DARLINGTON
Borough Council

Corporate Complaints, Compliments and Comments Procedure

2026

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1 Introduction

1.1 Our aim is to put you first and provide you with the best possible service. To make this aim a reality it is important that you have the opportunity to tell us what you think about the services we provide. The Corporate Complaints, Compliments and Comments Procedure is one way you can do this. You can tell us when we get things wrong so we can put them right. You can also tell us when we get things right, make comments about the things we do and suggest new ways of doing things.

1.2 We understand that sometimes it is difficult to complain. If you do need to make a complaint we will take your concerns seriously. We will treat you fairly and with respect and you can be confident that you will not receive a poorer service as a result. If we uphold your complaint you can expect an apology and for us to put things right quickly. What we ask in return is that you treat our staff with respect.

1.3 This procedure sets out how we will deal with your complaints, compliments and comments, in accordance with the Local Government and Social Care Ombudsman's Complaint Handling Code (the Code). The purpose of the procedure in relation to complaints is to resolve your complaint and put you back in the position you would have been in before having to make the complaint. If your complaint is about an Adult or Children's Social Care Service, a Public Health Service or certain housing matters it will be dealt with under separate procedures. This is a legal requirement. For more information see section 7. If your complaint is about a Councillor it will be dealt with in accordance with the arrangements the Council has put in place in accordance with the Localism Act 2011. For more information see section 7.

1.4 This procedure has 2 stages in relation to complaints. We will try to resolve the majority of complaints at stage 1 and where appropriate we will resolve the matter informally. At stage 1 a manager from the service you are complaining about will usually respond to your complaint and try to put things right. If you are not happy with the outcome you can ask for your complaint to be investigated at stage 2. Stage 2 complaints will usually be investigated by the Complaints Investigator or the Complaints and Information Governance Manager.

1.5 It is important that all complaints, compliments and comments are made under these procedures so we can monitor performance across the Council, identify topics and trends and improve our services accordingly.

1.6 The Council has appointed the Complaints and Information Governance Manager in line with the Code to oversee its complaint handling performance. The Complaints and Information Governance Manager will assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

1.7 The Council has appointed the Cabinet Member, Portfolio Holder for Resources to have lead responsibility for complaints in its governance arrangements, to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').

2 Complaints and Information Governance Team

2.1 In relation to its complaints function the team is made up of the Complaints Manager, Complaints Investigator and the Complaints and Information Governance Assistants. The team oversees all of the complaints, compliments and comments procedures the Council operates. The team provides advice and information to complainants, members of staff and Councillors.

2.2 The team can provide information about the Council's complaints procedures in other formats and help arrange advocates and interpreters. The team can also provide advice on the support available for staff involved in complaints.

2.3 The team records and acknowledges all complaints made under the Council's complaints procedures, provides support to staff responding to complaints and monitors the progress of complaint investigations. The Complaints Investigator or the Complaints Manager usually undertake stage 2 investigations in relation to Corporate Complaints. The team uses the information it collects about complaints to identify any topics and trends and help improve services.

2.4 The Complaints and Information Governance Team also offers satisfaction surveys to people who have used the complaints procedure. This is to ensure people are satisfied with the way we handle complaints.

2.5 The team is also the central point of contact for the Local Government and Social Care Ombudsman.

2.6 You can contact the team by telephone, e-mail, in writing, in person, by video call or by any other reasonable means.

Complaints and Information Governance Team

Telephone: (01325) 406777

E-mail: complaints@darlington.gov.uk

On-line form: www.darlington.gov.uk/complaints

Write to or visit:

Complaints and Information Governance Team
Darlington Town Hall
Darlington
DL1 5QT

N.B. Please arrange an appointment prior to visiting to ensure someone is available to meet with you.

3 Defining complaints and service requests

3.1 Darlington Borough Council defines a service request as:

"a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision".

3.2 A complaint may be raised when you express dissatisfaction with the response to a service request, even if the handling of the service request remains ongoing. We will not stop our efforts to address the service request if you complain.

3.3 Darlington Borough Council defines a complaint as:

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

You do not have to use the word '*complaint'* for it to be treated as such. If you express dissatisfaction we will always give you the choice to make a complaint.

4 Who can use the complaints, compliments and comments procedure?

4.1 If you live in Darlington, work in Darlington or visit Darlington your feedback is important to us. If you use a service provided by or visit an area maintained by Darlington Borough Council we would like to hear your views.

4.2 This procedure does not apply to complaints that Darlington Borough Council staff may have in relation to their employment. These should be raised under the appropriate Council employment procedure.

