



The Commission for  
Local Administration in England

# Running a complaints system

Guidance on good practice **1**

## contents

Preface	1
Why have a complaints system?	2
What is a complaint?	2
Should all complaints be dealt with by the council's corporate complaints system?	3
What are the essential qualities of a good complaints system?	4
How many stages should there be?	6
Time targets	7
How should complaints be made?	7
Responsibility for the system	8
Involvement of councillors	9
Training	9
How complaints should be investigated	9
Putting things right	9
If the complaint is not upheld	9
Publicity	10
Does the system work?	10

## appendices

Appendix 1	11
Good investigative practice	
Appendix 2	14
Action to consider if a complaint is justified	

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## Preface

This note gives guidance to councils about the design and operation of their complaints systems. The initiative for the note arose from the pilot study we conducted in 1998/99. The study involved a quarter of the councils in England. The purpose of the study was to see if it would be reasonable to expect people to exhaust all stages of their council's complaints procedure before we would consider their complaints.

Sixty-nine per cent of the complainants who took part in the study told MORI that they thought their councils had not investigated their complaints fairly. Seventy-nine per cent were dissatisfied with the way their councils dealt with their complaints, and 72 per cent were dissatisfied with the time their councils took. Clearly, the perception of the complainants was that there was a lot of room for improvement.

When we discussed the results of the pilot study with the Local Government Association, the Association suggested that we should give councils new guidance on the handling of complaints. So we set up a Steering Group to help us. Its members were:

Janie Barrett (SOLACE)  
Cynthia Griffin (I&DeA)  
Phillip Jones (Cabinet Office)  
Richard Lester (ACSeS)  
David Nice (CLAE)  
Edward Osmotherly (CLAE)  
Roy Williams (LGA)

We are very grateful to all of the members of the Steering Group for the positive and very practical contributions they made.

It is how councils actually deal with complaints that matters. The system is only as good as the people who operate it. And there is no one system that is uniquely good. Just as councils' constitutions differ, so may their complaints systems. So this guidance note is advisory, not prescriptive. But we believe that, if all councils took account of the advice, customer satisfaction would be far better and there would be fewer complaints to us.

We know that councils face many challenges. There are the well-established challenges such as the need to provide the best possible services while making best use of scarce resources. There are also fresh challenges such as the introduction of new arrangements for decision making and scrutiny as a result of the Local Government Act 2000. A good complaints system is just one of the mechanisms which should help councils and their citizens in these times of challenge and change.

This note replaces the advice we issued in February 1992, *Devising a complaints system*. We hope it will be helpful when councils review their systems, and as they operate them.

*The Commission for Local Administration in England*  
June 2002

## Why have a complaints system?

- 1 Every organisation gets complaints. Why have a *system* to deal with them? The main benefits of a council-wide system are:
  - *A system is better for the public.* Everyone knows how to complain and the way their complaint will be handled.
  - *A system is better for staff.* They can be confident about what to do when they get a complaint.
  - *A system is fairer.* Everyone is treated equally.
  - *A system helps councils to improve services.* Because all the complaints which have gone through the system can be analysed, councillors and managers can see how to make services better and more responsive.
- 2 A council needs to demonstrate its commitment to a good complaints system. Members, senior officers and staff at all levels should understand the need for the system and show their determination to make it work. We suggest that the council's constitution should include the complaints system.
- 3 A good complaints system is an opportunity for a council to show that it wants to be open and honest; that it cares about providing a good service; and that it genuinely values feedback on whether there are any problems which need attention. So staff who handle complaints need to be positive, understanding, open-minded and helpful; and they should let it be seen that the council takes complaints seriously and deals with them sympathetically.

