

Corporate Complaints Policy

1. Introduction

1.1 Leicester City Council ('the Council') recognises the importance of complaints from its residents and their value as a form of feedback about the services we provide and for which we are responsible.

1.2 There are two main ways in which citizens can bring their dissatisfaction to the attention of the Council - (i) by direct communication or (ii) through Councillors. Councillors play a uniquely important role in promoting the interests of citizens and there are dedicated procedures to ensure that when they raise a matter on behalf of constituents then these are promptly followed-up and answered. These will be service-related queries, or sometimes they will be complaints. In either case the Council's Constitution and particularly the Political Conventions ensure that the mandate of Councillors to 'support' and 'challenge' is respected and qualified only where absolutely necessary.

2. What is a complaint?

2.1 The Council defines a corporate complaint as:

An expression of dissatisfaction about the standards of our services; or lack of resolution by the council, its staff, contractors or volunteers that requires a response that you have been unable to resolve with the service directly in the first instance.

2.2 This may include, but are not limited to:

- Unreasonable behaviour or conduct by a Council employee towards an individual;
- Poor quality service provision;
- Policy or procedure not followed correctly.

2.3 The following issues are **not** defined as a complaint by the Council and instead the resolution of them will be treated as a part of the Council's normal day-to-day duties:

- Occasions where the service has not been made aware of your dissatisfaction and been given an opportunity to resolve the matter;
- Appeals or matters which are subject to a formal Council-led resolution procedure (e.g. School Admissions Appeals);
- General comments or feedback;
- Initial requests for service provision;
- Initial reporting of issues (e.g. potholes);
- Concerns in relation to Council strategy;

2.4 The Council is unable to deal with complaints that are outside of its control. Examples of such complaints include:

- Matters of law or central government policy;
- Where the customer or the Council has started legal proceedings;
- Complaints that have already been decided by a court, independent tribunal or Ombudsman;
- Where another organisation is the key decision-maker in respect of a matter.

2.5 To make a complaint relating to Housing-related matters, please refer to Appendix 1 below. Other complaints will be resolved using the Leicester City Council one-stage complaints process in the policy below. We will write to you to explain how your complaint will be resolved, and which Ombudsman to refer to if you remain dissatisfied. You can find out more about who has responsibility for your complaint here <https://www.lgo.org.uk/make-a-complaint/fact-sheets/housing/which-ombudsman-for-complaints-about-social-housing>

2.6 There are separate legal requirements for dealing with statutory services such as Adult Social Care or Children's Social Care. These service areas have their own separate complaints processes for complaints within their statutory remit and are not considered under this Corporate Complaints Policy.

2.7 To make a complaint about Adult Social Care, e.g a delay in the Council making arrangements with a care agency following an assessment of social care needs, or if some information has not been taken into account as part of a care review. More information can be found at <https://www.leicester.gov.uk/contact-us/comments-compliments-and-complaints/adult-social-care-comments-and-complaints/>

2.8 To make a complaint about Children's Social Care by or about children, e.g. a social worker has failed to progress actions recommended at a Child Protection Conference within the specified timeframe, or a child who is looked after by the local authority has requested contact with family members on a number of occasions, however the social worker has not made arrangements to facilitate this. More information can be found at <https://www.leicester.gov.uk/health-and-social-care/childrens-social-care/social-care-complaints/>. If your complaint is about how the Council has treated you as an adult, it will be probably be considered under the Council's Corporate Complaints policy.

2.9 To make a complaint about a Councillor or the City Mayor for failure to follow the Code of Conduct whilst acting in their capacity as an Elected Member on Council business e.g. displaying unacceptable behaviour whilst performing duties, or failing to declare a conflict of interests in an item of business etc. <https://www.leicester.gov.uk/contact-us/comments-compliments-and-complaints/complaints-about-councillors/>

2.10 To make a complaint relating to a school, e.g. relating to bullying, discipline, uniform or school outings: <https://www.leicester.gov.uk/schools-and-learning/school-and-colleges/performance-inspections-and-reports/making-a-complaint/>

3. How can I make a complaint?

3.1 Complaints can be made in the following ways:

- Via the online self-service portal at <https://my.leicester.gov.uk/MyFeedback> - this is our preferred method and will ensure the swiftest possible response;
- By emailing customer.services@leicester.gov.uk;
- By telephone on 0116 454 1000;
- By writing to “Comments, Compliments and Complaints, Customer Services, Leicester City Council FREEPOST LE985/33, CITY Hall, 115 Charles Street, Leicester, LE1 1FZ”.
- In person at the Customer Service Centre;
- Through your local Councillor.

3.2 We will accept complaints made by social media providing the above definition is met, but we will ask you to thereafter to only communicate with us through another, secure, channel so that privacy and confidentiality can be maintained.

4. Can I make a complaint?

4.1 Anyone who receives or is seeking to receive a service from the Council can make a complaint subject to the criteria above. This includes anyone acting on behalf of someone else with their permission, such as friends, family members or representatives. Those acting on behalf of someone must provide written authorisation that will then be retained on file and provide ID to ensure they are the person authorised.

4.2 The Council welcomes complaints from all sections of the community. The Council is committed to ensuring all individuals are dealt with on an equal basis and are treated with respect and courtesy at all times. To achieve this, we will deal with complaints fairly and impartially. If customers have particular needs we will do our best to meet these needs to ensure our complaints procedure is accessible and non-discriminatory.

