

# Policy

## Complaints

### Purpose

The Greater Lincolnshire Combined County Authority (GLCCA) is committed to providing high-quality services. People may wish to tell us when they are satisfied with the services they have received from us, make suggestions on how we could improve or tell us when things have gone wrong. We believe dealing effectively with all such feedback is essential to providing good services.

This policy sets out how complaints will be dealt with ensuring concerns raised are considered and any resulting adjustments made, where required.

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## Complaints Policy

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### Principles

All complaints are taken seriously, dealt with appropriately and where necessary acted upon.

We will:

- put the customer at the heart of the process, showing understanding and responding appropriately to the circumstances
- resolve complaints as early as possible
- keep the customer informed about the complaints progress
- apologise if we have made a mistake, or when something has gone wrong, we will put it right as soon as possible
- make sure our response addresses all elements of the complaint and provide explanations for any decisions made or actions taken
- use complaints information in a positive way to review and improve the way we provide services and prevent similar occurrences in the future

We encourage our staff to resolve customer's issues without the need to use the formal complaints process as in many cases we can resolve concerns quickly by putting the problem right straight away.

## What this policy covers

### Complaints covered under this policy

A complaint could be in relation to any of the following examples:

- There has been a significant delay in providing a function
- We have made a mistake in the way we provided a function
- We have failed to deliver a function; this could relate to the quality, standard or service level
- We have not listened properly
- Our processes or policies have not been followed
- Our legal or regulatory requirements have not been met
- We have not delivered against a commitment or promise
- Our staff have not been helpful or have not conducted themselves correctly

Every complaint will be considered on its individual merits and after initial conversations a decision will be made on whether the complaints policy should be implemented.

### Complaints not covered by this policy

- **Requests for service;** the GLCCA has not replaced existing local authorities; there are a number of individual councils in the Greater Lincolnshire area who deliver the vast majority of services for your community. If you have a complaint that does not directly relate to an activity carried out by the GLCCA, you should submit your complaint to the appropriate Council.
- **Requests for Information (Subject Access Request and Freedom of Information Requests);** these requests should be referred to our Business Support team at [info@greaterlincolnshire-cca.gov.uk](mailto:info@greaterlincolnshire-cca.gov.uk). Dissatisfaction with the response to these requests should be directed to the Information Commissioners Office.
- **Immediate Safeguarding Concerns;** If you believe that an individual is in any immediate danger or risk of harm, this should be reported to the police for immediate action.
- **Where legal processes are involved;** where a legal challenge is being made regarding whether a decision or action is lawful.
- **Where there is a more appropriate individual or organisation to deal with your complaint;** - such as a tribunal, Ombudsman or another local organisation or council.
- **Complaints made more than one year after the customer became aware of the issue;** (unless in exceptional circumstances) - this is because such complaints can be difficult to investigate fully or fairly.

- **Complaints about members of the Combined Authority;** elected councillors have a separate complaints process and the Monitoring Officer can advise you about this.
- **Staff personnel issues;** including disciplinary, grievance, pay, recruitment and selection processes - these should be progressed with guidance from specific HR policies and procedures.
- **Complaints regarding the qualification of our staff;** All staff are employed based on their suitability and relevant qualifications for the role, therefore any complaint which questions whether a particular staff member is qualified to fulfil their role will not be accepted under this policy. Please note that this does not apply to complaints where you believe that staff have not acted appropriately.
- **Complaints about data protection;** Complaints about how the Authority has processed personal data or about information sharing, disclosure, retention, or information security should initially be raised with the Business Support team at [info@greaterlincolnshire-cca.gov.uk](mailto:info@greaterlincolnshire-cca.gov.uk)
- **Whistleblowing policy;** there is a separate policy relating to whistleblowing.
- **Complaints that have already exhausted our process;** If the same complaint has received a final written decision or the complaint has already been referred to the Local Government and Social Care Ombudsman (LGSCO) or the Information Commissioner (ICO).

## 1. How should customers make a complaint?

Before making a formal complaint, we encourage customers to contact our Business Support team first [info@greaterlincolnshire-cca.gov.uk](mailto:info@greaterlincolnshire-cca.gov.uk) to discuss their concerns in detail, providing an opportunity to gain clarity of the situation and, where necessary, put things right.

Should we not be able to address the concerns or rectify the situation, the customer may then choose to follow the appropriate complaints procedure, as detailed below.

An appointed Officer will act as a point of liaison between the customer and the authority, finding required information and providing details of what has happened. Where the authority is at fault we will apologise and tell the customer what we will do to rectify the situation.