5 How can you contact us?

5.1 We have tried to make it as easy as possible for you to tell us what you think. If you know the member of staff who delivers your service you can speak to them about the problem.

5.2 You can fill out a complaints form, available in all Council buildings and on our website, write to us, e-mail complaints@darlington.gov.uk or you can use our on-line complaints form www.darlington.gov.uk/complaints

5.3 You can also telephone, visit the Complaints and Information Governance Team or make your complaint by any other reasonable means (contact details on previous page).

5.4 This procedure, information about the Local Government and Social Care Ombudsman and the Local Government and Social Care Ombudsman's Complaints Handling Code are published on our website: www.darlington.gov.uk/complaints

6 What the procedure covers

This procedure covers compliments*, comments* and complaints about:

- a failure to provide accurate information;
- delays in decision making;
- dissatisfaction with a decision;
- delays in providing services;
- failure to deliver services (including the complaints procedure);
- the appropriateness of services;
- the quality of services;
- the lack of services;
- changes to services;
- the cost of services;
- a failure to follow the Council's policies and procedures (including the complaints procedure);
- the lack of proper procedures;
- the attitude or behaviour of staff*;
- a Council policy*;
- more than one department*;
- contracted services*;
- services delivered through partnership arrangements*; and
- anonymous complaints*;

This list does not cover everything but provides a good idea of the kinds of complaints the Council might receive.

**Further details are provided in this section*

6.1 **Complaints about the attitude or behaviour of staff**

a) Where your complaint relates solely to the attitude or behaviour of a member of staff we may deal with it under the Council's employment procedures.

6.2 **Complaints about a Council policy**

a) If you simply disagree with a Council policy we will not investigate the matter as a complaint unless we believe the policy is likely to give rise or contribute to a systemic service failure. If we decide not to investigate the matter as a complaint we will take your comments on board.

b) Where you feel a Council policy unfairly discriminates against a particular group of people with protected characteristics, as defined in the Equality Act 2010, we will investigate the matter as a complaint.

6.3 **Complaints involving more than one department**

a) If your complaint involves more than one department, the department dealing with the main elements of your complaint will take the lead. They will work alongside the other department(s) and provide you with a single response which will cover all the elements of your complaint.

6.4 **Complaints about contracted services**

a) If you receive a service from a contractor on behalf of the Council you can use the Council's complaints procedure. We would encourage you to contact the Council's Complaints and Information Governance Team in the first instance. We might deal with your complaint under the adult social care, children's social care, public health or housing complaints procedure depending on the service you are complaining about.

b) Contractors should be aware that the Council is subject to the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the General Data Protection Regulations/Data Protection Act 2018. The Council may be requested to disclose information in relation to complaints about a service provided by a contractor and, although every effort will be made to consult the organisation concerned, the decision to disclose or withhold information will ultimately be made by the Council.

6.5 **Complaints about services delivered through partnership arrangements**

a) We understand the difficulties people can face when trying to make a complaint about a service provided through a partnership. Where there is a shared responsibility for the delivery of services we will make sure that it is as easy as possible for you to make a complaint. We will make sure that the complaints procedure is well publicised and that staff are aware of how to access the appropriate complaints procedure.

b) If your complaint is about the Council we will deal with it under the appropriate Council complaints procedure. If we receive your complaint and it concerns another organisation involved in the partnership we will ask your permission to forward it to them for investigation.

6.6 **Anonymous complaints**

a) If you make an anonymous complaint we will investigate it, however, we will not be able to provide you with a response. If you don't want to give your name because you are worried that it might affect your service, please be assured this will not be the case.

b) If you do not want to speak to the member of staff who provides the service you can contact the Complaints and Information Governance Manager. For contact details see section 2.6.

6.7 **Compliments**

a) Compliments are a great way of telling us when we get things right. If you pay someone a compliment in person they will pass the details on to the Complaints and Information Governance Team to be recorded.

b) If you pay someone a compliment via the Complaints and Information Governance Team, we will record it, send you an acknowledgement and pass it on to the appropriate person.

c) Compliments can help us share good practice and improve services.

6.8 **Comments**

a) Comments are also a great way of sharing your ideas about particular projects or services in general. If you pass your comments on to a member of staff they will pass the details on to the Complaints and Information Governance Team to be recorded.

b) If you make a comment via the Complaints and Information Governance Team, we will record it, send you an acknowledgement and pass it on to the appropriate service.

c) Where a response is required the service will provide one within **25 working days** of the date we receive your comment. We may need to agree to extend the timescales where there is a good reason to do so. This will be the exception and not the rule. The Responding Officer will agree any extension with you and contact you confirming the decision where appropriate. If you do not receive a response by the agreed date you should contact the Complaints and Information Governance Team.

d) The Complaints and Information Governance Team will record any actions taken as a result of your comment.