## What is a complaint?

- 4 Councils need to be clear about whether they have received a complaint, rather than a request for a service or a request for an explanation of a decision. So it is helpful to define and publicise what the council means by 'a complaint'. The definition could be, for example:

*A complaint is an expression of dissatisfaction by one or more members of the public about the council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.*
- 5 Sometimes members of the public may complain but without describing their letters as complaints. Complaints should not be overlooked because they are not formally described as complaints.
- 6 Complaints may be made by the people concerned or by someone acting on their behalf. Councils should recognise that some people need help to make a complaint and to pursue it. Consideration should be given to putting people in touch with a suitable agency which can help them, or providing appropriate help from the council itself. It is important that no-one should be excluded from the complaints system because of any difficulties they may have in representing themselves. Councils should recognise that sometimes people may have a significant difficulty, but this may not be immediately apparent (for example, inability to read and/or write).

## Should all complaints be dealt with by the council's corporate complaints system?

- 7 Sometimes members of the public may simply want to register a comment and do not wish to pursue a formal complaint. Councils should ensure that, if necessary, appropriate action is taken on the comment.
- 8 No. For example, there are statutory procedures for dealing with certain kinds of complaints about social services. Complaints about those matters should be dealt with under the statutory procedures, not through a council's corporate complaints system. Some complaints may have some statutory aspects and some non-statutory aspects. Councils could choose to handle the whole complaint through the statutory procedure; or adopt some other option. What matters is to deal with the whole of the complaint.
- 9 Where there is a right of appeal to, or review by, a Minister or tribunal or within the council, it is usually reasonable to expect the complainant to use those ways to resolve a dispute and not to put the complaint through the complaints system. Similarly, if the complainant could go to court to seek a remedy, and if it would be reasonable to expect the complainant to do that, the complaint would probably not be suitable for the complaints system. But the council should consider any aspect which was not, or could not be, dealt with in alternative proceedings. Councils should say how complaints will be handled if there is a potential insurance claim.
- 10 Full information needs to be given to complainants at the outset about the possibility of pursuing an alternative route (for example, the routes in paragraph 4 of Appendix 1) and what the implications could be in relation to the council's complaints process.
- 11 Councils should consider whether to include in their system provision for the early use of independent mediation. This could be a suitable and useful approach in some cases if the person complaining would like to follow that route.
- 12 Complaints about the conduct of councillors should not be handled through the corporate complaints system. Complaints about councillors' conduct should always be reported to the monitoring officer. Consideration can be given to whether there needs to be a reference to the council's standards committee, and whether the complainant needs advice about making a complaint to the Standards Board.
- 13 Allegations of criminal behaviour require special care. The council should do its best to ensure that it does not deal with the allegation in a way which could hamper an investigation by the police. The safest course is to consult the police before taking any action on the allegation.
- 14 The monitoring officer should be alerted about complaints involving other kinds of alleged unlawful actions by the council.

- 15 Complaints of financial impropriety should be referred as appropriate to the council's chief financial officer, internal auditor, monitoring officer and chief executive.
- 16 A complaint may lead to disciplinary proceedings against council staff. Disciplinary action should be taken according to the council's disciplinary procedure. We have come across some cases where councils have done nothing to provide a remedy for the complainant until after disciplinary proceedings have been completed. That is justified only in exceptional circumstances. The purpose of the complaints system is to find out whether the council did anything wrong and, if it did, to try to put things right. That can be distinguished from the disciplinary proceedings, which are there to decide whether a particular member or members of staff broke the council's disciplinary rules.
- 17 Sometimes people want to complain about a policy rather than a particular service. Councils need to decide whether complaints about policies or proposed policies can be considered through the complaints system or in some other way, and to reflect their decision in the complaints leaflet. Other ways of considering complaints about policies could include deputations, residents' panels, formal consultation processes, seeking the support of local members, and so on.
- 18 Some complaints may be complex because they relate to the actions of the council and some other body, for example an organisation with which the council has a 'partnership' arrangement. 'Partnership' documents should specify how complaints are to be handled. There can be significant confusion for complainants if complaints are not handled appropriately. The system for handling complaints under a partnership arrangement should be at least as good as the council's own system. Where appropriate, there should be a joint investigation of complaints and a protocol setting out guidance on complaint handling.
- 19 Complaints may relate to the actions of an outside person or firm working on behalf of the council, rather than the actions of the council's own staff. Specifications in contracts should refer to the handling of such complaints, and ensure that the council has adequate monitoring information, and that arrangements are suitably integrated with the council's complaints system.

