



# Service complaints procedure

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Date of last review	
Next review Date	

## Introduction

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We are committed to providing fair and courteous, high-quality customer service and continuously improving our services.

Giving us feedback and telling us when we get things wrong, helps us to rectify our mistakes, say sorry, and put things right for next time.

We will listen to your complaints, treat them seriously and learn from them.

## What this policy covers

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This policy explains how to raise a complaint with us, how we will manage your complaint and how to take things further if you are still dissatisfied.

## Privacy

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We have a duty to protect your personal data and keep it secure. To view a copy of our Privacy Notice, please visit [www.cherwell-dc.gov.uk/privacy](http://www.cherwell-dc.gov.uk/privacy)

## When should I submit my complaint?

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You should let us know if you have a complaint as soon as possible, but ideally within 3 months of the issue occurring. Waiting any longer could make the situation worse or more difficult to resolve or investigate fully.

We will not usually investigate a complaint that is more than 3 months old unless there are exceptional circumstances.

## Can I get someone to help me make my complaint?

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If you need help to make your complaint, there is support available. We just need signed written consent from you that we can discuss your complaint with the person/organisation you have nominated to do this on your behalf. We are happy to receive your complaint from:

- ◆ Friends or family members
- ◆ Professionals (for example: social workers, solicitors, doctors)
- ◆ Councillors (elected members) or Members of Parliament
- ◆ Advocacy providers ([www.pohwer.net/oxfordshire](http://www.pohwer.net/oxfordshire) deliver a range of statutory and non-statutory advocacy services to the residents of Oxfordshire)

## What is a complaint?

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A complaint highlights an issue or your dissatisfaction with the standard of service the council has provided and/or the behaviour of our staff in delivering it.

When investigating any complaints about a fee or subscription service we will consider our responsibilities under the Consumer Rights Act 2015 in any actions we may take.

## What is NOT a complaint?

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- ◆ Issues that have a separate or statutory appeals process. Including, but not limited to:
  - ❖ Appeals against Planning, Licensing or Housing decisions,
  - ❖ Appeals against a fixed penalty notice (FPN) for parking or dog fouling.
  
- ◆ Matters that you may have to go to court about. Including, but not limited to:
  - ❖ Council Tax, Business Rates and Benefits recovery action
  - ❖ Enforcement action
  
- ◆ Issues regarding the conduct of the Chief Executive (but not where they are cited because of their overall responsibilities) will be referred to the Leader of the Council
  
- ◆ Issues concerning the conduct of a councillor (elected member)
  - ❖ Separate arrangements exist for complaints alleging councillor misconduct under the Localism Act 2011. More information can be found at [www.cherwell.gov.uk/complaints](http://www.cherwell.gov.uk/complaints)
  - ❖ These complaints are handled by the Monitoring Officer and should be made using the online form, or in writing to The Monitoring Officer at Cherwell District Council, Bodicote House, Bodicote, Banbury, Oxon, OX15 4AA or email [StandardsMonitoringOfficer@Cherwell-DC.gov.uk](mailto:StandardsMonitoringOfficer@Cherwell-DC.gov.uk)
  
- ◆ Issues that are not managed by us. Including, but not limited to:
  - ❖ Roads, potholes, streetlighting and roadworks – These matters are dealt with by Oxfordshire County Council,
  - ❖ Parks, play areas and open spaces in Cherwell - Management and maintenance of these areas depends on their location. Please report any issues to the relevant Town or Parish council for the location.
  
- ◆ Service requests and reports. Including, but not limited to:
  - ❖ Complaints about noise nuisance and antisocial behaviour,
  - ❖ Reporting a missed bin or fly tipping,

- Report a breach of planning control,
- A request for information or report of a breach under data protection legislation (including a subject access request),
- A request for information under freedom of information legislation.

- ◆ Comments about council policy decisions and consultations

## Feedback and comments

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If you contact us about a matter that isn't a complaint about our service or the way it has been delivered, and it doesn't fall within any of our other policies we will note your comments and treat this as feedback.

Feedback helps us to understand more about the services we provide and the communities we serve. Even if we cannot take immediate action to change the matter you raise, your feedback can help us design and shape our future services.

### Some examples of feedback and comments

- ◆ You do not agree with one of our policies – your feedback will be passed to the relevant service to be considered during the next policy review,
- ◆ You think we should provide additional non-statutory services – your feedback will be passed to the relevant service for consideration.

