

Westmorland and Furness Council Complaints and Compliments Policy

About this policy

We care about our customers and listen to them. We will put customers at the heart of everything we do and ensure they are able to make a compliment or complaint easily using a channel of their choice. We will use feedback received and lessons learned from compliments and complaints to help design and improve our services.

We aim to provide the best possible service, so we will celebrate when things go well and act when things go wrong. We want to invite feedback so that we can work with our customers to put it right and learn from it so we can prevent it happening again in future.

This policy explains the Council's approach to receiving and resolving complaints. It applies to all Council services except those which have their own statutory process (e.g., Children's Social Care and Adult Social Care).

The Council recognises that individuals may be reluctant to raise complaints out of fear it may impact services they receive in future, but we aim to reassure our residents with a caring and considerate approach and to ensure their feedback is valued.

We also want to know when we are getting it right as your compliments help us build on what is working well. In section 7 of the policy, we set out how you can share this valued feedback with us.

Definitions

If something has gone wrong, or needs to be looked at again, we can usually work with you to resolve it quickly and locally without the need for you to make a complaint. You can approach the team delivering the service directly, or you can make a 'request for service' via our website. Depending on the issue, you may be directed towards a specific team. For example, if you are reporting a pothole, we will direct you to the Highways Hotline online form on our website.

In contrast, we understand a 'complaint' to be an expression of dissatisfaction.

You don't have to use the word 'complaint' to make a complaint. If you contact us and we consider that you are expressing dissatisfaction with a service, and it has affected you or someone you are representing, we will begin the complaints process.

If we're not sure if you are making a complaint, we will ask. We will also consider information requests under the:

- General Data Protection Regulations/ [Data Protection Act 2018](#)
- [Freedom of Information Act 2000](#); and
- [Environmental Information Regulations 2004](#)

Are subject to statutory procedures and are not covered in this policy.

You can find out more here - [Make a Freedom of Information request | Westmorland and Furness Council](#).

Any concerns about a risk of harm relating to the welfare of a child or vulnerable adult should be raised directly with the appropriate Safeguarding Team for urgent consideration. You can find more information here - [Health and social care | Westmorland and Furness Council](#)

Here is a summary of the differences between requests for service, complaints, and information requests:

Request for service

A request that the Council provides or improves a service, fixes a problem, or reconsiders a decision.

For example:

- There is a large pothole on the street in front of my house
- The library closes early on a Wednesday

Complaint

An expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the Council, its own staff, or those acting on its behalf, affecting an individual or group of individuals.

For example:

- I reported the pothole via the Highways Hotline, but it took 6 months to be fixed.
- The person who answered the phone was very rude to me.

Information request

There are three main types of information request:

- For information about yourself (Personal Data) under the General Data Protection Regulations/Data Protection Act 2018
- For general information held by the Council under the Freedom of Information Act 2000
- For general information about the environment under the Environment Information Regulations 2004.

For example:

- I would like to see my records from when I was in care.
- How many children were in the care of the local authority between 2021-2022?
- Could I have copies of documents that outline the council's carbon strategy, including any strategy for using carbon offsets to meet carbon targets.

Eligibility and Accessibility: Equality, Diversity and Inclusion

Who can complain under this policy?

Anyone who is a customer of Westmorland and Furness Council can submit a compliment or make a complaint. This is usually residents but can also include visitors or others who have interacted with the local authority.

Anyone who has been asked to represent an individual to make a complaint and has been provided with consent for them to do so, whether formally (e.g., an advocate) or informally (e.g., a friend or family member).

The Local Government and Social Care Ombudsman (LGSCO) states that:

“The Councils should provide individuals with information on their right to access the Ombudsman service and how the individual can engage with the Ombudsman about their complaint.”

What can be complained about under this policy?

