

## Corporate Complaints Procedure

### Introduction

The Council is committed to providing the best possible service it can. If we fail to do this, we want to know about it so that we can deal with the specific problem and take steps to avoid it happening again so that we can improve our services.

We will try to resolve most complaints on an informal basis at the first point of contact but this procedure explains how you can take up matters formally through the Council's **Corporate Complaints Procedure** if you think the service you have received from the Council is unsatisfactory.

### What is a complaint?

For the purpose of this procedure, the Council accepts the Local Government Ombudsman's definition:

*"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 the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council".*

The Council's complaints procedure is not intended to be used to obtain compensation payments. The Council may however offer a payment if the complainant is out of pocket as a result of an upheld complaint and, if a complaint is upheld by the Council, it will consider making a "time and trouble" payment, in line with Local Government Ombudsman recommendations.

### Is this the right procedure for my complaint?

The Corporate Complaints Procedure deals with all complaints where there is not a separate specific or legal procedure to deal with the matter.

By law, the Council has to consider complaints about the following matters under separate procedures set by the Government:

- Complaints about social care issues relating to children
- Complaints about social care issues relating to adults
- Complaints against County Councillors should be e-mailed to [codeofconduct@lancashire.gov.uk](mailto:codeofconduct@lancashire.gov.uk)

The Council also has specific procedures to deal with complaints about the following:

- Street lighting
- Highway defects
- Public rights of way obstructions, defects and certain legal orders
- Public transport services
- Quality of goods you have purchased from a shop or trader (Trading Standards)

We cannot deal with:

- Complaints about schools – these should be referred directly to the school
- Any matter on which you have commenced legal action against the Council which also includes abandoned matters.
- Complaints from County Council employees (or ex-employees) and their representatives in respect of matters relating to their employment
- Complaints about issues covered by a separate appeals procedure, for example Penalty Charge Notices (PCNs).
- Complaints about data protection or other issues which are within the remit of the Information Commissioner

Complaints received anonymously will be recorded and considered where the Complaints Manager feels that this is appropriate, but action may be limited if there is insufficient information available to enable a full investigation to take place.

## **Delays**

It becomes increasingly difficult to ensure a fair investigation after a period of time has elapsed since the original incident occurred. Complaints will therefore not be investigated after a period of 12 months has elapsed from the incident which gives rise to the complaint or after the person becomes aware of the matter which gives rise to the complaint.

## **Outcomes**

The aims of the Corporate Complaints Procedure are:

- to assist the Council in providing a customer focussed service
- to provide a fair, effective, transparent and structured means to investigate complaints or concerns about service delivery promptly and, where we are at fault, to put things right
- to make sure that complaints are dealt with consistently throughout the Council to encourage constructive feedback
- to help us improve our services and encourage best practice by all staff
- to increase customer satisfaction in Council services and in the way we handle feedback

## **How to make a complaint**

We have tried to make this procedure as accessible and straightforward as possible. Customers can contact us about their concerns in many different ways.

- in person at any of our offices
- by telephone through our Customer Access Centre: 0300 1236720
- by email sent to: [complaintsandfeedback@lancashire.gov.uk](mailto:complaintsandfeedback@lancashire.gov.uk)
- by completing the [on-line form](#) on the LCC website
- by letter to:

Complaints and Appeals Team  
Lancashire County Council  
Christ Church Precinct  
County Hall  
Preston PR1 8XJ

Please ensure that any communication contains:

- Your full name
- Your postal address
- The date (where possible) and details of the complaint
- The service concerned where possible

A template for reporting your complaint can be found at the end of this document.

Our investigations into your complaint will be thorough and unbiased, will be completed within strict timescales unless otherwise agreed with you and your confidentiality will be respected as far as possible.

### **What is a complaint?**

The Complaints and Appeals Manager is responsible for all council complaints and will decide what issue to treat as a corporate complaint and at what level.

The first reports of any defect / incident / fault will always be considered as "business as usual". Requests for service, including complaints about defects in infrastructure for which the Council has responsibility, are also regarded as a routine and are therefore not regarded as complaints. These should be reported via the [Report It](#) page on the LCC website or through the customer access centre. If such requests are received within the Complaints Team, the customer will be responded to promptly and within 3 working days, providing contact details of the Council team responsible for the service delivery.

