

Policy & Procedure for Corporate Complaints & Representations

Contact the Council:

Write to:	Complaints City Hall, Plater Way, Sunderland, SR1 3AA
Telephone:	(0191) 520 5555
Email:	complaints@sunderland.gov.uk

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Complaints, Service Requests & Representations

Introduction

Customers communicate their views on Council services in several ways. This includes comments and compliments made to staff in person, and through letters and emails. There are also occasions when customers feel that the service they have received was not of the high standard expected and wish to complain.

This procedure sets out how we will investigate, monitor and use compliments, complaints and comments. It incorporates best practice identified through experience of handling complaints about Council services and takes account of existing guidance on good practice and the Complaint Handling Code produced by the Local Government and Social Care Ombudsman.

The Council has made a commitment to respond to customer feedback, including complaints, positively, and to provide a high standard of response to complainants, no matter what their complaint or where in the Council they report it.

Aims and Outcomes

The procedure aims to:

- encourage all forms of constructive feedback and provide the customer with a focussed process
- provide a fair, effective, transparent, helpful, and timely procedure
- deliver a consistent procedure across the Council
- be respectful of confidentiality where possible
- offer redress where appropriate in accordance with guidance from the Ombudsman
- Increase customer satisfaction and confidence in Council services
- Utilise feedback and monitoring to encourage best practice

Section 1: The Scope of the Procedure

Our intention is to allow access to this procedure to anyone who wishes to make representations or complaints about the actions or decisions of the Council; and to allow any other person with sufficient interest to act on behalf of the individual concerned.

Effective complaint handling enables individuals to be heard and understood. The starting point for this is a shared understanding of what constitutes a service request and what constitutes a complaint. In some cases, the Council should be able to put things right through its normal service delivery processes.

Definition of a Service Request

“A request that the organisation provides or improves a service, fixes a problem or reconsiders a decision.”

Service requests are not complaints but may contain expressions of dissatisfaction. For example, a customer may make a request for or submit a complaint regarding a particular service provision, and this would not necessarily be considered as a formal complaint. Such a concern can easily be resolved by providing the service. The aim is to take the opportunity to resolve matters to a customer's satisfaction before they become a complaint. An example would be the repair of a pothole. Such a concern could be resolved by providing the service. A complaint would result if the lack of service became persistent. A record of service requests is maintained to help identify trends and areas for improvement. A complaint may be raised when the customer expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.

Definition of a Complaint

“An expression of dissatisfaction, however made about the standard of service, actions or lack of action by the Council, its own staff, or those acting on its behalf, affecting an individual or group of individuals.”

A customer does not have to use the word “complaint” for it to be treated as such.

Definition of a Representation

A representation is a compliment or comment about Council activity that is not a complaint and provides useful feedback on what people value about what the Council does. We use compliments and comments to let individual staff know when they have been particularly effective in their day-to-day work, to know that they are valued, to make sure Councillors are aware of what people appreciate, and help services focus on continuing to do more of what people value most. (refer to Section 3)

Responsibility for the Procedure

There are several Directorates of the Council, each responsible for dealing with particular areas of policy or administration as described in part seven of the Council's Constitution.

All staff have responsibilities to a greater or lesser extent under the procedure, as any of them might receive a complaint or be asked for information. Service area managers have further responsibilities, as they are likely to be involved in initial attempts to resolve complaints and in referring them on at appropriate points.

Service area managers are responsible for ensuring effective investigation of complaints in their service area and delivery of the Council's requirements for service improvement identified from complaints and feedback. Directors and service area managers are responsible for ensuring learning from complaints and feedback is acted on promptly and effectively.

Staff also have a responsibility to ensure that customers are made aware of the complaints procedure and that they are given information in an appropriate format. Information on the procedure is also available on the Council's website.

Responsibility for the management of the procedure lies with the Assistant Director of Law and Governance. Day to day responsibility for the operation of the procedure lies with the Complaints & Feedback Team.

Who Can Use the Procedure?

A complainant is defined for the purposes of this procedure as a person who can claim that they are affected by a decision and who can claim to have suffered personal injustice, rather than simply be aggrieved either by a decision, the standard of service, or a lack of action.

The Council is happy to accept complaints from third parties. A third party is any person or organisation acting on behalf of or making enquiries for the complainant. Representatives often include advice organisations; community psychiatric nurses or doctors; solicitors; family members or friends; MPs and elected members of the Council; and those with Power of Attorney who are legally empowered to act on behalf of the complainant.

