

# Complaints Procedure 2019

## Wealden District Council's Commitment to You

We are committed to providing high quality services with our customers at the heart of everything we do. We do our best to make sure your contact with us is professional, courteous and goes beyond your expectations. However, we do accept that sometimes things can go wrong and at these times we need to listen to your views and put things back on the right track.

No matter what your experience, we welcome the opportunity of receiving your views so we can learn and continually improve. Your views, both good and bad, are very important to us. Please use this procedure as a guide to help you through our comments, compliments and complaints procedure.

## What is a complaint?

At Wealden District Council we define a complaint as:

*“An expression of dissatisfaction about our services, or the manner of their delivery by staff or contractors”.*

Through our complaints procedure you can complain about:

### **Poor service standards**

If the quality of a service provided by the Council does not meet your expectations.

### **Repeated service failures**

When a service delivered by the Council has not done what it was expected to on more than one occasion.

### **Equality breaches**

If you believe that you have been discriminated against due to your age, disability, gender, marriage, civil partnership, pregnancy, maternity, race, religion or belief (including lack of belief), sex and sexual orientation.

### **Staff/contractor complaint**

If you find the behaviour of a person delivering a service for on or on behalf the Council to be offensive or otherwise unacceptable.

*If you have a complaint about a Contractor, you should contact the Council only after the Contractor's complaints procedure has been exhausted.*

## What is not a complaint?

There are other subjects which we recognise that customers may feel the need to complain about but do not fit into our definition, this is likely because they are very specific and that there is a separate process of appeal or complaint. Topics which may fit into this are detailed below.

### **Appealing service outcomes/decisions**

Sometimes we need to make decisions as a Local Authority that individual residents or businesses may not agree with. Ordinarily these should not be dealt with through the complaints procedure, but as appeals. Below is a selection of services which manage a separate appeals process:

- Benefits
- Council Tax
- Food Safety
- Housing
- Licensing
- Parking
- Planning

### **Planning Service Complaints**

A right of appeal against a planning application decision is available only to applicants. There is no third party right of appeal for other people who disagree with the Council's decision.

If you have concerns or issues about the manner in which the Planning Department have dealt with a matter then you can raise these through the complaints procedure.

### **Complaining about a Councillor**

If you feel it is necessary to complain about the conduct of a Councillor there is a separate process for this which can be found [here](#).

### **Feeding back about a policy**

Although we do our best to ensure our policies are robust and fair, you may want to feedback about them or suggest an amendment. This should be done outside of the complaints procedure.

### **How we manage your information or personal data**

Wealden District Council may need to store and use data about you to properly deliver their services. However, you have the right to ask for:

- Incomplete or inaccurate data to be rectified,
- Personal data to be deleted (the right to be forgotten),
- The processing of your personal data to be restricted.

We do not consider these requests to be complaints, and should be made [here](#).

If you believe that we have not treated your Freedom of Information request fairly, are not using and/or storing your data in a proper manner or have not met our own standards for these and you have been through the relevant appeals procedure then you can ask the [Information Commissioner's Office](#) to review this and offer you further advice.

# How to make a complaint

If you feel that you need to complain to the Council we use a three stage process.

## **Stage 1**

Please give specific details of:

### **Nature of the complaint**

What heading you believe your complaint fits under.

### **Time and date**

Please be as specific as possible about when what you are complaining about happened.

### **Details of your complaint**

Explain in your own words what it is that you are complaining about.

### **Names of anyone involved**

If the complaint involves a particular employee(s) and/or contractor(s) please tell us.

### **Contact details**

Let us know who you are and how we can contact you to respond to your complaint.

You can use our [Online Reporting System](#), email us at [informationgovernance@wealden.gov.uk](mailto:informationgovernance@wealden.gov.uk) or you can send a letter to:

Information Governance Team  
Wealden District Council  
Vicarage Lane  
Hailsham  
BN27 2AX

If you need support in making your complaint, please contact us on 01323 443322 and one of our customer service advisors will complete the online complaints form on your behalf.

Alternatively, the Citizens Advice Bureau offers an impartial service and can advise you if you need any help with making a complaint against us. To find out more, please contact your local [Citizens Advice Bureau](#).

## **Stage 2**

If you are not satisfied with the response you receive about your complaint you can request a “Stage 2” investigation. To do this you should respond to our response either by email or letter clearly stating that you wish to do this.

*A complaint will only be escalated to Stage 2 if the customer can demonstrate sufficient grounds, i.e. there was a fault with the way their complaint was handled initially rather than that they just remain dissatisfied with the answer.*

## **Stage 3**

If you have been through all stages of our complaints procedure and are still unhappy, you can ask the Local Government and Social Care Ombudsman or Housing Ombudsman Service to review your complaint.

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

The Ombudsman expects you to have given us chance to deal with your complaint, before you contact them. If you have not heard from us within a reasonable time, it may decide to look into your complaint anyway.

### **Local Government & Social Care Ombudsman**

A leaflet explaining how to complain to the LGO entitled ‘Complained to the Council - Still not satisfied?’ can be obtained from Reception at the Council Offices or from the [LGO website](#). Alternatively, you may contact the LGO Advice Team by:

- Telephone: 0300 061 0614 for advice about your complaint
- [Online Complaint Form](#)
- Text ‘call back’ on 0762 481 1595
- Website: [www.lgo.org.uk](http://www.lgo.org.uk)

or write to the Local Government & Social Care Ombudsman at:

The Local Government & Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH.

### **Housing Ombudsman Service**

The [HOS website](#) explains how they can help you to resolve a complaint you have not previously been able to. Alternatively, you may contact the HOS by:

- Telephone: 0300 111 3000 for advice about your complaint
- [Online Complaints Form](#)
- Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

or write to the Housing Ombudsman at:

Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ

# What to expect when making a complaint

## Stage 1

Within five days of having submitted a complaint you should receive an acknowledgement including:

- Details of a point of contact should you wish to discuss your complaint.
- A deadline for when a decision will have been made (this will usually be within 15 working days of the date of receipt of your complaint, unless there are special circumstances).
- When the investigation into your complaint has been completed you will be contacted again (usually within 15 working days of the date of receipt of your complaint, unless there are special circumstances) and be given:
  - A clear statement about whether or not your complaint has been upheld
  - An explanation of the circumstances leading to the issue (if appropriate)
  - An explanation of the action which has been taken/is being taken to ensure the same thing does not happen again (if appropriate)
  - The offer of a remedy (if appropriate)
  - Details about how to make a stage 2 complaint if you disagree with the response

## Stage 2

Within five days of having submitted a complaint either through the online form or by letter you should receive an acknowledgement including:

- Details of a point of contact should you wish to discuss your complaint.
- A deadline for when a decision will have been made (this will usually be within 20 working days of the date of receipt of your complaint, unless there are special circumstances)

A Stage 2 complaint will be investigated by a senior manager. The investigating manager may need to contact you during the investigation to make sure they have a robust understanding of the investigation.

When the investigation into your complaint has been completed you will be contacted again (usually within 20 working days of the date of receipt of your complaint, unless there are special circumstances) and be given:

- A clear statement about whether or not your complaint has been upheld
- An explanation of the circumstances leading to the issue (if appropriate)
- An explanation of the action which has been taken/is being taken to ensure the same thing does not happen again (if appropriate)
- The offer of a remedy (if appropriate)
- Details about how to make a stage 3 complaint to the Local Government Ombudsman or the Housing Ombudsman if you disagree with the response.