

Warwickshire County Council

Complaints Policy



Version: 01

Date Issue: April 2024

Review date: April 2025



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Introduction

As a public authority, Warwickshire County Council wants to make sure its customers are satisfied with our services. We do recognise that, as with any large organisation, sometimes things can go wrong. If you are unhappy with a service you have received, please tell us. We value feedback as an opportunity to improve the way we provide our services, and we believe dealing effectively with feedback is essential to learning and improving our approach.

We want to hear from you when you are satisfied with the services you have received and when you have concerns or suggestions for improvement.

Feedback will be recorded by our Customer Relations Team. Compliments and comments will be forwarded to the relevant team within the council to respond to.

We do recognise that not all feedback will be positive, and should you wish to raise a complaint with us this policy aims to provide a clear process and consistent approach and to explain how your complaint will be dealt with.

The policy covers the following areas:

1. What is a complaint covered by the policy?
2. What is not a complaint covered by the policy?
3. The process we will follow in responding to you.
4. What to do if you are unhappy with our response.
5. What behaviours will be considered unacceptable and
6. Where there are special procedures that apply to complaints such as:
 - a. Children's Social Care Statutory Complaints
 - b. Adult Social Care Statutory Complaints

The policy has been developed in line with best practice recommendations including the guidance provided by the Local Government and Social Care Ombudsman on their website www.lgo.org.uk

The policy

We promise that:

- We will acknowledge your complaint and apologise if we have made a mistake.
- If something has gone wrong, we will work to put it right.
- We will respond clearly and provide an outcome as soon as possible keeping you informed about the progress of your complaint.
- We will provide explanations for any decisions made or actions taken.
- We will be clear and consistent in our dealings with you.
- We will manage your feedback and personal data in accordance with best practice and the law.
- We will use your feedback to help us to improve our services.

What is a complaint?

A complaint is defined as an expression of dissatisfaction (however made) about the standard of service, including actions or lack of action provided by the council or its staff, or those acting on its behalf such as contractors or volunteers, which affects an individual or group of individuals.

This could include complaints involving allegations of delay, unreasonable behaviour by an individual acting for the council, or the council providing poor quality services.

Every complaint will be considered when it is received, and a decision will be made as to whether the policy applies.

If the policy does apply, we will follow the steps set out in this policy.

If we decide that the policy does not apply, we will tell you why your complaint does not fall under this policy. If you disagree with our decision, you can refer the decision to the Local Government and Social Care Ombudsman for review. In the meantime, we will direct your correspondence to the appropriate service for any response.

What is not a complaint?

There may be occasions where you are dissatisfied with a service that the council has provided but it is not appropriate to follow the Complaints policy and there may be cases where other, more specific ways of resolving your concerns are appropriate.

Details of the exclusions to the Complaints policy are contained in Appendix 1.

In general, the following issues are examples of things that will not be treated as complaints under this policy:

- Queries
- Comments
- Initial requests for services

- Initial reporting of faults (such as potholes, highways reports or broken streetlights, etc.) which have their own reporting processes.
- Dissatisfaction with council policies, and
- Dissatisfaction with or appeals against Parking Charge Notices which have their own legislative appeal processes.

The following are also excluded:

Complaints about Councillors - Councillors (Elected Members) are required to comply with the Members' Code of Conduct. Complaints about Councillors are dealt with by the Monitoring Officer under the procedure at www.warwickshire.gov.uk/councillorcomplaints.

Complaints can be referred to the Monitoring Officer either:

By email: monitoringofficer@warwickshire.gov.uk

Online at: www.warwickshire.gov.uk/councildemocracy-councillors/complaints-councillors/2 or by post to:

The Monitoring Officer

Warwickshire County Council

Shire Hall

Warwick

CV34 4RL

Information Governance complaints (i.e. Complaints about your personal data or a response to an FOI, EIR or SAR request). These should be sent to inforights@warwickshire.gov.uk who will advise you of the correct process to follow and your rights of recourse to the Information Commissioner.

