



**Corporate Policy and
Resources Committee**

**Thursday 13th November
2025**

Implementation of a new Two Stage Complaints Process

Report by:

Director of Change Management, ICT &
Regulatory Services

Contact Officer:

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Purpose / Summary:

To seek approval to implement a two stage
complaints process, as recommended by the
Local Government and Social Care
Ombudsman, from 1st April 2026

RECOMMENDATION(S):

1. That the Corporate Policy and Resources Committee support the recommendation of the Local Government and Social Care Ombudsman that all Local Authorities should operate a two stage complaints process.
2. That any future minor housekeeping amendments be delegated to the Quality Monitoring Board, consisting of the Director of Change Management, ICT & Regulatory Services, the Interim Director of Operational and Commercial Services, the Customer Strategy & Services Lead and the Customer Experience Manager, following consultation with Chairmen of JSCC & CP&R.

IMPLICATIONS

Legal: There are no legal implications arising from this change in process

Financial: FIN/95/26/CPR/SL

There are no financial implications arising from this change in process.

Staffing:

There are no changes to the staffing establishment as a result of this report.

HR Ref: HR248-09-18

Equality and Diversity including Human Rights:

An EIA will be carried out when the process is agreed.

Data Protection Implications:

All complaint data is retained and processed in accordance with data protection regulations.

Climate Related Risks and Opportunities:

There are no known climate related risks and opportunities associated with this report.

Section 17 Crime and Disorder Considerations:

There are no known crime and disorder implications associated with this report.

Health Implications:

There are no known health implications associated with this report.

Title and Location of any Background Papers used in the preparation of this report:

<https://www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/complaint-handling-code>

Risk Assessment:
Not applicable

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

☐

No

X

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

☐

No

X

1. Introduction

- 1.1 In 2018 West Lindsey District Council adopted a one stage complaints process, managed by the Customer Experience Manager who investigates and responds to all complaints with the assistance of Senior Officers and Team managers.
- 1.2 This has proven to be successful, and the number of complaints referred to, investigated by and upheld by the Local Government and Social Care Ombudsman (LGSCO) has decreased since 2018.
- 1.3 However, not all Local Authorities have a robust and successful complaints process in place, so the LGSCO have launched a new complaint handling code which provides recommended guidance on how all Local Authorities should manage their complaints process.
- 1.4 The LGSCO launched the code and FAQ's in February 2024.
- 1.5 They started working with 20 pilot Councils to adopt the code in April 2024.
- 1.6 In February 2025 the LGSCO issued best practise guides and training to support Local Authorities to adopt the code.
- 1.7 The LGSCO will start applying the code to their case work from April 2026.

2. What is the LGSCO Complaint Handling Code

<https://www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/complaint-handling-code>

- 2.1 The Complaint Handling Code ('the Code'), sets out a process for organisations that will allow them to respond to complaints effectively and fairly. The purpose of the Code is to enable organisations to resolve complaints raised by individuals promptly, and to use the data and learning from complaints to drive service improvements. It will also help to create a positive complaint handling culture amongst staff and individuals.
- 2.2 The Code will act as a guide for individuals setting out what they may expect from an organisation when they make a complaint. Organisations should seek feedback from individuals in relation to their complaint handling as part of the drive to encourage a positive complaint and learning culture.
- 2.3 Organisations should have a single policy for dealing with complaints covered by the Code.
- 2.4 The principles, process and timescales in this Code are aligned with the Complaint Handling Code issued by the Housing Ombudsman. This means that organisations who fall under the jurisdiction of both Ombudsmen should be able to provide a co-ordinated complaint handling process across services covered by both Codes.

