



COMPLAINT HANDLING POLICY

If you require this information in an alternative format please call us on
01202 123321 or email BCPComplaints@bcpcouncil.gov.uk

BCP Complaints Service

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Contents

1. Introduction
2. Scope of the Complaint Policy
3. What is a complaint?
4. The way we manage complaints
5. Support for customers who make a complaint
6. Ways to make a complaint
7. How we identify and accept a complaint
8. Stage 1 complaints
9. Stage 2 complaints
10. Local Government and Social Care Ombudsman
11. Remedies
12. Complaints about contractors or commissioned for services
13. Unreasonable actions by customers
14. Review

1. Introduction

- 1.1. BCP Council is committed to providing an excellent service for our customers. We do, however recognise our customers have a right to challenge the Council over its decisions and complain when they feel we have fallen short of the services we provide.
- 1.2. As well as giving the Council the chance to put things right when something has gone wrong, complaints give us valuable feedback, so that we learn from customer's experiences and help us to improve our services.
- 1.3. The Council is committed to developing a positive and transparent complaint handling culture. We recognise complaints as helping us to identify issues and supports us to introduce positive changes. The Council's objective in relation to complaints is to ensure complaints are handled in line with the complaints policy. We ensure that is collaborative and that we take collective responsibility for any learning identified as part of the process.
- 1.4. The Head of BCP Business Management oversees complaint handling and performance. The appropriate Complaints Manager is responsible for ensuring themes and trends are assessed to identify potential systemic issues, serious risks, or policies and procedures that require revision. This function is supported by complaint officers in each directorate.
- 1.5. The Council's Audit and Governance Committee is responsible for maintaining oversight of complaints.
- 1.6. The Council produces an annual complaints performance report for scrutiny and challenge by the Audit and Governance Committee and the Overview and Scrutiny Board in addition to regular complaints reports which are also made available to wider stakeholders on our website.

- 1.7. The Council's complaints reports include information about the volume, categories and outcomes of complaints, complaint handling performance, issues and trends arising from complaint handling, and wider learning and improvements made because of complaints.
- 1.8. The Council will carry out an annual self-assessment against the Local Government and Social Care Ombudsman's (LGSCO) [Complaint Handling Code](#) to ensure this policy remains in line with the code and aims to carry out a formal review of the policy every two years.

2. Scope of the Complaint Policy

- 2.1. This Complaint Policy explains our process for managing general complaints made to the council. It does not apply to complaints about the following, which are outside the scope of the policy:
 - [Adult Social Care](#)
 - [Anti-social behaviour case review](#)
 - [BCP Homes complaints](#)
 - [Blue badge appeals](#)
 - [Children's Social Care](#)
 - [Complaints about Councillors](#)
 - [Fixed penalty notice \(FPN's\)](#)
 - [Food hygiene rating appeal](#)
 - [Housing Benefit](#) and [Council Tax Benefit](#) entitlement disputes
 - [Insurance claims against the council](#)
 - [Parking ticket appeals \(PCN's\)](#)
 - [Planning appeals about the refusal of planning permission](#)
 - [School admission appeals](#)
- 2.2. The policy does not apply to complaints by council staff that relate to their employment.
- 2.3. Complaints that fall within the scope of this policy are managed by the central complaints team within our Business Support directorate or nominated complaints officers within service directorates.

3. What is a complaint?

- 3.1. **A complaint** may be defined 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.'
There is a difference between a complaint and a request for a service or an enquiry about a service, which is usually referred to as a 'service request'.
- 3.2. **A service request** may be defined as: 'a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision.'
- 3.3. A service request may escalate to become a complaint. Customers will also be given the option of making a complaint if they express dissatisfaction with the response to their service request. Service requests will be recorded, monitored, learning taken as applicable and included in complaint reporting.

