

# Corporate Complaints Policy and Procedure

## 2021 – 2024

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## 1. STATEMENT OF PURPOSE

This policy covers all formal complaints. It sets out how formal complaints will be dealt with, the timescales, and who should be involved in handling the formal complaint.

A complaint, for the purpose of this policy, is defined as:

*An expression of dissatisfaction about the standard of service, actions or lack of action by Herefordshire Council, our staff or contractors.*

This policy is a statement of what the council does to ensure it handles formal complaints effectively, and to inform all council staff, members and contractors of their responsibilities when receiving and responding to formal complaints. This document also informs members of the public of the process that the council has established for handling formal complaints.

This policy provides a framework within which the council will ensure formal complaints are handled effectively. Incorporating guidance from the Local Government & Social Care Ombudsman (LGSCO) it will underpin operational procedures and activities connected with its implementation.

This policy aims:

- To provide an effective means for a customer to make a formal complaint about how services could be improved in the future.
- To ensure complaints are dealt with in a courteous and efficient manner and are resolved without avoidable delay.
- To use resource to best effect when a customer is dissatisfied with a service.

Complaints give us valuable feedback in our continuing bid to develop high quality services and help to give customers confidence that they will be given a fair hearing within agreed timescales.

The policy seeks to create a positive approach to complaints. Complaints can be a means to continuously review and improve the services we offer. By listening to customers and using insight into peoples' experiences mistakes can be resolved faster, new ways to improve can be learned and the same problems can be prevented from happening in the future.

## 2. BACKGROUND

### What is covered by this policy & procedure?

- 2.1 Formal complaints about Herefordshire Council will be handled by the Complaints Team within the Corporate Centre which will be the single point of contact for the customer. A Complaints Officer will acknowledge the complaint, agree a timescale, assign an investigating officer, assess risk, ensure that a fair investigation takes place either by a service manager or by a complaints manager, quality check all responses, and communicate with the customer.

- 2.2** This includes formal complaints about Children's Services and Children's Social Care where there is no direct impact upon the child or young person.
- 2.3** Complaints regarding work other organisations carry out on the council's behalf may be investigated by the organisation concerned or the council team commissioning that service in the first instance, however, final stages of the complaints process will be managed by the Complaints Team. This includes organisations such as Hoople Ltd, Balfour Beatty Living Places, FCC, ACE adoption, adult social care providers and bailiffs.
- 2.4** This policy also covers second stage appeals for financial assessment for adult care and support charges.

## **What is not covered by this policy & procedure?**

- 2.5** Complaints about Children's Social Care that evidence that there has been a direct impact on the child, or young person, and qualify under the Children's Act statutory procedure, will be processed under the [Children's Representations & Complaints Procedures](#).
- 2.6** Complaints about councillors will be dealt with under a separate [Standards Complaints procedure](#).
- 2.7** Any informal complaints, enquiries, comments or compliments should be recorded, monitored and resolved by the service area. The Assistant Director responsible for the service area should be informed by the service area of any informal complaints, comments or compliments so that learning and improvement can be shared.
- 2.8** Internal complaints, comments and compliments are not covered by this policy and procedure.
- 2.9** Complaints that employees may have about Herefordshire Council as an employer should be made through the grievance procedure, or other internal channels. However, members of staff have the same rights to complain about the council's actions or services as other residents or members of the public.
- 2.10** For complaints regarding standards of spoken English, the Code of Practice on the English Language Requirements for Public Sector Workers states that for the purposes of the fluency duty, a legitimate complaint is one about the standard of spoken English of a public sector member of staff in a customer-facing role. A complaint about accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint about the fluency duty. Complaints that are without foundation and / or which are intended to result in harsh or wrongful treatment of the person who is the subject of the complaint must not be taken forward.
- 2.11** The following are covered by different procedures and are exemptions to the complaints policy and procedure, so we may not accept these types of complaints:
- Complaints from organisations that we commission and the complaint is about their funding or related issues.
  - Children's complaints (see [separate policy](#)).
  - Complaints about schools - complaints about schools will be managed by the school and they should be contacted directly to follow the school's complaint procedure.
  - From employees about issues relating to their employment.