5. How will you deal with my complaint?

5.1 In the first instance your complaint will be reviewed to see if it meets the definition of a complaint.

5.2 If your complaint does meet our definition, it will be allocated to a Complaints Officer independent of the service in question. An investigation will take place

conducted by the Complaints Officer who will investigate with the service concerned. We will deal with this on the basis of the original contact if it is sufficiently detailed, and where this is not the case we may contact you for further details to progress our investigation.

5.3 When a complaint is made, the Council will acknowledge your complaint within 3 working days and advise you how we will deal with the complaint. Depending on the complexity, the time taken to resolve any complaint may vary, however we will try to reach a resolution within 10 weeks of the complaint being received.

5.4 During the investigation, we may need to extend the response deadline where there is good cause to do so. We will inform you of any extension to manage your expectations as to the time we will be able to fully respond.

5.5 We will write to you with the findings of our investigation, tell you what we have done to resolve the matter and we will advise you that should you remain dissatisfied with the independent response you may raise the issue with the LGSCO.

6. What action will be taken as a result of my complaint?

6.1 The Council will consider offering appropriate redress where necessary on a case by case basis. This may take a variety of forms. Where necessary the Council will aim to take corrective action as soon as possible and will review its service practice.

7. How will my personal data be used?

7.1 The Council is committed to ensuring personal data is properly collected and then managed. For complaints it may be necessary for us to collect personal data, including name, contact details and address, in order to keep in touch and communicate outcomes and updates on potential investigations.

Data collected in relation to complaints made will be retained on record as per the Council's official retention schedule here: <https://www.leicester.gov.uk/your-council/how-we-work/records-retention-and-disposal/>

To read more about our privacy policy please visit <https://www.leicester.gov.uk/your-council/how-we-work/our-website/privacy/>.

8. What further action can I take if my complaint has not been resolved?

8.1 Should you remain dissatisfied with the outcome of your complaint you will be advised that you may contact the relevant Ombudsman. Their address and telephone numbers are detailed below:

LGSCO,
PO Box 4771, Coventry, CV4 0EH
Telephone: 0300 061 0614

9. Policy Review

9.1 This policy will be reviewed when necessary and whenever the Council receives best practice guidelines from the LGSCO and any relevant changes to legislation.

10. Relevant Legislation

- The Data Protection Act 1998 & 2018;
- The Freedom of Information Act 2000;
- The Human Rights Act 1998;
- Environmental Protection Act 1990 (as amended) Section 79;
- The Education Act 1996.

Appendix 1: Two-stage complaints process for Housing Services

1. Why are complaints about Housing handled differently?

1.1 Following the publication of new guidance from the Housing Ombudsman, housing-related complaints from March 2021 will be resolved using the two-stage process outlined below.

1.2 The complaints resolution process for Housing below replaces section 5 in the above policy only – all other sections apply to both Housing and non-Housing related matters. These include how a complaint is defined (section 2 above), how you can make a complaint (section 3 above, whether you can make a complaint (section 4 above), what action will be taken as a result of a complaint (section 6 above), how your personal data will be used (section 7 above) and what further action can be taken if your complaint is not resolved (section 8 above).

2. How will you deal with my Housing complaint?

2.1 In the first instance your complaint will be reviewed to see if it meets the definition of a complaint. If your complaint does meet our definition it will be allocated to an independent Complaints Officer under Stage 1 of the process. An investigation will take place conducted by the Complaints Officer with the service concerned to ensure a local resolution is sought at the earliest opportunity. We will deal with this on the basis of the original contact if it is sufficiently detailed, and where this is not the case, we may contact you for further details to progress our investigation.

2.2 When a complaint is made, we will acknowledge your complaint within 3 working days and advise you how we will deal with the complaint. Depending on the complexity, the time taken to resolve any complaint may vary, however we will try to reach a Stage 1 resolution within 10 working days of the complaint being received.

2.3 We will write to you with the findings of our Stage 1 investigation, tell you what we have done to resolve the matter and we will advise you that should you remain unhappy the complaint can be escalated to stage 2 of our process. You will need to inform us of this in writing within 28 days of the complaint response being issued.

2.4 After you have informed us you remain unhappy with the resolution of your complaint, it will be allocated to another independent Complaints Officer within three working days, who will liaise directly with the Head of Service concerned. We will try to conclude a full Stage 2 investigation within 20 working days of your complaint being escalated.

2.5 During either a Stage 1 or Stage 2 investigation, we may need to extend the response deadline where there is good cause to do so. We will inform you of any extension to manage your expectations as to the time we will be able to fully respond.

2.6 We will write to you with the findings of our Stage 2 investigation and tell you what we have done to resolve the matter. If you remain dissatisfied with this response you can ask the Housing Ombudsman Service to investigate how we dealt with the matter. To contact the Housing Ombudsman Service, you can ask one of the following to refer your complaint:

- A Member of Parliament (MP)
- A local Councillor
- A tenant panel

2.7 You can also contact the Housing Ombudsman directly but please note that the Ombudsman will not be able to investigate your complaint until eight weeks from the date of this letter.

2.8 The contact details for the Housing Ombudsman Service are:

- Online complaint form: www.housing-ombudsman.org.uk/residents/make-a-complaint/
- Phone: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Postal address: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