## What are the essential qualities of a good complaints system?

- 20 A good complaints system is:
  - well publicised;
  - easy to use;
  - helpful and receptive;
  - not adversarial;

- fair and objective;
  - based on clear procedures and defined responsibilities;
  - quick;
  - thorough;
  - rigorous;
  - decisive and capable of putting things right where necessary;
  - consistent;
  - comprehensive, with principles and key features which apply to all departments of the council;
  - sensitive to the special needs and circumstances of the complainant;
  - adequately resourced;
  - fully supported by councillors and leading officers; and
  - regularly analysed to spot patterns of complaint and lessons for service improvement.
- 21** The identity of the person making a complaint should be made known only to those who need to consider the complaint; and should not be revealed to any other person or made public by the council. Care should be taken to maintain confidentiality where particular circumstances demand (for example, information about third parties). It is likely to be helpful that confidentiality provisions are made clear in the council's publicity about its complaints system.
- 22** It may not be possible to preserve confidentiality in some circumstances, for example where relevant legislation applies or allegations are made which involve the conduct of third parties. Complainants should be advised about this.
- 23** A good complaints system will make it clear that complaints will be dealt with impartially, objectively and professionally; and that citizens need have no fear that there might be adverse treatment of themselves or their families because they have made a complaint.
- 24** A lot of complaints are straightforward (such as "my rubbish was not collected") and can be dealt with quickly. But some are complex and take longer to deal with properly. The complainant should be kept informed of progress and, if there is going to be delay, should be told why.

- 25 Where a complaint relates to more than one department, a lead officer should be designated.
- 26 There is little point in having a complaints system if the person dealing with the complaint does not have the authority to say if things have gone wrong and to try to put them right. So the complaints system needs to define what authority staff have, and what they should do if they think they have not got enough authority to deal with the complaint.

## How many stages should there be?

- 27 Reasonable speed in handling complaints is needed. Some councils have three stages:

### First stage

- 28 Many complaints can be dealt with quickly, cheaply and satisfactorily by the 'front-line' staff who provide the service or by complaints officers in the service department concerned. This is usually called 'stage 1' of the complaints system. At the end of stage 1, complainants should be told what they may do if they remain dissatisfied.

### Second stage

- 29 At the second stage a more senior member of staff – often the head of the service department – reconsiders the complaint and tells the complainant the outcome. Again, complainants should be told what they may do if they remain dissatisfied at the end of stage 2.

### Third stage

- 30 At the third stage, the complaint is considered by the chief executive or someone independent of the service department acting on behalf of the chief executive. In some councils, councillors consider complaints at stage 3.
- 31 Stage 1 is an opportunity for an informal and reasonably quick resolution of a complaint. Sometimes it is the officer responsible for the original action or decision who is able to resolve the complaint. But at the more formal stages it becomes important to separate roles, and the complaint should always be considered by someone who did not have any involvement in the action or decision complained of.
- 32 The way complaints are handled at stage 3 can vary significantly. In some cases, it may be possible to conclude quickly that there is nothing to add beyond what was said in the stage 2 decision. In other cases, a more extensive investigation will be needed before any conclusion can be reached.