- From councillors, unless they are complaining as ordinary members of the public or as an 'advocate' (representing the interests of someone else).
- Where legal limits are in place, for example:
  - Refusing planning permission.
  - Cases where legal action has already started.
  - Court decisions, outcomes and proceedings.
  - Cases covered by our insurance procedures.
  - Compensation claims.
  - Parking and traffic offences; penalty charge notices.
  - Refusing to issue disabled badges for parking exemption.
  - Where the complaint has already been dealt with in another way.

## Handling Complaints

**2.12** There are 7 overriding principles to good complaints handling that will be followed at all times:

1. Being customer focused.
2. Getting it right.
3. Acting fairly and proportionally.
4. Being open and accountable.
5. Putting things right.
6. Improving services as a result
7. Being efficient with the use of public funds.

**2.13** Our customers may find it difficult to talk about their views or concerns, they may be worried that complaining will lead to a reduction in services or care; equally they may find it difficult to speak out because of things like how their disability affects them, their language or their level of communication skills, or how their racial, cultural or religious background, age, gender or sex are viewed. The Complaints Team will ensure that all of these issues are taken into account and will provide a service that is fair and equitable, irrespective of an individual's needs, beliefs, age, sexual orientation or race.

**2.14** Customers have the right:

- To be treated with dignity and respect.
- To confidentiality (if an investigation cannot proceed without the complainant being identified, the complainant will be given the option whether or not to continue).
- To have any complaint dealt with efficiently and have it properly investigated within agreed timescales and to be updated and consulted if those timescales need to change.
- To know the outcome of any investigation into their complaint.
- To be kept informed of the progress of their complaint.
- To receive an apology if a complaint is upheld.
- To be informed of any changes to our policies or procedures arising from a complaint.
- To take their complaint to the LGSCO if they are not satisfied with the way their complaint has been dealt with.

**2.15** This complaints policy does not affect the right of an individual or organisation to approach a local councillor or Member of Parliament for advice or assistance. If this results in a complaint being made by, or on behalf, of an individual, it will be dealt with using this procedure.

- 2.16** Council staff have the right to be treated with respect and courtesy and to be spoken to without the use of abusive language by both customers and other staff at all times. If a complaint includes abusive language e.g. swearing, threatening violence and damage, or insults about a person, the complainant will be asked to reword the complaint and the complaint will not be dealt with until done. The council can also report the complaint to the police if threatening. The [Unreasonable Behaviour Policy](#) provides further details as to what the council deems to be acceptable and unacceptable behaviour.
- 2.17** Where a complaint forms part of, or relates to any legal action being undertaken, we reserve the right to delay or suspend investigation of the complaint if it could have an impact on the legal process.

## **Risk Management**

- 2.18** One of the key aims of this policy and procedure is to minimise risk to safety and enhance the quality of services and care provided to customers. This policy therefore is a crucial part of the overall strategy and approach to the management and minimisation of risks identified or arising from complaints.
- 2.19** Specific risks related to the application of this policy and procedures are:
- Delay or failure to respond appropriately to complaints in accordance with regulations, leaving the organisation open to potential action by the LGSCO.
  - Not addressing concerns raised, resulting in loss of public confidence.
  - Failing to identify risks or safety issues and address or reduce them.
  - Failing to identify trends or recurrent themes identified from complaints and other forms of service user feedback.
  - The need for confidentiality vs the requirement to refer safeguarding concerns appropriately.
- 2.20** In accordance with risk management procedures, all complaints will be graded according to the seriousness of the risk presenting from the issues raised..

## **3. PROCEDURE FOR RESPONDING TO FORMAL COMPLAINTS**

- 3.1** It is for the customer to decide whether or not to make a complaint. Any employee should remember that reporting a fault or a problem is not necessarily a complaint, but may simply be a request for service. Some examples of complaints may be:
- We have not achieved the standard we say we will provide.
  - We have not provided the service to the standard which the customer / service user thinks is reasonable.
  - We are doing something which the customer did not want us to do.
  - We are carrying out our duties in an unsatisfactory way in their view.
  - Our staff or contractors are behaving in an unacceptable way including rudeness, violence or aggression .
  - We fail to do something the council is committed to.

