Corporate Policy and Procedures for Complaints, Concerns, Comments and Compliments

The 4Cs Toolkit

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Current Document Status

Approving body: NA for updates

Date of formal approval: NA for updates

Date: 25 March 2026

Responsible officer: Eilidh Carricker/Pauline Stuchfield

Next Review date: April 2026

Location: City of York Council website: www.york.gov.uk

Version History

Date	Version	Owner	Comments
May 2020	V0.1	Lorraine Lunt	First draft for comment – JB and CM
August 2020	V0.2	Lorraine Lunt	Second draft for comment – CM and LL
August 2020	V0.3	Lorraine Lunt	Third draft for comment – GRAG and CCS/CFCT DMT
September 2020	V0.4	Lorraine Lunt	Updated from comments / feedback received from HR, internal audit/Veritau (general policy good practice guidance and considered the policy against the Local Government and Social Care Ombudsman's (LGSCO) 'Guidance on Running a Complaints System' and information on ISO 10002:2018 - Quality management — Customer satisfaction —

Date	Version	Owner	Comments
			Guidelines for Complaints Handling in Organizations
October 2020	V0.5 & v0.6 & v0.7	Lorraine Lunt	Further comments and feedback. Inserted team name
November 2020	V0.87	Lorraine Lunt	Draft flow charts
March 2021	V1	Lorraine Lunt	Corrections and tidying
March 2021	V1	Lorraine Lunt	Formatting for document accessibility
May and December 2024	V2.1	Lorraine Lunt	Updates required from Housing Ombudsman Service and Local Government and Social Care Ombudsman
June 2025	V2.2 and V2.3	Lorraine Lunt	Updates required from Data Use and Access Act 2025 and internal transfer of service
August/ September 2025	V2.4, V2.5 and V2.6	Lorraine Lunt	Updates required from Housing Ombudsman Service and Local Government and Social Care Ombudsman
March 2026	V2.7	Eilidh Carricker	Updates from Housing Ombudsman

Document retention

Document retention period: Until superseded

Introduction

City of York Council ("the council") produced this revised corporate procedure for dealing with comments, compliments, concerns and complaints ("the 4Cs") and this document sets out the procedure for dealing with them and provides some of the tools to help with this work.

We expect all colleagues at the council to follow this approach and we hope you will see the 4Cs, both positive and negative, as an opportunity for us to improve our services.

Why have a policy and procedure?

The Housing Ombudsman Service (HOS) have produced and published their complaint handling codes that the council is required to comply with. You can find full details about this at

The Complaint Handling Code | Housing Ombudsman Service (housing-ombudsman.org.uk)

The Local Government and Social Care Ombudsman (LGSCO) has also produced and published their complaint handling code. The LGSCO is encouraging councils to adopt it as soon as they can and will start to consider it as part of their processes from April 2026 at the earliest. You can find full details about this at

Complaint Handling Code - Local Government and Social Care Ombudsman

It's important that colleagues implementing this corporate policy and procedure apply them in the spirit in which they are intended and are informed by the overall customer focused approach at the council. This corporate policy and procedure is intended to help us to address issues to reach a satisfactory outcome and continuously improve our services.

The aim of this procedure is to ensure that the 4Cs are welcomed, responded to and learned from, according to the values of the council.

This policy and procedure is for customers who live, work, visit or travel within the City of York and who receive one of our services (directly or by another organisation).

There is a separate system for handling enquiries Councillor enquiries. Guidance on this is available from the council's Corporate Customer Services (CCS) and

Complaint, feedback and compliance team (CFCT).

Section 1: What is a Complaint, Concern, Comment or Compliment?

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 most cases, the council should be able to put things right through their business-as-usual service delivery and processes and resolve matters to an individual's satisfaction before they become a complaint and so it is important to recognise the difference between a complaint and a service request.

A service request is defined as:

> *"A request for us to provide or improve a service, fix a problem or reconsider a decision. '*

Service requests are not complaints but may contain expressions of dissatisfaction. The council should have the opportunity to deal with a service request before a complaint is made. However, the council will ensure that individuals have the opportunity to consider making a complaint e.g. a complaint may be raised when the individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.

The council should not stop its efforts to address the service request if the individual complains.

A complaint is defined 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.'*

This includes whether the council has followed the right steps to make decisions or take action as we cannot criticise decisions or actions if they were taken correctly.

The following are excluded from being handled through this policy and procedure:

- A request for a service that is made for the first time (sometimes called a service request or business as usual), a missed service request or single service failure or an issue that the council could not reasonably have been expected to have been aware of before. For example, impacts of a decision

on an individual, being reported for the first time or a customer reports that a streetlight is not working. If we then fail to resolve the issues to the customer's satisfaction, the issues will then be defined and treated as a complaint.

