

Tunbridge Wells Borough Council Complaints Policy and Procedure

We use customer feedback to help us improve our services. The aim of the Council's complaints procedure is to:

- Make it easy for customers who are dissatisfied to complain
- Treat all complaints fairly and consistently
- Resolve service issues in a timely fashion and at the initial point of contact wherever reasonably possible
- Improve our services by listening to and acting on customer feedback

Our objective in relation to complaint handling for all staff is to:

- Have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
- Take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- Act within the professional standards for engaging with complaints as set by any relevant professional body.

What is a Complaint?

We define a complaint as any expression of dissatisfaction about the way in which the Council (including its staff and contractors) has provided a service for example delay, failure to provide a service, or staff behaviour.

What is a Service Request?

We define a Service Request as a request for the Council's assistance with an issue or problem faced by a customer in an area falling within the Council's responsibility.

Requests for the Council's assistance with an issue or problem faced by a Customer in an area falling within the Council's responsibility are service requests, not complaints. We encourage all Council staff to work with customers to resolve any service issues as service requests in the first instance. This normally enables a quicker resolution than the Council's formal complaints process. A request for service may, however, result in a complaint if we are unable to resolve the issue. **The Council may, with the agreement of the customer, resolve any formal complaint as a service request.**

Waste Services

Except in extraordinary circumstances, the Council will treat any feedback about waste issues as a service request. If the issue is not resolved after 3 service requests, the Council will escalate the matter to Stage 1 of its complaints process if the customer so requests provided not more than 3 months have passed since the date of the first service request.

Non-Council Complaints

Some complaints may fall outside the scope of our procedure. Please see Out of Scope Complaints, below.

How to complain

Customers can complain in these ways:

- On-line at <https://tunbridgewells.gov.uk/feedback-and-complaints/make-a-complaint>
- By email to complaints@tunbridgewells.gov.uk
- In person at the Amelia Scott, TN1 1AW where we will guide you through our on-line complaints process
- By telephone on 01892 554 077, or
- By post at Tunbridge Wells Borough Council, Town Hall, Mount Pleasant Road, Royal Tunbridge Wells, Kent TN1 1RS

The Complaints Procedure

Tunbridge Wells Borough Council has a two stage Complaints Procedure. **The Council may, with the agreement of the customer, resolve any formal complaint as a service request.**

Stage 1

We will try to resolve service issues on first contact as service requests. If we can't, or a customer asks us to, or we need to look into a complaint further, we will deal with them at Stage 1 of our Complaints Procedure. Once submitted, we will acknowledge receipt of any complaint within five working days of receipt.

The responsible Head of Service will investigate the complaint, and will ordinarily respond within 10 working days of receipt of the acknowledgement.

Any customer who is unhappy with the response at Stage 1 may request a review of their complaint by the Chief Executive at Stage 2.

Stage 2

Customers remaining dissatisfied with the Council's response at Stage 1 may contact the Performance & Governance/Complaints Team for an independent investigation.

Customers wishing to escalate their complaints to Stage 2 must explain why they want to take the matter further. The Council will only consider new information at Stage 2, and will not respond to the same things already addressed at Stage 1 of the complaint.

Customers must include all information materially significant to their Stage 2 complaints within their Stage 2 referrals. Failure may mean that we cannot take that information into account in our response.

We will acknowledge Stage 2 requests within five working days of receipt.

Your complaint and the Stage 1 response will be investigated by the Performance & Governance/Complaints Team and reviewed by the Chief Executive or one of the Council's Directors.

The Chief Executive or one of the Council's Directors will normally respond to the Stage 2 complaint within 20 working days of the acknowledgement.

Any customer remaining dissatisfied with the response at Stage 2 of the Council's Complaints Procedure may take their complaint to the Local Government Ombudsman (LGO).

If at either stage we need more time to respond to your complaint, we will explain the reasons for the delay and notify the customer as to when to expect a full response.

Local Government Ombudsman

The LGO is an independent service set up by the Government to investigate complaints about Councils. The Ombudsman will not investigate most complaints until they have been through the Council's Complaints Procedure. If you remain dissatisfied with the outcome of your complaint at stage 2, you can complain to the Ombudsman at <http://www.lgo.org.uk>, telephone 0300 061 0614.

Out of Scope - Complaints Procedure

Some issues fall outside the Council's complaints procedure, such as complaints for which there is an alternative right of appeal.

The Council will not respond to complaints where there is an alternative right of appeal. However we will let customers know if their complaints need to be dealt with in another way.

Timescale for making a complaint

Complaints must be made to us within 12 months of the date the incident being complained about happened or the date the person raising the complaint found out about it, whichever is the later date.

If a complaint is made to us after that 12-month deadline, we will consider it if:

- we believe there were good reasons for not making the complaint before the deadline, and
- it is still possible to properly consider the complaint

If we do not see a good reason for the delay, or we think it is not possible to properly consider the complaint (or any part of it), we will write to the person who has made the complaint to explain this and advising that they can contact the Local Government Ombudsman if they are not happy with that decision.

Alternative Right of Appeal / Alternative Legal Remedy

The Council will not respond to complaints where there is an alternative right of appeal. Such matters include, but are not restricted to:

- Appeals against parking fines

- Appeals against planning application decisions
- Appeals against housing benefit decisions
- Reviews of homelessness decisions
- Fixed Penalty Notices

Complaints about Councillors

Complaints about Councillors are handled in a different way. Customers wishing to complain about a Councillor should contact the Council's Monitoring Officer. More information is available here: <https://tunbridgewells.gov.uk/council/councillors-and-meetings/your-councillors/councillor-code-of-conduct>.

Freedom of Information Decisions

Customers who are unhappy with the way we have dealt with their requests for information, or disagree with one of our decisions can request a review by the Head of Legal Services. This will be dealt with outside the Council's Complaints Procedure. The Head of Legal Services will respond to review requests within 20 working days. Following this, any customer remaining dissatisfied may contact the Information Commissioner's Office.

Unreasonable Behaviour and Vexatious Complaints

Tunbridge Wells Borough Council is committed to dealing with all complaints fairly and impartially. We acknowledge that some customer complaints can be difficult to resolve and can cause anxiety and distress to customers. Whilst we aim to resolve matters there are times where a small number of customers may pursue their complaints in a way which hinders consideration of their complaints, and/or has a significant impact on the Council's resources.

In such cases we will follow our Policy on Unreasonably Persistent Complaints and Unreasonable Customer Behaviour, which may result in a customer's contact with the Council being restricted.

Accessibility

If you require this information in an alternative format, need assistance with your complaint or a representative to deal with your complaint on your behalf please email complaints@tunbridgewells.gov.uk.