## Reasons we may refuse a complaint.

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If you contact us about a matter that is listed above in the section [What is NOT a complaint?](#) we will direct you to the correct council service or other relevant organisation and will not treat the matter as a complaint under this policy.

Service requests and reports will be managed as a “business as usual request”.

There are also occasions where we may refuse to investigate your complaint further, including:

- ◆ Where the matter has already been investigated under another process. For example, by statutory appeal or court process,
- ◆ Where the complaint is attempting to reopen a previous complaint that has been responded to as our final position, based on the information we have,
- ◆ Where the time limit for receiving a complaint has passed,
- ◆ Where the complaint is considered to fall under our **unacceptable and unreasonable behaviour policy**,
- ◆ Where the complaint is anonymous,
- ◆ Where the complaint does not contain sufficient information to investigate, and you do not provide the information required when we ask for it.

# Complaint Stages

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## Stage 1: Informal complaint

Often complaints relate to oversights or human errors that can be quickly put right by contacting the service, rather than you needing to wait for the outcome of a formal investigation. Instead, our officers can apologise for the matter and correct our mistake and/or learn from them for the future.

### **Some examples of stage 1 informal complaints**

- ◆ You have not received a response from us, but we can see from our records that one was sent – we will resend our reply,
- ◆ We have not responded to you within our promised timescales – we will either apologise for the oversight and urgently reply to your contact or explain why it has not been possible to reply as promised and agree a new target timescale,
- ◆ You are unhappy about something our staff have said and we agree it could have been said in a better way – we will apologise and advise the member of staff and/or their manager so that they can learn from it for the future. This may include further training and development for the staff member,
- ◆ We have made a typing error when corresponding with you, for example your name is incorrectly spelled – we will apologise and seek to ensure that your information is correct in the relevant system, for all future correspondence.

### **Making a stage 1 informal complaint**

The quickest way to resolve the matter is to contact the service or officer that was dealing with the matter directly. Alternatively, you can email our customer service team at [customer.service@cherwell-dc.gov.uk](mailto:customer.service@cherwell-dc.gov.uk). If you are unable to email us, you can call on 01295 227001 and speak to one of our customer services colleagues who will either try to resolve the matter for you while on the phone or, if it concerns a matter that they are not familiar with, they will pass your concerns to an officer who can resolve it as soon as possible.

If we resolve your stage 1 informal complaint face-to-face or by phone, we won't usually follow this up with a written confirmation of your discussion unless agreed between you and the officer you are speaking with.

### **Timescales for stage 1 informal complaints**

We will try wherever possible to resolve the matter as soon as we see your correspondence or speak to you and if we can't, we will aim to respond to you within 10 working days. If this is not possible, we will let you know when you can expect a resolution.

### **Escalation to the next stage**

Your complaint can be escalated to a stage 2 formal complaint if:

- ◆ Stage 1 was used, but you are dissatisfied with the outcome,
- ◆ you have had to resolve the same matter multiple times using the stage 1 informal complaint process,
- ◆ we feel the matter is complex and cannot be easily resolved informally,

- ◆ we feel the complaint relates to issues that have been identified as serious and cannot be resolved informally.

## **Stage 2: Formal complaint**

A formal complaint involves a senior officer within the service concerned investigating the matter for you.

We will conduct an initial assessment of your stage 2 formal complaint to decide how best to manage it. This could include:

- ◆ taking your complaint through the stage 1 informal process if this has not already happened and would result in a quicker resolution for you,
- ◆ if your complaint is about a matter that is listed above in the section **What is NOT a complaint?** we will direct you to the correct council service or other relevant organisation. Service requests and reports will be managed as a “business as usual request”,
- ◆ a full investigation of your complaint by a senior officer within the service concerned.

### **Making a stage 2 formal complaint**

We recommend reporting your stage 2 formal complaint in writing rather than by phone or in person, this ensures that you can explain your concerns in your own words:

- ◆ **Online:** Wherever possible, stage 2 formal complaints should be made using the online form at [www.cherwell.gov.uk/complaints](http://www.cherwell.gov.uk/complaints).
- ◆ **By email:** [complaints@cherwell-dc.gov.uk](mailto:complaints@cherwell-dc.gov.uk)
- ◆ **By post:** Complaints, Cherwell District Council, Bodicote House, Bodicote, Banbury, Oxfordshire, OX15 4AA

If you cannot submit your complaint in writing, you can call 01295 227001 to ask one of our customer services colleagues to submit the complaint on your behalf.

