

Complaints Procedure

1. Introduction	1
2. What's covered by this Complaints Procedure and what isn't covered	1
3. How we will deal with complaints.....	2
3.1 Stage 1.....	3
3.2 Stage 2.....	3
3.3 Stage 3.....	3
4. The principles we will follow in dealing with complaints	4
4.1 Identifying a complaint.....	4
4.2 Investigating a complaint and reaching a decision.....	4
4.3 Communicating the decision	4
4.4 Unreasonable conduct	5
4.5 Anonymous complaints	5

1. Introduction

As a local authority, we provide a wide range of services to many customers, from emptying residents' bins, collecting Council tax, paying out benefits, dealing with planning applications, investigating noise complaints and much more.

We aim to provide a consistently good service, but we do not always get it right. There are times when we may not communicate our decisions - and the reasons for them - clearly enough, or our customers may feel that we have not taken account of all the relevant information. Therefore we welcome complaints because they can help us improve. Listening to public concerns is fundamental to the democratic principles that define local government.

Our corporate values of Teamwork, Customer Service, Positive Attitude and Integrity should guide our actions at all times.

2. What's covered by this Complaints Procedure and what isn't covered

As a rule, we will consider complaints under the scheme where the next steps would be for a customer to complain to the Local Government and Social Care Ombudsman. This procedure covers any complaint about a service that the Council provides, unless there is a specific procedure which should be followed instead. We will inform you if that is the case.

This procedure includes complaints about:

- ✓ a failure to provide a service;
- ✓ poor quality of service, including unacceptable or unexplained delays;
- ✓ failure to follow the Council's policies or procedures;
- ✓ the behaviour of a Council employee, or a contractor engaged by us; or
- ✓ allegations of unlawful discrimination.

It does not include complaints listed below:

- ✗ about the conduct of an elected councillor, you should use the Local Code of Conduct Complaints Process – see this link: <https://www.hyndburnbc.gov.uk/how-to-complain-about-your-councillor-2/>
- ✗ that fall within the remit of another Council or Local Authority, such as Education, Social Care and most Highways matters. For Lancashire County Council, see this link: <https://www.lancashire.gov.uk/council/get-involved/compliments-comments-complaints/>
- ✗ about matters which have a separate statutory process such as decisions about planning permission or housing benefit. Any letters about these will advise you about the procedure to follow;
- ✗ about political decisions or the content of Council policies;
- ✗ from Hyndburn Borough Council staff unless they are complaining as external users of Council services. We cannot consider HR matters (such as employment or disciplinary issues) under the Complaints Procedure;
- ✗ anonymous complaints, unless there are valid reasons to deal with these ([see below](#));
- ✗ made by one internal service about another;
- ✗ where there is a better alternative means of redress, such as via the Police or a court;
- ✗ about a matter that has been decided by a Court or Tribunal;
- ✗ that are more than one year old. You should let us know as soon as possible if there is a problem. If you have left it more than 12 months since knowing about the problem, but explain why, we will use our discretion when deciding if we will consider your complaint;
- ✗ where the matter has not affected you personally or caused you an injustice. However, we would deal with complaints made by Elected Members and Members of Parliament on behalf of individual constituents if they are covered by this procedure.
- ✗ where there is any investigation, review, potential prosecution or regulatory compliance action against the complaint, by the Council, in relation to our statutory functions, until those proceedings are fully concluded (including any appeal proceedings);
- ✗ about the way a Freedom of Information (FOI) request has been dealt with. The FOI complaints procedure is triggered when a requestor expresses dissatisfaction with the outcome of their request. Under Section 50 of the FOI Act any requestor has the right to make a complaint about the way we have dealt with their request to the Information Commissioner's Office (ICO).

3. How we will deal with complaints

The key stages in how we will deal with a complaint are as follows, and outlined further in the [next section](#):

- Identifying the complaint
- Investigating the complaint
- Making and communicating the decision
- Putting things right

Throughout the process, if we become aware that a complainant requires additional support or any adjustments, because of a disability or other protected characteristic¹, then we will do what we reasonably can to make appropriate adjustments.

3.1 Stage 1

If you have a specific query, comment or suggestion regarding our service, you should contact the team who dealt with the matter. In most cases, we will be able to deal with concerns quickly, 'on the spot', by the first member of staff the customer deals with. This can save a great deal of time, distress and cost.

Where we have not been able to resolve your complaint with an early resolution, we will respond to you **within 10 working days**. If we respond to you by phone, we may send a follow-up email or letter with a summary of the conversation. If we cannot respond in 10 working days we will let you know that there is a delay and when you can expect a response.