7 What the procedure does not cover

Some things are not covered by this procedure because they are either covered by another policy or procedure or are outside the Council's control.

They include:

- Service requests (for example, the **first time** you ring to report a faulty street light or illegal dumping);
- complaints about the actions of a third party (for example, a noisy neighbour);
- matters where a separate means of resolution exist (for example, an Appeals Process, Courts or Tribunals);
- matters dealt with under the Council's employment procedures;
- Complaints from staff in relation to employment issues;
- Complaints from the staff of partner agencies/organisations about the professionalism of Council employees;
- insurance claims against the Council*;
- complaints about adult social care services*;
- complaints about children's social care services*;
- complaints about housing services*;
- complaints about the Council's public health functions*;
- complaints about schools and academies;
- complaints that have already been investigated at stage 2 of the Council's corporate complaints procedure;
- complaints that have been investigated by the Local Government and Social Care Ombudsman;
- complaints made 12 months after the date you learned that something went wrong (in some cases we may be able to consider your complaint)*;
- complaints relating to freedom of information and environmental information requests*;
- complaints about data protection matters*;
- complaints about Councillors*;
- complaints outside the Council's jurisdiction (for example, complaints about utilities companies, private business or other government bodies); and
- complaints subject to legal proceedings.*

**Further details are provided in this section*

7.1 **Insurance Claims**

a) We will not usually look into your complaint if the issue is something which should be dealt with as an insurance claim against the Council.

7.2 **Adult and children's social care complaints, compliments and comments**

a) Adult and children's social care services are required by law to have their own complaints procedures. You can make a complaint, compliment or comment about an adult or children's social care service whether that service is provided directly by the Council or by a contracted agency or care home on behalf of the Council.

To make a complaint contact the Complaints and Information Governance Team, see contact details in **section 2**.

7.3 **Housing complaints, compliments and comments**

a) Following the introduction of the Housing Ombudsman's Complaint Handling Code on 1 April 2024, we have to ensure complaints about the Council in our role as a social landlord (as well as in respect of our ownership and management of leasehold housing) are dealt with in the manner set out in that Code.

b) To make a complaint contact the Complaints and Information Governance Team, see contact details in **section 2**.

7.4 **Public health complaints, compliments and comments**

a) We will deal with complaints about the exercise of our public health functions in accordance with the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.

b) Further information is available here.

c) To make a complaint contact the Complaints and Information Governance Team, see contact details in **section 2**.

7.5 **Complaints made 12 months after the date you learned that something went wrong**

a) Though not exclusive, we may accept your complaint for one or more of the following reasons:

- You are a vulnerable adult or child and did not complain because you were scared of what might happen.
- We believe that there would be a benefit to you in looking into your complaint.
- There is likely to be enough information available from the time the incident happened to enable an effective and fair investigation to be carried out.

- There are enough people available from the time the incident happened to enable an effective and fair investigation to be carried out.
- Where action needs to be taken in light of human rights based legislation.

7.6 **Complaints relating to freedom of information and environmental information requests**

a) Complaints about freedom of information and environmental information requests will be the subject of an internal review as set out in the Council's FOI and EIR procedure.

7.7 **Complaints about data protection matters**

a) Complaints about data protection matters will be investigated in accordance with the process set out in the Council's guide Data Protection – Information Rights and Complaints.

7.8 **Complaints about councillors**

a) The Localism Act 2011 requires "arrangements" to be put in place under which allegations that a member or co-opted member of the Authority (or of a Parish Councillor), or of a Committee or Sub-Committee of the authority, has failed to comply with that Authority's Code of Conduct can be investigated and decisions made on such allegations.

b) For more information on the Member's Code of Conduct or to make a complaint on-line visit: www.darlington.gov.uk/complaints

7.9 **Complaints subject to legal proceedings**

a) If either you or the Council has or intends to take legal action in relation to the substance of your complaint we may deal with your complaint unless we decide that consideration of your complaint will prejudice the conduct of those proceedings. We will take each decision based on the specific circumstances of the case.

b) If we have started to look into your complaint we may put it on hold until after the legal proceedings have finished.

8 Advocacy and representation

8.1 If you need some help to make your complaint the Complaints and Information Governance Team can help you arrange an advocate. An advocate is someone who can speak on your behalf.