- If we do not provide a service at the level or to the standard laid down by law or Council policy/guidance.
- If we delay unreasonably in answering a query or responding to a request for service (we will continue to respond to the request for service even after a complaint is made). Response times to service requests may vary depending on the service. However, we would always expect that service requests are acknowledged within five working days with clear timescales given.
- If we do not take account of relevant matters in coming to a decision.
- If we do not communicate appropriately.
- If the conduct of a member of staff falls below the standards our customers expect.
- If we discriminate against anyone or act unfairly.

Complaints against contractors employed by the Council to deliver services on our behalf will be treated as complaints against the service area employing the contractors. The Council may ask the contractor to respond to the complaint but will oversee the response.

What can't be complained about under this policy?

The Complaints policy may not always be the most appropriate route to follow and will not apply to the following:

- A member of staff employed by Westmorland and Furness Council should not use this complaints procedure to raise matters relating to their own employment. Instead, they should consider raising a grievance. The grievance guidance and information page can be found on the staff intranet.
- Elected Members of Westmorland and Furness Council who wish to complain about Council services, in their capacity as an Elected Member, should contact the portfolio holder and/or director of the relevant service area. If Elected Members wish to raise a complaint as a resident of Westmorland and Furness, they are able to use the policy in the same way as any other resident.
- Anyone complaining on behalf of someone else without their consent to do so.
- A member of staff raising a concern with someone in the Council, internally and/or externally about wrongdoing, risk or malpractice that affects others should consult the Council's policy on Confidential Reporting - [Confidential Reporting Whistleblowing Policy \(westmorlandandfurness.gov.uk\)](#)
- Any matters relating to Adult Social Care, or Children's Social Care which are governed by separate statutory complaints procedures. For more info follow – [Make a complaint about social care](#).
- Any matter for which there is a more appropriate legal remedy e.g., a matter which is (or could reasonably be expected to be) the subject of court or tribunal proceedings or review by a minister.

- A matter which responding to would provide personal info about another person.
- A request which is covered by legislation e.g., Freedom of Information or Data Protection.
- Subsequent complaints about the handling of requests under the Freedom of Information Act, Environmental Information Regulations or Data Protection Act. These are considered 'Internal Reviews' and follow a separate process. More info can be found here – [Make a freedom of information request](#).
- A claim for compensation. In most cases, claims for compensation against the authority will be referred to the Council's insurer.
- Any matter where there is an alternative appeal or redress route e.g., appealing a parking ticket, or an Education Health and Care Plan.
- Any complaint that does not fall within the Council's remit for example crime and Police matters, issues relating to healthcare or those outside of the geographical boundaries of Westmorland and Furness.
- Complaints about the conduct of Councillors/ Elected Members. These should be referred to the Council's Monitoring Officer. More info here – [Complain about a councillor](#).
- Complaints about a School: If you have a complaint about a school, your first step must be to contact the school directly to see if it can be resolved informally. If you are still dissatisfied, then requesting a copy of the school's Complaints Procedure will help you to submit a formal complaint with the school. Further information can be found here – [Make a complaint about a school](#).

Unreasonable Customers

The unreasonable customer aspect of the policy is not intended to prevent customers from raising legitimate and important concerns, enquiries, or requests, or from pursuing them. The council is committed to dealing with complaints fairly and learning from them.

However, Westmorland and Furness Council has a duty to ensure that it provides value for money services for all its residents and local communities. An unreasonable or unreasonably persistent customer can take up a disproportionate amount of time that can hinder the other work of staff. The Council will therefore ensure that it uses its resources wisely and reserves the right to limit the amount of time spent on queries that it considers unreasonable, vexatious or unreasonably persistent.

Westmorland and Furness Council is committed to promoting equality of opportunity and diversity, and to challenging discrimination. Staff working for the Council and Elected Members have a right to undertake their work free from all types of discrimination, abuse, and harassment. The council has a duty to protect the safety and welfare of its staff and Elected Members. We therefore shall not tolerate what we consider to be unacceptable behaviour by unreasonable or unreasonably persistent customers.