3. Who does the Complaint Handling Code apply to?

- 3.1 The LGSCO have issued the Code as “advice and guidance” for all local councils in England under section 23(12A) of the Local Government Act 1974. This means that councils should consider the Code when developing complaint handling policies and procedures and when responding to complaints. If a council decides not to follow the Code the LGSCO would expect it to have a good reason for this.
- 3.2 The Code only applies to complaints where there is no statutory process in place.
- 3.3 This means that some complaints about children’s services, adult social care and public health are not covered by the expectations set out in the Code. The Code does not apply to complaints about the behaviour of locally-elected officials.
- 3.4 The Code was launched in February 2024. Local councils are encouraged to adopt the Code as soon as they are able to do so. The LGSCO intend to start considering the Code as part of their processes from April 2026 at the earliest. This gives local councils the opportunity to adopt the Code successfully into working practices.
- 3.5 During the first two years the LGSCO will be working with a number of pilot councils to understand the impact of the Code and provide further guidance to the sector.
- 3.6 The Code is considered good practice for other organisations the LGSCO investigate except where there are statutory complaint handling processes in place. The LGSCO may decide to issue the Code to other organisations in future.

4. What does this mean for West Lindsey District Council

- 4.1 To comply with the LGSCO's Code advice and guidance the Council's complaints process needs to be amended so that it contains two separate complaint stages.

5. Proposed New Complaints Process – Two Stages

5.1 STAGE 1

- Log and acknowledge the complaint within 5 working days of receipt **– no change**
- Provide a complaint reference number and timescale for response **– no change**
- Complaint will be investigated by the Customer Experience Manager with the assistance of a Senior Officer or Team Manager from the service concerned **– no change**
- The Senior Officer or Team Manager will agree and sign off the complaint response, but it will be sent from the Customer Experience Manager **– no change**
- The Customer Experience Manager will send the complaint response within 10 working days (14 calendar days) **– no change, apart from the wording in the policy, currently says 14 calendar days**
- The complaint response will explain the next steps available (escalation to Stage 2) **– this is new, at present we refer them to the Ombudsman as the first response is our final response**

Note: In the event of the Customer Experience Manager being unavailable to investigate and respond to a complaint it will be delegated to a Customer Services Supervisor to deal with.

5.2 STAGE 2

- Log and acknowledge the request for a Stage 2 review within 5 working days of receipt
- Provide a complaint reference number and timescale for response
- At this point the complaint will be reviewed by either the Team Manager responsible (if they were not involved in Stage 1), or as appropriate by the (tier under Director's level title TBC). If the complaint relates to or involves the Team Manager, then the complaint will be reviewed by another services Team Manager or the (tier under Director's level title TBC)
- The Customer Experience Manager will provide the reviewer with all the information required for them to carry out the review, including evidence gathered, case records and correspondence etc

- The Team Manager or (tier under Director's level title TBC) will send a full and final Stage 2 response within 20 working days (28 calendar days), the Customer Experience Manager will assist with sending the response, but it will be signed off by the reviewer
- The Stage 2 response will explain it is a final response, and the next stage is escalation to the LGSCO

6. What do the changes mean for Council services and Council officers?

- 6.1 For the majority of services there will be little change.
- 6.2 The Customer Experience Manager will continue to oversee the whole complaints process:
- Ensuring that complaints are logged, acknowledged and responded to within timescales
 - Providing complaint response templates
 - Assisting the reviewer at Stage 2
- 6.3 The Customer Experience Manager currently works with Senior Officers across most teams in the first instance and the Team Manager signs off the response.
- 6.4 The new (tier under Director's level title TBC) will become involved if a complaint is escalated to Stage 2, and the Team Manager has been involved at Stage 1.

7. Options for consideration

- 7.1 Adopt the 2 stage complaints process that the LGSCO have recommended.
- 7.2 Continue as we are with a 1 stage complaints process.

8. Analysis of the Options

- 8.1 Approving the adoption of the 2 stage complaints process will provide assurance that the organisation is compliant with the recommendation that has been made by the LGSCO. The LGSCO will begin applying their recommended guidance to their casework from April 2026.
- 8.2 Rejecting the LGSCO recommendation for a 2 stage complaints process leaves WLDC open to criticism by the LGSCO when they start applying their recommended guidance to their casework from April 2026, and inaccurate reporting by the LGSCO.