- A request for information or an explanation of a council policy or practice.
- A complaint about the outcome of a decision and whether the right choice was made, and actions were taken correctly.
- A complaint that has already been considered through another appropriate route such as an insurance claim, a court or tribunal, or a complaint where there is another more appropriate route of independent scrutiny.
- Any issue which has separate provision for or specific procedures governing complaints and appeals (whether this be statutory or not). This includes but is not limited to the following issues:
- data protection complaints - complaints about how the council uses individuals' personal information. You can find more details about your rights and how to complain at Our Privacy Notice – City of York Council
- Appeals against refusal of planning permission or against conditions placed on a grant of planning permission.
- A complaint about social care services (children and adults).
- A school admission or exclusion appeal.
- A complaint about a school.
- A complaint from a council employee about an employment matter.
- A complaint about councillor's or parish councillor's conduct.
- External complaints about Recruitment and Selection.
- An appeal against the issue of a penalty charge notice by the parking enforcement team and the recovery process which follows.
- Dispute a fixed penalty for environmental crimes (including dog-fouling).
- Dispute a penalty charge notice for Bus Lane Contravention.
- Any appeal against the exercise of a police power.
- A complaint about the refusal of disabled badges for parking exemption.
- A complaint about the independent Rent Officer.
- To report Anti-Social Behaviour.
- Appeals regarding Resident Parking Permits.

Where it is more than 12 months from the issues of a complaint being known or the customer becoming aware of the issues. However, the CFCT will consider whether to apply discretion to accept a complaint outside of this 12-month time limit taking into consideration one or more of the following:

- Whether the complaint could have been made sooner
- Whether there is sufficient knowledge and/or evidence still available to be able to complete an investigation and reach a conclusion

- Whether there is a realistic ability to provide an appropriate resolution

Where a complaint is received about a council employee, contractor or partner's conduct or behaviour, the CFCT will log and pass onto the appropriate route such as an HR or contract management for independent scrutiny. The customer will be informed of this and advised if they will receive the outcome of the independent scrutiny. This is because in some instances, it may not be appropriate to share this with the customer e.g. if it's the personal data of an employee etc.

For all of the above, the customer will be informed and advised why their complaint has been refused and where appropriate of other routes for progressing their concerns and provided details for contacting the appropriate Ombudsman if they are dissatisfied with the response. See Section 8 for Ombudsmen contact details.

A concern has the same definition as a complaint but enables people who are uncomfortable with or do not want to use the term complaint to express their concerns to the authority and have them responded to. The aim is to ensure that the council can monitor the quality-of-service provision and learn lessons from negative feedback, where the customer does not want to make a complaint. However, customers will be given the choice to make a complaint.

A comment is an idea for making changes/improvements to any part of our service. Comments can be statements that express:

- Facts
- Personal opinions
- Beliefs

A compliment is any expression of satisfaction, pleasure or gratitude about the quality of service provided or about staff, contractors or other providers delivering a service on the council's behalf.

We will provide the customer with contact details if their contact falls into one of the above categories.

Customers may often make an observation on our service without explicitly defining their remarks or concerns as one of the 4Cs. Remarks and concerns should not be overlooked because they do not use our wording and categories.

However, nothing in this policy and procedures should prevent staff from continuing to work with customers to provide excellent customer service and respond to their queries, suggestions and resolve any difficulties before they become complaints.

If a customer raises the issue verbally, and you're not certain how their remark should be treated, please contact CFCT. If you receive written correspondence and aren't sure how to treat it, and you are not able to check with the customer, please raise it with CFCT.

If a customer wishes to raise any of the 4Cs, it must be sent to CFCT to record and address as set out in this procedure. Any of the 4Cs can be made verbally and do not necessarily need to be in writing.

Section 2: Who 'owns' a complaint, concern, comment or compliment?

Ownership is about taking responsibility for a complaint. If you've received a complaint and don't know who 'owns' it, the answer is that you do until it has been successfully handed over to CFCT.

4Cs can be accepted verbally. Customers making any of the 4Cs in person or by telephone must not be told that they have to write in or complete a form.

However, you can use the Have Your Say form on the council website to capture all the information needed and send it onto CFCT.

If a customer makes you aware of any of the 4Cs verbally and you can't access the website form, note down their comments:

- Tell the customer your name and provide the contact details for CFCT
- Acknowledge the concerns the customer has and how they feel without agreeing with or challenging their views
- Identify what the problem is
- Identify what outcome the customer would like to see – but do not commit the council to achieving it at this stage
- Tell the customer that you will pass on the details to CFCT and they will get back to you

Once you've finished the conversation pass the information onto CFCT who will email/contact the customer to acknowledge receipt of their 4C where appropriate. If you receive a written 4C then send it to CFCT at haveyoursay@york.gov.uk as soon as possible.

Section 3: How to deal with Complaints, Concerns, Comments and Compliments

Where any of the 4Cs has been made on a customer's behalf by their representative, they will be handled in line with this policy and procedure. The CFCT will consider whether the person has appropriate authority and independence to act on the customer's behalf. If written consent is required CFCT will assist with this. When either appropriate authority or consent cannot be provided, CFCT will assess the most appropriate way to progress the issues being raised and will discuss this with relevant staff and managers where required.

Where timescales are noted in terms of days, these are working days unless otherwise stated; timescales noted on the flowcharts are the latest dates to meet the target timescales and ideally the tasks should be completed before the deadlines given.

All progress or correspondence, either internal or external, will be recorded on CFCT monitoring system.

All correspondence relating to a specific complaint should include the monitoring system reference, so developments can be noted down against the customer reference details.

Where learning or service improvements are identified, CFCT will request evidence these have been implemented or completed.