- 3.4. A customer does not need to use the word complaint for it to be treated as such. The Council will seek to resolve the issues raised in the most appropriate manner and as quickly as possible. The Council will seek to ensure staff recognise the difference between a service request and a formal complaint and the Complaints Team will support colleagues to recognise the difference.
- 3.5. The Council will accept a complaint unless there is valid reason not to do so.
- 3.6. Valid reasons for not accepting a complaint include:
- the issue is, or has been subject to legal proceedings
 - where there is an appeals process available
 - the matters raised are subject to a safeguarding inquiry
 - there is a liability issue that is subject to an insurance claim
 - the complaint has not been raised in a reasonable timeframe (see 4.9)
 - the complaint has been raised by an unauthorised or inappropriate third party
 - the issue has already been considered as a complaint
- 3.7. If the Council decides not to accept a complaint, we will explain clearly why the matter is not suitable for the complaints process and what the next steps in the process are.

4. The way we manage complaints

- 4.1. The Council has a 2-stage complaint process. The process for managing complaints is set out in sections 7-11 below.
- 4.2. Complaints will be managed in adherence to this policy and in conjunction with the guidance set out by the Local Government and Social Care Ombudsman in their complaint handling code.
- 4.3. All complaints are managed confidentially and impartially, regardless of who is making the complaint. Please see section 7 for further information.
- 4.4. All complaints will be responded to promptly, and in accordance with the timescales set out in this policy wherever possible.
- 4.5. Where we are unable to meet the timescales set out in the policy, we will let the customer know there has been a delay and arrange an appropriate extension.
- 4.6. Customers will be kept informed of the progress of their complaint and of any delays.
- 4.7. If a complaint is made to a Councillor(s) or MP, the customer will be referred to the complaint function and the complaint will be managed in line with this policy. The Councillor(s) or MP will only be provided with a copy of the response to the complaint on provision of suitable consent from our customer.
- 4.8. Where complaints involve multiple service areas, the service with the most significant involvement in the complaint will coordinate the response. The complaints team acknowledging the complaint will act as a single point of contact for the complainant whilst the investigation is being undertaken.
- 4.9. We will consider stage 1 and stage 2 complaints made within 12 months of the issue occurring or becoming apparent to the person making the complaint. We may still consider a complaint made outside of the timescales if there are exceptional circumstances, but this will be determined on a case by case basis.

5. Support for customers who make a complaint

- 5.1. We are committed to making sure the way we handle complaints does not place anyone at a disadvantage. We will attempt to make suitable and equitable reasonable adjustments if the way we handle complaints would otherwise place a person with disabilities or other characteristics at a substantial disadvantage.
- 5.2. Customers who would like the Council to make a reasonable adjustment to enable them to make a complaint should make a request to the complaints function. A request for a reasonable adjustment can be made through any channel, or via a representative.

6. Ways to make a complaint

- 6.1. The Council will accept complaints made verbally or in writing, and via any of its customer service channels, including:
 - In person
 - By telephone
 - By letter or email
 - Through our online complaint form
 - Through direct contact via social media channels
 - Through a Councillor or MP subject to appropriate consent being in place
 - Through a representative, subject to appropriate consent being in place
- 6.2. Verbal complaints will be confirmed with the person making the complaint. If we confirm the complaint verbally, we will follow up with a written confirmation where appropriate. Once agreed, complaints will be processed in line with this policy. A formal acknowledgement of the complaint will be provided to the complainant regardless of the method in which the complaint is received.
- 6.3. Anonymous complaints will not be processed in line with this policy. They will be forwarded to the relevant service as a service request, to ensure appropriate action and/or suitable learning is taken where applicable.
- 6.4. Complaints made via third party websites or other platforms that are designed to generate multiple complaints on the same or similar subjects will not be processed in line with this policy.
- 6.5. Everyone has the right to appoint a representative, that is someone else to act on their behalf. A representative can be, for example, a parent, a husband, wife, or civil partner, an adult child, a friend, an attorney, advocate, or solicitor, or a local Councillor or MP. You can search for details of your [local Councillor online](#).
- 6.6. If a complaint is made through a representative, we will need to ensure we have consent from the customer. This would usually be written consent from the customer giving the representative permission to act on their behalf, or other evidence, for example evidence of lasting power of attorney.