9. Timeline for implementing the new two stage complaint process

- August 2025 - Finalise the proposed new two stage complaints process
- September 2025 – Management Team

- October 2025 – JSCC
- November 2025 - Corporate Policy and Resources Committee
- December to January 2026 – system updates
- January to April 2026 – comms and training
- February/March 2026 – work on template responses
- 1st April 2026 – new process goes live!!

10. How the new process will be introduced into the organisation

- 10.1 Communication and awareness of the upcoming changes to the complaints process began in February 2024 when the LGSCO first launched the complaint handling code and FAQs.
- 10.2 The Customer Experience Manager has discussed the changes required with the Management Team on two occasions and has presented to and consulted with the Wider Management Team. Views of various Team Managers have been gathered during the last 12 months.
- 10.3 Future communications will include team meeting visits, drop-in workshops, minerva articles and regular staff updates.
- 10.4 Online training materials will be made available, on Minvera and shared personally with those directly involved in complaints so they can peruse it in their own time. 121 sessions will take place with Senior Officers and Team Managers.
- 10.5 Training will be carried out through drop-in workshops, and online and in person sessions will take place on various dates to accommodate all at a suitable time for them.
- 10.6 The Customer Experience Manager will carry out sessions with Senior Officers, either personally or in a group, depending on how many Senior Officers are in the team and involved in complaints.
- 10.7 Extensive support on complaints will be available at all times from experienced managers within the Customer Services department.

11. How the new process will be monitored and reported on

- 11.1 The number of complaints that are escalated to the Stage 2 review process will be monitored and reported on a quarterly basis via the Voice of the Customer reports that are shared with Members via their regular newsletter.

- 11.2 The number of complaints that are then referred to the Local Government and Social Care Ombudsman will be reported on via the Voice of the Customer reports and the Annual Local Government and Social Care Ombudsman report.
- 11.3 The impact on resources is not known at present but this will be monitored.
- 11.4 JSCC have requested that they receive feedback twice a year on how the new process is working, this will begin 6 months after the new process has been implemented.

Customer Feedback Policy (including the Council's Formal Complaint Process)

Your feedback matters. If you have something to say, we want to hear it!

Document History and Version Control

Date last amended	Version	Status	Approved by/when	Asset Owner	Next Review Due
October 2025	New two stage complaints process to be implemented from the 1 st April 2026 Customer Feedback Policy 2026-2027	In progress	Corporate Policy and Resources Committee (13/11/2025)	Quality Monitoring Board	April 2027

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Introduction

West Lindsey District Council are committed to delivering an excellent service, we want every Customer to have the best experience possible.

We will listen to our customers and want to know what you think about us. If you feel you have been provided with an excellent service we want to know, equally if you are dissatisfied with a service you have received, we would like to hear about it. We are also interested in any comments you have about our services, as these will help us to learn and shape the services we provide in the future.

West Lindsey District Council welcomes, captures, investigates, responds and learns from Customer feedback so that it will help improve future Council services.

Scope (What is covered by this policy?)

This policy is designed to cover compliments, comments and complaints received through any channel that a customer wishes to use, with regards to Council services.

There may be occasions when the Council cannot accept a complaint or escalate a complaint to the next internal stage. In such cases we will clearly explain, in writing why this is the case and what alternative actions the Council will take, if any or what alternative options the complainant has to raise their concern. Where this occurs, the complainant has the right to raise this decision with the Local Government and Social Care Ombudsman if they wish.

Please note, the Council's complaint process is not designed as an appeal system to question formal decisions that have been made by the Council, which were properly taken or to challenge a Council policy. It is to check that everything that should have been done, has been done and that the procedures and policies have been followed appropriately.

Complaints covered under this policy:

- If you consider we have made a mistake in the way we provided a service
- If you consider there has been a significant delay in providing a service
- If you consider we have failed to deliver a service; this could include the quality or standard of service received
- If you consider our processes or policies have not been followed
- If you consider we have not met our legal, statutory or regulatory requirements
- If you consider we have not delivered a commitment or promise made
- If you consider our staff have not been helpful or have not conducted themselves correctly

Complaints not covered by this policy:

- **Initial requests for a service to be delivered:** If we do not deliver the service requested in an appropriate manner then a complaint may be submitted.

