

---

# Formal Complaints Policy

---

March 2016

“A formal complaint is an expression of dissatisfaction that **requires a response**”

## Formal Complaints Policy

---

### Introduction

This policy outlines our approach for dealing and responding to complaints, and how we can use complaints to satisfy our customers and improve our services.

We aim to deliver all our services correctly first time. However, sometimes things go wrong. We try to encourage our customers to tell us when this happens so that we can put it right and learn lessons to prevent it happening again.

### What is a formal complaint?

A formal complaint is an expression of dissatisfaction that requires a response, about the standards of service, actions or lack of action by the council or its staff.

Customers reporting one-off service failures (such as a missed bin) will need to use one of our online service forms rather than our formal complaints process, [tewkesbury.gov.uk/doitonline](http://tewkesbury.gov.uk/doitonline) or they can phone our customer services team on 01684 295010.

Formal complaints must be made in writing using our online form or by letter. We do not accept complaints by phone or email. If the customer contacts us by phone or email then

we will direct them to use our website or to send us a letter.

If submitting a complaint by letter, it must be addressed to:

Complaints  
Customer Services  
Tewkesbury Borough Council  
Gloucester Road  
Tewkesbury  
GL20 5TT

The customer must provide us with their name and address and may provide a phone number and email address if they wish. The customer will be asked to provide a preferred contact method (email or letter). We may telephone the customer to discuss the complaint but will always send full responses in writing.

All complaints will be treated with respect and confidence. Only staff handling the complaint or formally consulted as part of the investigation will be aware of the customer's personal details.

### Complaints not handled under our formal complaints policy

Some formal complaints are dealt with under separate statutory procedures, these include:

- Complaints about councillors. Please contact the council's monitoring officer on 01684 295010 or email [externalenquiries@tewkesbury.gov.uk](mailto:externalenquiries@tewkesbury.gov.uk)
- Allegations of financial impropriety or criminal activity by the council. Please contact the council's Section 151 officer and/or an internal auditor, monitoring officer or chief executive. You can do this on 01684 295010 or email [externalenquiries@tewkesbury.gov.uk](mailto:externalenquiries@tewkesbury.gov.uk)
- Where there is a separate appeals process, that appeals process should be followed e.g. licensing, planning or parking fines.
- Complaints about national government policy.



## Formal Complaints Policy

---

“Our Customer Services team  
will **allocate the complaint** to  
the relevant service manager ”

### Handling the complaint

#### Stage one – investigation by a service manager.

All complaints will be logged in our case management system. The case management system will be used for recording all actions taken during the complaint investigation. Each complaint will be allocated a unique reference. Customers should include this reference in all correspondence with us about their complaint.

All complaints will be acknowledged within two working days of receipt.

If the complaint is about a service which we do not directly provide, then we will respond to the customer with contact details for the organisation responsible.

Our Customer Services team will allocate the complaint to the relevant service manager who will then investigate it.

A full written response will be sent to the customer as soon as possible but within 20 working days. If the complaint requires significant investigation that may exceed this time then we will let the customer know and agree a response date.

Our response will include our decision about whether we agree with the complaint, any action which we will be taking and any remedy

we may make. Details will be given of what the customer can do next if they are not satisfied. If the customer wants to appeal our decision, they must let us know within 30 calendar days of our response.

#### Stage two – investigation by an independent group manager.

All complaints which go to stage two of our formal complaints policy will be acknowledged within two working days.

The Chief Executive's PA will allocate the investigation to a member of the management team who is independent from the original investigation.

The response will be sent to the customer as soon as possible but within 20 working days. If the complaint requires significant investigation that may exceed this time then we will let the customer know and agree a response date.

Our response will include our decision about whether we agree with the complaint, any action which we will be taking and any remedy we may make.

This is the last stage in our formal complaints policy. If the customer is still not satisfied then they may refer their complaint to the Local Government Ombudsman.

### Ombudsman

Details of how to complain to the Ombudsman will be included with our stage two response. The Ombudsman will only investigate complaints which have already been through our complaints procedure.

Address: PO Box 4771, Coventry, CV4 0EH  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)  
Ombudsman Advice Team: 0300 061 0614

### Lessons learned

As part of our complaints investigation process we will record any lessons learned and each service will be required to review how these lessons have been implemented.

### Remedy for formal complaints

When the council is at fault, we must always try to put things right - and we must do this as soon as possible to minimise the inconvenience to the customer and prevent unnecessary escalation.

We must acknowledge the fault, explain what went wrong, what we will do to prevent it happening again and provide a remedy in the form of:

“The complaints procedure will be reviewed annually and will **incorporate issues raised** by officers and member feedback...”

## Formal Complaints Policy

---

- An apology- a written apology will be a matter of course
- Specific action- All lessons learned (including recommendations for improvement/staff training) should be considered and implemented by the appropriate team and any action resulting from the lessons learned should be fed back to the complainant.
- Financial settlement/ refund- reimbursing the person affected (in full or in part) for actual, quantifiable financial loss which has directly resulted from the complaint.

Where it is felt that financial compensation is appropriate we will refer to the Local Government Ombudsman’s latest guidance on Good Practice on Remedies. This will be used as a guide in determining the actual amount of financial settlement and these will be paid as soon as possible following the decision to pay.

The relevant operational/group manager will be responsible for determining the appropriate remedy, including financial settlements/refunds up to £1000. Any financial remedy in excess of £1000 will be referred to the Corporate Leadership Team to agree the appropriate approach, and the lead member will be notified.

### Frivolous, vexatious and serial complaints

Any vexatious complaints will be referred to the monitoring officer for consideration prior to responding. Where a complaint of this nature is received, it will be carefully considered to ensure that no new issue has been brought to the council’s attention that should be pursued. A vexatious complaint may be from a serial complainer or from a customer who is known to harass, cause distress, agitate or pursue issues excessively.

Where managers consider that a complaint appears to lack any serious purpose or value, or is designed to cause disruption or annoyance, these will be referred to an appropriate senior manager for consideration prior to responding.

These referrals may lead to the complaint not being investigated. Where this happens, the complainant will be advised of the reasons by the monitoring officer or the appropriate group manager.

### Reporting and reviewing

A report on all complaints received will be presented to the Overview and Scrutiny Committee on a six-monthly basis. Any lessons learned from the complaints will also be

reviewed to ensure that they have been implemented.

The Complaints Procedure will be reviewed annually and will incorporate issues raised by officers and member feedback and reports from the Ombudsman.

### Informing ward councillors

It is the responsibility of the investigating officer to, where relevant, inform ward councillors of the complaint without divulging personal details about the complainant

### Data protection and retention

#### Data protection

All personal data gathered as part of a formal complaint will be handled in accordance with the council’s Data Protection Policy. Personal data may be shared, where necessary, with third parties where it is appropriate for investigating and resolving a complaint.

#### Data retention

Complaint records will be retained for two years after the end date of the complaint process and thereafter destroyed.