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# Formal Complaints Policy

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2021

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This policy outlines our approach for dealing with and responding to formal complaints.

Customer care is a priority for us, and we aim to deliver our services in a way that meets our customers' expectations. However, we know that sometimes things can 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 from happening again.

Our formal complaints process sits within our 'Have Your Say' approach - where we offer our customers a range of ways to let us know how we're doing – you can give us a compliment, comment, concern, or complaint.

To find out more, visit our 'Have Your Say' website page. (insert link when live).

## 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.

For example, where:

- We have not responded to a service request or we have failed to deliver a service to you.
- The service we delivered did not meet your expectation.
- You were treated in an unprofessional manner.

## What if my issue isn't classed as a formal complaint?

Some issues which might appear to be formal complaints have to be dealt with under separate statutory procedures, these include:

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

## What else cannot be dealt with under our formal complaints process?

- We do not consider anonymous complaints.
- If you disagree with the result of a process that has a dedicated appeal mechanism, we cannot accept it as a formal complaint. This includes objecting to planning applications and appealing against parking charge notices.

- Complaints about formal decisions taken by committee or those delegated to staff.
- Complaints against parish councillors.
- Appeals against decisions on business rates, housing allocations, council tax or housing benefit.
- Appeals against food business inspection results.
- Cases where a more immediate response can be given – for example a missed bin can quickly be reported through our website.

There are some things we cannot change, and they are:

- If our actions are required by law or national policy.
- If our actions were determined properly following our policies and procedures. For example, following planning, licensing, and Council decisions.

## How do I make a formal complaint?

Before using our formal complaints process, please consider if it might be more appropriate to submit a comment or concern – comments and concerns are less formal, but we still take them seriously, and we aim to respond to them within five working days. This can often result in a quicker response time than submitting a formal complaint.

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The easiest and quickest way to make a formal complaint is to use our online formal complaints form:  
[www.tewkesbury.gov.uk/make-a-formal-complaint](http://www.tewkesbury.gov.uk/make-a-formal-complaint)

Alternatively, complaints can be made in writing to:

Complaints,  
Customer Services,  
Tewkesbury Borough Council,  
Public Services Centre,  
Gloucester Road,  
Tewkesbury.  
GL20 5TT.

We do not accept complaints over the phone or social media.

We treat all complaints with respect and in confidence. Any personal data gathered as part of a formal complaint will be handled in accordance with the council's Data Protection Policy.

We may share some personal data, where necessary, with third parties where it is appropriate for investigating and resolving a complaint.

## What happens once I have submitted my complaint?

### Stage one – investigation by service manager

All formal complaints get logged onto our complaints system. The system is used for recording all actions taken during the complaint investigation. Each complaint will be given a unique reference which will be given to the complainant.

We will send you an acknowledgement within three working days of receiving your complaint.

Your complaint will be passed to the relevant service manager for investigation. We aim to respond fully to your complaint as soon as possible and within 20 working days. If your complaint requires a lot of investigation, then we may take longer but we will always keep you informed.

If the complaint is about a service which we do not directly provide, or where there is an alternative appeals process, then we will respond to you with contact details for the organisation responsible.

To help us to investigate your complaint we would ask you to:

- Provide as much detail as possible.
- Allow the council to conduct the investigation and respond in line with the timescales shown in this policy.
- Ensure reference numbers are supplied should you need to contact us during the investigation.
- Follow our process and move to the Ombudsman if you are still unhappy.

- Not be aggressive or abusive to council officers.

A full written response will be sent to you as soon as possible and within 20 working days. There may be times when we might not be able to meet this target, particularly when a complaint requires significant investigation, in such cases we will get in touch and agree a response date.

Our response will include:

- Our decision.
- Any action we will be taking.
- Any remedy we may make.
- Details relating to stage 2 of our complaints procedure.

### Stage two – investigation by an independent head of service

If you are not happy with our response, you can ask us to review your complaint again. You must do this in writing within 30 working days of our response.

Your request should include:

- Your complaint reference number.
- Details of why you disagree and what you would like us to reconsider.

Once we receive your stage two complaint, we will acknowledge your request for a second investigation and inform you of the name and contact details of the officer assigned to the complaint.



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Your complaint will be investigated by a head of service who has no operational responsibility for the service in which the complaint relates to.

We aim to respond fully to your stage two request for a review as soon as possible and within 20 working days.