Ownership of multiple complaints

When contact about the same issue from the same customer is received through more than one route, it will be logged on the CFCT monitoring system, allocated for investigation and a single response will be provided by CFCT, in accordance with these procedures, advising that they will be providing a single council response on behalf of all recipients at the council.

Section 4: How we respond to compliments

It's important we understand when customers think we get things right. This allows colleagues to know they're appreciated and ensures all parts of the council can learn from the areas identified for good practice.

When we receive compliments, including 'thank you' cards, we will only contact the customer to thank them within 10 working days if they have requested that we do so. CFCT will notify any council colleague or service to which the compliment refers within 20 working days. We will use compliments to maintain or improve our standard of service as well understand what customers value about the services the council provides.

Commendations are compliments awarded to staff for work above and beyond their usual duties and responsibilities. This may come to the attention of the council through a letter or comment from a customer or member of the public or may be brought to the attention of a senior manager through a team leader or line manager.

A commendation for example may be achieved by a member of staff completing a piece of work which would not normally be within their remit or stage. This may be to resolve a problem quickly, or to support colleagues when a team is short staffed or has a heavy workload. This will not normally be for additional work that has been taken on where the member of staff has received additional money for this.

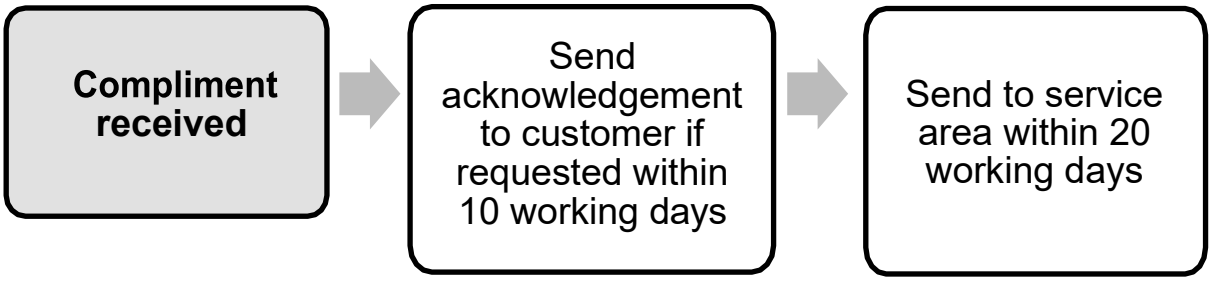
Commendations should be brought to the attention of CFCT as soon as possible and where there is any doubt about whether this should be logged as a commendation or a compliment, CFCT will discuss this with the appropriate Corporate Director, Director, or Assistant Director.

Where it is agreed that a commendation for a member of staff is appropriate, the Corporate Director, Director or Assistant Director will, where appropriate, write to the customer or member of public and thank them for bringing this to their attention and will write to the member of staff thanking them for their work.

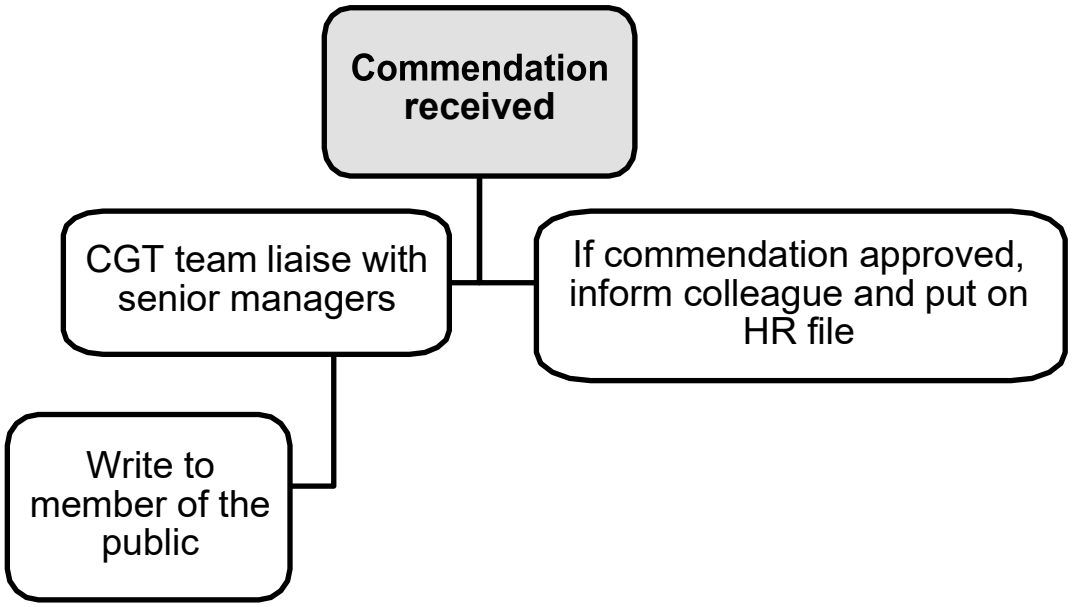
CFCT will:

- Make a record of the commendation including copies of letters.
- Send a note about the commendation and copies of letters to human resources to be kept on the member of staff's personal file.