Procurement / contractual challenges - these are not treated as complaints and should be sent to the Procurement Team at the following address:

Procurement

Warwickshire County Council

Shire Hall Post Room

Rear of Shire Hall

Northgate Street

Warwick

CV34 4RL

Please note that service of legal proceedings related to procurement and/or contractual challenges (or any other legal claims activity) will not be accepted by email.

Complaints that relate to legal action – these will not be dealt with under this policy. Any issues that arise should be dealt with as part of the legal proceedings.

We will confirm to you at the earliest opportunity whether this policy applies and provide details of any alternative procedure available.

Who can complain?

Anyone who has received a service provided by or on behalf of the council or is seeking to receive a service provided by or on behalf of the council, can raise a complaint.

A complaint can also be raised by someone who has been directly affected by such a service, or by someone who is representing a customer where that customer is unable to make the complaint themselves or has asked the representative to act on their behalf and there is evidence to show this. Complaints may also be raised by someone with parental responsibility for a person with a relevant complaint (subject to some exceptions).

If we have reason to believe a representative is not acting in the best interests of the person with a complaint, we may decide not to consider the complaint and will advise both the complainant and the representative in writing of our decision.

Our guiding principles

We take all feedback seriously and we will ensure that the feedback we receive is dealt with appropriately and where necessary acted upon. Matters requesting assistance that are not complaints, will be passed to the relevant service area to respond.

We encourage our staff to resolve issues without the need to use the formal complaints process wherever possible, as in many cases concerns can be addressed and resolved by direct communication.

All issues raised, and outcomes reached will be recorded to ensure that we continue to learn from your feedback both formal and informal.

We will demonstrate:

- a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments.
- take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- act within the professional standards for engaging with complaints as set by any relevant professional body.

The Complaints policy will be available on the council's website and can be made available in other accessible formats if requested.

Complaint handling

How we deal with your complaints

Every complaint is different, and we want to make sure that we investigate your complaint appropriately and proportionately given the council's resources. We also want to be transparent about the process we will follow.

The council is committed to complying with its obligations under the Equality Act 2010 and if you need assistance to help you bring your complaint, we will seek to make reasonable adjustments to assist you. This might include having a suitable representative to deal with the complaint on your behalf or enabling you to be represented or accompanied at any meeting with us.

Initial review

When your complaint is received, we will consider it against this policy and will inform you of the process to be followed within 5 working days.

If we decide that the policy does not apply, we will let you know and explain why we have taken that decision.

If the complaint relates to Adult Social Care or Children's Services, we will consider whether the complaint is covered by statutory procedures. We will inform you of our decision as quickly as possible and within 2 working days of receipt of your complaint.

Statutory complaints

These are complaints where the law sets out a specific procedure that must be followed.

The statutory procedures for relevant Children's Social Care Complaints and relevant Adult Social Care Complaints explain what types of complaint are covered by the statutory procedures.

These are separate documents available on the council's website.

Complaints not covered by a statutory procedure

Stage 1- Service investigation and response

Your complaint will first be referred to the relevant service area for investigation.

The service area will take all reasonable steps to resolve your complaint and will aim to respond within 10 working days. If this is not possible, the service will provide you with an update within 10 working days together with an estimate of the likely timescale for a full response.

The response from the service will be provided in writing and will confirm the results of the investigation and any action that the service will take, together with details of your right to a Stage 2 Review.

You must request a Stage 2 Review within 20 working days of our response to you.

Where other statutory timescales apply you will be advised of those.

Stage 2 Review

If you are not satisfied with the response from the service, you may be able to seek a Stage 2 Review. A Stage 2 Review is available where you can reasonably show that one of the following may apply:

- We failed to consider relevant information at Stage 1.
- Our procedures have not been properly followed in dealing with your complaint.
- We have incorrectly interpreted council policy.
- The response sent to you fails to fully address the issues raised or answer your complaints.