- **Complaints about Councillors:** Information on how to make a complaint about a Councillor can be found on our website via the following link: www.west-lindsey.gov.uk/my-council/my-councillors/complain-about-a-councillor
- **Requests for Information (Freedom of Information and Subject Access Requests):** These requests need to be made directly to the Councils Freedom of Information Team, this can be done via this link on the West Lindsey District Council website: www.west-lindsey.gov.uk/my-council/how-the-council-works/information-and-information-governance/freedom-of-information, via email to FOI@west-lindsey.gov.uk, or by calling the Council on 01427 676676. Dissatisfaction with the response to these requests should be directed to the Information Commissioners Office.
- **Any matter where there is an alternative statutory process or Council appeals process:** Please note where you have been served with a formal notice, fixed penalty or summons by the Council, which has a formal right of appeal under the specific legislation we will not consider any complaints in relation to this. If you disagree with the notice, summons or fixed penalty, you must appeal via the process set out within the legislation relating to it. The route of appeal is normally outlined in the documentation that you will have been served with. The Local Government and Social Care Ombudsman (LGSCO) would also expect any appeals or complaints related to the above to be raised in this way.

This complaints process will not investigate the reasons why a formal notice, fixed penalty or summons has been served as this can be dealt with via the formal appeals process under that legislation. Any complaint regarding the behaviour or conduct of an officer who has been involved with serving a formal notice, fixed penalty or summons will be investigated, the formal notice, fixed penalty or summons action will not be put on hold whilst that investigation is carried out.

- **Complaints made more than one year after the customer became aware of the issue.** This is because complaints of this nature are difficult to investigate fully or fairly.

A complaint must be made not later than 12 months after:

- (a) the date on which the matter which is the subject of the complaint occurred; or
- (b) if later, the date on which the matter which is the subject of the complaint came to the notice of the complainant.

- **Complaints made one year after a decision was made:** this is because complaints of this nature are difficult to investigate fully or fairly.
- **Complaints regarding the qualifications of our staff:** All Council staff are employed based on their suitability and relevant qualifications for the role. This policy does not cover complaints that question whether or not a particular staff member is qualified to fulfil their role. This type of complaint will not be accepted under this policy. Please note that this does not apply to complaints where you feel that staff have not acted appropriately.
- **Complaints about data protection:** Any concerns about how the Council has processed personal data 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 for advice and guidance. Email: dpo@west-lindsey.gov.uk

- **Complaints that have already exhausted our process:** If the complaint has previously been investigated and received a final written decision or the complaint has already been referred to the Local Government and Social Care Ombudsman (LGSCO) it will not be considered again.
- **Complaints based upon Freeman on the Land arguments or other speculative legal theories outside the statutory framework for council tax will not be accepted:** This is because it has no bearing on your legal obligations, "Freeman on the Land" arguments are based on incorrect interpretations of law and have no legal standing. Acts of Parliament, including the Local Government Finance Act 1992, establish council tax liability and cannot be overridden by personal beliefs or theories. The liability for council tax is set by law, not by consent or contract. Further information can be found on our website at <https://www.west-lindsey.gov.uk/council-tax-council-bills/freeman-land-challenges-legality-council-tax>

Customer Feedback Definitions

Compliment:

A compliment is a polite expression of praise or admiration for a service received. A compliment could be about a person, a team, a service, a single event or a chain of circumstances that made your experience a positive one.

Comment:

A comment is a verbal or written remark expressing an opinion or reaction about a standard of service, policy or decision made by West Lindsey District Council. Maybe you have a suggestion about something we could do differently.

Complaint:

A complaint is any expression of dissatisfaction or concern about the way in which a service is provided or the standard of that service or lack of action on the part of the Council or its employees. A complaint could be about a standard of service, a failure to meet your expectations or an action or lack of action or because you found it difficult to access our services - anything which you feel is unacceptable.