We would not normally limit the contact that our customers may have with the Council. However, in accordance with this policy, we may decide to do so if customers behave unreasonably, are vexatious, or are unreasonably persistent, or if staff experience unacceptable behaviour.

For the purposes of this policy unreasonable, vexatious or unreasonably persistent customers are defined as being those which, because of the frequency or nature of their contact, hinder the authority's consideration of complaints, enquiries, or requests. Officers may recognise one or more of the following indicators as characteristic of unreasonable or unreasonably persistent customers.

They make complaints, requests, concerns, or enquiries that:

- clearly do not have any serious purpose or value; or are designed solely to cause disruption or annoyance.
- are vexatious in nature.
- have the effect of harassing the Council or its staff or can otherwise fairly be characterised as obsessive or unreasonable.
- take up an unreasonable amount of officer time and hinder the other work of the Council.

Unacceptable behaviour can include:

- abusive, offensive, or threatening behaviour
- behaviour which amounts to bullying or harassment.

The following customer actions or behaviours could cause the unreasonable customer element of the policy to be invoked:

- unwillingness to comply with council procedures.
- insisting on issues or requests being dealt with in ways which are incompatible with Council procedures or with good practice.
- making unreasonable demands of officers and / or members or setting unreasonable timescales for responses.
- making unreasonable requests in relation to who should deal with their complaint, enquiry, or request, or how it should be dealt with.
- repeatedly being unwilling to accept documented evidence.
- insisting that no response has been received or that the response is unacceptable.
- sending a high volume of letters, emails and/or phone calls (sometimes to multiple recipients) or repeatedly adopting a 'scattergun' approach; pursuing complaints or requests with the authority and, at the same time, with a Member of Parliament, a Councillor, legal services, local police, solicitors or the Ombudsman.
- continuing to add new, or making trivial, complaints, requests, or enquiries.
- repeatedly complaining or making repeat requests about similar issues after they have already been dealt with or making many complaints, requests, or enquiries about different issues in succession
- refusing to specify the grounds of a complaint, despite offers of assistance with this from the Council's staff.
- making groundless complaints about the staff dealing with the complaint or request and seeking to have the staff replaced.
- refusing to accept that issues or requests are not within the remit of a procedure despite having been provided with information about the procedures scope; for instance, if the customer has been advised that a complaint or request is within the remit of another authority yet refusing to accept this.
- changing the basis of a complaint or request as it proceeds and/or denying statements made at an earlier stage.
- introducing trivial or irrelevant new information which the customer expects to be considered, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered; or submitting repeat complaints or requests, with minor variations, after the processes have been completed refusing to accept a decision.
- electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.

The process of invoking the Unreasonable Customer Policy can be considered if a member of staff experiences one, or several of, the examples given above.

There is internal guidance available for colleagues who wish to have support on invoking the policy.

Behaviour considered to be harassment, aggressive or a threat to staff safety and welfare may lead to police involvement or legal action. In such cases, where there is a need or justification for protecting staff, the Council may not need to give the customer prior warning of this action.

Our Process

How to make a complaint under this policy

We always aim to resolve any issues informally where possible. If however a complaint is required, we want to make it as easy as possible for you to do so, offering a variety of channels for you to tell us what the problem is. You do not need to write down the problem to have it considered as a complaint. How we receive your complaint does not change how we handle it.

Here are some ways you can make a complaint:

- By email to <mailto:complaints@westmorlandandfurness.gov.uk>
- By telephoning the Complaints Team on 0300 373 3300
- Directly with a member of frontline staff: face-to-face
- By writing to the following postal address. You do not need to write in letter format, we just need as much information as possible:

Complaints Team

Westmorland and Furness Council
South Lakeland House
Highgate
Kendal
LA9 4DL

- On audiotape, in braille, or by videocall with a BSL interpreter.

Council staff have been trained to receive complaints and know what to do next.

Complaints can be submitted in any language, and we can arrange an interpreter to facilitate ongoing communication with you.

If you require any reasonable adjustments to facilitate your access to the complaints procedure, please tell us. We are happy to arrange this.

