



# **Corporate Complaint and Compliments Procedure**



## Content

1	Introduction.....	4
2	Principles and Purpose.....	4
3	Responsibilities.....	4
4	Definitions.....	4
4.1	What is a Complaint?.....	4
4.3	What is Not a Complaint?.....	5
4.4	What is a Compliment.....	6
5	Who Can Make a Complaint?.....	6
6	Vexatious Complaints – Management of Unreasonable Complainant Behaviour	7
7	How Can a Complaint or Compliment be Made?.....	7
8	Stages of the Corporate Complaints Procedure.....	8
8.1	Acknowledging Formal Complaints.....	8
8.4	Stage 1 – Formal Complaint.....	8
8.7	Stage 2 – Review / Appeal of Decision.....	9
8.11	Stage 3 – Discretionary Consideration for a Review Panel.....	9
9	Putting Things Right – Remedies.....	11
10	Confidentiality.....	11
11	Retention of Complaint Documents.....	11
12	Review Policy.....	12
	Appendix 1 – Redcar and Cleveland Borough Council Complaints Procedure...	13

## 1. Introduction

- 1.1 Redcar and Cleveland Borough Council welcomes customer feedback regarding its services and staff and has a process for customers to express their views and opinions.
- 1.2 We will aim to ensure that everyone is treated fairly and consistently in expressing their views and opinions and we will be mindful of equality and diversity issues.
- 1.3 We will also ensure that a customer's concerns are taken seriously, and that they receive a timely response and an explanation of how any decision about a complaint has been reached.
- 1.4 All complaints and compliments will be recorded. The intention is that this will help us to:
  - monitor our performance
  - learn lessons for future
  - inform and shape service delivery.

## 2. Principles and Purpose

- 2.1 We will ensure that our customers are at the heart of our complaints management and we will use information provided as a learning opportunity with a view to avoiding similar complaints where possible.
- 2.2 We will use the information gained from complaints to help improve the quality of the services we provide, and our relationship with our customers. Complaints regarding the services we provide or by our service providers will be addressed through this procedure, unless otherwise stated.

## 3. Responsibilities

- 3.1 The Council will deal with complaints impartially, objectively, professionally, ensuring confidentiality of all parties as appropriate. We will treat complainants with respect, as we ourselves would like to be treated.
- 3.2 Complainants and their families will not receive adverse treatment because they have made a complaint.
- 3.3 We will let complainants know which complaints procedure is being followed (see 4.2 below), what stage their complaint is at and what the next stage will be within the relevant procedure.
- 3.4 Equality of access is key as the Council deals with a diverse population, including vulnerable individuals. In implementing this Policy, the Council will seek to ensure that its actions are in accordance with its obligations under the Equality Act and other policies which may be relevant in the circumstances of an individual complaint.

## 4. Definitions

### 4.1 What is a complaint?

A complaint is defined as

“An expression of dissatisfaction by one or more members of the public about the Council's action or lack of action, or about the standard of service, whether that action or service was provided by the Council itself or a person or body acting on behalf of the Council”

4.2 You can make a complaint if you are not satisfied with our service or:

- You feel you have not been treated with courtesy or fairness
- You are unhappy about the standard of service you have received
- You feel we have failed to provide a service to which you are entitled
- You are unhappy about the action taken by us

Some areas of the Council have their own complaints procedures, for example:

- Complaints Procedure for Adult Social Care
- Complaints Procedure for Children's Social Care
- Vexatious Complainants Procedure
- Complaints about the Conduct of a Councillor

Schools are responsible for managing their own complaints and the Council has no legal right or duty to deal with complaints regarding school business, save for the following statutory exceptions:

- Issues surrounding the national curriculum - for example if a parent believes that the Council or governing body is failing to deliver the national curriculum in the school for a particular child
- Religious education and worship
- Admissions - if a parent feels that the Admission and Appeals Code has not been applied
- Transfers to maintained schools
- Home to school transport
- Special Educational Needs.