How to Submit Your Feedback

Ideally all complaints should be submitted in writing where possible, however, we want to make it as easy as possible for you to submit your feedback to us, you can do this by:

- Completing a feedback form online here: www.west-lindsey.gov.uk/feedback
- Emailing the Customer Experience Team on experience@west-lindsey.gov.uk
- Calling our Customer Service Team on 01427 676676.
- Write us a letter and send it to:

The Customer Experience Manager
West Lindsey District Council
The Guildhall
Marshalls Yard
Gainsborough
Lincolnshire
DN21 2NA

- You may also visit the Council offices in person and speak to someone regarding your concerns (address as above)

What Happens Next....

What will happen when you submit a compliment:

Customers don't always have the time to let us know if they have been particularly pleased with our service so when they do we want to make sure we learn from what we did right and do it more! We will ensure that the positive feedback is shared with the service and/or the individual involved.

What will happen when you submit a comment:

Comments are important because they could help us shape the way services look or influence decisions we make in the future.

We can't guarantee that we can always make the suggested or requested changes but we will reply to you within 14 days to acknowledge your comment and if applicable respond to the comment you have made.

Please Note: We are only able to respond to you as above if you submit your contact details with your feedback, a name and email address are always helpful so we can get back to you as quickly as possible.

What will happen when you submit a complaint:

The Council has adopted a two stage complaints process in line with the Local Government and Social Care Ombudsman's Complaint Handling Code.

Stage 1

If you're contacting us about a new complaint, please explain why you are unhappy and what you would like us to do to sort out your complaint.

This should be within twelve months of the issue occurring.

- If correspondence details are provided, we will log and acknowledge your complaint within 5 working days of the complaint being received
- We will provide you with a complaint reference number, and a timeframe for response
- Your complaint will be investigated by the Customer Experience Manager who is independent of all Council services, with the assistance of a Senior Officer or Team Manager from the service concerned
- The Customer Experience Manager will make contact with you if any clarification or further information is required
- The Customer Experience Manager will send you a response to your complaint within 10 working days
- The complaint response will explain the next steps available to you

If we are unable to respond within 10 working days, we will let you know as soon as possible, and we will advise you of how long we think it will take to investigate and respond to you, along with explaining the reasons for the required extension. We will

also advise of the expected timescale for response which will be no more than an additional ten working days without good reason.

If a complainant raises additional complaints during the investigation and the Stage 1 response has not been issued these will be incorporated into the response if they are relevant. Where the Stage 1 response has been issued, or it would unreasonably delay the response, the additional issues will be logged as a new complaint.

In the event of the Customer Experience Manager being unavailable to investigate and respond to your complaint it will be delegated to a Customer Services Supervisor to deal with.

Stage 2

You can ask for a review of your complaint at Stage 2 if you have received a reply to your Stage 1 complaint and feel that:

- We haven't fully responded to your concerns
- You have more evidence to support your complaint
- You are dissatisfied with our proposed resolution
- You are dissatisfied with the outcome of our investigation

You can submit a request for a Stage 2 review in the same way as you submitted your original complaint. You should tell us why you remain dissatisfied and what you would like us to do differently.

This should be within three months of the Stage 1 complaint response being received (although consideration will be given to circumstances if this time period is passed).

- We will log and acknowledge your request for a Stage 2 review within 5 working days of the escalation request being received
- We will provide you with a complaint reference number, and a timeframe for response
- At this point your complaint will be reviewed by either the Team Manager responsible (if they were not involved in Stage 1), or as appropriate by the (tier under Director's level title TBC). If the complaint relates to or involves the Team Manager, then the complaint will be reviewed by another services Team Manager or the (tier under Director's level title TBC)
- The Team Manager or (tier under Director's level title TBC) will send a full and final Stage 2 response within 20 working days
- The Stage 2 response will explain the next step available to you

If we are unable to respond within 20 working days, and decide more time is needed to due to the complexity of the complaint, you will be informed of the reason why the extension is required and the expected timescale for response which will be no more than an additional 20 working days without good reason.

Anonymous complaints:

Anonymous complaints will be recorded and considered by the Customer Experience Manager in conjunction with the appropriate Service Manager to decide whether the matters raised require further investigation.

