

Complaints Policy

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Somerset West and Taunton Council Complaints Policy

1.0 Introduction

- 1.1 We, the Council, pride ourselves on delivering high quality, value for money services and are committed to providing what our customers need, in the way they want and to the standard they expect.
- 1.2 We believe that dealing effectively with complaints is essential to providing good services. The Council needs to address recurring problems, identify and learn from areas of good practice and ensure service delivery is continually improved.
- 1.3 The policy sets out Somerset West and Taunton Council's standard for dealing with complaints to ensure feedback is recorded and appropriate action is taken.
- 1.4 The policy details a two stage process that all staff should follow to ensure a consistent approach to dealing with complaints and feedback – complaint stage and review stage. See Annex 2 for the full process.
- 1.5 We aim to resolve all complaints at the first point of contact however our process enables customers to request a review of their complaint if they are dissatisfied with the outcome or response.
- 1.6 Reviews will be completed by an officer at a higher level within the Council who was not involved during the first stage. They will review the complaint objectively to determine whether our handling of it was fair and appropriate.

2.0 Purpose

- 2.1 The purpose of this policy is to:
 - Define what a complaint is, and who can make a complaint
 - Explain how to make a complaint
 - Explain the process we will follow when dealing with a complaint so that everyone knows what they can expect
 - Set out how we will monitor complaints, use information to improve services and identify training needs

3.0 Our guiding principles

- 3.1 The Council's guiding principles are:
 - We will put the customer at the heart of the process, showing empathy and understanding for the issues they raise
 - We will treat all complaints seriously and will thoroughly investigate all of the issues raised in a fair and transparent manner
 - We will apologise if we have made a mistake, or something has gone wrong, and we will put it right as soon as possible

- We will aim to resolve complaints at the earliest opportunity
- Where we can't resolve a complaint immediately we will keep the customer informed during the process
- Our responses will be open and honest, based on the evidence available, address all elements of the complaint, and provide clear explanations for decisions made
- We will ensure our procedure is equally accessible irrespective of age, disability, gender, sexual orientation, race, religion or belief in line with our Equality and Diversity statement:
www.somersetwestandtaunton.gov.uk/your-council/equality-and-diversity/
- We will treat complainants with respect, dignity and fairness and aim to be sensitive to the diverse needs of individuals and will endeavour to meet those needs wherever possible
- We will use complaints information in a positive way to identify training requirements, improve processes, and share learning to prevent similar occurrences in the future
- Our goal is to provide a positive customer experience. In order to achieve that we will measure our performance through customer satisfaction surveys focused on complaint handling to ensure the complaints process is delivered in line with these principles.

4.0 What is a complaint?

- 4.1 We define a complaint as 'an expression of dissatisfaction with our service (whether justified or not) which requires a response'.
- 4.2 A complaint could be in relation to any of the following examples:
- we have made a mistake in the way we have provided a service
 - there has been a delay in providing a service
 - we have failed to deliver a service – this could relate to quality, standard or service level
 - our processes or policy have not been followed
 - our legal or regulatory requirements have not been met
 - we have not delivered to a commitment or promise
 - our staff have been rude and unhelpful or not conducted themselves correctly
- 4.3 A customer does not have to use the word "complaint" for their concerns to be raised and dealt with as such. All Council staff are responsible for recognising complaints and following this policy.
- 4.4 Specific types of complaints and how they are dealt with are outlined in Annex 1.

5.0 What is not a complaint?

- 5.1 An initial service request will not be classed as a complaint. We encourage all our staff to work with customers and to try to find a resolution to any expressions of dissatisfaction without the need to use the formal complaints process.

- 5.2 In many cases we can resolve an issue very quickly – by putting the problem right straight away. We consider these types of cases as initial service requests. For example, where a refuse team has not picked up a customer’s bin, but once the team is made aware of this the bin is picked up within the set service level agreement or when there is concern that the grass in an area has not been cut but we are able to confirm a scheduled time for the work to take place.
- 5.3 However, when a customer is unhappy about the manner in which a service request was handled, rather than the outcome, this should be dealt with under the council's complaints procedure.
- 5.4 There may also be situations where a customer wishes to make a recommendation for improvements to our services. We accept these as suggestions which will be recorded and considered.
- 5.5 Our public liability insurance policy is triggered when there is an allegation that the Council’s act or failure to act has caused personal injury or personal property damage.
- 5.6 Where there is an allegation of personal injury, under no circumstances should such an assertion be handled as a complaint. Allegations of damage should only be handled under the Complaints or Redress policies if there is no doubt that we were at fault, and where the amount is less than the insurance policy excess.
- 5.7 For the avoidance of doubt, guidance should be sought from Somerset West and Taunton’s Insurance team.
- 5.8 Details of who to signpost complaints to if it doesn’t relate to a Council service can be found in Annex 1.