- 33 In our view, all complaints systems need at least two stages (of which one should be consideration by the chief executive or someone independent of the service department). More than three seems excessive. The more stages there are, the more difficult it is to resolve complaints quickly and without waste; and the complainant's grievance can be increased by their having to jump through too many hoops.
- 34 Some councils have told us that they exercise discretion about the stage at which they start considering a complaint. Very serious complaints may go straight to stage 3 and complex ones may start at stage 2. We believe that this is good practice. The exercise of discretion about the stage at which the complaint should start must be a matter for the council's judgement; but any views expressed by the complainant should also be taken into account.
- 35 However many stages are used, complainants should always be made aware of the various stages and their nature; and which stage their complaint is currently at.
- 36 When a council has finished considering a complaint, it should tell complainants how they can pursue a complaint in any other way or complain to the Ombudsman (if the complaint is not one we can deal with, we will explain why). In some cases the council may consider that the complaint would best be referred to the Ombudsman without going through the stages of the council's own system.

### Time targets

- 37 Complaints should be considered and decided as quickly as possible. Most councils set time targets for each stage of the complaints system and publish them. We believe this is good practice, and it is helpful if councils do set their own time targets. Some complaints necessarily take longer to deal with than others, and so the publicity should mention this and say that, if the time target cannot be met, the complainant will be told why.

### How should complaints be made?

- 38 At the first stage of the system, it may not be necessary for complaints to be made in any particular way. But at the second stage, complaints are best set out in writing (letter, fax or email or on a complaint form). This may be done by the person with a complaint, or someone acting for him or her; or it may be done by a council officer where the person with the complaint needs help. Receipt of a complaint should be acknowledged promptly.

- 39 Before considering a complaint, the council should aim to ensure that it has a clear record of what the complainant feels went wrong and what, in the complainant's view, the council should do to put things right.
- 40 Records should be kept at all stages. These should give details of who dealt with the complaint, what action was taken and the complainant's response.
- 41 It may sometimes be difficult to see how to deal with repetitive complaints about the same thing. The council may think it has already dealt fully with the matter. But care is needed. For example, every time the complainant writes, the latest letter needs to be analysed thoroughly to see if there are any new points which need consideration.
- 42 There are a number of bodies outside the council which can consider complaints (the district auditor, the police, the Ombudsman and so on). This can be confusing for citizens. It is good practice for councils to consider what they can do to help people understand where to direct their complaints (for example, by publicising which officer can give advice). Citizens may need to be told about a range of options from which they can choose.

## Responsibility for the system

- 43 Complaints systems do not run themselves. Someone is needed who can give guidance to staff and see that staff are doing what they are supposed to do. And complaints need to be analysed to see whether there are patterns and useful lessons to be learned. Someone needs to oversee the system.
- 44 In some councils there is a senior officer, with easy access to the chief executive, who is responsible for overseeing the system. In other councils, the chief executive personally carries this responsibility. In yet others, it is the monitoring officer. Whoever it is, that person needs the status and authority to be able to:
  - set standards for the system;
  - challenge staff who are not complying with the system;
  - get improvements made; and
  - say if the system is not adequately resourced.
- 45 The officer who oversees the system should not be called an 'ombudsman'. That causes confusion with the Local Government Ombudsman who, unlike that officer, is wholly independent of the council.

## Involvement of councillors

46 Councillors and leading officers should receive regular reports through some formal process of reporting to an appropriate body. Reports should analyse complaints by, for example, number, subject and outcome. Trends can be identified together with lessons of general importance. The action that councillors and leading officers take on these reports will have an important influence on the way staff and the public regard the complaints system.

## Training

47 No matter how well the complaints system is written, councillors and staff need training in how the system works. Staff need to be encouraged to say if they are having difficulties and need to know to whom they can go if they need help. And the training needs to be refreshed at regular intervals.

## How complaints should be investigated

48 Appendix 1 contains advice on good investigative practice.

## Putting things right

49 The complaints system is there to put things right if they have gone wrong (to provide a 'remedy'). The remedy should fit the harm or injustice to the complainant. Section 92 of the Local Government Act 2000 gives councils a general power to pay compensation or take other remedial action. Money is not the only, or necessarily the best, remedy in every case. Complainants should be asked to say what they think would be a reasonable and fair outcome.