The Business Support team can be contacted by:

- Emailing [info@greaterlincolnshire-cca.gov.uk](mailto:info@greaterlincolnshire-cca.gov.uk)
- Writing to GLCCA Offices, Room 105, Newland, Lincoln, LN1 1YL

Customer should provide as much detail as possible including:

- What has happened or gone wrong from their perspective
- When it happened (or should have happened)
- Why and how we could have done things differently
- What they think we should do to put things right
- Their preferred method of contact and their contact details

## 2. How we deal with complaints

Customers are encouraged in the first instance to raise any problems with the individual staff member concerned or with their line manager.

If the relevant staff member or their line manager are unable to resolve the issues the customer should contact our Business Support team at [info@greaterlincolnshire-cca.gov.uk](mailto:info@greaterlincolnshire-cca.gov.uk) who deal with all GLCCA complaints. Before any complaint is progressed to the formal stage, the customer will be contacted to determine how we may put this right for them.

For all stage 1 complaints a Business Support Officer will be appointed as a point of contact (POC) for the customer.

The **Business Support Officer** will:

- where an investigation has been completed, contact the customer to advise of the outcome
- be responsible for keeping the complainant up to date including if there are any delays in responding.

All stage 2 complaints will be overseen by our Complaints Manager who will be the customers appointed point of contact (POC).

The **Complaints Manager** will:

- Review the customer's request for escalation of their complaint
- Attempt resolution of the issue with the complainant before agreement to progressing to the next formal stage
- Where resolution has not been possible, conduct a case review of the original complaint and the response provided to determine if any areas have not been satisfactorily addressed or require a further investigation
- Determine if any new issues have been included within the complaint as these cannot be progressed to the next stage without having received due consideration at the stage 1. These may be returned to the first stage of the process
- Should the case review find that a further investigation is required, based on the information provided by the customer, this will be allocated to a relevant Senior Manager within the Authority. This allocation is confirmation that a stage 2 investigation should proceed

- Where an investigation has been completed contact the customer to advise of the outcome
- Be responsible for keeping the complainant up to date including if there are any delays in responding
- Final decisions made during this process will be in conjunction with relevant professionals in the authority

**a. Our Complaints Process**

**Stage 1 (Local Resolution)** - A point of contact (POC) within the Business Support team will be provided for the customer who will ensure a response is provided within 10 working days.

**Stage 2 (Management Escalation)** - If the customer is not satisfied with the stage 1 response, they can ask for the complaint to be referred to the Complaints Manager to consider whether further investigation is required. Once this request is accepted and the points for further investigation confirmed a response will be provided within 10 working days.

The complainant must:

- Provide a detailed explanation of why and how the initial response failed to fully address their concerns, and evidence what element(s) of the complaint have not been answered
- Raise their concerns within 28 days of the response from the initial stage

**b. Refused Escalation Requests**

There may be some instances in which a complaint will not receive a further investigation. Such reasons may be as follows:

- The customer has not provided their reasons for on-going dissatisfaction with the stage 1 response
- Where all points have been addressed and it is considered that a further investigation will not result in a different outcome
- Where the authority has admitted fault in the stage 1 response
- Where we have been unable to reach an agreement with the customer around the points which require further investigation

- Where we have advised that the original investigation determined that another course of action supersedes or is more appropriate for the concerns raised
- If the customer has entered any formal appeals processes in between their stage 1 response and request for escalation - appeals processes supersede the complaints process (\*a customer may return to us once an appeal is complete for further advice)  
Where any of the above happens, the customer may contact us further if they believe their complaint should be given further considerations, providing detailed reasons for this.

**c. Referral to the Local Government & Social Care Ombudsman**

Should the customer have exhausted the above relevant stages of the complaints procedure but consider their problems have still not been addressed or they have not received a response within a reasonable time, they can escalate their complaint to the Local Government & Social Care Ombudsman (LGSCO) for independent review.

The LGSCO is the final stage for complaints about Council services and it investigates complaints in a fair and independent way.

The Ombudsman will contact the Authority to collect information on how we have handled the complaint before they decide in the form of a recommendation. The Authority is not legally bound to follow any recommendations set out by the Ombudsman, although will consider if it is appropriate to do so.

**d. Withdrawal of complaints**

A complaint may be withdrawn verbally or in writing at any time by the customer (or their representative). The relevant Senior Manager will consider whether, or not the issue of concern requires further consideration under appropriate internal management review systems and will write to the customer confirming the withdrawal.