6.0 Who can make a complaint?

- 6.1 Anyone who uses or is affected by our services can make a complaint:
- our residents, tenants and leaseholders
 - people who work in or visit the district
 - local businesses
 - community groups
 -
- 6.2 A complaint can also be made by:
- a representative acting on behalf of someone who is unable to make the complaint themselves because of physical or mental incapacity
 - a representative where they have been asked to act on behalf of a customer
 - a representative acting on behalf of someone who has died

- 6.3 For complaints made by a representative we have to comply with the following legal requirements:
- Written authority from the customer must be provided (or from their executor or administrator of their estate) to deal with the representative acting on their behalf (Data Protection requirements).
 - A complaint made by a representative of someone because of physical or mental incapacity will only be dealt with if we are satisfied that it is being pursued in the best interest of the customer.
 - The term “mental incapacity” will be used as defined by the Mental Capacity Act 2005.
- 6.4 Where the representative is an elected councillor of Somerset West and Taunton Council the complaint will be processed in line with [The Data Protection \(Processing of Sensitive Personal Data\) \(Elected Representatives\) Order 2002](#).
- 6.5 Only personal data, including sensitive personal data, relevant to the complaint will be disclosed and only in the event that it is necessary for the purpose of responding to the complaint.
- 6.6 We will accept complaints made anonymously and deal with them in line with this policy where possible.

7.0 How to make a complaint?

- 7.1 All complaints must be formally logged on our case management system.
- 7.2 Customers can raise their complaint by completing the [online form](#) on our website. If a customer is unable to access the form they can contact our customer service team on 0300 304 8000 who will complete the form on their behalf.
- 7.3 We will also accept complaints by any other method including letter, email or verbally to another member of staff. In the event that a member of staff receives a complaint directly, they are to record it in a written format and share it with the Customer Experience Manager for it to be logged formally. The customer should also be provided with a copy of the submission.
- 7.4 Complaints raised via social media will be dealt with in line with this policy.
- 7.5 Further information on how complaints will be dealt with can be found in Annex 2 of this policy.

8.0 Upheld complaints

- 8.1 When a complaint is found to be justified we will:
- apologise to the complainant(s)
 - explain what has been/will be done to put the mistake right
 - explain how the error occurred and what has been done to prevent it happening again

8.2 In the event that a complaint is partly upheld the response will clearly outline which aspects of the complaint are upheld and the necessary actions listed in 8.1 will be taken. A clear explanation will be provided in regards to the elements of the complaint that have not been upheld and why.

9.0 Remedy

9.1 In some cases an apology is all that is necessary and appropriate by way of a remedy.

9.2 In other cases we may be required to offer remedial action where we believe that this will best serve the interests of the customer. For example, practical action will be considered as part or all of a remedy where a complaint is about failure to take some specific action such as carrying out repairs to a tenant's house.

9.3 We will also consider any remedial action required for the continuous improvement of our services. For example, changes to procedures that will benefit customers.

9.4 Consideration will also be given to any practical action suggested by the complainant(s).

9.5 In order to allow customers to exercise their right to take their complaint to the next stage of the process (Review or Ombudsman) complaints may be closed once remedial action has been confirmed. In these instances we will clearly outline the steps we propose to take to resolve the complaint.

9.6 In some circumstances due to the amount of time that has passed or other factors it may not be possible to resolve the complaint in a way that puts the customer back into the position they were in originally. In such circumstances, we may consider restorative or financial remedy.

9.7 When considering any financial remedy we will be fair, consistent and mindful of public money. Decisions regarding remedy payments will be reviewed in line with the Council's Redress Policy.

10.0 Local Government and Housing Ombudsman Services

10.1 Once a review has been carried out and a response provided the Council's complaints process has been completed. If the customer remains dissatisfied they have the right to refer their complaint to either the Local Government Ombudsman or Housing Ombudsman.

10.2 The Housing Ombudsman deals with complaints regarding the Council's legal responsibility for tenanted and leasehold housing. The Local Government Ombudsman will deal with complaints regarding all other Council services.

10.3 Enquiries from the Local Government Ombudsman and Housing Ombudsman will in most cases be co-ordinated by the Ombudsman Link Officer.

10.4 In cases where the Ombudsman has recommended remedy action, we are committed to following the advice and timescales of the Ombudsman to the best of our ability.

