COTSWOLD
District Council

Complaints Policy and Procedure

DOCUMENT CONTROL	
Document name	Complaints Policy and Procedure
Version	1
Author/responsible officer	Executive Director – Workforce Strategy & Transformation – Governance and Risk
Approved by	Audit and Governance Committee
Date approved	21 November 2024
Effective date	1 April 2025
Next review date	1 April 2028 (every 36 months)
Retention	This document should be retained for 6 months from date of update or replacement

VERSION CONTROL			
Version	**Author**	**Date**	**Changes/Comments**
1	Business Manager for Governance, Risk and Business Continuity	1 April 2025	New policy
2	Executive Director – Workforce Strategy & Transformation – Governance and Risk	15 September 2026	Paragraph 5 – Added AI guidance Paragraph 5.1 – added vexatious requests Paragraph 6.3 – Updated escalation timescale to 20 working days

If any updates are required, please submit to the Executive Director Workforce Strategy & Transformation for inclusion and approval.

1. Background

The Joint Complaint Handling Code ('the Code') was launched in February 2024 by the Local Government and Social Care Ombudsman. The Code has been issued as "advice and guidance" for all local councils in England under section 23(12A) of the Local Government Act 1974. This means that councils should consider the Code when developing complaint handling policies and procedures and when responding to complaints. If a council decides not to follow the Code, the Ombudsman expects the council to have a good reason for this.

Local councils are encouraged to adopt the Code as soon as they are able to do so. The Ombudsman intends to start considering the Code as part of its' processes from April 2026.

The purpose of the Code is to enable complaints raised by individuals to be resolved quickly, and to use the data and learning from complaints to drive service improvements. It is also in place to help create a positive complaint handling culture amongst staff and individuals.

The Code is issued under the Local Government and Social Care Ombudsman's powers to provide "guidance about good administrative practice" to organisations under section 23(12A) of the Local Government Act 1974.

The Local Government and Social Care Ombudsman may consider failure to comply with the Code as maladministration or service failure.

The Local Government and Social Care Ombudsman considers that the Code applies to all Local Authorities in England, as well as other specified bodies. The Code does not replace any statutory complaint processes such as The Children Act 1989 Representations Procedure (England) Regulations 2006 or Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

Our Policy has been written to ensure compliance with the Code.

2. Introduction

Cotswold District Council (CDC) aims to embrace complaints through increased transparency, accessibility, and complaint handling governance. We want to demonstrate that individuals are at the heart of our service delivery and good complaint handling is central to that. There are many benefits to be gained from having an effective and efficient complaints process including, but not limited to:

- promoting a positive relationship between the Council and service users;
- enabling an issue to be resolved before it becomes worse. Issues not resolved quickly can take significant resources and time to remedy;
- creating staff ownership, decision-making, and engagement through staff involvement in complaint resolution;
- providing senior staff with essential insight into day-to-day operations, allowing them to assess effectiveness and drive a positive complaint handling culture;
- ensuring the complaint data is collected to inform key business decisions to drive improvement in service provision.

3. Defined roles and responsibilities

The following are defined roles under this policy:

Senior Complaint Executive	Chief Executive Officer / Head of Paid Services
Member responsible for complaints	Chair of the Audit and Governance Committee
Complaint Officer	Executive Director, Workforce Strategy & Transformation – Governance and Risk

4. Definition of a complaint

The Code defines a complaint as "*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.'*

Cotswold District Council has adopted this definition.

There is a difference between a Service Request and a complaint. The Code defines a service request as *"a request from an individual to the Council requiring action to be taken to put something right".*

Service requests are not complaints but may contain expressions of dissatisfaction. The council will not treat service requests as complaints and will aim to deal with the service request before a complaint is made. The Council will ensure that service requests are recorded, monitored and reviewed regularly.

However, should an individual express dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing, a complaint may be raised.

5. Making a Complaint

In order to ensure our complaints process is accessible to all and compliant with the Equalities Act 2010, a complaint can be raised in anyway and with any member of staff, however, we would encourage using the following channels:

- email us at customer.feedback@cotswold.gov.uk
- let us know by clicking the 'Make a Comment' button on the website Comments and complaints - Cotswold District Council
- Contact us - Cotswold District Council
- visit us in person at our Council Offices;
- contact your local Councillor;
- write to us at: Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX

Use of Artificial Intelligence (AI) in complaints

When you bring a complaint to us, we need to understand your personal experience and how the issues have affected you. Simple, clear language that explains what happened will always be more helpful than complicated, formal writing.

While AI presents a very useful tool, the results it gives are not always perfect. AI is also capable of creating fake representations or evidence, or other types of fake text and images. However, the Council understands that using AI can be helpful, but please bear in mind that it can:

- make complaints too long or complicated
- include legal language or references that are not needed or legally incorrect
- delay how quickly we deal with your complaint or mean we may ask you to clarify your complaint.