If a Stage 2 Review is offered it will be carried out either by a Senior Officer, by the Customer Relations Team, or where appropriate by an independent investigator (see below).

If after consideration, it is decided that there is no reason to escalate the complaint to a Stage 2 Review, this will be explained to you within 10 working days.

A Stage 2 Review is not a reconsideration of your complaint but is a review of the process undertaken at Stage 1 to check that our policies and procedures have been properly followed and applied.

We will normally respond to a Stage 2 Complaint within 30 working days. If this is not possible, or the matter is complex we will advise you of the likely response time.

If the outcome of the Stage 2 Review is that the council failed to properly consider your complaint at Stage 1, we may refer your complaint back to the service to reconsider its response or instruct an independent person to reconsider the complaint.

If you remain unhappy following this, you are able to contact the Local Government and Social Care Ombudsman (LGSCO). The LGSCO is independent and can investigate complaints about most council matters. The Ombudsman would normally expect a matter to be referred within 12 months of when you first knew of the problem you are complaining about.

The LGSCO can be contacted at:

**Local Government and Social Care Ombudsman
PO Box 4771
Coventry CV4 0EH**

Or at

www.lgo.org.uk

Complaint resolution – who will be involved?

In most cases, those involved in trying to resolve your complaint will be staff employed by the council.

However, there are times when independent people will be commissioned to investigate your complaint.

The statutory complaints processes for Children’s Social Care Complaints and Adult Social Care Complaints explain when this may occur for relevant complaints relating to adult or children’s social care.

In cases not covered by a statutory process we may also appoint an independent investigator if the issues raised are particularly complex or if we consider that there is a need for an extra level of independence. We will advise you if we do this.

How might we remedy your complaint?

We will always aim to provide a remedy where our investigation of your complaint reveals that there has been fault by us. However, there must be a clear link between any fault on the part of the council and the injustice complained about.

We will consider remedies in line with the “Ombudsman’s Guidance on good practice: Remedies” which can be found on the LGSCO website at lgo.org.uk

In deciding on the appropriate remedy, we will consider what has gone wrong, whether action can be taken to put you back in the position you would have been in if nothing had gone wrong,

what outcome you have told us you are seeking, whether there are any mitigating factors and whether the proposed remedy is proportionate, appropriate, and reasonable.

Remedies may include:

- An apology.
- A commitment to review policies and procedures.
- A reconsideration of a previous service decision.
- Other actions to put you back in the position you would have been in if nothing had gone wrong.

Suspending complaints

Complaint investigations may be suspended if there are concurrent investigations taking place into safeguarding matters, or if connected internal disciplinary processes or court proceedings are taking place. We will advise you if this is the case.

Discontinuing complaints

The council can decide to stop an investigation or review of a complaint if you behave unreasonably or offensively or if you fail to respond to requests for information. We explain below and at Appendix 4 what is considered to be unreasonable behaviour.

We will only take this action where you have been advised that your conduct is not acceptable and you have refused to alter your approach, and/or where contact has been attempted on more than one occasion and no response has been received.

We will confirm to you in writing if we decide to discontinue the investigation of your complaint.

Withdrawing complaints

You may withdraw your complaint verbally or in writing at any time. We will contact you in writing to confirm the withdrawal before closing the complaint.

Re-opening complaints

You can request that your complaint is re-opened if it was closed in error or if you have new information that was not previously available to you when the complaint was originally made.

Your request will be considered and the reasons for the closing of your complaint will be taken into account in reaching a decision on whether to re-open your complaint.

Unreasonable behaviour or vexatious complaints

If you pursue your complaint in an unreasonable manner, are abusive or threatening (verbally or in writing), if you make repeated complaints that have previously been addressed and/or you refuse to accept a decision made by the council previously on the same topic, we reserve the right to restrict our contact with you.