Who will deal with your complaint:

Stage 1

Your complaint will be investigated by an independent officer, the Customer Experience Manager, in consultation with Senior Officers and/or the Team Manager for the service concerned. If appropriate members of the Council's Senior Management Team and legal services will be consulted.

The Customer Experience Manager is an independent officer, although they are employed by the Council, they have no allegiance to any of the services provided by the Council.

Stage 2

If you progress your complaint to Stage 2 the complaint will be reviewed by the Team Manager for the service concerned (if they were not involved in Stage 1), or as appropriate by the (tier under Director's level title TBC). If the complaint relates to or involves the Team Manager, then the complaint will be reviewed by another services Team Manager or the (tier under Director's level title TBC) If appropriate members of the Council's Senior Management Team and legal services will be consulted.

Complaints - Upheld:

Where we have made a mistake or failed to provide the expected standard or quality of service, we will acknowledge and apologise for this. We will also set out the actions we will take to put things right and improve our services. This could include:

- Reinstating a service to a customer.
- Changing how we deliver our services.
- Reviewing and amending information about our services.
- Reviewing Council policies or procedures.
- Providing appropriate staff training and guidance.

Complaints - Not Upheld:

Where we have investigated and do not uphold the complaint, we will:

- Explain the reasons for our decision clearly.
- Provide any relevant evidence to support the decision.
- Inform Customers how to progress their complaint if they remain dissatisfied.

Quality Monitoring Board

The Quality Monitoring Board which consists of the Customer Experience Manager, the Interim Director of Operational and Commercial Services, the Director of Change Management, ICT & Regulatory Services, and the Customer Strategy and Services Lead meets on a quarterly basis and as and when required to discuss upheld complaints and any reoccurring issues. The purpose of the Quality Assurance Board is to:

- Discuss the details of complaint investigations and findings.
- Agree on responses for more serious complaints and those where the Council is found to be at fault.
- Ensure quality and consistency in complaint investigation and responses.
- Agree on suitable and fair remedies for complaints that are upheld where required.
- Implement and monitor improvements as a result of complaints upheld.
- Review and update this policy on an annual basis.

Local Government and Social Care Ombudsman (LGSCO)

If you have been through all stages of our complaints process, you can ask the Local Government and Social Care Ombudsman to consider your complaint.

The Ombudsman has issued a Complaint Handling Code which sets out advice and guidance for councils on how to handle complaints. You can find more information about this on the Ombudsman's website (Complaint Handling Code - Local Government and Social Care Ombudsman).

The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service.

The Ombudsman expects you to have given us a chance to deal with your complaint, before you contact them.

About the Ombudsman

The Local Government and Social Care Ombudsman looks at individual complaints about councils and some other organisations providing local public services. It also investigates complaints about all adult social care providers (including care homes and home care agencies) for people who self-fund their care. There are some **limits on what the Ombudsman can look at**. For example, the Ombudsman may not consider your complaint if you have not been significantly personally affected by the issue you are raising, or if you have a right of appeal to a court or tribunal.

Contact

Website: www.lgo.org.uk
Telephone: 0300 061 0614

Learning from Customer Feedback

We collect and review feedback from our customers, and use this information to drive service improvement, the learning from complaints will be monitored by the Quality Monitoring Board.

All formal customer complaints are recorded on the Council's tracking system. Data about complaints is collated and shared across the Council to identify performance trends and review how we handle and respond to customer feedback. This includes:

- How well we meet our target response times.
- How effective we are in capturing complaints across the Council.
- How Customers prefer to contact us.

Customer complaints are regularly reviewed across the Council to identify how we can improve our services. This includes:

- Service Managers making operational improvements in response to specific complaints.
- Identifying elements of a complaint which may be present in the delivery other services; and ensuring that the actions are applied across the Council.
- Regular review of upheld complaints at service and corporate performance reviews to identify issues that need addressing.
- Development of action plans to improve services, based on specific issues or trends in complaints.

The Council will publish information about complaints. This is to inform customers about how we handle complaints and show how we make changes as a result of customer feedback, via a web page on our website and an annual report to Councillor's.