7. How we identify and accept a complaint

- 7.1. Complaints or matters that could be considered a complaint that fall within the scope of this policy are referred to the appropriate complaint function in the first instance.
- 7.2. The complaint officer(s) will review all complaints, considering:
- whether the complaint falls within the complaint definition at section 3.1 of this policy, or whether it is a service request in line with the definition at section 3.2
 - whether the complaint should be accepted, with reference to the reasons a complaint cannot be considered set out at section 3.6
 - whether the complaint should be considered under the corporate complaints policy, or whether it falls under a different policy in line with the policy exclusions set out at section 2.1.
- 7.3. If a complaint is valid, it will be logged by the complaints officer as a stage 1 complaint within **5 working days** of the complaint being received. If the issues will not be managed as a complaint, the Council will communicate with the individual raising the matter and explain what the next steps in the process are.
- 7.4. If the complaint is unclear, the complaints officer will seek clarification from the customer before the complaint is logged.
- 7.5. The Council is able to use personal information that it holds for the purposes of investigating concerns or complaints. That includes the Council sharing necessary data and information internally. Sometimes it is appropriate to appoint an independent third party who has no prior knowledge of the complaints or issues. Whether an investigator is appointed internally or externally, the Council will require all those involved to comply with the various legal obligations regarding personal information and data.

The Council's Privacy Notices makes the above clear:

<https://www.bcpccouncil.gov.uk/privacy>

<https://www.bcpccouncil.gov.uk/privacy-notices/childrens-services-privacy-notice>

<https://www.bcpccouncil.gov.uk/privacy-notices/adult-social-care-complaints-privacy-notice>

The Council will always seek consent from any party that is involved where it is appropriate to do so. If it were prevented from sharing information, any investigation would most likely be hampered. The Council will only process data in accordance with its legal obligations.

8. Stage 1 complaints

- 8.1. Once a complaint has been received, the complaints officer(s) will consider a range of factors including the complexity of the complaint and the specific needs of the individual customer and assess if the complaint may be responded to within **10 working days**. If this is not possible, and a more detailed response or investigation is needed whether an extension to the response time is needed. The acknowledgement will be prepared for the complainant to reflect these timescales.

- 8.2. The complaint will then be passed to the relevant manager to respond, in line with the assessment of the complaint and in line with the timescale appropriate to the complaint. Responses will be proportionate to the issues raised.
- 8.3. Where complaints involve more than one Council service, the manager responding to the complaint should act as a liaison point with the services involved. The complaints officer will act as a single point of contact for the customer.
- 8.4. The Council will aim to respond to complaints promptly and within 10 working days of the complaint being acknowledged.
- 8.5. If a complaint is complex and requires more detailed investigation, the length of time allowed for the complaint response will be extended at the earliest opportunity and communicated to the customer.
- 8.6. The timescales for more complex complaints will be determined on a case-by-case basis at the outset, but should not exceed 20 working days, without good reason.
- 8.7. Once an investigation has started, if a further extension is required, this will be exceptional, and the reason will be clearly communicated to the customer.
- 8.8. The quality assurance of any stage 1 complaint response is the responsibility of complaint officer(s) for that directorate.
- 8.9. We will send the customer an acknowledgement in writing by email, or by post if an email address is not provided, within five working days of logging the complaint. In acknowledging the complaint, we will briefly confirm:
- our understanding of the complaint and the outcomes being sought
 - the investigating officer or investigating area
 - when the customer can expect a response
- If the Council is not responsible for any aspect of the complaint, this will be clearly explained in the complaint acknowledgement.
- 8.10. In acknowledging the complaint, we will offer the customer the opportunity to review their acknowledgement and make amendments as necessary. This ensures we have the correct understanding of the complaint and the outcome being sought is clear.
- 8.11. Complaint responses will be provided when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. If there are outstanding actions, these should be explained in the complaint response, actioned promptly and tracked by the service responsible for the complaint response, and where appropriate the customer will be provided with updates.
- 8.12. The format of stage 1 complaint responses will depend on the nature of the complaint and the needs of the customer. Responses to stage 1 complaints can be written, verbal or in an audio format as necessary.
- 8.13. In all cases, a full response to the complaint should be made and an explanation, apology or other resolution will be provided to the customer.

