



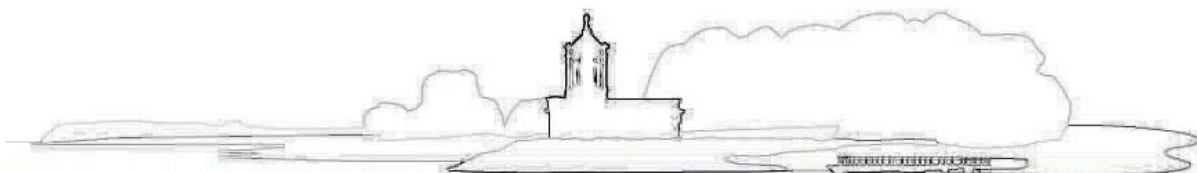
# Rutland County Council

## CORPORATE COMPLAINTS PROCEDURE

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### Contents

		Page
1.0	Introduction	2
2.0	Scope of the Corporate Complaints Procedure	2
3.0	Making a Corporate Complaint	3
4.0	Help to Make a Corporate Complaint	4
5.0	Information required to investigate a Corporate Complaint	4
6.0	The Corporate Complaints Procedure	4
7.0	The Local Government & Social Care Ombudsman	6
8.0	Unreasonable Conduct	6
9.0	Processing of Personal Data	6
Appendix A	Protocol for dealing with Unreasonable Conduct	7



## 1.0 Introduction

- 1.1 Rutland County Council is committed to excellent customer service. If we do not meet our Customer Care Standards, we will take ownership and work to resolve issues, promptly.
- 1.2 Our priority is to put right any failures. We will consider a range of remedies if we feel that the Council has failed in any aspect of its service delivery. Each case will be considered on its merits, and any remedy will be appropriate and proportionate.
- 1.3 We aim to learn from complaints and will use them to shape and improve our services. We will analyse our data regularly, ensure agreed actions are followed up and report on performance and outcomes to Members.

## 2.0 Scope of the Corporate Complaints Procedure

- 2.1 We use the following definitions:

### **A Complaint**

is an expression of dissatisfaction relating to the provision of or failure to provide a Council service, an action, or lack of action by the Council and/or conduct of a Council Officer or an individual providing a service on behalf of the Council. [OBJ]

### **A Service Request**

is a request that the Council provides a service either for the first time or where it has been overlooked i.e. a missed bin collection. A Service Request is not a Complaint but is recorded and reported on in the same way as a Complaint.

- 2.2 We will not ordinarily consider a Complaint that is made more than six months after the individual became aware of the issue they are complaining about. There are exceptions to this where the Council accepts that such a delay was reasonable.
- 2.3 Complaints that are submitted anonymously will not be accepted where they are not capable of being progressed without the engagement of the Complainant (although we may still investigate issues raised);
- 2.4 Not all complaints fall within the Corporate Complaints Procedure. Where this is the case, we will let you know. Below are some things which we cannot deal with through our Corporate Complaints procedure:
  - a. Member Conduct  
<https://www.rutland.gov.uk/council-councillors/councillors/complain-about-councillor>

- b. Premises Licences  
<https://www.rutland.gov.uk/licensing/premises-licences-how-comment-or-complain>
- c. Anti-Social Behaviour  
<https://www.rutland.gov.uk/community-safety/nuisance-neighbours>
- d. Adult Social Care  
<https://www.rutland.gov.uk/have-your-say/compliments-complaints-service-feedback>
- e. Childrens Social Care  
<https://www.rutland.gov.uk/have-your-say/compliments-complaints-service-feedback>
- f. Any matter for which there is a statutory right of appeal e.g. planning, school appeals, benefits.
- g. Council Policy / Decisions.
- h. Data Protection  
<https://www.rutland.gov.uk/council-councillors/gdpr-data-protection>
- i. Anything that can be reported via myaccount.
- j. Any matter which is or may be subject to legal proceedings.
- k. Whistleblowing.  
<https://www.rutland.gov.uk/council-councillors/gdpr-data-protection/whistleblowing>
- l. Anything which amounts to a petition. The Council welcomes petitions and will refer these to the Council's Democratic Services team under the Councils' Petition Schemes.
- m. Complaints about the conduct of an election, which is the responsibility of the Returning Officer.