The Complaints Team will consider all expressions of dissatisfaction to decide on the appropriate action to take in each case. Issues will be promptly acknowledged and responded to within 20 working days and if it is believed that fault lies with the Council, these will be progressed to 'informal complaints' (and a reference number can be provided). This means that even if an email or letter states 'formal complaint', it does not necessarily mean that the Council will treat the issue in this way.

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Unless the expression of dissatisfaction can be resolved to your satisfaction informally, the following process will be followed:

#### **Stage 1 - Investigation**

- The complaint will be formally acknowledged by the Council within 3 working days.
- It will be recorded on the Council's electronic complaints management system.
- The appropriate Head of Service for the service to which the complaint relates will act as the Council Designated Complaints Officer for the complaint
- Someone other than the person complained about will carry out a full investigation of the complaint and, wherever possible, send you a comprehensive reply within 20 working days of when you made the complaint.

- In exceptional circumstances, where the issues raised are more complex and will take more than 20 days to investigate, we will let you know why we need more time, provide you with a progress report within the initial 20 working day period, and inform you of when we believe it will be possible to let you have a full response.

## **Stage 2 – Consideration by County Councillors**

Most complaints that proceed to the formal stage are resolved to the customer's satisfaction at Stage 1. However, if you are not happy with the response you receive, you have the right to take things further. You may ask for your complaint to be considered by the County Council's Corporate Complaints Committee. Alternatively, an early referral to the Local Government Ombudsman may be agreed. Details of how to proceed will be included in the Stage 1 response, as advised by the Complaints Manager.

The Stage 2 process is as follows.

- The Committee is scheduled to meet four times a year but additional meetings can be arranged as necessary. Unless there are exceptional circumstances (which will be explained to you), arrangements will be made for the Committee to consider your complaint at the next possible meeting.
- You will be entitled to attend the Committee as will representatives of the service involved. So far as possible we shall submit your complaint to the Committee on a date which is most suitable to you. You may be accompanied by a friend or advisor if you wish, in which case you should inform the Complaints Team who this person will be at least 3 days before the meeting.
- If you do not wish to attend, the meeting will be held in your absence and the service may be represented by a senior officer not directly connected with the complaint in order to provide clarification or advice on technical issues relating to the complaint and/or on any actions the Committee recommend should be taken in response to the complaint.
- A letter confirming the Committee's decision will be forwarded to you within 3 working days of the meeting. This letter shall constitute the Stage 2 response

### **What if you are still unhappy with the response you receive?**

We hope to sort out your complaint to your satisfaction. However, if you are still not happy after both stages of the procedure have been completed, you can ask the Local Government Ombudsman, an independent 'watchdog', to investigate your complaint. Details of how to do that will be included in the Stage 2 response but the Ombudsman's address is:

Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH  
Telephone: 0300 061 0614

e-mail: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

The Ombudsman will expect you to have given the Council the opportunity to resolve the complaint through its own procedures before it will investigate.

### **Management of unreasonable complaint behaviour**

There are a small number of complainants who pursue their complaints in ways that are unreasonable and /or who take up an unwarranted amount of Council resources.

In such circumstances, the Council may choose to apply its policy on the management of unreasonable complainant behaviour, which has been drawn up in line with guidance issued by the Local Government Ombudsman. Such action is very rare and not taken lightly and complainants will be informed before any restrictions are applied to them in order that they might moderate their behaviour.

### **Management Information**

It is important to us to use the information that we receive from complaints to improve service delivery. Complaints are therefore monitored and reported on so that best practice is disseminated throughout the Council. We ensure that:

- Every complaint is logged
- Progress is monitored
- Annual reports are considered by senior officers and County Councillors and any recommendations are communicated across the Council.

Complainants have the option to record information about gender, age, ethnicity and disability. This information is used to ensure that our complaints system is accessible to all groups of customers.

### **Interpretation**

The Complaints and Appeals Manager for the Council will determine any issue relating to the interpretation of any provision in this procedure

