

Corporate Complaints and Compliments Procedure

Introduction

Westmorland and Furness Council is committed to putting customers first and is dedicated to providing the best possible service we can. If we fail to achieve this, we encourage people to let us know so we can learn where things have gone wrong and ensure continued improvement of services.

This policy explains the Council's approach to handling compliments and complaints.

We will always try to resolve most complaints at the first point of contact. This gives our services a chance to address issues on an informal basis and in an efficient manner. If this is not possible, this procedure explains how matters can be dealt with formally through the Corporate Complaints Procedure.

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1. Principles

We are committed to putting our customers at the heart of everything we do. To support this ambition, we focus on four key promises:

- To make contacting us easy
- To treat people with dignity and respect
- To take responsibility
- To use customer feedback to improve our services

We accept that sometimes things go wrong and as such we know that effectively managing complaints is central to improving our services.

This document is intended to assist us in achieving our key principles. We make the following commitments in respect of customer complaints:

- Listen to what people have to say.
- Ask people what they want to happen to resolve their concern or complaint.
- Try to agree a plan to resolve complaints in partnership with the customer.
- Tell the customer if we cannot do what they ask and will explain why.
- Treat customers fairly and objectively.
- Treat customers with respect.
- Record all complaints and the outcome.
- Use complaints as an opportunity to learn and improve.
- Make sure people have support and help to be able to make their views known.

We ask Customers to:

- Treat our staff with dignity and respect at all times.
- Be clear about the issues they are raising.
- Provide us with all the information required to help us resolve the complaint.
- Have a clear expectation as to what would resolve the complaint and the outcome that they would like to achieve.
- Report something promptly – we will not normally investigate something that happened over 12 months ago unless there are exceptional circumstances.

2. Policy

The efficient handling of complaints is crucial to excellent customer service and involves everyone within the organisation. This policy will be well communicated internally to ensure that the Council's employees are aware of how to manage feedback.

Customers should be supported and encouraged to make their views known and make comments and suggestions about how services could be improved.

Once a customer has contacted the Council, the team dealing with the complaint will consider the issues raised and decide on the appropriate action to take in each case. We aim to resolve things as quickly and efficiently as possible so this will determine how it is progressed.

2.1 Definition of a compliment

A compliment is any expression of praise or congratulations (for the Council or its staff) that goes beyond positive recognition. We really appreciate it when customers take the time to tell us when things have gone well. It is important for us to celebrate success and continue providing quality services.

2.2 Definition of a concern

A concern is an expression of dissatisfaction about a Council service that can be addressed informally at service level. It does not need to enter the formal complaints process. This approach ensures that the customer receives a response from the relevant service area more speedily and appropriately dependent on the issue raised.

2.3 Definition of a complaint

The Local Government and Social Care Ombudsman defines as complaint as: 'an expression of dissatisfaction about the Council's action or lack of action or about the standard of service'.

Whilst not dissimilar to a "concern" as above, a complaint will require more in-depth action / investigations in order to be able to respond and as such time scales for response may vary. Please see below for further information.

2.4 What can customers complain about?

The list below outlines some of the things people may wish to complain about:

- When we do not provide a service at the level or to the standard laid down by law or Council policy/guidance.
- Whenever we delay unreasonably in answering a query or responding to a request for service.
- Whenever we do not follow Council policies or procedures.
- Whenever we do not take account of relevant matters in coming to a decision.
- When we do not tell people their rights or otherwise treat them unfairly.
- When an employee or someone acting on behalf of the Council is unhelpful or insensitive to a customer.
- When an employee or someone acting on behalf of the Council shows malice, offensiveness, bias or unfair discrimination.

Complaints against contractors employed by the Council will be treated as complaints against the service area employing the contractors. The Council may ask the contractor to respond to the complaint but will oversee the response.

