

# Corporate Complaints and Compliments Policy



## Introduction

Cumberland Council believes passionately in the delivery of excellent public services and is committed to putting our customers first. The authority is dedicated to listening, involving and engaging residents and using feedback to drive change, learning and improvement.

We accept that sometimes things go wrong or are not as good as they should be and as such we believe that effectively managing complaints is central to improving our services. We also know that compliments provide us with valuable insight into what is going well and sharing this best practice throughout the authority is part of our culture.

We will always try to resolve most complaints at the first point of contact. This gives our services a chance to address issues on an informal basis and in an efficient manner. If this is not possible, this procedure explains how matters can be dealt with formally through the Corporate Complaints Policy.

## Aims of this policy / Purpose and scope

Cumberland Council strives to be transparent and fair in all aspects of complaints handling. A positive complaints culture is crucial in building positive relationships between the authority and its customers, as well as providing us with an understanding of our operational and working practices.

This policy reflects the principles of the Complaint Handling Code published by the Local Government and Social Care Ombudsman (LGSCO) and is aligned to the Complaint Handling Code issued by the Housing Ombudsman.

## What is a compliment?

***'An expression of praise'***

Hearing about when things have gone well is really important to the Council. It helps us to maintain high standards and give thanks to the members of our teams who have done a great job and delivered a good service.

Compliments can be submitted at any time, to any member of staff.

# What is a service request?

The LGSCO describes a service request as:

***‘A request for us to provide or improve a service, fix a problem or reconsider a decision.’***

Service requests are not complaints but give the organisation a chance to resolve matters to the customer's satisfaction before they become a complaint. Examples of this are – requesting something for the first time, reporting a fault with a streetlight, reporting a pothole, a missed refuse bag collection, a noisy neighbour / anti-social behaviour or request for Home Care services.

Service requests can later be escalated to complaints if not resolved at this point.

# What is a complaint?

The LGSCO defines a complaint as:

***‘An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff or those acting on its behalf, affecting an individual or group of individuals.’***

The list below outlines some of the matters that customers may wish to raise as a complaint:

- When we do not provide a service at the level or to the standard laid down by law or Council policy/guidance.
- Whenever we delay unreasonably in answering a query or responding to a request for service.
- Inappropriate behaviour of a Council employee or someone acting on the Council's behalf.
- Whenever we do not follow Council policies or procedures.
- When we do not tell people their rights or otherwise treat them unfairly.

If a complaint relates to a provider or contractor commissioned or employed by the Council, the customer should contact them directly in the first instance to investigate.

# Exclusions.

Each complaint is considered on its own merit, but there are times when a valid reason means we would not consider it under this policy. If this is the case, we will inform the customer and explain the reasons why. Examples of this are:

- Service requests (as above), including initial reporting of faults / defects.
- Social housing standards / service dissatisfaction with landlords. Contact should be raised with the appropriate social landlord in the first instance. If a tenant does not receive the appropriate repair / response, the Council's housing enforcement teams can advise further.
- Where a statutory right of appeal or other Council review / appeals process is in place (ie. planning permission refusals, school admission refusals, parking appeals, enforcement appeals and insurance procedures). This also applies to Council tax and housing benefit appeals and homelessness decisions.

- A matter for which there is a more appropriate legal remedy e.g. a matter which is (or could reasonably be expected to be) the subject of court or tribunal proceedings or review by a minister.
- Complaints relating to schools. These should be directed to the Headteacher or board of Governors.
- Complaints regarding the conduct of councillors. These should be submitted in writing to the Monitoring Officer.
- A matter that has already been considered and closed under the complaints policy (and / or the LGSCO)
- If the complaint is outside of the time limit.
- Complaints relating to Freedom of Information (FOI), Environmental Information Regulations (EIR) or Subject Access Requests (SAR).
- Matters of law or central government policy (ie Council tax legislation)

## **Complaints about Planning Decisions**

A planning decision is binding and there is no right of appeal except by the recipient to the Planning Inspectorate. A third party may challenge a planning decision through Judicial Review. There is no scope for the Council's complaints process to review a planning permission, enforcement decision or other consent under planning legislation.

## **Complaints in relation to Adult Social Care and Children's Services**

Councils with social services responsibilities are by law required to have a separate complaints procedure for social care service users or their representatives. Complaints about Children's Services or Adult Social Care are covered by statutory procedures, rather than this policy.

## **Employee matters**

Matters about employment including pay, pensions, dismissal or applications for employment should follow the relevant internal procedure. For example, complaints about Local Government Pensions should follow internal procedures and complaints about staff employment should follow the grievance procedure.

Staff or teams wishing to complain about a member of staff or team in another directorate should progress this through the appropriate line management arrangements. Employees who believe that there is serious wrongdoing at work by other employees, managers, Councillors, suppliers, contractors or others acting on behalf of the Council should refer to the council's Whistleblowing Policy.

## **Timeframe for making a complaint.**

We will normally investigate complaints referred to us within 12 months of an issue occurring (or from when the customer becomes aware of it). The earlier something is raised, the more successful the resolution, as investigating a complaint when it is fresh in memories is much more effective.

Discretion can be applied to timeframes where appropriate, and each complaint will be considered individually. If we are unable to investigate an issue, we will let the customer know the reasons why.

## Who can make a complaint?

Any person or organisation accessing a service from the Council can make a complaint.

Anyone acting on behalf of a person or organisation receiving a service from the Council can make a complaint (see below).

