

# COMPLAINTS POLICY

*The Policy that Lincolnshire County Council follows as a Local Authority; aimed at Lincolnshire County Council staff and should be made available to the public through our website or on demand through any staff member or representative of the Local Authority.*

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# Complaints Policy

As a public authority Lincolnshire County Council wants to make sure our customers are satisfied with our services. People may wish to tell us when they are satisfied with the services they have received, make suggestions on how we could improve or tell us when things have gone wrong. We believe dealing effectively with all such feedback is essential to providing good services.

This Policy sets out how complaints will be dealt with ensuring concerns raised are considered and any resulting adjustments made, where required.

## 1. Our guiding principles

All complaints are taken seriously, dealt with appropriately and where necessary acted upon. We will:

- put the customer at the heart of the process, showing understanding and responding appropriately to the circumstances
- resolve complaints as early as possible
- keep the customer informed about the complaints progress
- apologise if we have made a mistake, or when something has gone wrong we will put it right as soon as possible
- make sure our response addresses all elements of the complaint and provide explanations for any decisions made or actions taken
- use complaints information in a positive way to prevent similar occurrences in the future

We encourage all of our staff to resolve customer's issues without the need to use the formal complaints process as in many cases we can resolve concerns quickly by putting the problem right straight away.

## 2. What this policy covers

### a. Complaints covered under this policy

A complaint could be in relation to any of the following examples:

- There has been a significant delay in providing a service
- We have made a mistake in the way we provided a service
- We have failed to deliver a service; this could relate to the quality, standard or service level
- We have not listened properly
- Our processes or policies have not been followed
- Our legal or regulatory obligations have not been met
- We have not delivered against a commitment or promise
- Our staff have not been helpful or have not conducted themselves correctly

Every complaint will be considered on its individual merits and after initial conversations a decision will be made on whether the Complaints policy should be implemented. Such decisions will be made by the Customer Relations Team in consultation with a Senior Manager from the relevant service and if required, Legal Services.

## b. Complaints not covered by this policy

- i) **Requests for service or information**; these requests alert us to work to be done and only become a complaint if we do not deal with them appropriately
- ii) **Appeals processes against a decision made** - for some services there are alternative statutory appeal or tribunal processes in place which must be used rather than this complaints policy. These include:
  - Issues of parking notices such as parking tickets and the recovery process
  - Decisions on planning applications
  - Decisions to exclude pupils from school
  - Special education provision for a child
  - Appeals against the outcome of an assessment under the Department for Transport 'Eligible subject to further assessment' criteria regarding the issue of a Blue Badge
  - Decisions about the school a child should attend
  - Complaints about Academies
- iii) **Not agreeing with a judgment or decision made** – Very often we will be called on to make decisions or form judgments about whether or how to deliver services to customers. Very often we will reach those judgments without any fault on our part and you may still be dissatisfied. The complaints process is not there to provide an opportunity for customers to express dissatisfaction with a decision or judgment in the absence of fault or to have that judgment or decision re-opened or taken again. Dissatisfaction must be accompanied by a Council failure of a kind described in 2a above to be treated as a complaint under this policy.
- iv) **Complaints about Councillors** – All members (elected Councillors and co-opted members) are expected to work to the highest standards of integrity. They agree to work to a Code of Conduct<sup>1</sup> setting out how they should behave towards members of the public, people working for the council and themselves. Complaints about Councillors breaching the Code of Conduct are dealt with by the Monitoring Officer who can be contacted at Lincolnshire County Council, County Offices, Newland, Lincoln, LN1 1YL, 01522 553001 or [monitoring\\_officer@lincolnshire.gov.uk](mailto:monitoring_officer@lincolnshire.gov.uk).
- v) **Commissioned services** - where a customer receives a service from a provider commissioned by the Council, complaints should, in the first instance, be made directly to the external provider through its own complaints procedure. External providers are required to inform the relevant Service of all complaints reviewed under their procedures and any action taken in response. If customers remain dissatisfied with a response from the provider they should contact the Complaints Resolution Manager for further advice and guidance
- vi) **Complaints made more than one year after the customer became aware of the issue** (unless in exceptional circumstances) - this is because such complaints can be difficult to investigate fully or fairly
- vii) **Staff personnel issues** (such as disciplinary or grievance) or recruitment and selection process – this should be progressed with guidance from specific HR policies and procedures