If you have a serious complaint, or a case where we have previously corresponded with you, this may go directly to Stage 2.

3.2 Stage 2

If you are not happy with the response you receive at Stage 1, you can contact us within a month and ask for an investigation at Stage 2.

We need to know:

- which part of the complaint you feel wasn't handled well;
- what impact this has had; and
- what action you would like to be taken.

An officer not previously involved, usually a Team Leader or Manager from within the service concerned, will write to you with the outcome of the investigation and any actions resulting from it. We may ask an independent service manager to look at the complaint instead – we will decide on this depending on the circumstances. The Stage 2 officer may also require further advice: for example, any complaint that involves possible unfair treatment on the basis of the Equality Act 2010 will draw upon appropriate advice from the operational lead for Equality and Diversity, or advice may be needed from the Council's legal team.

We will aim for **20 working days** for this response and explain the reasons if there is a delay.

3.3 Stage 3

If you are still unhappy you can contact the Local Government and Social Care Ombudsman: <https://www.lgo.org.uk/>. We will give you details in our stage 2 response about how to do this.

¹ The Equality Act's 'protected characteristics' are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief and sex and sexual orientation. It also covers marriage and civil partnerships, but not for all aspects of the duty.

4. The principles we will follow in dealing with complaints

4.1 Identifying a complaint

A complaint is 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.

- We will check our understanding of the issue the complaint has raised, either by written / email correspondence or a conversation, and we will proceed on that basis.
- We will advise the complainant if they should be using a different process or complaining to a different organisation.
- We will try to identify opportunities to resolve the complaint at the earliest opportunity, if we can.
- We will answer any questions about the process.

The officer should try and understand the complaint from the complainant's perspective. Putting yourself in the shoes of the complainant can help provide a better response or solution. We know that people want to feel that the Council has listened to them, not simply set out to justify its actions.

4.2 Investigating a complaint and reaching a decision

We will determine each complaint on its own merits. Our investigations will be proportionate and pragmatic. We will aim to identify and act on learning opportunities from complaints.

The officer dealing with the complaint will seek information on:

- (i) What happened, using evidence from the following sources, as appropriate:
 - The complainant or representative
 - Members of staff
 - Relevant third parties
 - Case records
 - Correspondence (Emails / phone records / letters)
- (ii) What **should have** happened, based on:
 - Legislation and case law
 - Government, Ombudsman's and other professional guidance
 - Council policies and procedures
- (iii) How the claimant has been disadvantaged by any failure and what the Council can do to put it right. If we have made a mistake, we will need to apologise and try to put the complainant back in the position they would have been, if this had not happened. We should also try to make sure this does not happen again, which might mean reviewing our procedures or training staff.

4.3 Communicating the decision

When the investigation is complete, the Stage 2 officer will issue a response.

In most cases, they will respond by letter or email. If the complainant has told us about specific support needs, the officer will consider alternatives, such as a meeting to discuss the findings.

The Stage 2 officer will write their decision letter, aiming to avoid jargon and use clear, plain English. As a guide, the letter should include:

- the details of the complaint;
- the steps they took to investigate the complaint;
- that information they considered;
- their decision and the reasons for it;
- whether they find the complaint or part of it to be upheld and how the Council will try and put things right;
- an apology, if we have got it wrong or could have handled the matter in a better way;
- any changes proposed to processes and procedures following the complaint; and
- how the complainant can challenge the decision, if they disagree.

4.4 Unreasonable conduct

Most people complain in genuine good faith and are reasonable in how they behave, even though they may be very upset or frustrated.

We understand that feelings can run high and frustration may spill over. The complainant may be facing other difficulties in their life, or have faced trauma in the past, that influences their reaction. We will be sensitive to this possibility and ensure that we remain respectful and courteous. However, unreasonable conduct can slow down or prevent a proper consideration of the complaint, if people behave unacceptably, or are unreasonably persistent in their contacts and submission of information.

The Council also has a duty of care to its staff. This includes protecting them from any threats, malicious complaints, harassment or abuse. We may put special arrangements in place if a complainant makes repeated and / or vexatious complaints.

We ask staff to report such incidents and will take appropriate action to support them. This can include restricting contact methods. We will write to the complainant if this occurs, explaining why the decision has been taken, how long any limits will last, and how the decision can be reviewed.

4.5 Anonymous complaints

It will often not be possible to deal with a complaint under this procedure, if it is made anonymously, because we will not be able to look at the full background and records. Each case will be dealt with on its own circumstances.