- 8.14. In all cases, the complaint response should cover all the points made by the customer and provide clear reasons for any decisions, referencing the relevant policy, law or good practice where appropriate.
- 8.15. The stage 1 complaint response should include details of how to escalate the matter to stage 2 of the complaint process if the customer is not satisfied with the response.
- 8.16. The complaint response will be recorded by the complaints officer(s) for that directorate on the Council's complaint recording system.
- 8.17. If the customer making the complaint wants to raise additional issues related to the complaint, we will aim to incorporate the additional issues into the stage 1 response. Where the new matters are not related, the stage 1 response has already been provided, or addressing the additional issues would unreasonably delay the response to the original complaint, a new stage 1 complaint will be logged.

9. Stage 2 complaints

- 9.1. If the customer is unhappy with the response to their stage 1 complaint, then they should ask the Council to escalate their complaint to stage 2. An escalation or review should be made within 20 working days of receipt of the stage 1 response.
- 9.2. Requests for stage 2 will be acknowledged and logged at stage 2 of the complaint's procedure within **5 working days of the escalation request being received**.
- 9.3. If in making a request to escalate a complaint to stage 2, the customer does not explain their reasons for the request, we will make reasonable efforts to try and understand why the customer remains dissatisfied. A complaint may be declined an escalation if the reasons remain unknown.
- 9.4. In acknowledging the stage 2 complaint, we will briefly confirm:
- our understanding of the complaint and the outcomes being sought
 - clarification of what will happen next and the process being undertaken
 - the investigating officer(s) details
 - when the customer can expect a response
- 9.5. In acknowledging the complaint, we will offer the customer the opportunity to review their acknowledgement and make amendments as necessary. This ensures we have the correct understanding of the complaint and the outcome being sought is clear.
- 9.6. If a complaint is escalated to stage 2, we will carry out an investigation that is appropriate to the nature of the complaint. This may be a simple review of the stage 1 process, or alternatively a further investigation with an adjudication may be made. The complaints officer(s) will assess the stage 2 complaint, considering factors including complexity and the individual circumstances.
- 9.7. We aim to respond to stage 2 complaints within **20 working days** of the complaint being acknowledged.
- 9.8. If we think a response will take longer due to the complexity of the complaint, we will inform the customer of the length of time we expect the response to take at the outset.

- 9.9. Any extension will not be more than an additional 20 working days without good reason. If an extension of more than 20 working days is required, this will be exceptional, the reasons will be clearly communicated to the individual making the complaint and they will be provided with the details for the Local Government and Social Care Ombudsman (LGSCO).
- 9.10. Stage 2 complaints will be investigated by:
- the appropriate Director, or
 - an appropriate senior manager. This manager will be different to the person who responded at stage 1
- 9.11. As with stage 1, where complaints involve more than one Council service the manager responding to the complaint should act as a liaison point with the services involved. The complaints officer will act as a single point of contact for the customer.
- 9.12. When we respond to a stage 2 complaint, our response will be confirmed in writing, in clear, plain language. The response will include:
- the complaint stage
 - our understanding of the complaint, in line with the complaint acknowledgement
 - the decision on the complaint
 - the reasons for any decisions made
 - details of any remedies offered to put things right, in line with section 11 below
 - details of any outstanding actions, if applicable
 - details of how to escalate the matter to the LGSCO if the individual remains dissatisfied
- 9.13. Stage 2 is the final stage of the Council's complaints process.