Compliments flowchart



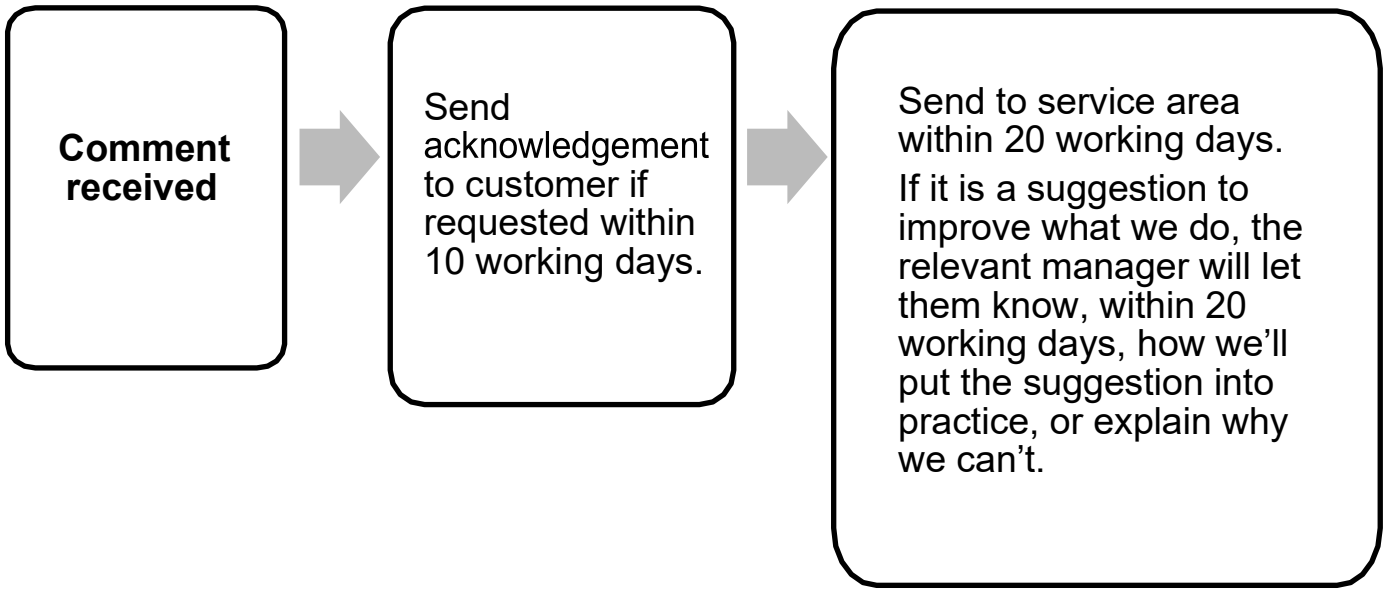
Commendations flowchart



Section 5: How we respond to comments

When we receive a comment, CFCT will contact the customer to thank them within 10 working days if they have requested that we do so and pass onto the relevant manager/officer. If it is a suggestion to improve what we do, the relevant manager will let them know within 20 working days how we'll put the suggestion into practice or explain why we can't.

Comments flowchart



Section 6: How we respond to complaints and concerns

We have a two-stage approach to address complaints in line with both the HOS and LGSCO's complaint handling codes. This is set out below and on the following flow chart.

Our target is to carry out all pending actions relating to complaints, as soon as possible. Deadlines specified in this procedure are the latest date by which action should occur.

At any stage, if we agree with the complaint, we will do one or more of the following:

- Say sorry and explain what went wrong.
- Arrange for the customer to receive the service they were entitled to receive, as far as possible.
- Change our process, where relevant, so that the mistake is not repeated.
- Provide the appropriate and proportionate outcomes based on Ombudsmen guidance and complaint handling codes.

CFCT will advise the customer of this decision and explain our reasons, within 5 working days including their right to contact the relevant Ombudsman.

Stage 1 and Stage 2 – what we will do

The council reserves the right not to handle complaints about:

- a policy that cannot be changed or
- the outcomes wanted cannot be achieved through this policy and procedures

CFCT will advise the customer of this decision within 5 working days including their right to contact the relevant Ombudsman or where appropriate to seek their own legal advice.

A complaint will be dealt with at stage 1 and escalated to stage 2 if

- the customer is unhappy with the outcome of all or part of their complaint at stage 1
- if there has been an unreasonable delay at stage 1

CFCT will assess the nature and complexity of the complaint and allocate it to be dealt with by the appropriate person in the CFCT who provide an independent to service, and impartial investigation role. The person considering a complaint at stage 2 should not be the same person that considered the complaint at stage 1.

It will usually be appropriate to speak to the customer directly to ensure that their experiences, outcomes wanted and any background information, is clearly understood. We may offer to meet the customer by appointment to try and resolve their complaint.

If a customer raises additional complaints during the investigation these will be incorporated into the stage 1 response if they are related, and the stage 1 response has not been issued. Where the stage 1 response has been issued or 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.

CFCT will write a report of their investigation findings including the decision on the complaint (upheld, partially upheld, or not upheld) along with any recommendations, actions or areas for improvement for the service area(s). This will be sent to the relevant manager in the service area to consider the findings and outcomes, as well as any recommendations, actions or areas for improvements.

If the service area agrees with the report recommendations, actions or areas for improvement, it will then be sent to the customer, stating that the recommendations, actions or areas for improvement have been agreed and the timescales for them.