- 3.2** Complaints should be made within 12 months from the date on which the matter occurred, or the matter came to the notice of the complainant.
- 3.3** If our customers feel or appear to be at any sort of disadvantage in being able to express themselves, we will offer them the help and support they need to have their concerns listened to and understood. This may include translation or interpreting services, or referral to sources of local independent advocacy and advice, such as Onside Advocacy who provide a free and confidential service for people in Herefordshire if support is needed to make a complaint about adult social care and health care. Advocacy for children will be made available via the Children's Rights and Advocacy Team.
- 3.4** Anyone who wishes to make a formal complaint may do so in writing by using a complaints form on the council website, letter or email. Formal complaints should be sent to the Complaints Team.
- 3.5** If someone contacts an employee, service or councillor to make a formal complaint they should be directed to the website to complete the web form. Where a formal complaint is received direct by an employee or service area other than the Complaints Team, the employee should forward the complaint to the Complaints Team immediately, ensuring that all the relevant details are recorded and forwarded to the Complaints Team. In the case of Customer Services, this would be via the CRM system.
- 3.6** On receipt of a written complaint that is passed on in person, the customer should be advised that it will be sent to the Complaints Team who will contact them to arrange how the complaint will be managed.
- 3.7** All formal complaints will be referred to the Complaints Team to ensure that they are recorded, tracked and monitored, and that any learning can be shared across the Council.
- 3.8** Anonymous complaints may be considered whistleblowing and dealt with accordingly.
- 3.9** If complaining on behalf of someone else we will require consent and authorisation in writing before we process the complaint further.
- 3.10** Where a complaint is made direct to the Complaints Team about an organisation providing Adult Social Care services on behalf of the council, the Complaints Team will discuss with the complainant how the complaint will be handled. Decisions will be considered based on the complainant's views along with the best process of resolving the complaint, but no information will be shared with the provider unless consent has been given by the complainant.
- 3.11** Where the Complaints Team decides to manage the complaint, they will notify the complainant and the provider.
- 3.12** If the Complaints Team decides it is more appropriate for the complaint to be handled by the provider, with the consent of the complainant it will notify the provider and the complainant.
- 3.13** When the provider receives the notification:
- The provider must handle the complaint in accordance with this policy.
  - The complainant is deemed to have made the complaint to the provider.
  - The Complaints Team should be informed of the outcome.

- 3.14** Where the complainant wishes the Complaints Team to investigate the complaint this will be commenced in conjunction with the provider once consent has been received from the complainant to share the information. The provider must have the opportunity to respond to the complainant. Once the investigation is complete, the Complaints Team will inform the complainant of the outcomes.
- 3.15** Where the services are provided by Herefordshire Council, the formal complaint must be managed by the Complaints Team.
- 3.16** All complaints will be recorded on a single system (CRM) for tracking, monitoring and reporting purposes.
- 3.17** The Complaints Team will send a written acknowledgement to the complainant normally within 5 workingdays of receipt into the council. The Complaints Team, if they deem it to be necessary and appropriate, may also offer to discuss the complaint over the telephone or in person, to identify and agree the points for investigation and the complainant's desired outcomes. Where complaints involve a simple investigation and response, the acknowledgement letter from the Complaints Team will outline the proposed action and this will be the complaint handling plan.
- 3.18** The Complaints Team will then appoint an investigating officer. The investigating officer will, in most cases, be the manager of the service being complained about because of their specialist knowledge. The Complaints Team will liaise with the Service Director, Service Manager or Head of Service responsible for the appropriate department if it is inappropriate to use an investigating officer in the service area concerned. If the complaint is too general, the investigating officer may need to contact the complainant to agree a statement of the complaint, so that points for investigation and the complainant's desired outcomes can be agreed.
- 3.19** The investigating officer will undertake an investigation in line with the timescale agreed with the complainant and recorded by the Complaints Team – in general, this is in 15 days but more complex complaints could take longer which will be explained to the complainant in writing by the Complaints Team. Investigating officers are encouraged to include in their response information they have referred to in their investigation; as appropriate and where it is not confidential.
- 3.20** The Complaints Team will review the response and outcome before providing a formal response to the complainant (this may involve the Complaints Team requesting further clarification or additional information from the investigating officer or the service involved).
- 3.21** The Complaints Team will send out the response to the complainant with a covering letter stating that at this stage the complainant will have 10 working days to respond if they are dissatisfied with the outcome.
- 3.22** If there is no further communication after the specified 10 working days, the Complaints Team will close the complaint.
- 3.23** If the complainant is dissatisfied with the response clear reasons need to be given for the dissatisfaction. The Complaints Team will consider the points made and arrange further investigation if this would add value.
- 3.24** Where the council have investigated and taken all reasonable actions and the complaint remains unresolved, the complainant will be advised that the case will be closed and the Complaints Team will provide the complainant with details of the LGSCO should they wish to refer the issue.