Responsibilities of the Council in relation to Customer Feedback:

- To acknowledge and respond to feedback within the defined timescales.
- To advise the customer of the expected date for a full response to any complaint made.
- If the complaint is complex and cannot be responded to within the defined timescales, the customer will be kept fully informed.
- When responding, the Council will advise the customer what it is able to do, or is not able to do as a result of the feedback.
- Admit when a mistake has been made and apologise.
- Learn from feedback and share that learning across the Council.
- If this policy does not cover the customers complaint, the Council will explain the reasons why and advise what to do next.
- Co-operate and share information with the Local Government and Social Care Ombudsman if the Customer decides to take their complaint further.

Responsibilities of customers complaining to the Council

- Provide as much detail as possible to enable the Council to conduct a full investigation.
- Allow the Council to conduct the investigation and respond within the defined timescales.
- If further contact is made regarding the complaint, ensure reference numbers are provided.
- Follow our process and move on to the LGSCO if they remain unhappy.
- Not be aggressive or abusive to Council officers.

Confidentiality and Data Protection

Any personal data provided to the Council will be managed in line with the requirements of the General Data Protection Regulations. The Council will use this information to respond to the Customer and improve services.

Personal data will be kept anonymous in producing and sharing information about complaints with other services and partners. Personal information will be shared with the internal Quality Assurance Board when complaints are being assessed. More information on the West Lindsey District Council Privacy Notice can be found here: www.west-lindsey.gov.uk/privacy

Any data we keep will be retained for 3 years in line with the Council's Retention and Disposal Schedule.

If you would like more information on Data Protection please contact the West Lindsey District Council Data Protection Officer on DPO@west-lindsey.gov.uk

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:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

Complaints under the Fluency Duty

Since November 2016, Public Authorities in England and Wales have a duty to ensure that staff employed in customer facing roles have sufficient proficiency in spoken English for the performance of their role.

Customers can make a complaint if they feel that a public authority has failed in this duty. The complaint may be made by a member of the public or someone acting on their behalf.

A complaint about a public sector member of staff's accent, dialect, manner or tone of communication, origin or nationality will not be considered a legitimate complaint about the fluency duty.

Public authorities are not obliged under the Code of Practice to respond to complaints that are vexatious, oppressive, threatening or abusive. Therefore, complaints which are without foundation and/or intended to result in harsh or wrongful treatment of the person subject to the complaint should not be taken forward. However legitimate complaints must be taken seriously.

On receipt of a legitimate complaint, we must assess its merits against the necessary standard of spoken English fluency required for the role in question. This should be undertaken through an objective assessment against clear criteria set out in the person specification or the level of fluency descriptors relevant to the job description of the role in question.

If the complaint is upheld, we must consider what steps can be taken to meet the fluency duty. This may include training, retraining, redeployment or dismissal.

Members of staff who are subject to a complaint under this Code of Practice should be notified and kept fully informed at each stage of the complaints process.

Complaints must be dealt with efficiently and brought to a timely conclusion.

We have a duty of care towards our employees and should consider their wellbeing, being mindful of the impact complaints may have. Staff should be provided with appropriate support to protect them against vexatious complaints and ensure that they are not subject to unnecessary fluency testing.

Complaints, Whistleblowing and 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 the matter should be referred initially to the Council's Lead Safeguarding Officer. The complaint/allegation will be investigated by the appropriate authority – Children's Social Care (Social Services) and/or the Police. The complaint or allegation may also be referred to the Local Authority Designated Officer (LADO) within the Lincolnshire Safeguarding Children Board as per the procedures set out in the Council's Safeguarding Children Policy.

If any complaint or allegation is substantiated and the person is dismissed, resigns or ceases to provide his/her services or the Council ceases to use the person's services the People Services Manager will refer the allegation details directly to the Disclosure and Barring Service.

Unreasonable Complainant Actions and Unreasonably Persistent Complainants (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, the Council uses the terms 'unreasonable complainant actions' and 'unreasonably persistent complaints'.