The Council will keep a record of any reasonable adjustments agreed. Any agreed reasonable adjustments will be kept under active review.

You can have a suitable representative deal with the complaint on your behalf if they have your consent. They can represent you or accompany you to any meetings, either online, via telephone or face-to-face.

Contacting the council complaints team will ensure your concern is managed effectively. Please do not contact the Chief Executive, Directors, Assistant Directors, or Senior Managers directly regarding complaints, as they are less likely to be able to help resolve the matter because they may not have the detailed information about the issues. For your assurance, there are routes of escalation within the complaints procedure for review by a more senior officer if necessary.

Complaint Stages

The Council will not refuse to escalate a complaint through all stages of the complaints procedure unless there are valid reasons to do so. The Council will clearly set out these reasons, and they will align with the approach to exclusions set out in section 2 of the LGSCO Complaint Handling Code.

A full record will be kept of the complaint, and the outcomes at each stage. This will include the original complaint and the date received, all correspondence with the individual, correspondence with other parties, and any relevant supporting documentation such as reports. This will be retained in line with the Council's data retention policies.

Stage 1

The Council has processes in place to consider which complaints can be responded to as early as possible, and which require further consideration. The Council will consider factors such as the complexity of the complaint and whether the individual is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the individual.

Complaints will be acknowledged and logged at stage 1 of the complaints procedure within 5 working days of the complaint being received.

A full response to stage 1 complaints will be issued within 10 working days of the complaint being received. An extension of this timescale can be applied depending on the complexity of the complaint which will be advised to the complainant.

An extension will be no more than 10 working days without good reason and these reasons clearly explained.

The person responding to the complaint will:

- clarify with the individual any aspects of the complaint they are unclear about;
- deal with complaints on their merits, act independently, and have an open mind;
- give the individual a fair chance to set out their position;
- take measures to address any actual or perceived conflict of interest; and
- consider all relevant information and evidence carefully.

Complaint response will be provided to the individual when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed.

Outstanding actions will still be tracked and actioned promptly, with appropriate updates provided to the individual.

The Council will address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate. The Council will be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.

At the conclusion of Stage 1, the Council will provide details of how to escalate the matter to Stage 2 if the individual is not satisfied with the response.

Where individuals raise additional complaints during Stage 1, these will be incorporated into the Stage 1 response if they are related, and the Stage 1 response has not been provided. Where the Stage 1 response has been provided, the new issues are unrelated to the issues already being considered, or it would unreasonably delay the response, the new issues will be logged as a new complaint.

The Council will have systems in place to ensure that a complaint can be remedied at any stage of its complaints process. Individuals will not have to escalate a complaint to get an appropriate remedy.

Stage 2 Review

If all or part of the complaint is not resolved to the complainant's satisfaction at Stage 1, it will be progressed to Stage 2 of the procedure and reviewed.

Stage 2 requests will be logged and acknowledged within 5 working days of the escalation request being received.

Stage 2 consideration will be a review of the adequacy of the Stage 1 response, as well as any new and relevant information not previously considered. Stage 2 will not necessarily be a more thorough, detailed investigation of the complaint as it is expected this will have happened at Stage 1.

A final response to the stage 2 review will be issued within 20 working days of the complaint being escalated by the individual. When considering the complexity of the review, an extension of no more than 20 working days may be applied but will be clearly explained to the complainant.

Stage 2 is the Council's final response and will be sent by a staff-member authorised to speak on its behalf.

Escalation beyond the Council:

Stage 2 is the Council's final response and will involve all suitable staff members needed to issue a response.

If you are still not happy with the decision about your complaint, or you feel we have not answered within a reasonable timescale, you can complain to the Local Government and Social Care Ombudsman to:

Local Government and Social Care Ombudsman PO Box 4771
Coventry
CV04 0EH
Telephone: 0300 061 0614

Or via an Online Form, found here - [Local Government and Social Care Ombudsman complaint form](#).