If the service area disagrees with the report recommendations, actions or areas for improvement, the report will be sent to the customer stating that the recommendations, actions or areas for improvement have been sent to the relevant manager who will respond to the customer further with their decisions within the appropriate timescale so that there is no delay in the customer receiving a response to their complaint.

CFCT will monitor the progress of any recommendations, actions or areas for improvement with the service area(s) and report on this through the appropriate council routes including to relevant Committees.

Stage 1 timescale and response

As soon as possible and at the latest within 5 working days of receipt, CFCT will send an acknowledgement to the customer in their preferred method of communication, which will include:

- that we have logged their complaint and the reference number
- the name, phone number and position of the person who is dealing with the complaint.
- our understanding of their complaint and the outcomes being sought
- explain which aspects of their complaint that we are or are not responsible

for

A response will be provided to the customer within 10 working days of us acknowledging the complaint. If we are unable to meet this timescale, the CFCT will explain why there is a delay and advise the customer when they can expect a full response. This will be no longer than 10 working days without good reason. The response will explain it is the final response at this stage and there are no outstanding elements of the complaint requiring responses or decisions. This will ensure the customer has all the required information to decide if they are satisfied with the response or wish to request an escalation of the complaint.

When a response falls outside the extended timescales of the Code, the council will agree with the customer suitable intervals for them being updated on their complaint.

Stage 2 timescale and response

As soon as possible and at the latest within 5 working days of the escalation request being received, CFCT will send an acknowledgement to the customer in their preferred method of communication, which will include:

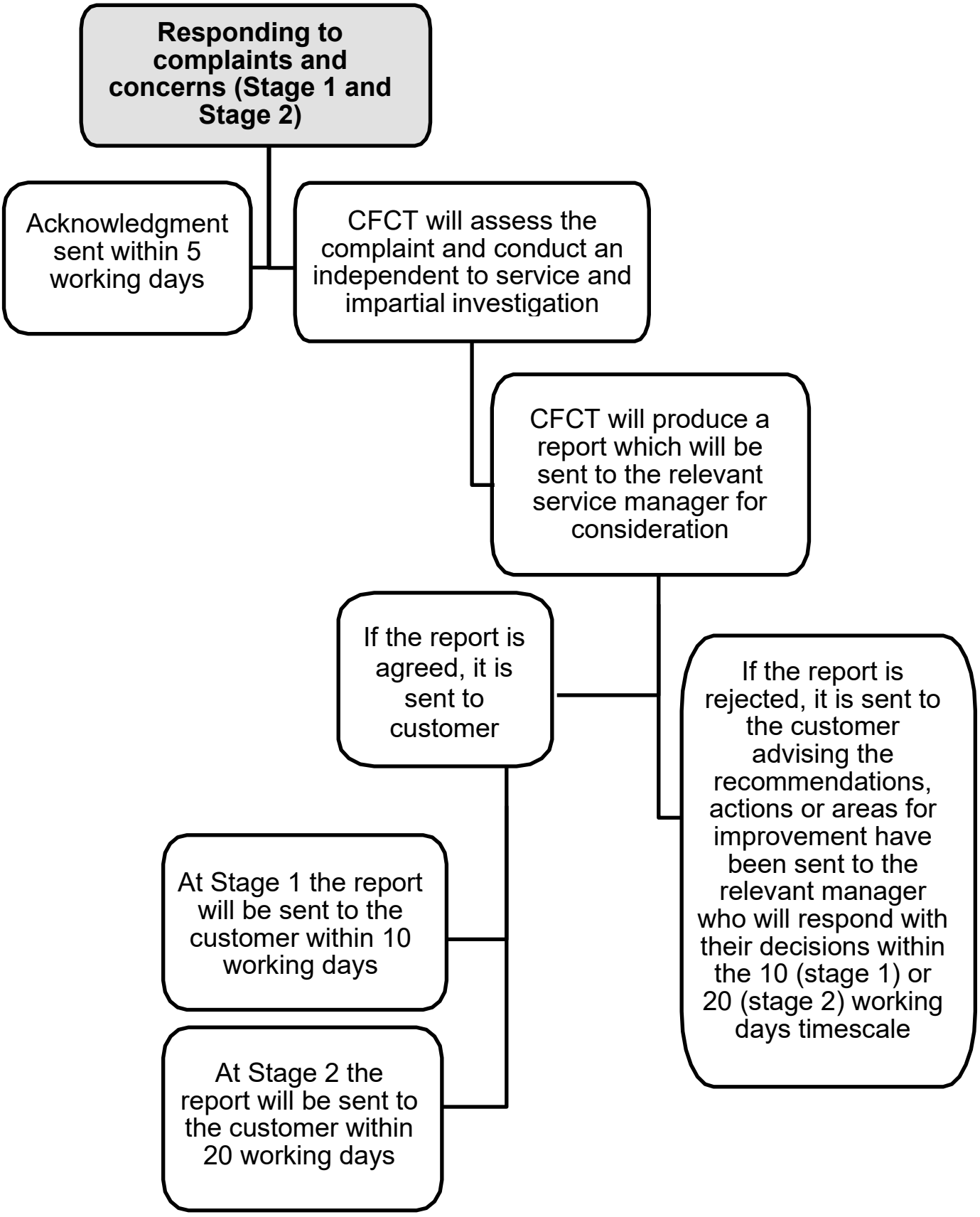
- that we have logged their complaint and the reference number
- the name, phone number and position of the person who is dealing with the complaint.
- our understanding of their complaint and the outcomes being sought
- explain which aspects of their complaint that we are or are not responsible for

A final response to the stage 2 should be provided to the customer within 10 working days of us acknowledging the complaint. With good reason, an extension of no more than 20 working days may be considered. The reason for the extension should be explained to the customer.