10. Local Government and Social Care Ombudsman

- 10.1. If a customer remains unhappy having exhausted the council's complaints process, they can contact the Local Government and Social Care Ombudsman (LGSCO):
- Online complaint form at www.lgo.org.uk
 - Telephone 0300 061 0614

The LGSCO will not investigate most complaints until they have gone through the council's complaints process.

11. Remedies

- 11.1. Where something has gone wrong, we will acknowledge this and set out the action that has already been taken or that we will take to put things right.
- 11.2. We will aim to ensure remedies offered reflect the impact on the customer of any fault identified.

- 11.3. When making a remedy offer, we will clearly set out what will happen and by when, in agreement with the customer where appropriate, and we will ensure the remedy is delivered within a reasonable timescale.
- 11.4. If we are not able to deliver a remedy, we will inform the customer, explain why, provide details of an alternative remedy if possible and appropriate, and remind them of their right to complaint to the LGSCO.
- 11.5. Remedies include:
- apologising
 - acknowledging when things have gone wrong
 - providing an explanation, assistance or reasons
 - taking action if there has been a delay
 - reconsidering or changing a decision
 - amending a record, or adding an addendum or correction
 - changing policies, procedures or practices
 - providing a financial remedy
- 11.6. Any issues identified as a result of complaints will be put right as quickly as possible: we will not wait until the complaints process is concluded.
- 11.7. When responding to complaints we will consider whether the customer needs support to understand the outcome and will offer alternatives, including meetings to discuss, where appropriate.

12. Complaints about contractors or commissioned for services

- 12.1. The Council contracts organisations to provide services on its behalf. If a complaint is made about a service provided by a contractor directly to the contractor, it should be managed in line with this policy or processes detailed at point 2.1.
- 12.2. Our contractors are expected to comply with the policy, including providing information to council officers as requested and providing assistance with further investigations as appropriate.
- 12.3. A contractor who receives a complaint is expected to notify the Council of the complaint via the Council's complaints function. Notifications should be made in line with the timescales in the policy, and at all stages in the process so the complaint can be logged and monitored.
- 12.4. If the Council receives a complaint that relates to a service provided by one of the council's contractors, the Council will provide a response.
- 12.5. Complaints relating to contractors/third-party providers working on behalf of the council acting in its capacity as a landlord will be dealt with in accordance with the local authority housing landlord services complaints policy and process.

13. Unreasonable actions by customers

- 13.1. We recognise that someone with cause to complain may be upset, and this may be reflected in their behaviour towards us. In dealing with complaints, we will understand and empathise with customers who are upset.
- 13.2. We also recognise that someone making a complaint is justified in making reasonable attempts to follow up their complaint to make sure it is being dealt with.
- 13.3. However, we expect complaints to be made in a reasonable way so we can investigate. This means communicating with us in a way that is reasonable, both in terms of the nature and frequency of contact.
- 13.4. However, in a small minority of cases, there is a point at which a customer's behaviour becomes unreasonable and makes it more difficult for us to resolve complaints, either because it impedes the investigation or because it takes up a significant amount of time without due cause.
- 13.5. In these cases, the Council will follow its unreasonable actions by customers [policy](#).

14. Review

- 14.1. This policy is the responsibility of the Director of Customer and Property.
- 14.2. This policy will undergo regular review, once every two years, or as required in response to regulatory changes.

Contacts

BCP Council Complaints Team, Civic Centre, Bournemouth, BH2 6DY

Email bcpcomplaints@bcpcouncil.gov.uk

Website [Formal complaints | BCP](#)

Local Government and Social Care Ombudsman ("LGSCO")

Online complaint form at www.lgo.org.uk

Telephone 0300 061 0614