Complaints about Housing: Any complaints about Housing will be logged, allocated, and responded to in accordance with the steps above. However, any cases requiring escalation will go to - [Make a complaint - Housing Ombudsman \(housing-ombudsman.org.uk\)](#).

Remedy Payments

Where something has gone wrong, the Council will acknowledge this and set out the actions it has already taken, or intends to take, to put things right. Any remedy offered will reflect the impact on the individual because of any fault identified. Each case will be considered on its own merits and any application of remedies will:

- Be appropriate and proportionate to the injustice.
- Return the complainant in the position they would have been in except for the fault.
- Consider financial compensation, where the above is not possible.
- Consider the complainant's views and desired outcomes; and
- Consider the effect of the complainant's own actions (such as delay on their part)

There are different reasons why financial redress may arise. These could include:

- Compensation
- Quantifiable loss
- Loss of a non-monetary benefit
- Loss of value
- Lost opportunity
- Distress
- Time and trouble

When considering financial redress, consideration should also be given to the following issues: whether it is appropriate to offset compensation in instances where the complainant owes money to the authority. This would apply for any costs owed to the authority, rather than to a single service.

Where the complainant has incurred expenses or suffered financial loss, the Council should also consider whether it is appropriate to pay for loss of interest as well. The Local Government Ombudsman recommends the standard rate set by the County Court; and it may also be appropriate to calculate a financial remedy as a formula which considers all known factors.

Governance

Performance Reporting and Annual Reports

The Council will produce an annual complaints performance and service improvement report for scrutiny and challenge, which will include:

- a) the annual self-assessment against the LGSCO Complaint Handling Code to ensure their complaint handling policy remains in line with its requirements.
- b) a qualitative and quantitative analysis of the Council's complaint handling performance. This will also include a summary of the types of complaints the Council has refused to accept.
- c) any findings of non-compliance with the LGSCO Complaint Handling Code.
- d) the service improvements made because of the learning from complaints.
- e) any annual report about the Council's performance from the relevant Ombudsman
- f) any other relevant reports or publications produced by the relevant Ombudsman in relation to the work of the Council.

Commitment to Continuous Learning and Improvement

The Council will always aim to look beyond the circumstances of the individual complaint and consider whether service improvements can be made because of any learning from the complaint.

The Council will appoint a suitable Responsible Senior Executive, the Director of Enabler Services, to oversee its complaint handling performance. This senior officer will assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision. Directorates will receive regular reports on volumes and trends to inform their practice and make improvements.

In addition, a member of the Council will be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints.

As a minimum, the Member and the Responsible Senior Executive will receive:

- regular updates on the volume, categories, and outcomes of complaints, alongside complaint handling performance.
- regular reviews of issues and trends arising from complaint handling; and
- the annual complaints performance and service improvement report.

Compliments

If you think we are providing a good service, then please let us know that we have got things right as this will help us continue good practice.

We appreciate being advised when we are doing things well, and your positive feedback is crucial to ensure we provide consistently high levels of positive interactions across all of the services we deliver.

Compliments mean a lot to our colleagues and teams and a compliment can be given in any environment, whether that is a passing comment during a telephone call or face-to-face interaction, a letter delivered to any of our offices, or an online submission.

Compliments we receive will be recording on our central case management system by members of our Customer Services team. Once a compliment is logged on our system, it will be passed to the relevant team for their attention to be discussed during their team meetings and form part of their service improvement strategies.

Data on compliments received will also be collated and reported to our senior leadership team to form part of our quarterly and annual performance reports, and to reflect on our customer interactions, ensuring that we continue to put customers at the heart of everything we do and implement all the positive feedback our customers provide.

Compliments can be submitted by visiting our ["Give us a compliment" page](#) on our website.

Background Documents

[LGSCO Complaints Handling Code - Complaint Handling Code - Local Government and Social Care Ombudsman](#)

[The Housing Ombudsman Complaint Handling Code - The Complaint Handling Code | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](#)