50 Councils should have a policy on remedies as part of their complaints system. They should also consider delegating authority to officers at the appropriate level to make decisions on remedies.

51 Appendix 2 gives more advice on remedies. Guidance note 6 sets out the guidelines we use in considering remedies. We hope councils will find them useful in deciding what remedies they should provide.

## If the complaint is not upheld

52 Most complaints come from people who have a genuine sense of grievance. This should be recognised. When the council gives a decision that a complaint is not upheld, great care should be taken not to increase that feeling of grievance. Any letter or communication setting out the reasons for not upholding a complaint should give a clear, full and sympathetic explanation.

## Publicity

- 53 People will not use the complaints system if they do not know it exists. So it needs to be publicised. Ways to do this include:
- posters for display in public places such as the council's offices, libraries, schools, residential homes and day centres;
  - printed leaflets describing the system and including a complaint form;
  - providing the information in several languages and in Braille, on tape and in large type;
  - partnership with local organisations such as the Citizens' Advice Bureaux (CABx), charities, amenity groups, law centres and solicitors;
  - providing information on audio tape and CD-Rom (which might be available in libraries and at centres such as the CAB);
  - publicity in the council's news-sheets;
  - reference to the complaints procedure on forms for applying for a service; and
  - the council's website (which could include an online complaint form). Web pages on particular services should include a reference to the complaints system.

## Does the system work?

- 54 There are two main ways of judging whether a complaints system works. One is to do customer satisfaction studies at regular intervals. Another is to monitor a sample of complaints from every department. Questions to ask include:
- was the complaint clearly defined?
  - did the council's responses answer the complaint?
  - was enough information collected to enable a fair conclusion to be drawn?
  - at the end of each stage, was the complainant told what to do if not satisfied?
  - were the time targets met?
  - if something went wrong, was action taken to try to put things right?
  - were there any wider lessons and, if there were, what action was taken?
- 55 Useful information can be obtained by monitoring complainants by reference to gender, ethnicity, age and disability.

## Good investigative practice

The majority of complaints are likely to be capable of being dealt with speedily and simply. Where, however, a more substantial inquiry is required, the following guidance may be helpful for investigating officers.

- 1 Check if there are any previous complaints from this person.
- 2 Contact the complainant to arrange a meeting (or time for a telephone conversation) and:
  - clarify the complaint;
  - set out in writing for the complainant your understanding of the complaint;
  - clarify the outcome sought;
  - check whether the complainant needs support of any kind, or has poor sight or hearing, or a language difficulty, and check what help the complainant needs so as to be able to understand the discussion properly;
  - explain the investigation procedure; and
  - check that the complainant has a copy of the council's complaints leaflet.
- 3 Brief yourself on the relevant legal, policy and administrative background to the complaint.
- 4 Assess whether the complaints procedure is the most appropriate way of handling this complaint. Consider possible alternative procedures:
  - an appeal to a tribunal;
  - a complaint to the Standards Board for England;
  - legal action; or
  - police involvement.

Discuss the alternatives with the complainant. As consideration of the complaint proceeds, the question of the appropriate mechanism should be reviewed as necessary.

- 5 Consider whether the complaint could be resolved without further investigation.
- 6 If the complaint is about a proposed action by the council, consider whether the action should be deferred while the complaint is investigated.