Where complaints are made by third parties, such as an elected member, an advocate, friends or family, the Council has an obligation to obtain consent from the person who is the subject of the complaint before investigating and disclosing information.

## How to make a complaint.

A complaint can be raised with any member of staff, not just the complaints team, and the customer will be provided with information and guidance at that point of access.

We understand our responsibilities under the Equality Act 2010 and aim to make it as easy and seamless as possible for anyone wishing to raise a complaint with the council.

To contact the complaints team:

**Email:** [complaints@cumberland.gov.uk](mailto:complaints@cumberland.gov.uk)

**Post:**

Complaints Team  
Cumberland Council  
Parkhouse Building  
Kingmoor Park  
Carlisle  
CA6 4SJ

**Phone:** 01228 479770

**Online:** [Complaints Webpage](#)

If customers require any adjustments or have additional needs (such as printed in Braille or translated into another language), the team will discuss this and agree how best to help.

## The Complaints Handling Process

Upon receipt, the Council will review the matter(s) and establish whether it meets the criteria of a complaint. If it does not, the customer will be informed and signposted as to where they can progress the issue.

The complaints process consists of 2 stages.

## Stage 1

The Council aims to resolve all complaints at stage 1. It is in the customer's best interest for the Council to manage this part of the process as promptly and efficiently as possible.

It is imperative that the customer is clear on the issues they wish to complain about and the outcome(s) that they would like to achieve.

Complaints will be logged and acknowledged within **5 working days** of being received.

The complaint will be allocated to a member of the Council who can investigate and consider all the elements of the matter.

A full response will be provided to the customer within **10 working days** of being acknowledged. There may be occasions when a complaint is particularly complex and requires further consideration. In these instances, the timescale can be extended by a further **10 working days**. If this is the case, the decision and reasoning will be clearly explained to the customer.

If a customer raises additional issues during stage 1, these should be incorporated into the customer response (if they are related). If the issues are not in relation to issues already investigated / being investigated complaint, they should be logged as a new complaint.

Any actions and learning agreed as a result of a complaint will be tracked and implemented by the service responsible.

## Stage 2

If the Council has not been able to resolve the complaint to the customer's satisfaction at stage 1, it can be progressed to stage 2 within **10 working days** of receiving the response at stage 1. This is the final stage of the complaints process. The customer will be required to outline which parts of the complaint have not been satisfied.

The complaint will be logged and acknowledged within **5 working days** of the escalation being requested by the customer. Within the acknowledgement, the outstanding issues will be clarified and expected outcomes identified.

The stage 2 consideration is a review of the adequacy of the stage 1 response, as well as any new and relevant information not previously considered. Stage 2 is not a more thorough, detailed investigation of the complaint. It is expected that this will have taken place at Stage 1.

A full and final response to the complaint will be provided within **20 working days** of being acknowledged. Should an extension be required (as per stage 1, if a complaint requires more complex investigation), a further **20 working days** can be utilised to ensure the best possible response is provided to the customer. This will be clearly communicated with the customer.

The complaint will be allocated to and investigated by a different person to that of the first stage.

The final response will contain:

- Full understanding of the complaint.
- The decision made (upheld, partially upheld or not upheld).
- Reasons for the decisions made.
- Proposed remedies (see below).
- Actions and learning.
- Information on how to escalate to the LGSCO.

## Remedies – how can we put things right?

If we find that something has gone wrong, we will acknowledge it. It is important that we know and learn when our practice / services fall short of the high standards we expect. The appropriate remedy will reflect the impact on a customer as a result of any fault we identify.

In order to put things right, we can:

- Apologise.
- Provide an explanation.
- Take action if there has been a delay.
- Reconsider a decision.
- Provide a financial remedy.
- Change policies / practice.

## The Local Government and Social Care Ombudsman

If the Council has not been able to successfully resolve a complaint to a customer's satisfaction, they can contact the Local Government and Social Care Ombudsman (LGSCO). This should be done within 12 months of when the customer first knew about the matter they are complaining about. The LGSCO will then communicate with the council regarding the issues.

The LGSCO can be contacted by calling 0300 061 0614 and more information can be found on their website at <https://www.lgo.org.uk/>

## Vexatious and Unacceptable behaviour

The Council aims to treat all customers with courtesy and politeness. Whilst it is recognised that a complainant may be angry, frustrated and upset (and may have issues of genuine concern), it is expected that all representatives of the council will be treated with the same consideration and respect.

Should this not be the case, and staff are treated in an inappropriate manner and / or other vexatious behaviour is exhibited, the Council may implement the Unreasonable Customer policy.

## Monitoring and Learning.

Cumberland Council encourages a positive complaints culture, which prioritises accountability and transparency. Learning lessons and striving to share best practice that emerges from customer feedback is imperative to strengthening this culture.

The Council will use feedback to track and monitor themes, trends and outcomes. There will be continuous assessment through internal governance procedures to ensure compliance and implemented improvements.

## Record Keeping and Reporting

A full record and complaint outcomes at each stage will be stored confidentially on our digital system and kept in line with data retention policies.

The authority will produce an annual complaints performance and service improvement report for scrutiny. This will be reported through organisational governance arrangements and published on the website.

Continuous self-assessment against the LGSCO Code will ensure that there is compliance in all complaints handling.

<b>Document Change History</b>			
<b>Date</b>	<b>Issued by</b>	<b>Reason for change</b>	<b>Review date</b>
July 2024	A Lawson	New policy in line with LGSCO Code	August 2025

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