## **3.0 Making a Corporate Complaint**

- 3.1 Anyone can make a complaint about the Council. We accept complaints from people acting on behalf of someone else such as Members, MPs, and other representatives.
- 3.2 It should be easy to make a Corporate Complaint. Complaints can be made in all formats including:
  - a. Online via the website <https://www.rutland.gov.uk/have-your-say/compliments-complaints-service-feedback>

- b. By email to Letusknow@rutland.gov.uk or any department.
- c. By telephone on 01572 722577 or any department.
- d. In writing to LetUsKnow, Catmose, Catmos Street, Oakham, Rutland LE15 6HP
- e. Via X (Twitter) @rutlandcouncil

## **4.0 Help to Make a Corporate Complaint**

- 4.1 We want to make sure that anyone who wants to can make a Corporate Complaint.
- 4.2 If you need help or support to complain, you can ask an independent organisation such as the Citizens Advice Bureau.
- 4.3 We can signpost you to an advocate who can support you when you complain. You do not have to pay for these services.

## **5.0 Information Needed to Progress a Complaint.**

- 5.1 We need enough information to understand what your Complaint is about to be able to resolve it. If you do not provide enough information, it may take longer to deal with your Complaint or may even mean that it cannot be accepted.
- 5.2 General Data Protection Regulation (GDPR) regulates the way in which organisations can use personal information. For example, a Complaint cannot be discussed with a third party without the explicit consent of the Complainant.

## **6.0 The Corporate Complaints Procedure**

- 6.1 We operate a two-stage Corporate Complaints Procedure.
- 6.2 We will acknowledge receipt of your Complaint within three **working days**. In the acknowledgement we will confirm which officer will deal with your Complaint.
- 6.3 If your Complaint does not fall within the scope of the Corporate Complaints Procedure, we will notify you within three working days. If your Complaint has been referred to another Council procedure, it will be acknowledged within it.
- 6.4 **Stage One: A response from a Frontline Manager.**

Complaints at Stage One will be responded to within **15 working days of the acknowledgement.**

- 6.5 If your Complaint is complicated or there is some other good reason, the officer dealing with your Complaint may require up to a further 10 days to prepare a response. They will let you know if this is the case and explain the reason for it.
- 6.6 If you consider that the Stage One response does not resolve your Complaint then you can escalate it to Stage Two, stating the reasons why you consider it is necessary to escalate it.
- 6.7 Stage Two: A response from a member of the Council's Extended Leadership Team.**
- A response at Stage two will be provided within **20 working days of the receipt of the request to proceed to Stage 2.**
- 6.8 If your Complaint is particularly complicated or there is some other reason, the officer dealing with it at Stage 2 may require up to a further 10 days to prepare a response. They will let you know if this is the case and explain the reason for it.
- 6.9 If the Complaint is about a Director, the Strategic Director of Law & Governance will decide on how the matter will progress. If the Strategic Director of Law & Governance is conflicted for any reason, the matter will be referred to the Chief Executive.
- 6.10 The Strategic Director of Law & Governance reserves the right to refer a Complaint directly to Stage Two or to determine that the Council's Corporate Complaints Procedure has been exhausted, at any stage, if appropriate.

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

- 7.1 If you have been through all stages of our complaints procedure and you consider that your Complaint has not been resolved, you can ask the Local Government and Social Care Ombudsman to review your Complaint. The Ombudsman is independent of the Council and is a free service.
- 7.2 The Ombudsman expects you to have given the Council the opportunity to resolve your Complaint before you contact them. If you have not had a response from the Council within a reasonable time, it may decide to investigate your Complaint anyway. This is usually up to 12 weeks but can be longer for social care complaints that follow a statutory process.
- 7.3 The Local Government and Social Care Ombudsman is the final stage for Complaints about councils and some other organisations providing local public services. It also investigates Complaints about all adult

social care providers (including care homes and home care agencies) for people who self-fund their care.