Where a third party is helping a complainant with a particular complaint, the complainant's written authority (or copy of Power of Attorney) for the Council to communicate with or through the representative will be obtained and held in the complaint record. At the complainant's option, either the complainant and or their representative will be kept informed of progress on the complaint.

MPs and elected members, who have stated in writing (including via email) that they are acting for the complainant, will be assumed to have consent to act. In these cases, information can be disclosed in response to their enquiries in respect of their constituents without the need for the complainant's written authority.

Complaints about Data Protection

Under the Data Protection Act, an individual is entitled to request an assessment from the Information Commissioner's Office ("the ICO") as to whether the Council has complied with the requirements of the Act. However, the Council is committed to trying to resolve all complaints at an early stage and encourages individuals to raise any concerns with the Council before contacting the ICO.

Whilst there is no statutory requirement to investigate complaints about data protection issues other than for the purpose of communicating a personal data breach to the Information Commissioner and, in specified circumstances, the data subject(s), the Council is committed to trying to resolve all such complaints.

Complaints about how the Council has processed personal data, under the Data Protection Act 2018, will be handled within the service area responsible for the action or decision that gave rise to the complaint. For these complaints (about data protection) stages one and two of the procedure will be merged into one single investigation/review of the Council's actions.

The complaint will be investigated by an officer appointed by the relevant service area manager. The service area manager will review the findings of the investigation, taking appropriate advice and support from the Council's Data Protection Officer, and will provide a response/ adjudication to the complainant on behalf of the Council.

There is no further right of appeal to the Council following the investigation and response. An individual is entitled under the Act to request an assessment from the ICO as mentioned above, or to make a court application. Further details can be found on the Information Commissioner's website.

When does this procedure not apply?

There are very specific areas where concerns raised by the customer should be addressed through an alternative procedure. Separate arrangements have been established for monitoring these issues, as they can provide useful intelligence on customers' views of the Council and help pinpoint areas where improvements should be made. Complainants will be advised of the procedure that their complaint will follow.

This procedure does not apply to complaints about the following:

- **Councillors:** All Councillors have to keep to a Code of Conduct to ensure high standards are maintained. If a complaint reveals that a potential breach of this Code has taken place, it will be referred to the Council's Monitoring Officer who will arrange for its consideration and response.
- **Employment Issues:** Employment issues (including those related to recruitment and selection) cannot be dealt with under this procedure and will be routed accordingly by the Complaints and Feedback Team.
- **Financial Impropriety:** Complaints about improper use of the Council's finances will be referred in the first instance to the Director of Finance, who may arrange for the matter to be investigated by the Council's Internal Audit Section, and, if necessary, also liaise with the Council's external auditor.
- **Misconduct of Council Staff:** Complaints of Council staff misconduct will be dealt with under the staff disciplinary procedure. The complaint will be investigated, but for confidentiality reasons, the details of disciplinary proceedings will not be shared with the complainant.

- **Partner Organisations:** Our partner organisations will be requested to maintain an appropriate procedure for dealing with complaints about their actions.
- **Policy:** Complaints about Council policy are brought to the attention of senior management by the Complaints and Feedback Team. Generally, any response will be limited to an explanation of the policy, possibly to include advice on how policies are reviewed and how any comments can be considered.
- **Adult or Children's Social Care:** Certain complaints about social care **must** be handled differently and will be routed accordingly by the Complaints and Feedback Team.
- Some **Housing complaints:** there is a separate statutory procedure for handling complaints about the Council's duties and responsibilities as a Housing Landlord.
- **School Complaints:** Certain complaints about schools **must** be handled differently and will be routed accordingly by the Complaints and Feedback Team.
- **Gentoo:** Gentoo has its own complaints procedure and copies are available from each area office.
- **Unpopular Decisions:** Decisions that customers dislike, but which were made correctly, will be explained but not investigated.
- **Complaints made anonymously:** Complaints received anonymously will be recorded and considered, but action may be limited if further information is required to ensure a full and fair investigation.
- **Where there are other rights of appeal/legal action available:** Complaints involving legal proceedings or cases where customers have a separate right of appeal may also fall outside of this procedure.

Time Limit for Making a Complaint

There is a 12-month time limit for making a complaint. Generally, consideration will not be given to complaints made more than one year after the date of the event which gives rise to the complaint, or the date the complainant became aware of it. This is to assist the Council in dealing with current complaints rather than historic matters. It can be difficult to ensure a fair investigation if a significant period of time has lapsed since the original incident occurred, hence complaints reported after 12 months of the matter arising will only be investigated if there are special circumstances surrounding the delay.