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<sup>1</sup> [Code of Conduct](#)

viii) **Allegations of fraud, theft or corruption by a member of staff** – any serious concerns about a member of staff should be reported to the Council's Audit and Strategic Risk Management Team on 01522 552222 or [customer\\_services@lincolnshire.gov.uk](mailto:customer_services@lincolnshire.gov.uk)

ix) **Complaints that have already exhausted our process** – if the same complaint has received a final written decision or the complaint has already been referred to the Local Government and Social Care Ombudsman (LGSCO) or the Information Commissioner (ICO).

### 3. How should customers make a complaint?

Before making a formal complaint we encourage customers to contact our Customer Relations Team first to discuss their concerns in detail, providing an opportunity to gain clarity of the situation and, where necessary, put things right.

Should we not be able to address the concerns or rectify the situation, customers may then choose to follow the appropriate complaints procedure, as detailed below.

An appointed Customer Relations Adviser will act as a point of liaison between the customer and the service, finding required information and providing details of what has happened. Where the service is at fault we will apologise and tell the customer what we will do to rectify the situation.

The Customer Relations Team can be contacted by:

- Calling us on **01522 843322** (from 9am to 5pm Monday to Friday)
- Completing our online [form](#)
- Emailing [CustomerRelationsTeam@lincolnshire.gov.uk](mailto:CustomerRelationsTeam@lincolnshire.gov.uk)
- Writing to Customer Relations Team, County Offices, Newland, Lincoln, LN1 1YL
- Visiting us at any of our offices that are open to the public

The customer should provide as much detail as possible including:

- What has happened or gone wrong from their perspective
- When it happened (or should have happened)
- Why and how we could have done things differently
- What they think we should do to put things right
- Their preferred method of contact and their contact details

### 4. How we deal with complaints

This section provides information on different types of complaints and the processes that will be followed.

Customers are encouraged in the first instance to raise any problems with the individual staff member concerned or their line manager. Alternatively they can speak to one of our Customer Relations Advisers who will do all they can to help address their concerns.

Our Customer Relations Team deals with all Council complaints. Before any complaint is progressed to the formal stage or the next stage in the process, the customer will be

contacted to determine why they consider their concerns have not been addressed and to try to resolve these. The Council has the right to return the complaint back to the previous stage where it cannot be evidenced the complaint has not been adequately addressed.

Escalation to Stage 2 is not automatic and is not based simply on dissatisfaction with the outcome of Stage 1. The explanation provided by the complainant as to why and how the initial response failed to fully address their concerns, and any evidence of what element(s) of the complaint have not been answered will be considered. A decision will then be taken by the appropriate Senior Manager as to whether moving to Stage 2 is appropriate.

For all Stage 1 complaints a Customer Relations Advisor from the Customer Relations Team will be appointed as a point of contact (POC) for the customer.

**The Customer Relations Advisor POC will:**

- attempt early resolution of the issue with the complainant before progressing to a formal Stage 1
- where early resolution is not possible they will present the complaint to the relevant Senior Manager for review or investigation. At this point the Senior Manager may decide to attempt resolution by contacting the complainant directly
- where an investigation has been completed contact the customer to advise of the outcome
- be responsible for keeping the complainant up to date including if there are any delays in responding

All Stage 2 and Stage 3 complaints will be overseen by our Complaints Resolution Manager who will be the customers appointed point of contact (POC).