2.5 What is not a complaint?

- A request for a service eg reporting a fault with a streetlight, reporting a pothole, a missed refuse bag collection, a noisy neighbour or request for Home Care services. These service requests will be passed to the relevant department for action.
- A request for information or for an explanation of Council policy / action.
- A matter for which there is a more appropriate legal remedy eg a matter which is (or could reasonably be expected to be) the subject of court or tribunal proceedings or review by a minister.
- A request which is covered by legislation eg Freedom of Information or Data Protection.

- A claim for compensation. In most cases claims for compensation against the authority will be referred to the insurer.

2.6 Complaints outside this procedure

The list below outlines some of the things that should be directed elsewhere

- A matter for which there is a more appropriate right of review or appeal should not follow this procedure. For example:
 - Decisions of the Planning Control Committee (or delegated decisions taken by Officers)
 - Technical matters regarding planning legislation
 - Technical licencing matters
 - Legislation and decisions of the Licensing / Regulatory Committee and Sub-Committees
 - Objections to enforcement action
 - Appeal against a charge for Council Tax or Business rates
 - Parking appeals
- Complaints about a Police and Crime Panel should follow their own complaints procedure.
- Complaints about the conduct of Councillors. These should be referred to the Council's Monitoring Officer.

Complaints about Planning Decisions

A planning decision is binding and there is no right of appeal except by the recipient to the Planning Inspectorate. A third party may challenge a planning decision through judicial review. There is no scope for the Council's complaints process to set aside a planning permission, enforcement decision or other consent under planning legislation.

Complaints in relation to Adult Social Care and Children's Services

Councils with social services responsibilities are by law required to have a separate complaints procedure for social care service users or their representatives. Complaints about Children's Services or Adult Social Care will usually be covered by their statutory procedure rather than this policy.

Complaints in relation to Schools and Education

If you have a complaint with a school or school staff, the first step must be to contact the school directly (the Headteacher or Chair of Governors) to see if it can be resolved informally.

If you are still dissatisfied, you can request a copy of the school's complaints procedure that will help you to submit a formal complaint.

Employee matters

Matters about employment including pay, pensions, dismissal or applications for employment should follow the relevant internal procedure. For example, complaints about Local Government Pensions should follow the Internal Dispute Resolution Procedure and complaints about staff employment should follow the grievance procedure or other relevant policies. The Corporate Complaint Procedure cannot be used alongside these procedures. See the Grievance Procedure or the Harassment Policy for more information.

Staff or teams wishing to complain about a member of staff or team in another directorate should progress this through the appropriate line management arrangements. Employees who believe that there is serious wrongdoing at work by other employees, managers, Councillors, suppliers, contractors or others acting on behalf of the Council should refer to the Council's Whistle-Blowing Policy.

2.7 Who can make a complaint?

- Any person or organisation accessing a service from the Council can make a complaint.
- Anyone acting on behalf of a person or organisation receiving a service from the Council can make a complaint (see below)

Where complaints are made by third parties, such as an elected member or MP, friends or family, the council has an obligation to obtain consent from the person who is the subject of the complaint before disclosing confidential information.

If an enquiry received from an MP constitutes a complaint, it is subject to the same process and timescales as any other and consent will be sought from the customer (as above).

Where a person who is the subject of the complaint does not have capacity to give consent, as defined by the Mental Capacity Act, then a best interest decision will be made about accepting/rejecting the complaint. Any such decisions will be communicated to the complainant.

2.8 How to raise a concern / complaint?

Complaints can be submitted by letter, telephone, email, in person, online form, on audiotape, in Braille or in another language to any member of Council staff.

0300 373 3300

www.westmorlandandfurness.gov.uk

2.9 Unreasonable / Vexatious Behaviour

The Council welcomes feedback and will investigate all complaints with courtesy and respect. Whilst it is recognised that a complainant may be angry and upset with the Council or its staff, and may have issues of genuine concern, it is expected that all representatives of the Council will be similarly treated with courtesy and respect. If it is felt that staff are being treated in an inappropriate manner, then they may need to implement their Unreasonable Customer Policy.