This might include:

- Closing your complaint
- Restricting your access to our staff and requiring you to correspond with a single point of contact.
- Restricting the ways in which you contact us (for example, by email or letter only).

- Ceasing contact with you except in relation to matters where we are legally obliged to contact you.
- Restricting your right to enter council premises, or
- In extreme circumstances taking legal action (including injunctions or court orders) to protect our staff and property.

Examples of unreasonable behaviour are set out in Appendix 4

Before taking such steps, we will usually inform you of the reasons why we feel your behaviours or actions are unacceptable and will give you the opportunity to change your behaviours within a reasonable timescale before taking any further action.

If the behaviours persist, we will inform you in writing of any restrictions we intend to apply.

There is no right of appeal to Warwickshire County Council regarding the implementation of this section of the policy (i.e. How we deal with unreasonable behaviour or vexatious complaints). However, if you do not agree with the application of any restrictions, you may raise the matter with the LGSCO.

Monitoring and review

This policy will be reviewed regularly by the council and may be updated in between reviews in response to any changes in law or guidance.

Appendix 1

Exclusions from the Complaints Policy

1. Requests for service or information – initial requests alert us to something we need to respond to and only become a complaint if we do not deal with them appropriately and within the agreed timescale.
2. Appeals processes against a decision made - for some services there are alternative statutory appeals, tribunal processes or other policies in place which must be used rather than this Complaints policy. These include (but are not limited to):
 - 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.
 - Decisions about the school a child should attend.
 - Complaints about Academies.
 - 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.
 - Qualifying determinations in relation to foster carers and adopters.
3. 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. Very often we will reach those judgments without any fault on our part, but you may still be dissatisfied. To be treated as a complaint under this policy, your dissatisfaction must be accompanied by a failure by the council of a kind described in the policy.
4. Complaints about Councillors – all Members (both 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 setting out how they should behave towards members of the public, people working for the council and each other. Complaints about Councillors breaching the Code of Conduct are dealt with by the Monitoring Officer and not through this policy.
5. Complaints made more than one year after the customer became aware of the issue (unless there are exceptional circumstances) - this is because such complaints can be difficult to investigate fully or fairly due to the passage of time.
6. Staff personnel issues (such as conduct or disciplinary or grievance) or recruitment and selection process – such matters will be dealt with in line with relevant HR procedures.
7. Complaints by foster carers – in some cases foster carers may complain about the services offered to the children they are looking after (this may require the permission of the child). Foster carers will also be able to use this policy to complain about services offered to them in their role as foster carers, but they will not be able to use this policy to challenge contractual terms and conditions relating to their role as foster carers. Nor will this process apply to the assessment and decision-making processes around their registration.

8. 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 Internal Audit team at:
tellusaboutfraud@warwickshire.gov.uk
9. Complaints about data protection or information governance matters – complaints about how the council has processed personal data or about information sharing, disclosure, retention, or information security should initially be raised with the service responsible for the data to enable any issues to be resolved. Should there remain concerns on how the council handles data, the customer should contact the Data Protection Officer by email at:
dataprotectionofficer@warwickshire.gov.uk
10. Complaints that have already exhausted our process – we will not continue to investigate or reinvestigate a complaint that has received a final written decision. If the complaint has already been referred to the Local Government and Social Care Ombudsman (LGSCO) or the Information Commissioner (ICO) then we will undertake the steps requested of us by those bodies.
11. Complaints that are subject to legal proceedings or claims for compensation – if the issues of the complaint are already part of a legal case, then this will take precedence over the complaint procedure. Compensation claims that are not part of a complaint are dealt with via Warwickshire Legal Services.
12. Complaints about one of the council’s policies – if you have a complaint about a council policy which sets out the way in which the council will deliver its services or about how the council has complied with legislation, government or other guidance, this will be dealt with separately by a senior manager and not under this policy. This is different to a complaint about how the council has actually delivered a service.