If you choose to use AI to help produce your complaint, consider using the following prompt:

- Rewrite the text below as a clear, polite complaint.
- 'Use only the information I have provided'.
- Do not add or invent new facts.
- Be concise and professional, but not too formal.
- Include a closing paragraph suggesting how I would like the complaint to be resolved.

While the Council does not restrict the use of such tools, all submissions must remain:

- Accurate
- Relevant to the matter being raised, and
- Proportionate in length.

Where a lengthy AI generated complaint has been submitted, the Council reserves the right to:

- Greatly summarise unnecessarily lengthy or repetitive complaints and respond only to the substantive issues raised.
- Issue brief position statements rather than detailed responses if the complaint includes excessive or irrelevant commentary.
- Where correspondence appears to have been generated using AI in a way that produces excessive volume, repetitive material, or content that does not relate meaningfully to the issue, the Council may apply its unreasonable behaviour provisions.

Where dissatisfaction is expressed through surveys, social media pages etc, we will not automatically classify these as a complaint but where possible will take steps to

advise individuals and/or residents how they may pursue a complaint should they wish too.

Individuals may have a suitable representative deal with their complaint on their behalf and be represented or accompanied at any meeting with the organisation.

5.1 Exemptions from this complaints process

The Cotswold District Council will accept a complaint unless there is a valid reason not to do so. Each complaint will be considered on its own merits, however, there are certain matters we cannot usually consider under the complaints policy, this includes:

- where you have, or had, a right to appeal or take legal action. This may include a tribunal (such as a Housing Benefits Appeal), Housing Benefit and Council Tax Support or planning appeals
- where the complainant is challenging a planning judgement or decision not to take enforcement action
- where the complaint is challenging a licensing or other quasi-judicial decision, where legal rights of challenge exist e.g. via appeal to the magistrates court
- It is a personnel matter (such as your employment or disciplinary issues)
- complaints regarding the handling of Freedom of Information requests
- complaints regarding Data Protection
- complaints about the conduct of elected members
- a service failure or request for service, for example, a missed bin
- You have left it more than 12 months since knowing about the problem
- Vexatious or repetitive complaints. This is not intended to be used to restrict customers in contacting the Council, however the Council has a duty to ensure that it provides value for money for all its residents. Where a customer's complaint is considered vexatious, repetitive, or place an unjustified and unreasonable demand on Council resources and staff time, the Council may apply appropriate measures in accordance with its Unreasonable Customer Behaviour Policy. Details of this policy can be found here CDC Unreasonable Customer Behaviour Policy - pdf - 150 Kb

If we decide not to accept a complaint, an explanation will be provided to you setting out the reasons why the matter is not suitable for the complaints process and your right to take that decision to the relevant Ombudsman.

6. Complaints process

6.1 Acknowledgement

Within five working days of receipt of a complaint, we will acknowledge and log your complaint and advise you whether or not it falls within the scope of the complaints process (please see 51. Exemptions). Where it is accepted as a valid complaint it will then move onto a Stage 1 Response.

If we decide not to accept a complaint, an explanation will be provided to you, setting out the reasons why the matter is not suitable for the complaints process, and your right to take that decision to the relevant Ombudsman. Each complaint will be considered on its own merits.

6.2 Stage 1 Response

A review of your complaint will be undertaken by an Operational Manager within the Service Area to which your complaint relates. A response will be provided within 10-working days from the date that we advised you that the complaint was valid, however, consideration will also be given to individuals' vulnerability and risk as to whether a complaint needs to be resolved more quickly, where possible.

We will decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the complainant of the expected timescale for a response. Any extension will be no more than 10-working days without a valid reason, and the reason(s) will be clearly explained to the complainant. If we extend the timescale, we will provide the complainant with the details of the relevant Ombudsman.

Our employees will deal with each complaint on its own merits, act independently and with an open mind, give the individual and/or resident a fair chance to set out their position, take measures to address any actual or perceived conflict of interest, and consider all relevant information and evidence carefully.

Where a complaint covers more than one service area, we will allocate to a ‘lead service’ area who will co-ordinate a single response.

Individuals and/or residents do not have the right to specify who they would like to investigate their complaint.

On rare occasions the council may appoint an external investigator if it is unable to identify a suitable officer internally to respond to the complaint. In this event, the council will set out its reasons for doing so. This policy does not give individuals and/or residents the right to request one.

Your stage 1 response we will confirm the following in writing;

a) the complaint stage;
b) the complaint definition;
c) the decision on the complaint e.g., whether the complaint is upheld or not;
d) the reasons for any decisions made;
e) the details of any remedy offered to put things right;
f) details of any outstanding actions; and
g) details of how to escalate to either stage 2 or the LGO

If any aspect of your complaint is upheld, your complaint will be recorded as upheld in totality.

Should you raise additional complaints during the investigation, these will be incorporated into your stage 1 response if they are related, and your stage 1 response has not been issued. If your stage 1 response has been issued, the new issues are unrelated to the issues already being investigated, or it would unreasonably delay the response, the new issues will be logged as a new complaint.