8.2 You might prefer a friend or relative to make a complaint on your behalf. If someone is complaining on your behalf you must give your consent. We may contact you to confirm you consent and that you agree with the content of the complaint.

8.3 If you are making a complaint on behalf of someone who is deemed not to have capacity as defined by the Mental Capacity Act the complaint will only be considered if you have Lasting Power of Attorney (LPA) or are acting in that person's best interest. If you do not have the relevant LPA we will undertake a Capacity Assessment/Best Interest Decision. If we have reason to believe you are not acting in that person's best interest we will not consider the complaint and inform you of the reason for our decision. In such cases you have the right to refer the complaint to the Local Government and Social Care Ombudsman.

9 Involvement of councillors and MPs in the procedure

9.1 If you have any concerns it may be helpful to discuss them with your local councillor. Your councillor can help you decide on the best course of action.

9.2 This may involve putting you in touch with the appropriate council officer or making an enquiry on your behalf.

9.3 In cases where you need to make a complaint your councillor should refer you to the Complaints and Information Governance Team. They can make a complaint on your behalf and support you through the process. If your councillor does make a complaint on your behalf we will copy them in to all correspondence unless they request otherwise.

9.4 Whether or not you seek advice from a councillor you can expect a high quality service.

9.5 The same principles will apply where you make your complaint via your Member of Parliament (MP)

10 Accessibility and equal opportunities

10.1 We are committed to making sure that everyone has equal access to all our services, including the complaints procedure.

10.2 To help make sure our complaints procedure is easily accessible we:

- use plain language;
- accept complaints over the phone or in person, in writing, by e-mail, via our website or by any other reasonable means;
- provide information and responses in Braille, large print, audio, easy read format and other languages where needed; and
- provide translators (including sign language translators) where needed.

11.1 Stage 1 (Local Resolution)

a) If your issue is not something we can resolve immediately as part of our day to day business, we will usually deal with it as a stage 1 complaint. Stage 1 is where we try to resolve your complaint locally within the service you are complaining about. We aim to resolve the majority of complaints at stage 1 of the corporate complaints procedure.

b) At stage 1 we will acknowledge and log your complaint within **five working days of the complaint being received**.

c) We will appoint a Responding Officer to look into your complaint. This will usually be the manager of the service you are complaining about or the Housing Complaints Response Officer.

d) The Responding Officer will contact you where appropriate to clarify the issues and your desired outcome in relation to each element of your complaint.

e) The Responding Officer will contact you with a thorough response **within 10 working days of your complaint being acknowledged and logged**. If this is not possible, they will contact you with an explanation and a date by when the stage one response should be received. This should not exceed a further **10 working days** without good reason.

f) When we inform you about an extension to these timescales, we will provide you with the contact details of the Local Government and Social Care Ombudsman.

g) If you are unhappy with the outcome at stage 1 you should contact the Complaints and Information Governance Team to request moving your complaint to stage 2.

h) If you have not received a response by the time the stage 1 target date is up and you have not heard from the Responding Officer you should contact the Complaints and Information Governance Team.

i) We may need to agree to extend the timescale for response where there is a good reason to do so. This will be the exception and not the rule. The Responding Officer will contact you where it is necessary to extend the timescale for response. If you do not receive a response by the agreed date you should contact the Complaints and Information Governance Team.

j) *If your complaint is about the manager of the service concerned we may ask a manager from another service to look into your complaint. If your complaint is about the Housing Complaints Response Officer, we may ask their line manager to look into your complaint.*

11.2 Stage 2 (Formal Investigation)

a) If you are unhappy with the outcome of your stage 1 complaint or have not received a response we will formally investigate your complaint at stage 2 of the corporate complaints procedure. This is the final stage of the Council's corporate complaints procedure.

b) At stage 2 we will acknowledge and log your complaint within **five working days of your escalation request being received**.

c) We will appoint an Investigating Officer to look into your complaint. This will usually be the Complaints Investigator or the Complaints Manager.

d) The Investigating Officer will contact you where appropriate to clarify the issues and your desired outcome in relation to each element of your complaint.

e) The Investigating Officer will contact you with a thorough response within **20 working days** of your complaint being acknowledged. If it is not possible to respond within **20 working days**, we will provide an explanation and a date when the stage two response will be received. This should not exceed a further **20 working days** without good reason.

f) If you are unhappy with the outcome of the investigation you can refer your complaint to the Local Government and Social Care Ombudsman. We will include contact details in our stage 2 response.