#### 4.3 What is Not a Complaint?

There are occasions when it is not appropriate to treat an issue as a complaint. The following issues are not regarded as a complaint, and we would NOT usually consider them under our Corporate Complaints procedure:

- The first request for a service or where we have been given insufficient time to deliver that service according to our service standards – this will be dealt with as a Service Request
- A request for information or service
- An explanation of a Council Policy or Procedure
- An appeal against a decision where a right of appeal exists, such as, for example, housing benefit, appeals to the Planning Inspectorate, and appeals against parking penalty charge notices etc.
- Insurance claims
- Anonymous complaints - these will, however, be forwarded to the relevant service for consideration
- Matters that occurred more than one year ago, unless there are extenuating circumstances
- Repetitious complaints - for example, complaints which have already been handled once under the Corporate Complaints Procedure will not be re-investigated unless the complainant raises new issues in relation to the matter or unless requested to do so by the Local Government and Social Care Ombudsman.

#### 4.4 What is a Compliment?

A compliment is defined as:

“An unsolicited statement of satisfaction or praise received from an outside source regarding an aspect of the service or an individual member of staff”

4.5 The Council wants to hear from people when it gets things right. This helps us to understand what services people value. When we know what is working for our customers, we can develop as well as share good practice. This ensures we can continue to learn and improve. Compliments also help us to recognise and reward our staff when they “go the extra mile”.

4.6 When we receive a compliment, the information will be shared with our senior managers so that they are aware of what their staff are achieving.

### 5. **Who Can Make a Complaint?**

5.1 Anyone who uses or is affected by our services can make a complaint. These include:

- Residents
- People who work in or visit the borough
- Local businesses
- Community groups

5.2 Some people may need help to make a complaint and, so, we accept complaints made on their behalf, provided that they have given their consent. Complaints could be made, for example, by a concerned relative or carer, a solicitor or other advocate.

5.3 The Council reserves the right to limit correspondence with any such party that falls out of the above categories.

5.4 In cases involving children or vulnerable people, if it seems that the person may be unable to give their consent to proceed with a complaint or to appoint somebody to act on their behalf, we will need to make a judgment as to whether it is appropriate to accept the complaint from their representative.

5.5 Councillors can use the complaints procedure in their capacity as citizens and service users, however, the complaints procedure is not appropriate for complaints which arise from undertaking their roles as a member of the Council.

## 6. Vexatious Complaints - Management of Unreasonable Complainant Behaviour

- 6.1 The Council is committed to dealing with all complaints fairly and impartially and to provide a high-quality service to those who complain. In a very small number of cases, a complainant's behaviour may become unacceptable. The Council has a duty to protect its staff from behaviour which is abusive, offensive, or threatening.
- 6.2 Unreasonable or vexatious behaviour by a complainant may include, but is not limited to:
- Repeated shouting at a member of staff, swearing, threats, and name-calling
  - Obsessive, harassing, or prolific behaviour
  - Making the same complaint repeatedly or with minor differences, but never accepting the outcome
  - Making unjustified complaints about staff who are trying to deal with the issue, and seeking to have them replaced
  - Seeking an unrealistic outcome and apparently persisting until it is reached
  - A history of making other unreasonably persistent complaints
- 6.3 Where it is considered that such behaviour means the relationship has become unworkable and/it is necessary to do so in order to protect staff, the Vexatious Complainants Procedure may be instigated.

## 7. How Can a Complaint or Compliment be Made?

- 7.1 A complaint or a compliment can be made by any of the following methods of contact:

**Online:** [Complaints and Feedback \(redcar-cleveland.gov.uk\)](http://redcar-cleveland.gov.uk)

**Telephone:**  
01642 774774

**By Post to:**  
Redcar & Cleveland House, Kirkleatham Street, Redcar  
Yorkshire. TS10 1RT

**In Person:**  
At any Council Office

**By E-mail**  
[BusinessSupportCorporateResources@redcar-cleveland.gov.uk](mailto:BusinessSupportCorporateResources@redcar-cleveland.gov.uk)