- 3.25** If a complaint regarding staff actions or behaviour is found to be valid, then the issue will be referred to the appropriate corporate human resource policy / procedure, such as the capability or disciplinary procedure, and investigated. This will be regarded as an outcome for the complaints procedure.
- 3.26** We will make every effort to resolve customers' complaints and ensure that they are investigated fully and fairly first time. However, the council will not accept multiple complaints by the same person on the same or similar subject in the interest of managing council resource to best effect for the wider population.
- 3.27** The Complaints Team will record action and learning resulting from complaints as identified by investigating officers in completed Learning Templates (see Appendix 2). These will be reported at directorate management meetings and shared with directors and senior managers on a regular basis.
- 3.28** If the complaint is unable to be resolved, or a person is not satisfied with the handling of the complaint (at any stage), they can ask for the LGSCO to review the matter.
- 3.29** For monitoring purposes, the Complaints Team will log the date of receipt by the Council of the LGSCO request and the date the information is returned to the LGSCO.
- 3.30** The complaint may be withdrawn in writing at any time by the complainant. In these circumstances, the council will decide on whether or not it wishes to continue considering the issues that gave rise to the complaint through an internal management review. The council will then use this work to consider the need for any subsequent actions in the services it delivers.
- 3.31** Should the complainant then seek to reinstate the complaint the council can use the review to produce a response as necessary.
- 3.32** Details of the [complaints handling privacy notice](#) can be found on Herefordshire Council's website.
- 3.33** Complaints will be kept electronically securely by the council for 6 years after the final resolution of the complaint.
- 3.34** All communication will be digital unless specifically requested otherwise by the complainant.

## Handling Unreasonable Complaints

- 3.35** We operate a zero tolerance policy with regards to physical, verbal or written abuse towards employees and councillors.
- 3.36** Where, despite our best efforts to resolve a complaint, the complainant becomes abusive, unreasonable or vexatious, staff will follow the separate policy for dealing with [unreasonable complainant behaviour](#).
- 3.37** Where a complaint is deemed vexatious, the complainant will be informed of the decision in writing and given clear information about how they should contact the council in the future.
- 3.38** If contact and correspondence is threatening this could be reported to the police.

## **4. ROLES AND RESPONSIBILITIES**

### **4.1 Management Board**

The Management Board will be responsible for ensuring that the council complies with its responsibilities with regards to formal complaints handling, through monitoring of activities via at least bi-annual reporting by the Information Access & Records Manager or their representative.

### **4.2 Directors / Service Directors / Heads of Service / Service Managers / Team Leaders**

All directors / service directors / heads of service / service managers / team leaders will be fully aware of their responsibilities with regards to complaints handling. They will ensure that:

- They carry out complaints investigations, or provide information for such investigations when asked to do so by the Complaints Team, within the agreed timescales so that responses can be sent out in a timely manner.
- They complete and return the Learning Template (Appendix 2) to the Complaints Team when responding to a complaint they have investigated.
- They address any issues or learning identified with their directorates / teams / contractors with a commitment to improve performance and learn from complaints.

### **4.3 Complaints Team**

The Complaints Team will:

- Produce and maintain up-to-date complaints policies and procedures.
- Provide training to employees on how to deal with complaints as and when required.
- Work with all council departments, and where appropriate partner organisations, to ensure that appropriate mechanisms are in place to raise staff awareness of complaints handling.
- Log and acknowledge all formal complaints.
- Appoint an investigating officer to undertake an investigation into the complaint within agreed timescales.
- Maintain regular contact with complainants.
- Review the response and outcome before providing a formal response to the complainant.
- Act as point of contact for, and co-operate with, the LGSCO.
- Record action and learning from complaints and share these with directors and senior managers on a regular basis.