11.0 Contacting the Local Government Ombudsman or Housing Ombudsman

11.1 The contact details for the Local Government Ombudsman are available on the [Local Government Ombudsman website](#).

11.2 The contact details for the Housing Ombudsman are available on the [Housing Ombudsman website](#).

12.0 Confidentiality

12.1 All complaints will be dealt with in the strictest of confidence.

12.2 Responses to complaints at all stages will be sent in writing to the customer's email address or by letter. Reasonable adjustments can be made to accommodate the needs of our customers, for example large print or braille.

12.3 We will maintain the confidentiality of all personal customer information, and not disclose it outside of the Council without the prior permission of the customer, unless legally obliged to do so.

13.0 Reporting and learning from complaints

13.1 We are committed to learning from complaints and using complaints information to drive service improvements.

13.2 We will keep records on each complaint received including:

- type of complaint
- complaint outcome
- timescales agreed
- whether timescales were met

13.3 On our complaints page on our website we may give details of any changes that have been made as a result of complaints – “You said, we did”.

13.4 We will also publish our annual report from the Local Government Ombudsman on our website.

13.5 We will report on complaints and lessons learnt on a quarterly basis to the Council's Senior Leadership Team. We will also report annually to the Executive on the numbers and types of complaints received, together with information on the complaint outcomes.

13.6 These reports will not include any personal information.

14.0 Unreasonable customer behaviour and vexatious complaints

- 14.1 We recognise that the Council may receive complaints from people with varying ways of expressing themselves and who may possibly feel angry, impatient or frustrated. We will therefore only categorise a complaint as unreasonable or vexatious in exceptional circumstances.
- 14.2 For further guidance please refer to the Policy for Unreasonable Customer Behaviour and Vexatious Requests.

Annex 1

Types of complaints

Complaints about policies

Some complaints are expressions of dissatisfaction with government or local policies, as opposed to our failure to meet service standards.

We will do our best to explain the policy and the reasons for it. However, if the customer remains dissatisfied with the policy they may be directed to their MP or their local councillor for further discussions depending on whether this is national or local policy.

Homefinder Somerset policy

The policy for Homefinder Somerset outlines a review procedure for circumstances where an applicant believes they have been incorrectly banded or deemed ineligible to join the register. Any review requests received will be dealt with under the [Homefinder Somerset policy](#). If an applicant is dissatisfied with the outcome or the manner in which their review was handled, then they can request a further review under our complaints policy. In such circumstances the original review request, handled in line with the Homefinder Somerset policy, will replace the first stage of our complaints procedure. Therefore we will only conduct one final review under our complaints policy after which the applicant will be directed to contact the Local Government Ombudsman if they remain dissatisfied.

Complaints about staff

We will ensure that staff who are the subject of a complaint in respect of their personal conduct, or those who may have a clear conflict of interest in dealing with such a complaint, will not handle or respond to the complaint. Complaints regarding staff conduct will be investigated and resolved in line with the relevant human resources policy. The outcome for such investigations will not be shared with customers.

Complaints about our partners or contractors

Complaints regarding our contractors will be investigated in line with this policy, although details may be shared with the relevant management channels of the business involved as part of the investigation process.

In the event that we receive a complaint regarding one of our partnership organisations including Somerset Waste Partnership and Somerset Building Control Partnership complaints will be referred to them and dealt with in line with their own complaints policies and procedures.

<https://www.somersetwaste.gov.uk/complaints>

<https://somersetbcp.sedgemoor.gov.uk/article/3820/comments-compliments-and-complaints>

Complaints about councillors

We are very keen to make sure elected members uphold good standards of behaviour and conduct. If a customer believes that a town, parish or district councillor has done something they shouldn't and failed to comply with the code of conduct for councillors, they can contact the monitoring officer by emailing monitoringofficer@somersetwestandtaunton.gov.uk. We will discuss their concerns and agree with them the best way forward.

Complaints about non Somerset West and Taunton services

Where a complaint relates to a service or function not provided by the Council or its contractors we will endeavour to signpost the customer to the correct organisation.

Complaints not covered by this policy

Certain types of issues and complaints fall outside of the council's complaints procedure because:

- there are other processes more suitable for dealing with them such as statutory appeal or tribunal process
- they are outside of our control
- they are separate legal or regulatory requirements covering these services
- they relate to non-Council related matters such as complaints about other individuals or businesses. Details on how we handled these complaints can be found on our website.