- 7.2 For complaints, regarding [Adult Social Care](#), please use the following contact details:

By email: [adultcarecomplaints@redcar-cleveland.gov.uk](mailto:adultcarecomplaints@redcar-cleveland.gov.uk)

Website: [Complaints and Feedback \(redcar-cleveland.gov.uk\)](http://redcar-cleveland.gov.uk)

In writing: Redcar & Cleveland House, Kirkleatham Street, Redcar. Yorkshire. TS10 1RT

7.3 For complaints, regarding [Children's Social Care](#), please use the following contact details:

By email: [childrenservicescomplaints@redcar-cleveland.gov.uk](mailto:childrenservicescomplaints@redcar-cleveland.gov.uk)

Website: [Complaints and Feedback \(redcar-cleveland.gov.uk\)](http://redcar-cleveland.gov.uk/complaints-and-feedback)

In writing: Redcar & Cleveland House, Kirkleatham Street, Redcar. Yorkshire. TS10 1RT

7.4 The Council is committed to ensuring that all the services we provide are relevant and are fully accessible to all sections of the community who may need them. If a customer has a particular need, we will do our best to meet these needs and particular account will be taken of peoples' characteristics that are protected under the Equality Act 2010.

## 8. [Stages of the Corporate Complaints Procedure](#)

*Please see Appendix 1 for a flow chart of the formal stages of the complaint's procedure*

### 8.1 Acknowledging Formal Complaints

Following receipt of a complaint, it is often possible for it to be dealt with at an early stage without the complainant having to resort to the formal complaints process. This can often be achieved by a member of staff talking to the complainant to identify their concerns and to present an appropriate resolution. If a complaint can be resolved within 24 hours, there is no need to engage in the complaint's procedure.

8.2 If the formal process is instigated, the Business Support team will acknowledge a complaint within 5 working days of receiving it.

8.3 All acknowledgement letters will include a summary of the Corporate Complaints Procedure.

### 8.4 Stage 1 – Formal Complaint

Where a complaint cannot be immediately resolved, an Investigating Officer in the Directorate concerned will be designated the task of considering the complaint and addressing the issues raised where appropriate. A response, in writing must generally be sent to the complainant within 20 working days of the complaint being received by the Business Support Team.

8.5 Where it is not possible to reply to the complaint within this length of time, the Investigating Officer can make a request to the complainant for an extension of up to 20 working days. Use of this extension should not be as a matter of course and only utilised where a complaint may be:

- more complex to resolve
- a key witness is unavailable for part of the time
- the complaint involves several agencies
- all or some of the matters concerned are the subject of a concurrent investigation
- there are other extenuating circumstances in which it is reasonable for the timescale to be extended

All extension requests to the complainant must be made via the Business Support Team.



8.6 Stage 1 response letters should advise that any request made by the complainant to move to Stage 2 of the Complaints Procedure should be received by the Business Support Team within 20 working days of the Stage 1 letter. In addition, the Stage 1 response letter should confirm that the complainant may refer the complaint to the Local Government & Social Care Ombudsman (LGO) at any point during the Corporate Complaints process, also providing the complainant with the LGO's contact details.

8.7 If dissatisfied with the outcome set out in the Stage 1 letter, the complainant should notify the Council in writing within the 20 working days timescale set out above, setting out their reasons for seeking to appeal to Stage 2 of the process.

#### 8.8 Stage 2 – Review / Appeal of Decision

Once a complainant has notified the Council in writing that they are dissatisfied with the response at Stage 1 and their reason(s) for their dissatisfaction, the Business Support Team will send a letter acknowledging receipt of the request. The acknowledgement letter should be sent within 5 working days of receipt of the request to move to Stage 2.

8.9 A Stage 2 review will then be undertaken by a relevant senior officer from the service area concerned or, where appropriate, another senior officer who has not been party to any issue relating to the complaint.