### **4.4 All staff / members**

It is the duty of all staff and members to ensure:

- They are fully aware of this procedure and their responsibilities with regards to formal complaints handling, and they must comply with this procedure and any associated procedures.
- That any formal complaints they receive direct are dealt with in compliance with this policy and any prevailing procedures, and are forwarded to the Complaints Team immediately upon receipt.
- They provide any information requested from them by the Complaints Team or the investigating officer to ensure that responses to complaints are dealt with in a timely manner.
- They maintain a good awareness of complaints handling by undertaking relevant training. All employees should have information about dealing with customer feedback and complaints at induction.

It is the responsibility of all staff and members to ensure that they comply with the requirements of this procedure and any associated policies and procedures. Failure to do so may result in disciplinary action being taken against staff, or councillors may be referred to the Monitoring Officer for breach of the code of conduct.

## **4.5 Contractors**

It is the duty of contractors to ensure:

- They are fully aware of this procedure and their responsibilities with regards to formal complaints handling, and they must comply with this procedure and any associated procedures.
- That any formal complaints they receive direct are dealt with in compliance with this procedure and any prevailing procedures, and are forwarded to the Complaints Team immediately upon receipt.
- They provide any information requested from them by the Complaints Team or the investigating officer to ensure that responses to complaints are dealt with in a timely manner.
- They maintain a good awareness of complaints handling by undertaking relevant training.

## **5. WHO WILL IMPLEMENT AND MONITOR THIS PROCEDURE?**

The Complaints Manager will be responsible for compiling bi-annual reports for the Management Board, and the Annual Report to the Audit & Scrutiny Committee.

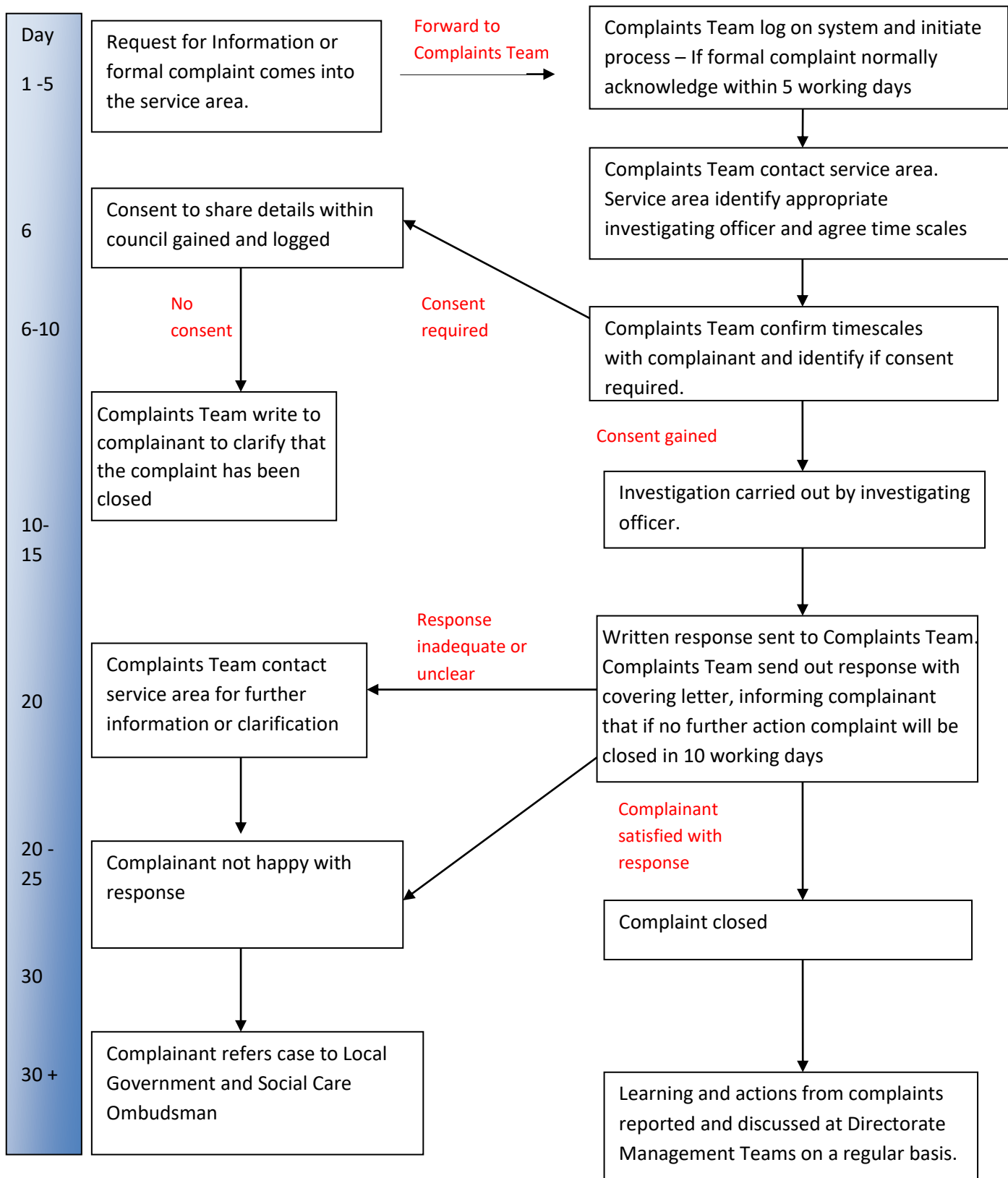
The Complaints Team will keep a record of all formal complaints, including dates they are received, acknowledged, responded to, category of complaint, actions taken and lessons learned.