If your request requires a lot of investigation, then we may take longer but we will always inform you of this.

Our response will include:

- Our decision
- Any action we will be taking
- Any remedy we may make
- Details of who to contact to take your complaint further if you are still unhappy with the result.

Please note that once stage two has been completed any further correspondence addressed to the council will be directed to the service manager for their response.

## Ombudsman

We really hope we can resolve any complaints you might have. If, however, you are unhappy with the action we have taken under stage 1 and stage 2 of our complaints process you may want to contact the, Local Government and Social Care Ombudsman using its online complaint form or phone them via 0300 061 0614.

Alternatively you can visit their website at [www.lgo.org.uk](http://www.lgo.org.uk)

## Informing ward councillors

Borough councillors are always keen to understand the concerns of residents within their wards. To help them with this it is the responsibility of the investigating officer, where relevant, to inform ward councillors of the complaint without revealing personal details of the complainant. For your information, a list of ward councillors can be found on our website.

## Learning from customer feedback

The lessons learned from complaints are monitored by our Corporate Management Team and Overview and Scrutiny Committee.

All formal customer complaints are recorded onto our complaints system. Data is collated and shared across the council to show performance trends and review how we handle and respond to customer feedback.

Please be assured that none of the personal information recorded on the council's complaints system is used in the feedback collated for the purpose of learning.

Lessons learned from complaints are also used to improve services. For example,

- Service managers making operational improvements in response to specific complaints.

- Finding elements of a complaint which may be present in the delivery of other services; and ensuring that the actions are applied across the council.
- Regular review of upheld complaints for each service area to identify areas that need addressing
- Development of action plans to improve services, based on specific issues or trends in complaints.

## Remedy for formal complaints

We will always try to put things right – and we will do this as soon as possible to minimise the inconvenience to you.

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

- Specific action – all lessons learned (including recommendations for improvement and/or 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 and/or refund – reimbursing the person affected (in full or in part) for actual, measurable financial loss, which has directly resulted from the complaint.

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Where it is felt that financial compensation is appropriate we will refer to the Local Government and Social Care 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 manager or head of service 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 appropriate lead member and the lead member for customer focus. Together, with the relevant manager, they will agree the appropriate approach. A financial remedy can only be paid once you have notified us that you wish to accept it.

## Unreasonably persistent and vexatious complaints

Generally, dealing with a complaint is a straightforward process but in a minority of cases people pursue their complaints in a way which can either impede the investigation or have significant resource issues for the council.

These actions can occur while the complaint is being investigated, or once the investigation into the complaint has concluded. For this reason, we use the terms 'unreasonably persistent' complaints or 'vexatious' complaints.

Where a complaint of this nature is received, it will be carefully considered by either the head of service and/or the monitoring officer, to ensure that no new issue has been brought to the council's attention that should be pursued.

Once the complaint has been considered, it may result in the complaint not being investigated. Where this happens, the complainant will be advised of the reasons by the head of service or the monitoring officer.

## Confidentiality and data protection

Any personal data provided to us will be managed in line with the requirements of the General Data Protection Regulation 2018. We will use this information to respond to you and improve our services.

Personal data will be kept anonymous when we produce and share information about complaints with other services, our Overview and Scrutiny Committee and Management Team (for reviewing) and partners.

Personal information will be shared with council officers when complaints are being investigated /assessed.

More information on our Privacy Notice can be found here [www.tewkesbury.gov.uk/council-privacy-data-functions/monitoring-of-complaints](http://www.tewkesbury.gov.uk/council-privacy-data-functions/monitoring-of-complaints).

Any data we keep will be retained for two years after the end date of the complaint process and thereafter destroyed.

If you are unhappy with our handling of personal data, you have a right to complain to the Information Commissioner's Office (ICO).

Their contact details are:

[www.ico.org.uk/make-a-complaint](http://www.ico.org.uk/make-a-complaint)  
or phone their helpline on: 0303 123 1113

## Safeguarding

If a complaint or allegation is made against a member of staff, elected member or volunteer working on behalf of the council, which relates to the safeguarding of children or adults, the matter should be referred initially to our lead safeguarding officer on 01684 295010.

If any complaint or allegation is substantiated and the person is dismissed, resigns, or ceases to provide his/her service, or we cease to use the person's services, the team manager responsible for corporate services will refer the allegation details directly to the Disclosure and Barring Service.