**e. Anonymous Complaints**

Anonymous complaints will be recorded and referred to the appropriate manager to decide whether the matters raised require further investigation.

**f. Unreasonable behaviour or vexatious complaints**

The inclusion of this section within the policy is to ensure those customers who we deem to be 'persistent or vexatious complainants' are dealt with appropriately, whilst ensuring that other customers or Authority staff are not adversely affected.



A complaint could be considered unreasonable or vexatious where the complainant meets one or more of the following:

- persists in pursuing a complaint where the Complaints Policy has been fully and properly implemented and exhausted
  - submits repeated and unacceptably high numbers or abusive communications in connection with the same complaint or with minor additions or variations
  - has, while addressing a registered complaint, made excessive demands on the time and resources of staff.
  - refuses to accept a decision made on a complaint, repeatedly arguing points with no new evidence
  - refuses to co-operate with the complaints process resulting in lengthy delays
  - changes the basis of the complaint as the investigation proceeds and/or making unjustified complaints about staff who are trying to deal with the complaint
  - has harassed or been personally abusive or verbally aggressive on repeated occasions despite documented evidence of this being described to the complainant as unacceptable
  - publishes derogatory information or statements about the Authority or the services it provides, including those through partner organisations
  - is known to have recorded meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved
- It is not possible to devise a single strategy to deal with 'persistent or vexatious complainants', as each case must be looked at on its own merits. If the Authority considers that a complainant meets the above criteria the following procedure will be implemented:

- We will inform the customer, in writing or at a face-to-face meeting, why we feel their behaviours or actions are unacceptable
- We will give them the opportunity to change their behaviours within a reasonable timescale before taking any further action
- Should the behaviours persist evidence of these will be gathered by the Complaints Manager and presented to the relevant Director or Senior Manager. The Complaints Manager and relevant managers will review the gathered evidence and decide on any potential restrictions that will be applied to the customer

Where the above is undertaken the Authority can apply restrictions in the ways the customer can access Authority Council services which may include one or more of the following:

- their use of the Authority's complaints system will be limited to a single point of contact
- contact shall be restricted to written communications only
- the Authority will not respond to any further contact
- their license to enter any Authority premises will be restricted or removed
- legal action may be taken including injunctions or court orders

There is no right of appeal to Greater Lincolnshire Combined County Authority regarding the implementation of this section of the policy. We would however direct the customer to the Local Government and Social Care Ombudsman (LGSCO) should they not agree with the application of any such restrictions.

Information concerning the restrictions will be shared with relevant staff. This information will also be registered on the customer's record whilst restrictions are in place.

### 3. Fluency duty

Part 7 of the Immigration Act 2016 requires that employees working in public facing roles in the public sector speak a level of English (or Welsh in Wales) which is sufficient to enable them to effectively carry out their role. A complaint made to Greater Lincolnshire Combined County Authority under the Fluency Duty is one where a member of the public feels a public-facing employee has insufficient proficiency in spoken English for the performance of their role.

A complaint about a public sector employee's accent, dialect, manner or tone of communication, origin or nationality will not be considered a legitimate complaint under the Fluency Duty.

### 4. Access to information

Data Protection Legislation regulates the processing of information relating to individuals (data subjects) and provides them with several rights regarding the information held about them.

Enquirers can provide feedback about the way in which their information is processed by the Authority using the methods detailed in section 4 above.

Should the enquirer remain dissatisfied with the response provided by the Authority, they can raise this with the Information Commissioner's Office.

The Freedom of Information (FOI) Act 2000 regulates the disclosure of non-personal information. If dissatisfied with a FOI response, an enquirer should firstly approach the Business Support team at [info@greaterlincolnshire-cca.gov.uk](mailto:info@greaterlincolnshire-cca.gov.uk) to request an internal review. After this, if they remain dissatisfied, they can approach the Information Commissioner's Office to appeal against a decision or complain about an unsatisfactory response.

The Complaints Policy is not a mechanism for individuals to exercise their data protection rights or to submit freedom of information requests. Individuals wishing to exercise their data protection rights (such as the right of access or the right to erasure) or make a freedom of information request should contact the Business Support team.

### 5. Reporting on complaints

The Authority has a Complaints Manager whose role is to manage (collating, monitoring and reporting) complaints across the Authority and ensure that we learn from them when we have done something wrong. The Complaints Manager oversees the Complaints Policy and associated procedures and ensures the consistency of its application across the Authority.