**The Complaints Resolution Manager POC will:**

- attempt early resolution of the issue with the complainant before progressing to the next formal stage
- where early resolution is not possible they will present the complaint to the relevant Senior Manager/Assistant Director or Director for review. At this point the Senior Manager/Assistant Director may decide to attempt resolution by contacting the complainant directly
- where an investigation has been completed contact the customer to advise of the outcome
- be responsible for keeping the complainant up to date including if there are any delays in responding

#### **a. Corporate complaints**

For complaints which do not have to be dealt with through a statutory process (see b) below) the Council has a two-stage approach as set out below:

**Stage 1 (Local Resolution)** – A point of contact (POC) within the Customer Relations Team will be provided for the customer who will ensure a response will be provided within 10 working days.

**Stage 2 (Management Escalation)** - If the customer considers their concerns have not been fully addressed in the Stage 1 response they can ask for the complaint to

be referred to an appropriate Senior Manager to consider whether further investigation is required and a response will be provided within 20 working days.

The complainant must:

- Provide a detailed explanation of why and how the initial response failed to fully address their concerns, and evidence what element(s) of the complaint have not been answered
- Raise their concerns within 20 working days of the response from the initial stage

## **b. Statutory complaints (Social Care services)**

A different approach is required for complaints within social care services because the people who use them may be more vulnerable and the issues more complex. The Government has told us how we should deal with these complaints, making the process statutory. The Customer Relations Team should initially be contacted for advice and guidance and support where we will attempt to resolve the issue informally.

### *i) Children's Services*

The statutory process for this service is as follows:

**Stage 1 (Local Resolution)** – A point of contact (POC) within the Customer Relations Team will be provided for the customer and/or their advocate who will ensure a response will be provided within 10 working days (with a further 10 working days for more complex complaints or where an advocate is required).

**Stage 2 (Independent Investigator)** – If the customer or their advocate considers their Stage 1 response has not resolved their complaint, they can request an independent investigation of their complaint.

The complainant must:

- Contact the Complaints Resolution Manager to discuss their concerns
- Provide a detailed explanation of why and how the initial response failed to fully address their concerns, and evidence what element(s) of the complaint have not been answered
- Raise their concerns within 20 working days of the response from the initial stage.

Where the escalation to Stage 2 is deemed appropriate, the Complaints Resolution Manager will arrange to appoint an Investigating Officer and Independent Person to investigate the complaint and report back their findings. This report will be presented to the relevant Children's Services Assistant Director and a full response will be provided to the complainant within 25 working days. In complex cases this can be extended by up to 65 working days.

**Stage 3 (Independent Panel)** – Should the customer or their advocate continue to feel that their concerns have not been fully addressed they can request an independent panel to review the complaint.

The complainant must contact the Complaints Resolution Manager before progressing to a Stage 3. Any request to progress to Stage 3 must be received within 20 working days of the Stage 2 response.

The panel will include the Complaints Resolution Manager and three independent people and will take place no later than 30 working days after the complaint is agreed to move to a Stage 3. A review will be undertaken and recommendations made within a report to the Director of Children's Services within 5 working days of the panel being held. The Director will write with a final decision which will be sent to the customer within 15 working days of the report being received.

*ii) Adult Services*

The statutory process for this service is as follows:

**Stage 1 (Local Resolution)** – A point of contact (POC) within the Customer Relations Team will be provided for the customer who will ensure a response will be provided within 10 working days.

**Stage 2 (Management Escalation)** - If the customer considers the Stage 1 response has not resolved their complaint, they can request a further investigation. This will be sent through to the relevant Adult Care Senior Manager/Assistant Director to consider and a response provided within 20 working days.

The complainant must:

- Contact the Complaints Resolution Manager to discuss their concerns
- Provide a detailed explanation of why and how the initial response failed to fully address their concerns, and evidence what element(s) of the complaint have not been answered
- Raise their concerns within 20 working days of the response from the initial stage.

