

# **Corporate Complaints Policy**

***The Borough Council of King's Lynn and West Norfolk is committed to resolving complaints fairly, quickly and where possible, informally. We will do this by listening to you and explaining our decisions***

# Our Policy

## Introduction

The Borough Council of King's Lynn and West Norfolk (hereafter call the council), aims to provide excellent services to customers and deliver those services right first time. Occasionally things do go wrong so we welcome and recognise the importance of customer feedback. The council will ensure officers take ownership of complaints and respond positively to our customers' needs and expectations. We will work with you to resolve issues. This is an integral part of the service we provide.

The council will respond to complaints promptly and efficiently, resolving complaints quickly wherever possible. We will use the information received from complaints to drive improvements.

For the purpose of this document, the term complainant refers to any person making a complaint, for example, a resident or service user.

### 1. What is a complaint?

A complaint can be formal or an informal approach regarding resolving a problem or dispute.

The council has a two stage complaints procedure. Stage 1, which will be investigated by the appropriate department and Stage 2, Appeal to the Chief Executive or their representative.

The council has adopted the following definition from the Local Government and Social Care Ombudsman.

*"A complaint or concern is an expression of dissatisfaction about an act, omission or decision of the council (whether that is provided directly by the council or by a contractor or partner) either verbal or in writing, and whether justified or not, which requires a response".*

Complaints about council services are processed in accordance with the requirements of the General Data Protection Regulations, the Data Protection Act and associated council policies.

A complaint could for example, be in respect of:

- A delay in taking action without good reason
- A failure to provide a service
- Mistakes in the way a decision has been taken
- Not following the law of the Council's own policies
- Giving incorrect or misleading information
- Bias or unfair discrimination (Equalities Act 2010)
- Rude, unhelpful, or inappropriate behaviour by staff
- Poor communication
- The conduct of staff when delivering the service

Some issues cannot be covered by this complaint policy. For more information on these exceptions, please go to section seven of this policy.

## **2. Initial Stage**

The council takes complaints seriously and places a strong emphasis on contacting the customer at the early stage of receiving a complaint. At this stage, whenever possible, we will contact you by telephone and talk to you about the issue causing you concern. We will look to resolve the matter for you quickly and without the need for escalation to the formal complaints process.

Matters reported to the council to take action, for example, reporting fly tipping or dog- fouling etc., are classed as a service request and will not be considered as a complaint unless these issues have been reported previously with no resolution. The council will aim to deal with such issues informally and within five working days.

When a matter remains unresolved or is complex and needs further investigation, we will register the matter as a formal corporate complaint. Your complaint will be passed to the relevant department to consider and a formal response will be sent.

## **3. How the council will deal with your complaint – Formal Stage**

The Corporate Complaints process consists of two stages:

### **Stage One**

At Stage One, the investigation involves the complaint being considered by an experienced officer from the department the complaint is regarding. In cases where the complaint concerns more than one council service, the council will ensure that the response is coordinated and a collective response will be given to all issues raised.

The council will acknowledge receipt of a complaint within 2 working days. The acknowledgement will provide the timeframe for a response.

We will respond to a Stage One complaint within **15 working days**. We aim to resolve most complaints during this stage.

### **Stage Two**

If the complainant is dissatisfied with the outcome of the Stage one response, they can request to escalate their complaint to Stage two, Appeal to the Chief Executive or their representative, which is the final stage of the council's internal complaints process. The complainant must specify the reasons for wanting to proceed to Stage two. Simply stating that they are unhappy with the response received or just exercising the right to escalate to the next stage are not justified reasons to initiate a Stage Two investigation.

A Stage Two request must be made within 1 calendar month of the date of the Stage One response. The complainant is required to explain why they remain dissatisfied and, where appropriate, provide clear reasons for escalation. The appointed officer will then determine whether the Stage 1 reply has provided a full and comprehensive response or if there are elements the response has not considered. If the officer investigating at Stage 2 believes there are other elements which require a response, then the complaint should be considered at Stage Two. The decision to accept a Stage Two complaint will be made promptly and should take no more than 2 working days. If we cannot accept your complaint, we will write to you and tell you why.