When a response falls outside the extended timescales of the Code, the council will agree with the customer suitable intervals for them being updated on their complaint.

The response will explain it is the final response at this stage and there are no outstanding elements of the complaint requiring responses or decisions. This will ensure the customer has all the required information to decide if they are satisfied with the response or wish to go to the relevant Ombudsman. See Section 8 for Ombudsmen contact details.

Complaints and concerns flowchart



Section 7: How we will assess a complaint and escalation

Assessment of the complaint will be completed by the CFCT taking account of the issues raised and the following factors:

- severity
- complexity
- risk to the customer and other customers
- risk to the council
- history of similar complaints
- likelihood of future similar complaints.

Other considerations will include:

- the outcomes wanted to resolve the complaint
- who is best placed to effectively respond to the complaint
- the complainant's views of how the complaint should be dealt with
- whether it comes under the LGSCO or HOS complaint handling code

If a customer is dissatisfied with all or part of our response at stage 1, they can escalate their complaint to stage 2. The customer is not required to provide reasons for their dissatisfaction. The CFCT will make reasonable attempts to understand the customer's reasons for doing so.

If a customer remains dissatisfied with our response at Stage 2, or if they feel the delay in receiving a full response is unreasonable, they will be advised that they can go to the relevant Ombudsman and given the contact details for this. See

Section 8 for Ombudsmen contact details.

The assessment and escalation are based on best practice, guidance and other complaints legislation and a brief guide to the steps is set out below.

Step 1: Assess the seriousness

Seriousness	Description
Low	Unsatisfactory service or experience not directly related to care. No impact or risk to provision of care. Or Unsatisfactory service or experience related to care, usually a single resolvable issue. Minimal impact and relative minimal risk to the provision of care or the service. No real risk of litigation.
Medium	Service or experience below reasonable expectations in several ways but not causing lasting problems. Has potential to impact on service provision. Some potential for litigation.
High	Significant issues regarding standards, quality of care and safeguarding of or denial of rights. Complaints with clear quality assurance or risk management issues that may cause lasting problems for the organisation and so require investigation. Possibility of litigation and adverse local publicity. Or Serious issues that may cause long-term damage, such as grossly substandard care, professional misconduct or death. Will require immediate and in-depth investigation. May involve serious safety issues. A high probability of litigation and strong possibility of adverse national publicity.

Step 2: Determine how likely the issue is to recur

Likelihood	Description
Rare	Isolated or 'one off' – slight or vague connection to service provision.
Unlikely	Rare – unusual but may have happened before.
Possible	Happens from time to time – not frequently or regularly.
Likely	Will probably occur several times a year.
Almost certain	Recurring and frequent, predictable.

Step 3: Categorise the risk

Seriousness	Rare likelihood	Unlikely likelihood	Possible likelihood	Likely likelihood	Almost certain likelihood
Low Seriousness	Low	Low	Low	Moderate	Moderate
Low Seriousness	Low	Moderate	Moderate	High	High
Medium Seriousness	Low	Moderate	High	High	Extreme
Medium Seriousness	Moderate	Moderate	High	High	Extreme
High Seriousness	Moderate	High	High	Extreme	Extreme
High Seriousness	Moderate	High	Extreme	Extreme	Extreme

Section 8: The relevant Ombudsmen and contact details

The Local Government and Social Care Ombudsman and the Housing Ombudsman Service

If, having followed this procedure, the customer is still not happy with how their complaint has been dealt with; they may have the right to have the matter reviewed by relevant Ombudsman e.g. The Local Government and Social Care Ombudsman (LGSCO) or by the Housing Ombudsman Service (HOS).

The exact nature of an investigation by the LGSCO or the HOS will depend on the circumstances of the complaint, but the following gives some guidance as to what may happen.

During the investigation, an investigator, acting on behalf of the Ombudsman, will usually examine our records. They will at times want to talk to the customer, colleagues, or Councillors who were involved with the complaint or who can explain the council's policies and procedures. The LGSCO and HOS have powers like those of the High Courts to obtain evidence.

Points to note are:

- During an interview a person being interviewed can have someone present to support them but not to give evidence.
- The files will be available, so it is a good idea for colleagues to refresh their memory before the interview.
- Any notes made at the time of the events under investigation are likely to be required by the Ombudsman's investigator.
- Interviews are formal and, on the record, – anything said may be noted by the investigator and passed to the Ombudsman; and
- Interviews are in private. Colleagues should not talk about the complaint or the interview except in consideration of questions or recommendations made by the Ombudsman, until a final report has been issued by the Ombudsman.
- It's important that full notes and records are kept as complaints progress so that we can demonstrate that the proper procedure has been consistently and fairly applied.