- ◆ When making your complaint please include:
- ◆ Your name and address (or email address)
- ◆ What the complaint is about
- ◆ Any other requirement (for example if you require your response in a particular format)
- ◆ Any relevant reference numbers from previous contact with us about the matter
- ◆ How you feel the complaint could be resolved for you

Please try to be as clear as possible so that we can begin the investigation promptly. If a complaint is unclear, we may need to contact you for more information. If you do not provide the information we need to investigate, we may not be able to take the matter further.

### **Timescales for stage 2 formal complaints**

We will acknowledge your stage 2 complaint within three working days.

We aim to send a full response to your stage 2 formal complaint within 10 working days of receiving it. If we need to contact you for further information or clarification, the 10 working days will start from the date we get the information we need.

If we are not able to meet this deadline, or the complaint is complex, we will let you know when you can expect a response.

### **Escalation to the next stage**

Your complaint can be escalated to a stage 3 formal review if:

- ◆ Stage 2 was used, but you are dissatisfied with the outcome,
- ◆ you do not feel that the stage 2 response fully answers your complaint.

### **Stage 3: Formal review**

A stage 3 formal review involves a member of our extended leadership team reviewing the stage 2 formal complaint investigation. This officer will be someone who has not been involved in the matter before.

We will conduct a review of your stage 2 formal complaint and our response to it. They will let you know the outcome of the review. This could include:

- ◆ Confirming that the stage 2 complaint response fully answered your complaint and that this is the council's final position on the matter, based on the information we have,
- ◆ Confirming that the stage 2 complaint response was not complete and/or that further action could be taken to resolve the matter. Where we are at fault we will apologise and take any further action to answer your complaint and/or resolve the matter for you.

### **Making a request for a stage 3 formal review**

We recommend reporting your request for a stage 3 formal review in writing rather than by phone or in person, this ensures that you can explain your request in your own words:

- ◆ **Online:** Wherever possible, stage 2 formal complaints should be made using the online form at [www.cherwell.gov.uk/complaints](http://www.cherwell.gov.uk/complaints).
- ◆ **By email:** [complaints@cherwell-dc.gov.uk](mailto:complaints@cherwell-dc.gov.uk)
- ◆ **By post:** Complaints, Cherwell District Council, Bodicote House, Bodicote, Banbury, Oxfordshire, OX15 4AA

If you cannot submit your complaint in writing, you can call on 01295 227001 and speak to one of our customer services colleagues who can submit the stage 3 formal review request on your behalf.

When making your request please include:

- ◆ Your name and address (or email address)
- ◆ A copy of the reply you received to your stage 2 formal complaint or your stage 2 formal complaint reference number (beginning with COM),
- ◆ Explain why you are not satisfied with the stage 2 formal complaint response you received, specifically each matter that you feel were incorrectly addressed or not covered,
- ◆ Any other requirement (for example if you require your response in a particular format).

Please try to be as clear as possible so that we can begin the review promptly. If a review request is unclear, we may need to contact you for more information. If you do not provide the information we need to conduct the review, we may have to refuse the stage 3 formal review.

### **Timescales for stage 3 formal reviews**

We will acknowledge your request for a stage 3 review within three working days.

We aim to send a full response to your request for a stage 3 review within 10 working days of receiving it. If we need to contact you for further information or clarification, the 10 Working days will start from the date we get the information we need.

If we are not able to meet this deadline, we will let you know when you can expect a response.

This response will be the council's final position on the matter, based on the information we have and there is no further escalation process within the council.

### **Local Government and Social Care Ombudsman (the Ombudsman)**

If you are not satisfied with the outcome of the stage 3 formal review, you can ask the Local Government and Social Care Ombudsman to review your complaint.

You usually have up to 12 months to do this, starting from the date you first knew about the matter you complained about, not from the date of stage 3 formal review response letter. The Ombudsman will normally only consider complaints made within that time but can decide to look at older complaints if there is a good reason to do so.

The Ombudsman looks at individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It investigates matters fairly and impartially and is free to use.

There are some matters the Ombudsman cannot or will not investigate. In these cases, it will clearly explain the reason for its decision.

The Ombudsman's contact details are below.

You will need to provide it with a copy of your stage 3 formal review response letter, and our earlier responses to you, so it can consider your complaint.

Website: [www.lgo.org.uk](http://www.lgo.org.uk) Telephone: 0300 061 0614 Opening hours: Monday to Friday - 10am to 4pm (except public holidays).