8.10 The Stage 2 complaint should be responded to within 20 working days of the acknowledgement letter. Where it is not possible to reply to the complainant in this length of time, the Investigating Officer can make a request to the complainant for an extension of up to 20 working days, following the same process as set out in paragraph 8.5.

8.11 Stage 2 response letters should advise that any request made by the complainant to move to the discretionary stage 3 of the Complaints Procedure should be sent in writing to the Corporate Complaints Officer within 20 working days of the date of the Stage 2 letter. The complainant should include an explanation as to why they continue to remain dissatisfied with the Council's response to their complaint.

In addition, the Stage 2 response letter should confirm that the complainant may refer the complaint to the LGO at any point during the Corporate Complaints process, providing the complainant with the LGO's contact details.

#### 8.12 Stage 3 – Discretionary Consideration for a Review Panel

Once a complainant has notified the Corporate Complaints Officer in writing that they are dissatisfied with the response at Stage 2 and their reason(s) for dissatisfaction, the Business Support Team will provide all documentation on the complaint to the Corporate Complaints Officer. The Corporate Complaints Officer will send a letter acknowledging receipt of the request within 5 working days from the receipt of the request to move to Stage 3.

8.13 Stage 3, a Complaint Review Panel, is a discretionary stage in the complaints procedure and the Council reserves the right to refuse the request. An assessment of proportionality will be undertaken by the Council's Monitoring Officer who will consider:

- the seriousness of the complaint and whether the complaint has been upheld or not through stages 1 and 2
- the value that may be added to the process by pursuing the matter further

- whether the outcomes sought by the complainant are achievable
- whether there is any legal, practical or logistical reason why it may not be appropriate to progress to Stage 3 (for example, if a hearing at Stage 3 might prejudice potential or actual legal proceedings, or other procedures outside of the complaints process).

- 8.14 Following assessment by the Monitoring Officer, the Corporate Complaints Officer will notify the complainant of the outcome in writing within 5 working days.
- 8.15 Should the request to move to Stage 3 be refused, the Council will explain the reason for the refusal and stress that the complainant may refer their complaint to the LGO.
- 8.16 Should the request for a Stage 3 Complaint Review Panel be granted, the Corporate Complaints Officer will make the necessary arrangements for the panel meeting. The procedure allows up to 30 working days for the panel meeting to be convened, although the Council will aim to convene the meeting sooner where possible.
- 8.17 The Complaints Review Panel will hear from the complainant and from the Officers who have undertaken the Stage 1 and 2 investigations. The purpose of the Complaints Review Panel is to ensure that the complaint has been thoroughly investigated and that the correct decisions have been made.
- 8.18 The panel will consist of 3 Panel Members who will be assisted by a Panel Support Officer. The three Panel members will consist of 2 Borough Councillors, drawn from the Council's Governance Committee and 1 Co-Opted Independent Member, also drawn from that committee.

In the event that a Co-Opted Independent Member is unavailable for any reason, then a Co-opted Parish Member from the committee may be appointed to the panel instead. In exceptional circumstances, where neither of these options is available, then the Panel may proceed consisting of 3 Borough Councillors (drawn from the Governance Committee).

- 8.19 If the complainant is not available or decides not to attend the Stage 3 meeting, the review panel will usually proceed to consider the complaint in their absence. However, where the panel determines that holding a hearing without the presence of the complainant means there is no benefit in the hearing taking place, then it may direct that the complaints procedure should end and that the complainant be advised they might now refer the matter to the LGO on that basis.
- 8.20 After the close of the Stage 3 meeting, the panel will consider the evidence and decide whether the complaint has been dealt with correctly and make any appropriate recommendations to the Director of the service concerned. The relevant Director must then respond in writing to the complainant within 15 working days from receipt of the Panel recommendations, detailing any action that they intend to take.
- 8.21 If the complainant still remains unhappy following Stage 3, they have the right to refer the matter to the LGO, which is the independent body that investigates complaints about councils. However, the Ombudsman will usually only investigate complaints when the council's own complaint procedure has been exhausted or if there has been advice from the council to contact the Ombudsman.