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Telephone: 0300 061 0614

## **8.0 Unreasonable Conduct**

- 8.1 In a minority of cases, people pursue their contact with the Council, whether as part of a Complaint or otherwise in a way which is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submission of information. This can have significant resource issues for the Council.
- 8.2 The Local Government and Social Care Ombudsman describes unreasonable conduct as something which may include one or two isolated incidents, as well as something which is usually a build-up of incidents or behaviour over a longer period.
- 8.3 The Council has developed a Protocol for dealing with this type of complaint; it is set out in Appendix A of this Procedure.

## **9.0 Processing of Personal Data**

- 9.1 The Council is committed to ensuring personal data is properly collected and then managed. For Complaints it may be necessary for us to collect personal data, including name, contact details and address, to stay connected and communicate outcomes and updates on potential investigations.
- 9.2 Data collected in relation to Complaints made will be retained on record as per the council's official retention schedule here:  
  
<https://www.rutland.gov.uk/council-councillors/gdpr-data-protection/data-retention>
- 9.3 To read more about our privacy policy please visit:  
  
<https://www.rutland.gov.uk/council-councillors/gdpr-data-protection/privacy-notice>

# APPENDIX A

## PROTOCOL FOR DEALING WITH UNREASONABLE CONDUCT

1. Council officers will encounter individuals who take up an unwarranted amount of Council resources. The aim of this protocol is to identify situations where the individual's conduct could be considered unreasonable and set out how to deal with such circumstances.
2. We will distinguish between people who justifiably raise several different Complaints and people who are being unreasonable.
3. We do not expect our officers to tolerate Unreasonable Conduct or Unacceptable Behaviour. Members who experience Unreasonable Conduct when dealing with Council matters may use this protocol. Advice on this can be sought from the Strategic Director of Law & Governance.
4. Examples of Unreasonable Conduct:
  - Have insufficient or no grounds for their complaint.
  - Make groundless complaints about officers.
  - Make an unreasonable number of contacts with the Council.
  - Make persistent and unreasonable demands or expectations of officers.
  - Record meetings and conversation without consent.
  - Make the same complaint repeatedly, with minor differences.
  - Persist in seeking an outcome, which has been explained is unrealistic for legal or other valid reasons.
  - Complain about or challenge an issue based on a historic and irreversible decision or incident.
  - Combine some or all these features.
5. Imposing Restrictions

### **Stage One: Warning**

In the first instance, the officer's manager will liaise with the Head of Legal & Democratic Services, prior to issuing a warning to the individual.

The manager will contact the individual to explain why their conduct is considered unreasonable and advise them to change their behaviour. The manager will explain the actions that the Council may take if the behaviour does not change. This action will be recorded on a corporate register.

### **Stage Two: Imposing Restrictions**

If the individual continues their Unreasonable Conduct, the Strategic Director of Law & Governance will issue a letter to the individual advising them that the way in which they can contact the Council is restricted. The Strategic Director of Law & Governance will make this decision and inform the individual in writing of what restrictions are in place and for what period.

6. Any restriction will be appropriate and proportionate.
7. Where an individual continues to behave in a way which is unreasonable, the Strategic Director of Law & Governance, may decide to refuse all contact with the individual and stop any investigation into any Complaint.
8. Where the behaviour is so extreme or it threatens the immediate safety and welfare of officers and/or other customers, the Council will deal with this under its Unacceptable Behaviour Policy

## **9. Record Keeping**

The manager will keep comprehensive records of the case details and the action taken. Information Governance Officers will retain a record of:

- a. The name and address of every individual who has received a Stage 1 and/or Stage 2 action;
- b. When the protocol and any subsequent restriction(s) came into force and are due to expire;
- c. What the restrictions are; and,
- d. When the individual and departments were advised.

Details of all cases where the Protocol and subsequent restrictions have been applied will be reported to the Audit and Risk Committee as part of the annual Compliments, Comments and Complaints reporting procedure.

**A large print version of this document is available on request**





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