Housing Ombudsman Service contact details

If it's the first time you are contacting the Housing Ombudsman Service
You can use the online form available on the website at Contact us | Housing Ombudsman Service

Alternatively, you can use phone 0300 111 3000 during the below hours:

Monday, Tuesday, Wednesday, Friday: 9am - 5pm
Thursday: 9am - 3.30pm

Lines are closed for staff training every Thursday from 3.30pm to 5pm.

Live chat is available on the website at Contact us | Housing Ombudsman Service
The 'chat to us' icon will be at the bottom right of your screen during the above phone line opening hours.

You can write to:
Housing Ombudsman Service
PO Box 1484
Unit D
Preston
PR2 0ET

Please note: The Housing Ombudsman Service strongly encourages customers to use the online complaint form rather than sending post to their PO Box address in Preston as there will be delays. You should not send original documents by post as they are unable to post them back to you. Also note that they will not be able to deal with large bundles of documents by post.

If you are looking for an update on an existing case with the Housing Ombudsman Service, you can send an email to casework@housing-ombudsman.org.uk and provide them with:

- your full name
- case reference number (you can find this at the top of any letter or email they have sent you)
- the address of the property the complaint relates to

Local government and social care ombudsman (LGSCO) contact details

You can create an account for the LGSCO's online complaint service and complete a new complaint form at Contact us - Local Government and Social Care Ombudsman

If you cannot use the online complaint service, you can register a complaint:

By phone: 0300 061 0614

The standard telephone line opening times are:

Monday - 10am to 1pm
Tuesday - 10am till 1pm
Wednesday - 1pm till 4pm
Thursday - 10am till 1pm

Friday - 10am till 1pm

By post: Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

British Sign Language - If you are a user of British Sign Language, you can contact the LGSCO us via InterpretersLive! – a free online service provided by a company called SignSolutions

CFCT will provide the primary point of contact for the LGSCO and HOS and will work with relevant managers etc. to gather information requested. Where appropriate, statements from the council to an Ombudsman will be shared with managers prior to submission. CFCT will alert the relevant Corporate Director of any investigation as soon as information is received by the council.

Parliamentary and Health Service Ombudsman

The Parliamentary and Health Service Ombudsman makes final decisions on complaints that have not been resolved by the NHS in England and UK government departments and other public organisations.

They combine the two statutory roles of Parliamentary Commissioner for Administration (the Parliamentary Ombudsman) and Health Service Commissioner for England (Health Service Ombudsman) and investigate complaints where someone believes there has been injustice or hardship because an organisation has not acted properly or has given a poor service and not put things right. They investigate complaints fairly and our service is free for everyone.

You can find out more information at Making a complaint, Parliamentary and Health Service Ombudsman (PHSO)

Ombudsmen flowchart



Section 9: How the 4Cs will improve and change services

All the 4Cs from customers provide invaluable feedback on our services. CFCT will ensure that the 4Cs provide a positive influence on performance by linking the results of the analysis of 4Cs to service delivery.

CFCT will keep information on the 4Cs and will report this information as required. These will show:

- the type of 4Cs /volume/by service area.
- what the 4Cs are about (e.g. delay in service, poor service, colleagues, etc.).
- quality of response.
- recommendations for any improvements to service delivery based on the trends in 4Cs

An annual report to the relevant Committee(s) will include examples of learning and improvements because of the 4Cs.

Section 10: Outcome of complaints

This section sets out the different ways that the council will respond to a complaint.

A complaint may be

- upheld in full
- partially upheld
- not upheld

It is important that the complainant is explicitly informed of the outcome of each element of their complaint and the reasons for that outcome.

Where complaints are upheld or upheld in part, the resolution and remedy need to be appropriate to the complaint. During the process of investigating, we will have identified with the customer how they would like things put right and alongside the Ombudsman's remedies guidance, we will identify the appropriate resolution and remedies.

Resolution and remedies may include one or more of the following:

- An apology.
- An explanation as to what went wrong, of policy or procedures, of the way we have handled the matter or of remedial action.
- A commitment to review processes to avoid the same thing happening again. This may include a change in working practices or a review of policy or procedures.
- Feedback to the customer on how their complaint has been used to improve/change future service; or
- Appropriate actions, good will gesture or recompense based on the Ombudsman's remedies guidance. Where recompensing for out-of-pocket expenses, we will require evidence of these.
- Saying we are sorry

Often, all that is needed is a timely and genuine apology with clear actions about how we will avoid similar problems in future. Most people accept that occasionally mistakes will be made. What often annoys them, is the failure to acknowledge that something has gone wrong, or to treat them as an individual.

Even if a complaint has not been upheld, it is often appropriate to acknowledge their experiences e.g.

> *"I am sorry that you are unhappy about [add summary of complaint]. Colleagues at City of York Council work hard to deliver a good service and I apologise that on this occasion we have not met with your expectations."*

Section 11: Improving our service

If we can, we should give an assurance that the situation which gave rise to the complaint, will not be repeated. It may be possible to change practices, systems or procedures to prevent a recurrence of an error.

Without going into complexities, we should let the customer know of the action taken and the timescale for this. A demonstration that something has happened because of the complaint may win support and will also help us to improve our service.

Customer feedback, not just that coming through this policy and procedure, should be used to identify areas for improvement in services and be used for continuous improvement.