**c. Referral to the Local Government & Social Care Ombudsman**

Should the customer have exhausted the above relevant stages of the complaints procedure but consider their problems have still not been addressed or they have not received a response within a reasonable time period (which may be longer for statutory complaints), they can escalate their complaint to the Local Government & Social Care Ombudsman (LGSCO) for independent review.

The LGSCO is the final stage for complaints about Council services and it investigates complaints in a fair and independent way.

The Ombudsman will contact the Council to collect information on how we have handled the complaint before they make a decision in the form of a recommendation. The Council is not legally bound to follow any recommendations set out by the Ombudsman, although will consider if it is appropriate to do so.

**d. Advocacy**

In some instances customers may prefer a relative or friend to act as an advocate on their behalf. In these situations we require written confirmation from the customer they

have selected the individual to act as their advocate and they are happy for the Council to provide information to them.

For those in receipt of social care services the Council has made arrangements for independent advocacy services to be available to children, young people and adults who meet certain eligibility criteria. This will enable them to express their concerns and/or complaints about social care services and may include helping them to write their complaint and/or accompanying them to meetings with the managers dealing with their complaints. The advocate can also help in considering whether our response is satisfactory.

Total Voice is the advocacy body the Council has commissioned to provide advocacy advice and support. More information can be found on this service at [Total Voice](#) or by calling 01522 706580. Customers can also contact the Complaints Resolution Manager.

#### **e. Anonymous complaints**

Anonymous complaints will be recorded and referred to the appropriate Service Manager to decide whether the matters raised require further investigation.

#### **f. Unreasonable behaviour or vexatious complaints**

The inclusion of this section within the policy is to ensure those customers who pursue complaints in an unreasonable manner or that we deem to be 'persistent or vexatious complainants' are dealt with appropriately, whilst ensuring that other customers or Council staff are not adversely affected.

A complaint could be considered to be pursued unreasonably or to be persistent or vexatious where the complainant meets one or more of the following:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- persists in pursuing a complaint where the Complaints Policy has been fully and properly implemented and exhausted
- refuses to accept a decision made on a complaint, repeatedly arguing points with no new evidence
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- submits repeated and unacceptably high numbers or abusive communications in connection with the same complaint or with minor additions or variations
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint has been addressed or is groundless)
- makes or has made excessive demands on the time and resources of staff<sup>2</sup>.
- changes the basis of the complaint as the investigation proceeds and/or making unjustified complaints about staff who are trying to deal with the complaint

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<sup>2</sup> this could include number of contacts in person, by telephone, letter, e-mail or fax AND/OR use of a 'scatter gun' approach by pursuing complaints with several members of the organisation

- has harassed, used threats to intimidate or been personally abusive, offensive or aggressive on repeated occasions despite documented evidence of this being described to the complainant as unacceptable
- knowingly provides falsified information
- publishes unacceptable or derogatory information or statements about the Council, its staff or the services it provides, including those through partner organisations on social media or other public forums
- is known to have recorded meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved

It is not possible to devise a single strategy to deal with complaints that are pursued unreasonably or which are 'persistent or vexatious', as each case must be looked at on its own merits. If the Council considers that a complainant meets the above criteria the following procedure will be followed:

- We will inform the complainant, in writing or at a face to face meeting, why we feel their behaviours or actions are unacceptable
- We will give them the opportunity to change their behaviours within a reasonable timescale before taking any further action
- Should the behaviors persist evidence of these will be gathered by the Complaint Resolution Manager and presented to the Councils Monitoring Officer and relevant Service Manager
- The Monitoring Officer, Service Manager and Complaints Resolution Manager will review the evidence and decide on any restrictions to be applied to the complainant.

Where the above is undertaken the Council can apply restrictions in the ways the complainant can access Council services which may include one or more of the following:

- the Council will take no further action on their complaint
- their use of the Council's complaints system will be limited to a single point of contact
- contact shall be restricted to letter only
- the Council will not respond to any further contact
- their license to enter Council premises will be restricted or removed
- legal action may be taken including injunctions or court orders

The complainant will be notified of any restrictions applied to them in writing within 5 working days of the decision.