The Local Government and Social Care Ombudsman can be contacted in the following ways:

Website: [www.lgo.org.uk](http://www.lgo.org.uk)  
Telephone: 0300 061 0614  
On-line Form: [www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint)  
Post: The Local Government and Social Care Ombudsman, PO Box 4771,  
Coventry, CV4 0EH

## 9. Putting Things Right - Remedies

- 9.1 When it is found there has been fault on the part of the Council, 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.
- 9.2 So far as possible, we will aim to place the complainant back in the position they would have been 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:
- **Taking some specific action** – such as assessing payment of Housing Benefit or reconsidering a decision.
  - **Paying some compensation** – money is not the only, or the best, remedy in every case but the Council will generally consider payment of compensation if people are out of pocket because of its mistakes, or if they have been caused undue hardship, inconvenience, or distress. In making such payments, the Council will follow the guidelines issued by the LGO in deciding the appropriate amount of compensation. These can be found on the Ombudsman's website at [www.lgo.uk/guidance-on-remedies](http://www.lgo.uk/guidance-on-remedies).

## 10. Confidentiality

- 10.1 The Council considers the importance of confidentiality when handling any complaints. However, to enable a complaint investigation to be undertaken, a person's information will be shared with the investigating officers and, on occasion, other officers as necessary.
- 10.2 Personal information will not be shared with anyone unnecessarily and will be handled in accordance with the requirements of the Council's Data Protection Policy and the provisions of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.
- 10.3 If information is given to the Council in confidence, the information will not be disclosed without consent, unless the Council has a legitimate or legal reason to do so e.g., a safeguarding concern.

## 11. Retention of Complaint Documents

- 11.1 All records will be kept in line with the Councils retention periods. These retention periods are taken from the Records Management Guidelines for Local Government and advice from the National Archives.

## 12. Review Policy

- 12.1 The Corporate Complaints and Compliment Procedure will be reviewed when necessary, including following the receipt of best practice guidance from the Local Government and Social Care Ombudsman.
- 12.2 The Council reserves the right to make amendments to this policy at short notice, or in any situation that warrants an immediate amendment being introduced.

## Appendix 1 - Redcar and Cleveland Borough Council Corporate Complaints Procedure

### Stage 1

On receipt of the complaint the Business Support Team will send an acknowledgment letter within 5 working days

An investigating officer will be appointed to investigate the complaint

The Business Support Team will send a written response to the complainant within 20 working days

If the investigation is to take longer than anticipated, the Business Support Team will send an interim letter to the complainant providing expected timescales

If the complainant is dissatisfied with the stage 1 response a request for stage 2 should be made to the Business Service Team within 20 working days providing details of why they are dissatisfied

### Stage 2

On receipt of the stage 2 request the Business Support Team will send an acknowledgment letter within 5 working days

A relevant senior officer will be appointed to establish if the complaint was investigated thoroughly at stage 1. The Business Support Team will respond within 20 working days

If the stage 2 investigation is anticipated to take longer, an interim letter will be sent to notify the complainant of the expected timescales

If the complainant seeks a Stage 3 review, a request should be made to the Corporate Complaints Officer within 20 working days providing details of why they remain dissatisfied

### Stage 3

On receipt of the stage 3 request the Corporate Complaints Officer will send an acknowledgement within 5 working days

An assessment will be made by the Monitoring Officer to establish if a Complaints Review is appropriate

The Corporate Complaints Officer will notify the complainant of the assessment outcome with 5 working days of the assessment. If a panel is refused a valid reason will be provided

If a Complaints Review Panel is approved, the Corporate Complaints Officer will arrange a panel meeting within 30 working days. The meeting will allow the panel members to consult with all involved in the complaint (Complainant / Investigating

Following the meeting, the panel will decide whether the complaint has been investigated correctly at stages 1 & 2 and make recommendations the relevant service Director

The Director will respond to the complainant within 15 working days detailing any actions that they intend to take, also providing the LGO's contact details if the complainant still remains dissatisfied with the complaint response