social Care Ombudsman: Web [www.lgo.org.uk](http://www.lgo.org.uk)  
Address PO Box 4771, Coventry CV4 0EH Telephone 0300 061 0614

Contact details for the Housing Services Ombudsman: Web [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)  
Address 81 Aldwych London WC2B 4HN  
Telephone 0300 1113000

## 15. Complaints Remedies

When the Council is at fault, we need to put things right by acknowledging our mistakes and apologising for them, explaining why things went wrong and what the Council will do to prevent the same mistake happening again. This should happen at the earliest possible point in the process.

So far as possible, we will put the customer back in the position they would have been in if there had been no fault. Sometimes it is not possible to do this, and, in such cases, compensation may be appropriate. In other cases, a remedy could include:

- A written apology and full explanation. Where appropriate, this may be conveyed in person and confirmed in writing.
- Taking action that will make up for, as much as is reasonably practicable, any harm or inconvenience caused as a result of the issue that led to the complaint.
- Where a service has been wrongly denied to anyone, or has been wrongly withdrawn, it shall be provided or restored as appropriate.
- Where a complaint has revealed defective procedures within the Council, we will act to change those procedures to prevent a recurrence.
- If the financial loss or damage is specifically attributable to the Council's wrongful action or inaction, the Council shall consider full, or appropriate, reimbursement of that loss or damage.

Where a complainant owes money to the Council, for example for rent or Council Tax arrears, the compensation will be offset against the debt. This will not be the case if there is a legitimate dispute about the debt (for example, there is a benefit claim pending); or if compensation is for a specific purpose (for example, to decorate after repairs); or to replace damaged possessions.

### **Views of Complainants**

The view of the complainant about the remedy will be considered. However, the Council must arrive at its own decision on what would be a satisfactory remedy.

### **Wider implications**

It may be clear that other people, not just the complainant, have been similarly affected. In these circumstances, a similar remedy should be applied to those other people.

## **16. Multiple Service Area Complaints**

Where a complaint involves more than one service, complainants will receive one acknowledgement which will detail how the complaint will be handled. Where possible, we will send a coordinated single response to the complainant. We will advise the complainant of how the matter will be handled when we acknowledge their complaint.

## **17. Performance and Monitoring**

The monitoring and review of complaints give valuable information about customer perception and service performance and identify areas of organisational learning from complaints to drive service improvement.

The Council will collect information on the total number of complaints received across each stage of the process. Number of complaints answered within timescales, and their outcomes, are also monitored.

This information will be used to produce management reports to monitor service performance, highlight areas of service failure and gaps in provision and identify areas for service improvement.

To assist with our service improvement agenda we may, where appropriate, contact individuals who have made complaints to seek their views on their experience of the process.

## 18. Equalities and Diversity

*The Equality Act 2010* places a duty on Charnwood Borough Council to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not share them.
- Foster good relations between persons who share a protected characteristic and those persons who do not share them.

We have sought to do this through our Equalities Policy, which defines our commitments and values and seeks to ensure that fairness and transparency are key elements of this policy. Please refer to:

<https://www.charnwood.gov.uk/pages/equalityanddiversity>

## 19. Data Protection and retention of information

All complaints will be handled in accordance with the requirements of the General Data Protection Regulation and the Data Protection Act 2018. The handling and storage of personal data will be handled and stored in accordance with the Council's Data Protection Policy. Please refer to:

[https://www.charnwood.gov.uk/pages/data\\_protection\\_act](https://www.charnwood.gov.uk/pages/data_protection_act)

Further information is also available through the council's Privacy Notice -

<https://www.charnwood.gov.uk/pages/privacynotice>