Following the acceptance of a Stage two complaint, the Chief Executive will delegate the investigation to a Senior Officer to conduct the investigation. The officer will not have had any previous involvement with the case.

The investigating officer will review the entire case, such as the original complaint, any background information relating to the complaint matter, the response provided at Stage One and any other information, which has relevance to the complaint.

The investigation will be conducted on behalf of the Chief Executive.

The Chief Executive will be given full details of the complaint and the response will be discussed and agreed prior to it being sent.

The timeframe to respond to a Stage two complaint is **20 working days** from the date of receipt. If the investigation will take longer than this, then the customer will be informed and given a timescale in which to expect a response.

#### **4. Who can make a complaint?**

A complaint may be made by:

- A person who is affected by our services
- An individual or organisation acting on behalf of someone (written consent is required)
- A councillor or a Member of Parliament (MP) on behalf of their constituent
- An organisation that has been impacted by our services

#### **5. How to make a complaint**

If you wish to talk about an issue you are experiencing, please firstly speak to an officer in the department concerned. We will try to resolve matters promptly and prevent them from escalating. You can do this by contacting the [Council Information Centre](#).

If you wish to make a complaint, the quickest and easiest way to do this is by completing the [online complaint form](#). You can also email [complaints@west-norfolk.gov.uk](mailto:complaints@west-norfolk.gov.uk) or send a letter to:

Democratic Services  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
PE30 1EX

- 5.1 Alternatively, a customer can make contact with the Local Councillor who can then raise the matter on their behalf. You can find out who your borough and county councillor is [here](#).

#### **4. Accessibility**

In the event you wish to make a complaint, it is useful to put the details of your complaint in writing. If you do not feel comfortable doing this or experience difficulty, you can:

- Appoint an advocate to act on your behalf
- Ask your local Councillor to act on your behalf
- Ask a friend, carer or family member to help you
- Ask an organisation such as the Citizens Advice Bureau or Age Concern to assist

The council does not require consent of an individual to disclose their personal information to a Councillor. It is considered that the individual has provided implied consent to the processing of their personal data that is reasonably necessary to pursue the complaint. We will require written consent from any other third party to act on behalf of an individual.

## 5. Complaints that cannot be considered under this policy

There are certain types of issues and complaints that fall outside this policy. This list is a general guide but not exhaustive and includes matters such as:

- A request for a service (e.g., a report of a single service failure such as a missed bin collection or reporting fly-tipping); or issues that can be resolved informally
- Objections about a provision for which there is an alternative process, e.g. appeals, reviews or tribunal processes
- A complaint where the complainant has started legal proceedings in respect of the matter being complained about
- A complaint that is already subject to a court or tribunal ruling
- Allegations of internal or external fraud or corruption
- A Code of Conduct complaint about a Councillor. These should be made to the council's Monitoring Officer via this [form](#) who will determine if there is a case to answer
- A complaint by a member of staff about a personnel matter, including appointments, terms, and conditions of employment (or disciplinary issues).
- A complaint about a council policy e.g. the council's implementation of a Government policy as these are often open to interpretation
- Insurance claims

Examples of issues not covered by the Corporate Complaints Policy:

- A claimant complaining about their benefit award. This should be classed as a benefit appeal
- Appealing a car parking fine. There is a defined process for this.
- Outcome of a planning application. This would be a planning appeal.
- Complaint about the council tax banding. This should be directed to the Valuation Office Agency.

When the council cannot consider a complaint under this policy, you will be advised and provided with any alternative options that may be available.

## 6. Complaints and Enquiries from an MP or Councillor

The complaints policy is intended for individual citizens to seek resolution to an issue. A Member of Parliament (MP) or Councillor can make a formal complaint or enquiry on behalf of a constituent. However, when a constituent has requested an MP take up a matter on their behalf, these will not be registered as a corporate complaint, but as an **MP enquiry** which will be logged individually and recorded separately. A response will be sent to the MP directly within **20 working days**. Confirmation of the customer's permission to disclose information to the MP will be required.