If we feel that you are being unreasonable or persistent the Quality Monitoring Board will assess the situation to ensure that any customer who we deem to be a 'persistent or vexatious complainant' is dealt with appropriately, whilst ensuring that other customers or Council staff are not adversely affected. It is acknowledged that sometimes inappropriate behaviour is triggered by wider mental health issues, where we identify such matters, we will raise them in accordance with our internal safeguarding processes.

The definition for these is set out below:

“Unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with the authority, hinder their, or other people's, complaints.”

A complaint or complainant could be considered to be unreasonable or vexatious when:

- The complainant persists in pursuing their complaint after the Complaints Policy has been fully implemented and exhausted.
- The complainant submits repeated or an unacceptable high number or abusive communications in connection with the same complaint or with minor additions, amendments or variations.

- The complainant, whilst addressing a registered complaint has made excessive demands on the resources and time of staff. This could include a number of contacts by telephone, letter, in person or via e-mail or the use of a 'scatter gun' approach by pursuing complaints with several members of the organisation.
- The complainant refuses to accept the decision made on a complaint, and repeatedly argues points that have already been either considered or investigated and responded to with no new evidence being provided.
- The complainant refuses to co-operate with the formal complaints process and any requests made resulting in lengthy delays in the investigation process.
- The complainant changes the basis of the complaint as the investigation proceeds and/or makes unjustified complaints about staff members who are dealing with it.
- The complainant has been personally abusive or verbally aggressive or has harassed the Council on repeated occasions despite documented evidence of this being described to the complainant as unacceptable.
- The complainant publishes statements or derogatory information about the Council or the services it provides, including individual staff members.
- The complainant is known to have recorded telephone conversations, face to face discussions or meetings without the prior knowledge and consent of other parties involved.

If the Council considers that a complainant meets the above criteria the following procedure will be implemented:

- The customer will be informed in writing the reasons why we feel their behaviours or actions are unacceptable.
- The customer will be given the opportunity to change their behaviours within a reasonable timescale prior to any further action being taken.
- If the unacceptable behaviour persists the Customer Experience Manager will gather evidence and the matter will be discussed by the Quality Monitoring Board. The Quality Monitoring Board will review the gathered evidence and make a decision regarding any potential restrictions that will be applied to the customer.

The Quality Monitoring Board can apply restrictions to the ways a customer that is displaying unacceptable behaviour or is acting in a vexatious manner can access Council services which may include one or more of the following:

- Future contact with the Council could be restricted to written correspondence only.
- Future contact with the Council could be limited to a single point of contact.
- The Council will not respond to any further contact, unless there are genuine service request needs (e.g. missed bins, payment of council tax, etc).
- The customers right to enter the Guildhall will be restricted or removed.
- Legal action may be taken including injunctions or court orders (the Council reserves the right to involve the police at any time during our process if felt appropriate).

Details of the restrictions that have been implemented will be shared with relevant staff. This information will also be registered on the customer's record whilst the restrictions remain in place. There is no right of appeal to West Lindsey District Council regarding the implementation of this section of the policy. However, the customer would be directed to the Local Government and Social Care Ombudsman (LGSCO) if they disagreed with the application of any such restrictions.

Complaining about a Councillor

This policy does not cover complaints made about Councillors.

The Localism Act 2011 introduced a new regime for standards and dealing with complaints against members. Every local authority is required to adopt a Code of Conduct that sets out rules governing the behaviour of its Councillors. All elected, co-opted and independent members of local authorities, including parish councils are covered by the Code of Conduct.

Information on how to make a complaint about a Councillor can be found on our website via the following link:

www.west-lindsey.gov.uk/my-council/my-councillors/complain-about-a-councillor

Complaints about Councillors breaching the Code of Conduct are dealt with by the Monitoring Officer who can be contacted at:

The Monitoring Officer,
West Lindsey District Council,
The Guildhall,
Marshalls Yard,
Gainsborough,
Lincolnshire,
DN21 2NA

Or they can be contacted via email: MonitoringOfficer@west-lindsey.gov.uk

If you would like a copy of this in large, clear print, audio, Braille or in another language, please call 01427 676676

За повече информация пръстен 01427 676676
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Get In Touch:

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