6.3 Stage 2 Review

If after receiving a stage 1 response you remain dissatisfied, you can escalate your complaint to stage 2 of our process.

Requests to escalate your complaint should ideally be made in writing by emailing customer.feedback@cotswold.gov.uk, however, your complaint can be escalated in any of the following ways:

- let us know by clicking the 'Make a comment' button on the website Contact us - Cotswold District Council
- visit us in person and speak to any member of the team
- Contact your local Councillor
- write to us at: Cotswold District Council, Trinity Road, Cirencester, Gloucestershire, GL7 1PX

- Use any of our social media channels

To escalate your complaint to Stage 2, this must be completed within 20 days of the date of receipt of your stage 1 response. Requests outside of this timescale will not usually be investigated.

It is not a requirement for you to set out why you remain dissatisfied when you request an escalation, we will make reasonable efforts to understand why you remain unhappy, however if you are able to provide any additional information as to why you remain unhappy, this will assist the council with responding.

Requests for stage 2 will be acknowledged and logged within five working days of the escalation request being received and will set out the Council's understanding of any outstanding issues and the outcome the individual is seeking. Upon receipt of a stage 2 request, an investigation into the complaint will be undertaken by the Complaint Officer or a member of the Complaints Team who will be independent of the service area to which your complaint relates and is a different officer who responded at stage 1. If your complaint relates in any way to the Complaints Team, it will be allocated to another service area manager to review.

The stage 2 process will be a review of the adequacy of the stage 1 response, as well as any new and relevant information not previously considered.

A response will be provided within 20 working days from receipt of your request to escalate your complaint to stage 2. If for any reason we are unable to provide a response within 20 working days we will advise you of this in writing, the reason(s) for the extension and will inform you of the expected timescale for the response. This will also provide you with the contact details for the Ombudsman.

Your Stage 2 response will confirm the following in writing:

a) the complaint stage;
b) the complaint definition;
c) the decision on the complaint;
d) the reasons for any decisions made;
e) the details of any remedy offered to put things right;
f) details of any outstanding actions; and
g) details of how to escalate the matter to the relevant Ombudsman Service if the individual remains dissatisfied.

h) If a complaint is upheld at stage 1, and the stage 2 response agrees with those findings, the complaint must be recorded as upheld. This is the case even if the stage 2 response finds no fault in the way the stage 1 complaint was handled.

Stage 2 is the organisation's final response, details of how to escalate the matter to the relevant Ombudsman Service if you remain dissatisfied will be provided.

If your complaint is handled by a third party (e.g. a contractor) or independent adjudicator at any stage, it will form part of this two-stage complaints process. You will not be required to go through two complaints processes. The council is not liable for any third-party costs.

7. Local Government Ombudsman

Once you have exhausted the complaints process, if you remain dissatisfied, you can refer your complaint to the Local Government Ombudsman.

8. Outcomes and Remedies

Where something has gone wrong, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right depending on the individual circumstances. These can include, but are not limited to:

- Apologising;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices.

The remedy will reflect the impact on the individual as a result of any fault identified and will clearly set out what will happen and by when. We will ensure that any remedy proposed will be followed through to completion.

9. Self-assessment, reporting and compliance

We will produce an annual complaints performance and service improvement report which will be presented at the Councils Audit and Governance Committee. This will include:

a) the annual self-assessment against the Code to ensure our complaint handling policy remains in line with the Code requirements.
b) a qualitative and quantitative analysis of the Council's complaint handling performance which will also include a summary of the types of complaints the Council has refused to accept;
c) any findings of non-compliance with the Code;
d) service improvements made as a result of the learning from complaints;
e) presentation of the annual report about the Council's performance from the Ombudsman; and
f) any other relevant reports or publications produced by the Ombudsman in relation to the work of the Council.

The report and any response by the relevant Committee will be published on the Council website under Council Meetings and Minutes and will also be made available under the Complaints Section of the Council Website.

If the Council undergoes a significant restructure, merger and / or change in procedure, a self-assessment will be carried out to assess any potential impact on service users.

If we are unable to comply with the Code due to exceptional circumstances, such as a cyber incident we will inform the relevant Ombudsman, provide information to individuals who may be affected, and publish this on our website. We will provide a timescale for returning to compliance with the Code.

The Member are responsible for complaints will also receive regular updates:

- on the volume, categories, and outcomes of complaints, alongside complaint handling performance
- regular reviews of issues and trends arising from complaint handling; and

- the annual complaints performance and service improvement report

10. Review of Complaints Policy

This Policy will be reviewed every 3-years or when the Statutory Code is updated.

11. Documents to read in conjunction with the Complaint Policy:

- Data Protection Policy
- Safeguarding Policy
- Equality and diversity Policy
- Whistleblowing Policy
- Complaints - privacy notice - Cotswold District Council