g) If it is not going to be possible to investigate your complaint within 40 working days the Investigating Officer will contact you and explain the reason why. When we inform you about an extension to these timescales, we will provide you with the contact details of the Local Government and Social Care Ombudsman where appropriate.

h) We may need to agree to extend the timescale for response where there is a good reason to do so. This will be the exception and not the rule. The Investigating Officer will contact you where it is necessary to extend the timescale for response. If you do not receive a response by the agreed date you should contact the Complaints and Information Governance Team.

i) *Where your complaint is about the corporate complaints procedure or where there is a potential conflict of interest we will appoint a senior manager from another service to investigate your complaint.*

12 Local Government and Social Care Ombudsman

12.1 If you are unhappy with the outcome of your stage 2 complaint under the Council's corporate complaints procedure you can refer your complaint to the Local Government and Social Care Ombudsman. We will provide contact details as appropriate in our stage 2 response.

12.2 You can refer your complaint to the Ombudsman at any time. **However, the Ombudsman is unlikely to consider your complaint unless we have investigated it fully under the Council's complaints procedure.**

13 Putting things right

13.1 When you make a complaint, where necessary, we will ask you what you would like us to do to put things right. We will take your views into account but it may not always be possible to give you exactly what you want. Where this is the case, we will discuss the matter with you and come to an agreement.

13.2 If we uphold your complaint you can expect an apology and for us to put things right quickly. We may also propose a number of other actions. The aim of these actions is to put you back in the position you were in before the problem occurred and make amends for any loss you may have suffered as a result. Although we will consider each complaint on its merits we will try to ensure we offer similar remedies for similar situations.

13.3 Remedies may also include:

- 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.

We will take account of the guidance issued by the Local Government and Social Care Ombudsman when deciding on appropriate remedies.

14 Recording and reporting

14.1 We will produce an annual complaints performance and service improvement report for scrutiny and challenge, which will include:

- An annual self-assessment against the Code to ensure this procedure remains in line with its requirements.
- A qualitative and quantitative analysis of our complaint handling performance. This will also include a summary of the types of complaints we have refused to accept.
- Any findings of non-compliance with the Code by the Ombudsman.
- The service improvements made as a result of the learning from complaints.
- Any annual report about our performance from the Ombudsman.
- Any other relevant reports or publications produced by the Ombudsman in relation to our work.

14.2 The annual complaints performance and service improvement report will be reported through our governance arrangements, ordinarily to the relevant Scrutiny Committee and Cabinet and published on the section of our website relating to complaints. Cabinet's response to the report will be published alongside this.

15 Unreasonably persistent complainants

15.1 We do not normally limit contact with our offices. However, if you display unreasonably persistent behaviour, for example, you contact our offices so many times that it hinders our handling of your complaint we may take action to limit your contact.

15.2 We would not take action simply because you are not satisfied with the outcome of our investigation or because you refer your complaint to the Ombudsman. That is your right and pursuing your complaint through the appropriate channels is not the same as being unreasonably persistent.

15.3 For more information contact the Complaints and Information Governance Team.

16 Record keeping and data sharing

16.1 During the complaints process a file containing correspondence and other relevant documentation (such as written notes, transcripts of conversations, etc) will be maintained by the Responding/Investigating Officer.

16.2 Following the conclusion of each stage of the Council's complaints procedure the Responding/Investigating Officer will send their response and any supporting documents to the Complaints and Information Governance Team. Any irrelevant information will be disposed of in a secure manner (i.e. shredding of paper documents and deletion from electronic systems) by the Responding/Investigating Officer.

16.3 All records will be kept in line with the Council's retention periods.

16.4 During the complaints process it may be necessary to share your personal details with council officers. We will only share details that are relevant to your complaint. Such details will only be recorded by the Responding/Investigating Officer and the Complaints and Information Governance Team.

16.5 If you decide to take your complaint to the Local Government and Social Care Ombudsman or the Information Commissioner your personal data may be shared with the Borough Solicitor.

16.6 If you are classified as an unreasonable or unreasonably persistent complainant some of your personal details will be communicated to complaints staff, personal assistants, councillors, senior managers and customer services staff. This may include your name, contact details, a physical description (to assist staff who have face-to-face contact with complainants) and details of the behaviour that has resulted in the application of the policy.

16.7 All personal data will be securely stored and will be processed in line with the Council's Data Protection Policy and the provisions of the UK General Data Protection Regulations (GDPR) and the Data Protection Act 2018. Further details are contained in our Privacy Notice.