Examples are:

- a complaint that has been previously investigated and responded to
- a complaint that is being or has been, investigated by the Local Government Ombudsman/Housing Ombudsman
- matters of law or central government policy
- complaints from staff about human resource issues such as recruitment, dismissals, pay, pensions and discipline (these are dealt with separately under our human resources policies)
- Freedom of information requests as these are dealt with under the Freedom of Information Policy
- commercial or contractual matters, for example contracts for the supply of goods and services to the council (complaints about the negotiation of council leases, or the disposal of council land should be dealt with through this policy and procedure, as such complaints are within the jurisdiction of the Local Government Ombudsman)
- complaints that have already been decided by a court or independent tribunal are not covered by our procedure, but complaints about the implementation of a court or tribunal's decision may be investigated, for example the recovery of council tax after a liability order has been obtained
- Services for which there are alternative statutory appeal or tribunal processes, including: appeals against the refusal of planning permission or planning enforcement, complaints about registered housing providers, housing benefit appeals, homelessness decisions, acceptance on housing waiting list, council tax and housing benefit calculations

Where the subject of a complaint is covered by specific regulatory procedures, it must be dealt with through those procedures. However, when a customer is unhappy about the way that an appeal or tribunal matter was handled, for example a delay in preparing the council's submission to a tribunal or appeals panel, this should be dealt with under this complaints procedure. If the complaint is about the attitude of staff when handling an appeal or tribunal matter this falls under the council's complaints procedure.

Annex 2

The complaints process

Complaints will be triaged via our case management system and referred to an appropriate member of staff in the service area(s) the complaint relates to. Triaging will take place at the earliest opportunity and within 2 working days. Once any necessary investigation and action has taken place a written response will be provided. This will happen as soon as possible and no later than 10 working days. Customers will be informed of their right to request a review if they are not satisfied with the response.

Reviews will be undertaken by an officer at a higher level who was not involved during the complaints stage. They will objectively consider the original complaint and the response provided, assessing the proportionality of the outcome to any wrong or grievance. A second written response will be provided on completion of this stage outlining the findings of the review. Customers will be informed of their right to refer their complaint to the relevant Ombudsman service if they remain dissatisfied.

Throughout both stages of the complaints process staff are expected to treat the complaint seriously, respectfully and carefully to identify any faults and/or possible injustice. Complaints from our tenants or leaseholders will be dealt with in accordance to law and in line with the Housing Ombudsman's complaint handling code.

Cross-service complaints

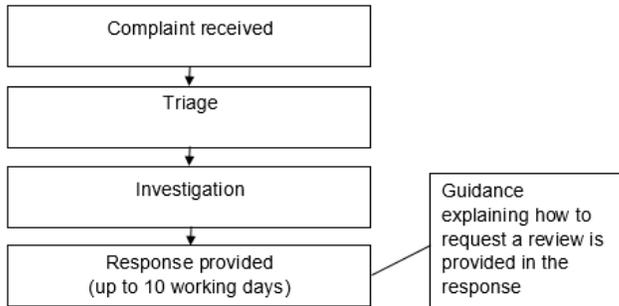
On occasions complaints may relate to a number of issues requiring a response from two or more Council service areas.

Our aim in these instances is to thoroughly investigate each issue and to provide a single, comprehensive response as quickly as possible. In these circumstances the complaint will be assigned to the service area which is highlighted as the primary concern. The investigating officer/team in that area will be responsible for working with officers in other areas in order to coordinate the investigation and response to the complaint.

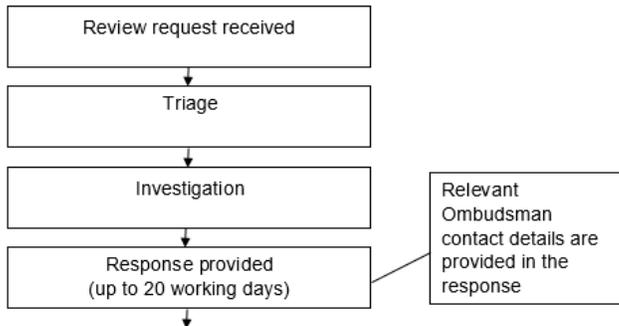
Cross-service complaints can be more complex and may require more time in order to investigate and issue a coordinated response. Where this is the case we will contact the customer to advise them of this.

Complaints process map

New complaint: (stage 1)



Complaint review: (stage 2)



Local Government / Housing Ombudsman

Complaint timescales

All complaints should be dealt with as soon as possible. In instances where the maximum timeframes cannot be met this should be clearly communicated to the customer and a new deadline agreed with them.