- 7 Obtain all relevant documents (ensuring that you see the originals, not copies). These may include files, logbooks, and time sheets. Get copies of all the documents you need.
- 8 Establish the relevant sequence of events from the files and also the names of the officers/members most directly involved in the matters complained of.
- 9 Prepare the line of questioning for each person to be interviewed:
  - use open, not leading questions;
  - do not express opinions in words or by your body language; and
  - ask single, not multiple questions.
- 10 Arrange the order of interviews so that, where you need to establish what procedures are normally followed, you do this first with more senior officers, and end with the officers most directly involved in the matters complained of.
- 11 Inform all those to be interviewed that they can be accompanied by a friend or a union representative, provided the friend is not the supervisor of the interviewee. Explain the complaint clearly to them.
- 12 Consider whether you need a witness to an interview which may be particularly difficult.
- 13 Interviews should be conducted in an informal and relaxed manner, but persist in your questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- 14 Try to separate hearsay evidence from fact by asking interviewees how they know a particular fact.
- 15 Deal with conflicts of evidence by seeking corroborative evidence. If this is not available, then as an exceptional measure, consideration can be given to organising a confrontation between the conflicting witnesses.
- 16 At the end of the interview, summarise the main points covered and ask if the interviewee has anything to add.
- 17 Make a formal record of the interview from your written notes as soon as possible after the interview, while your memory is fresh. Never leave it longer than the next day.
- 18 If appropriate, visit the establishment complained about unannounced to check normal practices.

- 19** Investigate thoroughly, but only enough to get sufficient information to make a fair and properly informed decision.
- 20** Complainants should be kept informed of the progress of their complaint. Where a complaint is taking significantly longer to investigate than previously advised, the complainant should be told this and given an explanation of the reasons and the expected revised timescale.
- 21** Draft a report setting out the evidence obtained, preferably without including your own opinions, and circulate this for comment to all those interviewed, including the complainant, unless there are special reasons not to do so.
- 22** Consider comments and amend the report as necessary, adding conclusions and, if appropriate, a suggested remedy for the complainant.

# Appendix 2

## Action to consider if a complaint is justified

### Introduction

- 1 If fault by the council is found, it will be necessary to consider whether it caused injustice to the complainant and, if so, what the injustice was.
- 2 Where a complaint is found to be justified, consideration needs to be given to a remedy for it. An apology will normally be appropriate and other action may also be justified.

### Types of action for consideration

- 3 The general principle is that, as far as possible, complainants should be put in the position they would have been in if things had not gone wrong.
- 4 It will be necessary to determine:
  - who can take remedial action and to what extent the action can be taken under delegated powers;
  - arrangements to ensure that the remedy is carried out;
  - arrangements to ensure that the council is acting within its legal powers (confirmation of the general power for councils to pay compensation or take other remedial action is set out in s92 of the Local Government Act 2000); and
  - that the approach to remedies is reasonably consistent.
- 5 Some complaints may be remedied by providing the service desired by the complainant. In other cases, a change of procedures to prevent future difficulties of a similar kind, either for the individual complainant or for citizens generally, may be the appropriate action.
- 6 There may also be some circumstances where the complainant has sustained loss or suffering and the council may wish to consider the question of financial compensation.

### Guidance on compensation

- 7 Whether financial compensation should be paid, and how much, will depend on the circumstances. Where compensation is considered appropriate, the following guidelines could be taken into account.
  - Where specific financial losses have been incurred, reimbursement is likely to be appropriate (together with consideration of whether interest should be paid).
  - Where devaluation of property is alleged, an independent valuation (for example by the Valuation Office Agency) could be considered with a view to compensation for any difference in value arising from the action complained of.
  - Where a tenant has had to live in poor conditions for longer than was reasonable, the amount of damages awarded by the courts in similar circumstances can be a guide to the assessment of compensation.

- Where the complainant has had to spend an unreasonable and significant amount of time in pursuing the matter, a payment in recognition of 'time and trouble' may be appropriate.
- If exceptional worry, distress or inconvenience have been caused by the events, consideration could be given to a payment in recognition of those factors.

## Guidance note 6

- 8 Further comments on approaches to remedies are set out in our publication *Guidance on good practice 6: Remedies*.

## Reviews

- 9 If a complaint is justified, the council should, as a matter of routine, consider whether there is a need for a change in procedures or whether there are some lessons to be learnt which may have wider application.

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