Publicity

The procedure will be publicised: on the Council's website with appropriate links; in Council newsletters and other publications; and the Customer Enabling Services Staff are fully briefed on how to identify and record stage one complaints and to forward these complaints to the appropriate service area manager.

Accessibility

Some users may have individual needs, which may make accessing this process difficult, and each service should consider identifying such users and providing appropriate assistance to them. In particular, non-English speakers should be provided with appropriate support and advice. Services specifically for vulnerable individuals should make procedures accessible to them. Advice on the availability of advocacy services should also be provided.

Section 2 – How the Process Works

How to Make a Complaint

Whatever the reason for your concern, we want to hear about the problem so that we can go about putting it right as quickly as possible. You can make a complaint in writing, by telephone, email or via the Council's website as follows.

Write to:	Complaints, City Hall, Plater Way, SR1 3AA
Telephone:	(0191) 520 5555
Email:	complaints@sunderland.gov.uk
Website:	www.sunderland.gov.uk

How Complaints will be Handled

Complaints at Stage 1 of the procedure are initially handled by the Council's Customer Enabling Service. The information is logged onto a database and then forwarded directly to the appropriate service area (manager) for consideration and response.

The Council takes a proportionate approach to the handling of complaints. On receipt of a complaint the responsible manager within the relevant service area will need to consider whether the issue is a service request (as set out on page 4) that can be handled in line with normal service delivery processes, or whether the issue is a complaint requiring investigation.

Stage 1 Complaint

Complaints should be acknowledged and logged **within 5 working days** of the complaint being received.

The responsible manager should provide a full response to the complaint **within 10 working days** of the complaint being acknowledged.

From the outset, the responsible manager should consider the complexity of the complaint and decide whether an extension to the 10-working day timescale will be required. Any extension should be no more than a **further 10 working days** without good reason, and the reason(s) should be clearly explained to the complainant. When a complainant is advised of an extension to the deadline for their complaint response, they should also be provided with the details of the relevant Ombudsman.

At this stage, the aim is to consider the elements of the complaint comprehensively, with the service area responding to the complaint using information and evidence supplied by case officers and section managers. At times, specialist advice from other officers or assistance from independent external sources may also be required. In most cases relevant local and national policies and procedures will need to be identified and referred to.

The responsible manager handling the complaint should:

- Give the complainant a fair chance to set out their position.
- Clarify the elements of complaint and any aspects that are unclear, together with the complainant's preferred outcome.

- Where it has not been possible to agree the substance of the complaint with the complainant, advise the complainant what will be investigated.
- Consider complaints on their merits, act independently and have an open mind.
- Take measures to address any actual or perceived conflict of interest.

A consideration of the complaint may include some or all of the following elements:

- Interview/discussion with case officers and other relevant staff.
- Review files including site notes, case diaries, telephone logs etc.
- Review, if appropriate, committee reports and minutes.
- Review relevant national and local policies, procedures and practices.
- Consult senior staff and/or take appropriate independent expert advice and/or legal advice.
- Consider all relevant information and evidence carefully and then;
 - Summarise issues and come to a considered conclusion and where appropriate a suggested remedy.
 - Finalise the response in consultation with a senior manager where this is appropriate.
- The response **must** include advice on how to progress to Stage 2 should the complainant remain dissatisfied.

The response should be provided to the complainant when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions should be monitored and actioned promptly.

Where the complaint relates to more than one service area, a suitable lead person should be agreed between the managers involved to allow for a coordinated and comprehensive response. The Complaints and Feedback Team can offer support and advice in respect of this.

In instances where the complainant raises additional complaints during Stage 1, these should be incorporated into the response, if they are related, and the response has not already been provided, and to do so would not cause an unreasonable delay. Otherwise, any new issues should be logged as a new complaint.

Stage 2 Complaint

Stage 2 complaints (excluding those about Data Protection) are handled by the Complaints & Feedback Team (the Team) on behalf of the Chief Executive. The Team is independent of the service area(s) involved at Stage 1.

An officer from the Team will initially consider what further action is to be taken. In some circumstances the decision might be that no further consideration is necessary or appropriate, and the complainant will be advised of this and of their right to refer the matter to the Ombudsman.

Complaints accepted for consideration at Stage 2 will be logged and acknowledged within **5 working days** of the escalation request being received. The acknowledgement will set out the Council's understanding of any outstanding issues and the outcomes the complainant is seeking if these are known. The Team may need to seek further clarification from the complainant if any aspect of the complaint is unclear.