Appendix 2

Childrens Procedure – See separate document

Available on the council’s website

Appendix 3

Adults Procedure – See separate document

Available on the council’s website

Appendix 4

Examples of unreasonable behaviour

Unreasonable behaviours can take many forms and include behaviour that takes place in person, via telephone or other meeting method, in writing and on email.

It is impossible to provide a definitive list of the behaviours that are unreasonable, but these will include where you:

- Communicate inappropriately, for example:
 - Send repeated, persistent, or abusive communications in connection with the same complaint (or substantially the same complaint with minor additions or variations).
 - Repeatedly send correspondence to numerous staff and /or councillors across the organisation.
 - Refuse to contact the council via the contact route given to you and persist in sending correspondence (in person or by letter, telephone, email or fax) regarding your complaint to other officers or councillors despite being advised that this behaviour is not acceptable.
 - Refuse to follow the policy and procedures in place, for example.
 - Refuse or fail to set out or agree the grounds of your complaint or the outcome that you are looking for.
 - Insist on only dealing with one specific member of staff despite being advised that this is neither necessary nor appropriate.
 - Continue to contact us to pursue a complaint where the Complaints policy has already been fully and properly implemented and exhausted.
- Refuse to co-operate with the complaint investigation process.
- Refuse to accept that certain issues are not within the scope of the Complaints policy.
- Make excessive demands on the time and resources of staff.
- Change the basis of your complaint as the investigation proceeds and/or make unjustified complaints about staff who are trying to deal with your complaint.
- Repeatedly make the same complaint despite previous investigations or responses concluding that the complaint has been addressed or is groundless.
- Behave aggressively or inappropriately, for example:
 - Harass, threaten or be personally abusive, offensive, or aggressive on repeated occasions despite warnings about your behaviour.
 - Make or publish (verbally or in writing) derogatory statements about staff or Members, including comments on social media or other public forums.
 - Knowingly provide falsified information.
 - Record meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved.

Appendix 5

Single point of contact procedure

If you pursue your complaint in an unreasonable manner or your behaviour is, or becomes, unreasonable as defined within this policy, we may take steps to restrict our contact with you. As indicated in the policy, there are several ways in which we might do this. One of those is to restrict your access to our staff and/or require you to correspond with a single point of contact (SPOC).

Before taking that step, we will usually inform you of the reasons that we feel your behaviours or actions are unacceptable, and we will give you the opportunity to change your behaviours within a reasonable timescale before taking further action.

However, if the behaviours continue and we inform you that your contact is restricted, you will be expected to follow the process set out to you.

We will inform you of the appropriate contact address for the SPOC appointed to you. This may be an individual or a dedicated email account. When you are informed of the contact address for the SPOC appointed to you, we will confirm any other avenues of contact with you (for example, if there are legal proceedings ongoing, we will set out how you should correspond with us about those proceedings; if you are in receipt of social care we will set out how to access your social worker). However, correspondence about the complaint you have raised and in respect of which this procedure has been implemented will be limited to the SPOC appointed. Any correspondence that you send about the matter that the SPOC procedure covers will be ignored unless it is sent to the appointed SPOC. Officers will be instructed to divert correspondence received to the SPOC, or where appropriate in the circumstances to block the receipt of emails from specified addresses.

The SPOC will review your correspondence and, where there is an issue that requires attention will arrange a response. If the correspondence is unreasonable or abusive or threatening, it will not be actioned and will remain on file should further complaints or correspondence arise, or further action needs to be taken.

The decision as to whether your behaviour is unreasonable and requires restrictions to be put in place will be made by a senior officer within the service you are complaining about in consultation with the Customer Relations Manager.

If your correspondence is considered abusive, malicious, or threatening legal advice will be taken on the appropriate next steps. Abusive behaviour towards officers or councillors will not be tolerated.

There is no right of appeal to Warwickshire County Council regarding the implementation of this section of the policy. However, if you do not agree with the application of any restrictions, you may raise the matter with the LGSCO.