Regular reports will be sent by the Complaints Team to service areas and senior management indicating numbers of complaints received, how many are dealt with within the agreed timescale and what service improvements and changes have been made as an outcome of complaints received.

This procedure and associated procedures will be monitored by the Complaints Team. The Assistant Director Corporate Support will be kept informed of any issues and instances of non-compliance regarding this procedure.

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## APPENDICES – Appendix 1



## **Appendix 2: Learning Template – Monitoring and Quality Assurance**

The Local Authority should monitor the operation and effectiveness of the complaints procedure as well as how information about complaints is being used to improve services and delivery. The Local Authority should ensure that their quality assurance systems include a cycle of planning with outcomes fed back into operational delivery. All local authorities should provide a system for:

- The dissemination of learning from complaints to line managers.
- The use of the complaints procedure as a measure of performance and means of quality control.
- Information derived from complaints to contribute to practice development, commissioning and service planning.

### **Annual Report**

Herefordshire Council will, each financial year, publish an Annual Report. This will draw upon the information already gathered for recording purposes, but is a separate requirement and will not contain personal information that is identifiable about any individual complainant.

The Annual Report will be arranged by the Complaints Manager and will provide a mechanism by which the local authority can be kept informed about the operation of its complaints procedure. The report will be presented to staff, the relevant local authority committee, and will be made available to the regulator and the general public. It will provide information about:

- Complaints made to the local authority.
- The number of complaints and any that were considered by the LGSCO.
- The types of complaints made including any identified trends or themes.
- The outcome of complaints.
- Details of any advocacy service provided under these arrangements.
- Compliance with timescales, and complaints resolved within an extended timescale as agreed.
- Learning and service improvement, including changes to services that have been implemented and details of any that have not been implemented.
- A review of the effectiveness of the complaints procedure.

### **Monitoring**

Monitoring should also highlight how effective communication is within the local authority and to the people receiving their services, where staff training is required and whether resources are targeted appropriately. This should be fed back to the directorates in order to facilitate and improve policy and practice.

## Learning Template

<i>Case number</i>	<i>Has an advocate been involved Y/N</i>	<i>What category the complaint was about (Service failure/ Delay / Poor Communication/ Staff Attitude / Wrong Information Given)</i>	<i>Outcome of complaint (Up-held, Not up-held)</i>
<i>What were the underlying causes of the complaint? (e.g. poor record keeping)</i>		<i>What has changed? How will we ensure that this doesn't happen again?</i>	
<i>Was the complaint resolved within agreed timescales?</i>			