## **7. Timescales for making a complaint**

Complaints should be made no later than twelve months after the date on which the matter occurred. However, this is flexible, and an officer can still consider a complaint at their discretion after that timeframe if there are genuine reasons for the delay and the officer believes the complainant has a strong case for making a complaint. The officer may also consider there are actions for the council to take following the complaint (or lessons learnt for the council), therefore a complaint will not be disregarded just because it has been made late.

## **8. Outcome of Complaint**

A complaint may be upheld, partially upheld or not upheld. This means that the complaint may be completely justified, partially justified or not justified at all. Any response to a complaint will determine and outline whether a complaint was justified or not, with clear reasons why.

Where complaints are upheld or partially upheld, the remedy needs to be appropriate to the complaint, taking into account the customer's desired outcome. The Local Government and Social Care Ombudsman offers this general principle for guidance:

*"Where we find that an injustice has been caused by maladministration, we seek a remedy that would, so far as possible, put the complainant back into the position he or she would have been in but for the fault"*

The Ombudsman's guidance is to ensure that following the complaint being found justified, that the complainant has not been subject to detriment or financial loss as a result of the issue they have complained about.

## **9. Local Government and Social Care Ombudsman and the Housing Ombudsman Service**

If the complainant remains dissatisfied with the response following the Stage two response, they can escalate their complaint to the Local Government and Social Care Ombudsman Service or the Housing Ombudsman Service. These services are external to the council. Contact details for the appropriate body will be provided in the council's Stage two complaint response.

The Ombudsman's service is the final stage for complaints about the council and their investigations are independent of the council. The Ombudsman service will assess the complaint and advise the council if they decide to initiate an investigation.

The Ombudsman will normally only consider complaints once complainants have exhausted the council's complaints process.

If the Local Government and Social Care Ombudsman (LGSCO) or the Housing Ombudsman Service (HOS) become involved, all contact is made directly to them. The council must submit a response to the LGSCO or HOS within **20 working days** of receipt.

## **10. Complaints about the conduct of Councillors**

The council's Standards Committee is responsible for considering complaints where a Member may have breached the Councillors Code of Conduct. If you think a Councillor has broken their Code of Conduct, you can report them to us using this [form](#).

#### **11. Complaints by persistent or vexatious customers**

The council has a separate policy and procedure as to how it manages customers who may be either unreasonably persistent or vexatious. The link to this policy can be found [here](#).

#### **12. Social Media Complaints**

Some customers may raise issues/complaints via the council's social media outlets such as Facebook or twitter. These are usually service requests, which are straightforward to resolve. However, if it is clear, it is a complaint, wherever possible, the council will attempt to take the complaint offline and communicate with the customer via email. This is to ensure that Data Protection is considered, and personal information is not published in a public domain. The customer will be requested to complete a complaint form to enable the council to consider the complaint according to the full process.

#### **13. Performance, monitoring and transparency**

The council will capture the following information and where possible, on our complaint management system:

- Date of receipt
- Name, address and contact details of the customer
- A copy of the acknowledgement and all other documents as they are sent
- Notes of contact with the customer
- Details of the resolution
- Closing date

This data will be used to produce management information to monitor service performance, highlight areas of service failure and inform service improvement.

**13.1** An annual report of complaints highlighting any trends, or areas of concern will be produced annually for the Corporate Performance Panel.

#### **14. Relevant Legislation**

There are key areas of legislation that the council must follow in the course of handling customer complaints.

##### **14.1 General Data Protection Regulations**

The General Data Protection Regulations provides protection for personal information and customer's ability to access the information held about them. The general principles are:

- That information held will be processed fairly, lawfully and in a transparent manner

- That information is collected for specific, explicit and legitimate purposes
- That information is adequate, relevant and limited to what is necessary
- That information held is accurate and where necessary, kept up to date
- That information is retained for only as long as necessary
- That information is processed securely, protected against unlawful or unauthorised process and again accident, loss, destruction or damage

## **15. Freedom of Information**

The Freedom of Information Act 2000 gives people the right to access information held by public authorities. The Act ensures that, subject to certain limited exemptions, anyone can receive information that they request from a public authority. The council is committed to the principles of openness, transparency and accountability in its activities and supports the right of any person to seek information under the Act.