The Team will issue a final response within **20 working days** of the complaint being acknowledged.

There will, however, be some instances where the level of complexity regarding the elements of complaint requires a more comprehensive consideration, and where an extension to the deadline for response will be required. Any extensions should be no more than a **further 20 working days** without good reason, and the reasons should be clearly explained to the complainant, who should also be provided with the contact details for the Ombudsman.

In some circumstances, the Complaints Manager will determine whether the Stage 2 would be more appropriately carried out by an independent person or specialist consultant. If a professional judgement is required, the Stage 2 may have to be carried out by a member of the Team, alongside a suitably qualified manager from the service area responsible for the action/decision that gave rise to the complaint.

At the completion of Stage 2 the Council should provide the following information in writing to the complainant:

- The complaint stage
- The Council's understanding of the complaint
- The decision on the complaint
- The reasons for any decisions made
- The details of any remedy offered to put things right
- Details of any outstanding actions; and
- Details of how to escalate the matter to the Ombudsman should the complainant remain dissatisfied.

The Local Government and Social Care Ombudsman

At the end of Stage 2, complainants will be advised of their right to ask the Ombudsman to review their complaint. The Ombudsman will normally only consider complaints made within 12 months, commencing from the date the complainant first knew about the matter complained about. The Ombudsman can, however, decide to look at older complaints if there is a good reason to do so.

Whilst the Ombudsman has a statutory responsibility for investigating complaints of maladministration about local councils, it will usually only consider a complaint after it has firstly completed the Council's complaints procedure. There are also 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 set below.

Website: www.lgo.org.uk

Telephone: 0300 061 0614

Opening hours: Monday/Tuesday/Thursday/Friday - 10am to 1pm

Wednesday - 1pm till 4pm (except public holidays)

Management Information

The Council uses information and feedback it receives from complaints and representations to help improve service delivery.

Complaints and feedback are therefore monitored, the information is reported as below and best practice is disseminated throughout the Council by the following practices:

- All complaints, comments and compliments are logged
- Regular monitoring reports, including key learning outcomes for the service and/or wider Council, are considered at senior management meetings of each Directorate
- Regular reports are considered by the Scrutiny Co-ordinating Committee.

Complainants may be asked for information on gender, nationality, age, disability or other personal characteristics and so on, but should be advised that this information is only required to assist the Council to ensure that the complaints system is fair and accessible to all groups.

Relationships with other Council Policies

There are areas of commonality between this procedure and many other policies and procedures of the Council, including: Antifraud and Corruption Policy; Capability and Disciplinary Procedure; Code of Conduct for Employees; Equality and Diversity Policy; Harassment at Work Policy; Race Incident Reporting; Whistleblowing Policy.

The Complaints and Feedback Team will identify any instances where these policies also need to be considered in connection with a complaint.

Resolution and Remedies

Where some justification is found for a complaint, consideration needs to be given to the question of appropriate remedy. An apology and/or explanation will always be needed where any part of the complaint is upheld. It may be necessary to determine who can provide remedial action and what arrangements are needed. The Council's guidance on the use of financial redress is that this should be made in exceptional circumstances where some direct financial loss has been incurred and where agreement has been reached with the service area manager.

Withdrawing a Complaint

A complainant may withdraw their complaint at any time. The relevant Directorate will consider whether or not the issue of concern requires further consideration under appropriate internal management review systems.

Anonymous Representations

Anonymous representations are not included in the procedure but may be acted upon at the Council's discretion. These complaints are recorded and referred to the relevant manager in the same way as other complaints.

Advocacy & Support

Anyone involved in the procedure, whether a complainant or a member of staff, can be represented or helped by someone of their choice at all stages. Appropriate permission from the complainant will be required to allow for the sharing of information. A complainant may wish to have the help and support of a family member. There is **no duty** on local authorities to provide an advocacy service in respect of this procedure.

Persistent and Unreasonable Complaints

We are committed to dealing with all complaints fairly and impartially and to provide a high-quality service to those who make them. However, there are occasions when contact from a complainant becomes too frequent or complex, so that it hinders our consideration of their complaints, or those made by other people. The Council does not expect its staff to tolerate behaviour by complainants which is unacceptable, abusive, offensive or threatening, and will take action to protect staff from such behaviour.