3. Process

3.1 Compliments

Compliments are often provided directly to staff and then forwarded to the team that manages complaints. Upon receipt, compliments are sent to the relevant managers and included in reports and on occasion in Council publications.

3.2 Handling concerns and complaints

Complainants will always be listened to and reassured that their issue is being taken seriously. This policy has a two-stage process.

Stage 1 - Informal Concerns (service resolution)

If a customer raises an issue directly with a member of staff, that member of staff will take ownership and attempt to resolve immediately, for example – if a customer is unhappy with a library issue, they are advised speak to the team at the location. If a staff member is unable to resolve the issue at this point, it should be raised with the team that handle complaints.

When the team who handle complaints receive a complaint directly, they consider any action already taken and possible ways to ensure a speedy resolution for the customer. Complaints will be triaged based on many factors including risk, other statutory processes, availability of information and the best outcome for the customer.

Please note that contact with the team does not automatically mean that the issue will be raised as a complaint, as they will determine the best course of action to resolve the issue in the most effective and efficient manner.

Once it has been determined that the issue is a concern it is at this point the team will record the concern details and send an acknowledgement to the customer within three working days. The concern will be sent to the most appropriate officer within the relevant service to contact the customer within five working days of the complaint being recorded. The Officer will then investigate and provide a response within twenty working days. In exceptional circumstances where this may not be possible, they will communicate with the customer and agree mutually agreed timescales.

At the end of this process, should the complainant remain dissatisfied with the response provided, they can request the matter be escalated to the formal complaints process. In this instance, they should contact the team within ten working days of receipt of the response to make this request, outlining the unresolved issues.

Stage 2 - Formal Complaints

If it is deemed more appropriate for an issue to be considered under the formal complaints process, the team will triage and then decide the most appropriate approach (and level of officer required to meet the customer's expected outcomes). There may also be occasion when a complaint needs to be investigated independently to the service area involved. This is at the discretion of the team handling the complaint. An acknowledgement will be provided to the customer within three working days of receipt, outlining the next steps.

If the issue has previously been investigated at the informal stage and unsuccessfully resolved, it will now be allocated to another appropriate person (AP) who has not been involved in the complaint. Contact should be made with the customer within five working days of the complaint being allocated.

If the issue is being investigated at this stage without having been previously considered informally, an AP will be allocated the case for investigation. The AP will contact the customer within five working days of the complaint being allocated to discuss. Regular communication should take place between the person investigating, the customer and the team managing the complaint, to update on progress. All communication is saved on file.

At this point, the AP will work with the customer to establish their expected outcomes and a mutually agreed response time. The AP will agree actions with the customer and proceed with an investigation to gather all information (if actions cannot be agreed with the customer, the AP will proceed with the investigation and note that this was unable to be mutually agreed.)

Upon completion of a full investigation, the response will be reviewed by an appropriate more senior manager and then provided to the customer in writing. Any agreed actions or learning will be clearly identified by the AP and recorded by the team and implemented by the relevant service (if an action in relation to the complaint is being handled as a separate piece of work, a full response to the complainant should not be delayed and should still be issued within agreed timescales).

This is the end of the Council's complaints process.

Note: There may be occasions where the team choose to deviate from the procedure set out above. For example, where a directorate receive a large number of complaints about a single decision or issue, or where resolution is not achievable for policy reasons, they may choose to provide a more standard written response.

3.3 Local Government Ombudsman

If the Council has not been able to successfully resolve a complaint to a customer's satisfaction, they can contact the Local Government Ombudsman (LGO). They should do this within 12 months of when they first knew about the matter they are complaining about. The LGO will then communicate with the Council regarding the issues.

The Local Government Ombudsman can be contacted by calling 0300 061 0614. More information is available on their website at www.lgo.org.uk