There is no right of appeal to Lincolnshire County Council regarding the implementation of this section of the policy. We would however direct the customer to the Local Government and Social Care Ombudsman should they not agree with the application of any such restrictions.

Information concerning the restrictions will be shared with relevant staff. This information will also be registered on the customer's record whilst restrictions are in place.

## **g. Withdrawing complaints**

A complaint may be withdrawn verbally or in writing at any time by the customer (or their representative). Where this occurs, the appropriate Service Manager will write to the customer confirming the withdrawal.

## **5. Fluency duty<sup>3</sup>**

Part 7 of the *Immigration Act 2016* requires that employees working in public facing roles in the public sector speak a level of English (or Welsh in Wales) which is sufficient to enable them to effectively carry out their role. A complaint made to Lincolnshire County Council under the Fluency Duty is one where a member of the public feels a public-facing employee has insufficient proficiency in spoken English for the performance of their role. Complaints made under the Fluency Duty will be dealt with as a corporate complaint.

A complaint about a public sector employee's accent, dialect, manner or tone of communication, origin or nationality will not be considered a legitimate complaint under the Fluency Duty.

## **6. Access to information**

*Data Protection Legislation*<sup>4</sup> regulates the processing of information relating to individuals (data subjects) and provides them with several rights regarding the information held about them. Enquirers can provide feedback about the way in which their information is processed by the Council using the methods detailed in section 4 above or by contacting the Council's Data Protection Officer at [dpo@lincolnshire.gov.uk](mailto:dpo@lincolnshire.gov.uk).

Should the enquirer remain dissatisfied with the response provided by the Council, they can raise this with the Information Commissioner's Office.

The *Freedom of Information (FOI) Act 2000*<sup>5</sup> regulates the disclosure of non-personal information. If dissatisfied with a FOI response, an enquirer should firstly approach the Customer Relations Team to request an internal review. After this, if they remain dissatisfied, they can approach the Information Commissioner's Office to appeal against a decision or complain about an unsatisfactory response.

The Complaints Policy is not a mechanism for individuals to exercise their data protection rights or to submit freedom of information requests. Individuals wishing to exercise their data protection rights (such as the right of access or the right to erasure) or make a freedom of information request should contact the Customer Information Service:

- Calling us on **01522 554011** (from 9am to 5pm Monday to Friday)
- Completing our online [form](#)
- Emailing [CustomerInformationService@lincolnshire.gov.uk](mailto:CustomerInformationService@lincolnshire.gov.uk)
- Writing to Customer Information Service, County Offices, Newland, Lincoln, LN1 1YL
- Visiting us at any of our offices that are open to the public

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<sup>3</sup> <https://www.gov.uk/government/publications/english-language-requirement-for-public-sector-workers-code-of-practice>

<sup>4</sup> The Data Protection Act 2018 and General Data Protection Regulation

<sup>5</sup> [The Freedom of Information \(FOI\) Act 2000](#)

## **7. Reporting on complaints**

The Council has a Complaints Resolution Manager whose role is to manage (collating, monitoring and reporting) complaints across the Council and ensure that we learn from them when we have done something wrong. The Complaints Resolution Manager oversees the Complaints Policy and associated procedures and ensures the consistency of its application across the Council.

## **8. Policy review**

This Policy will be reviewed September 2021

Lincolnshire County Council, in accordance with current legislation, wants to treat everyone fairly.

Although we do not translate things as a matter of course, there are times when the language barrier prevents people from accessing a service. In such cases it may be appropriate to provide an interpreter or written translation. Further information can be found by accessing the following web link: [Interpreting and translating](#)

In line with the Accessible Information Standard, where a customer needs this document in a different format, for example, large print, braille or easy read, they should contact us on 01522 782060.