The term '*persistent and unreasonable complainant*' broadly applies to those customers who are aggressive or have demonstrated abusive behaviour as well as those who make unreasonable demands or become unreasonably persistent. In such cases we may take action to limit the contact the complainant has with us.

Customers to whom this section may apply include those who:

- Refuse to accept the remit of the process to be undertaken as described to them.
- Request action that is not compatible with the process or make unreasonable demands.
- Introduce unrelated additional information and expect it to be considered.
- Make excessive contact with staff.
- Submit complaints about the same issues that have been previously dealt with.
- Engage with staff in a manner which is deemed unacceptable or inappropriate.
- Refuse to adhere to previously agreed communication plans.
- Behave in a threatening or abusive manner, having been previously advised it is not acceptable.

In all cases, the Council will write to tell the complainant;

- Why it believes the behaviour is unacceptable.
- What action the Council will be taking.
- The duration of that action, how, and when it will be reviewed.
- How to challenge the decision if they disagree with it.

However, in cases of extreme behaviour, which threatens the immediate safety and welfare of staff, the Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the complainant may not receive prior warning of the action.

Learning Outcomes from Complaints

Listening to feedback about our services can identify potential service problems and affords us the opportunity of putting things right. The Council is determined to learn from complaints and any changes that we can make to help or prevent a recurrence and improve our service at any point in the process, will be highlighted and acted upon. The Complaints and Feedback Team highlights trends and themes to senior managers on a regular basis for discussion and further dissemination to relevant line managers and staff.

Support for Staff

The Council recognises that being involved in responding to complaints can be a stressful experience. Staff who are named in complaints, or whose evidence might be required as part of an investigation, should receive support through the line management structure. Anyone interviewed as part of a complaint's investigation is entitled to have a support person with them.

Officers of the Complaints and Feedback Team are available to give advice to all staff involved in complaints and this can be in a number of ways: helping to establish the most effective way of responding to a specific complaint; facilitating face to face meetings with the complainant; offering guidance regarding written responses; team briefing sessions on the complaints procedure; training on effective responses to complaints; training on complaints handling.

Recording of Complaints

All information disclosed about a complainant must be confined to that which is relevant to the investigation of the complaint and only disclosed to those people who have a demonstrable need to know. Where a complaint is made on behalf of a customer who has not authorised access or discussion of their records to a third party, the complaint should be investigated but care must be taken not to disclose confidential information. Particular care is to be taken where the customer's records contain information provided in confidence by or about a third party. Such information must not be disclosed to the customer unless the person providing the information has expressly consented to the disclosure.

We keep a record of the complaint and details of our involvement for a period of time from the closure of the complaint as set out below.

Level of complaint	Retention Period
Stage 1	3 years
Stage 2	6 years
Ombudsman	6 years

Monitoring of Complaints

Ongoing and regular monitoring of complaints will be undertaken by the Complaints and Feedback Team. All complaints are logged onto a database that ensures records are kept of each complaint received. This information generally includes the nature of complaint, the service area involved, the outcome of the complaint and whether timescales have been met together with any learning outcomes or recommendations.

The Annual Complaints Report will be provided to the appropriate Scrutiny Committee and will include details of the activities of the Complaints and Feedback Team, any changes to the statutory procedures and a review of the operation and effectiveness of the Complaints Procedure.

Section 3 – Dealing with Comments and Compliments

The Council recognises there is a need to ensure that we encourage people to give positive comments to help us understand what people like about our services.

The Council listens to all statements made by our customers whether positive or negative and uses them to help identify areas for improvement or areas of good practice. Our customers often have a valuable insight into how our services could be improved, alternatively they may be very happy and pleased with the service they have received. We ensure that such comments and observations are shared with staff.

There will also be occasions where customers want to make representations/suggestions which they do not regard or wish to have logged as a complaint. The Complaints and Feedback Team will forward these representations to the appropriate manager for their attention.

Comments and Compliments

Many comments and compliments will often be made casually and informally, usually when the person is using the service, for example paying council tax or submitting a planning application. Sometimes customers will take the time and trouble to send in their comments or compliments by letter or email.

Information will be forwarded onto the relevant service area manager, who should then decide whether any further action is required, i.e. whether the comment can be implemented to improve service delivery. If the suggestion is a sound one and can lead to service improvements, the service area manager should write to the person concerned, thanking them for their input and informing them of the outcome of their comment. If the suggestion cannot be implemented to improve service delivery, then no further action need be taken.

Staff morale can benefit from such compliments. Managers should therefore ensure that the relevant workers are notified of any compliments received.