Section 12: Handling claims for personal injury or financial loss/insurance claims

If the circumstances could give rise to a claim for damages for personal injury or for financial loss, the Corporate Finance and Commercial Procurement Manager, who is responsible for Insurance and Risk Management, should be informed of the details at the earliest opportunity. To avoid prejudicing the council's position, no correspondence relating to the claim should be sent other than to acknowledge the correspondence and inform the individual of what we are doing.

If there are issues raised in addition to the compensation claim which need to be addressed under the council's 4Cs procedure, CFCT will work closely with the Corporate Finance and Commercial Procurement Manager, to ensure there is no prejudice to the claim investigation.

Ex Gratia Payments/Good will

There may be times when it is appropriate to make a payment, without admitting liability, for example in acknowledgement of poor customer service, which hasn't resulted in a loss for the person concerned. In such circumstances it may be appropriate to make an ex-gratia/good will payment.

Important considerations when making such a payment:

- What will be the impact of making such a payment in terms of reputation, precedent and potential future claims?
- What is an appropriate level and form of any such payment? This should balance the severity of any failure of the council with the need to justify the cost to the public purse.

Any letter should make it clear that the payment is ex-gratia: that it is done without recognition of any legal need to make the payment. Advice can be sought from CFCT and the Insurance and Risk Management Team, if there is any concern.

Any such payment should generally be in the form of a one-off payment or gift voucher. It should not take the form of reducing outstanding bills that an individual has with the council, as this can lead to processing difficulties which may exacerbate the original issue.

Any such payment should be approved by the appropriate budget manager, who should ensure the payment can be made within their overall budget. They should satisfy themselves that such a payment represents value for money for the council and can justify the reason for making it.

Any payments made will be recorded on CFCT monitoring system, including a

summary of key learning and issues raised; value for money reasons for making the payment; the amount paid and what budget code it was charged to.

When compensation is not appropriate

There may be times when a complainant has specifically requested compensation, but it is not possible or appropriate for the council to pay it.

When considering financial remedies, it is important to note that the council receives and is responsible for public money and as such must make sure that all funds are used appropriately. Financial remedies must only be considered where another alternative is not available or appropriate.

Where recompensing for out-of-pocket expenses, we will require evidence of these.

Section 13: Unreasonable and unreasonably persistent complaints

The LGSCO's guidance states that:

> *"Unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their or other people's, complaints".*

This section of the corporate policy and procedure is designed to assist the council to deal with complainants, when nothing further can reasonably be done to rectify a real or perceived problem and should be implemented only in exceptional circumstances.

Whilst the council is committed to considering all complaints and learning lessons to improve services, it recognises that in doing this, it will on occasions come into contact with people who may be both angry and distressed, and who may have difficulties with communication, disabilities or illnesses which make their contact with the council at these times persistent, strained or even hostile.

It is important at these times to consider the reasons for this behaviour and to ensure that support is available to both the complainant and staff, to enable the complaint to be heard and dealt with in a fair and equitable manner.

Examples of unreasonable and unreasonably persistent behaviours

Some examples of unreasonable and unreasonably persistent behaviours are:

- Repeatedly making the same complaint with minor differences or insisting the differences make it a "new" complaint.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Changing aspects or the basis of the complaint or continues to add to the complaint, hindering the investigation.
- Regularly breaks appointments or will not allow appointments with staff which would progress the complaints process.
- Repeated contact with staff in different departments, using different routes, e.g. letters, faxes, phone calls, MP, councillor and media enquiries. This can include pursuing parallel complaints on the same issue with a variety of organisations.
- Contact is frequent, lengthy, complicated and stressful for staff and repeats the same themes. This includes making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff,

or detailed letters every few days, and expecting immediate responses or raising numerous, detailed but unimportant questions; insisting they are all answered.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Refusing to co-operate with the complaints investigation process or to accept that certain issues are not within the scope of the corporate complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the relevant procedure or with good practice.
- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Not allowing the complaint to progress to the next stage but continues to express dissatisfaction.
- Introducing trivial or irrelevant new information at a later stage.
- Being abusive, making inappropriate or personal comments or threats, or uses aggressive behaviour including shouting or swearing at staff.
- Denying or changing statements he or she made at an earlier stage or submitting falsified documents from themselves or others.
- Covertly recording meetings and conversations.

Dealing with unreasonable and unreasonably persistent behaviours

Where unreasonable or unreasonably persistent types of behaviour are present, CFCT will attempt to identify reasons for this and strategies to resolve any difficulties, by talking to the person and members of staff and may choose to hold a planning meeting or complete a risk assessment.

If appropriate and not already in place, the possibility of an advocate or other support will be considered to enable the person to express and pursue their complaint and understand what action is being taken.

Where appropriate CFCT will write to the person to explain:

- What behaviour they are using which is unreasonable or unreasonably persistent
- Advise the person of strategies to reduce the unreasonable or unreasonably persistent behaviour so that the complaint can be pursued. Examples may be:
- Requesting they provide clarification of the complaint and their desired outcomes.
- Reminding them that the council cannot enter discussions about outcomes which have already been reached, unless they allow this to be moved to the next stage.
- Requesting that they do not use inappropriate or abusive comments, shout

or swear at staff, make threats, or use aggressive behaviour.
- Agreeing times and frequency of contact.
- Who to contact including offering to work with an advocate or support person where appropriate.
- Stopping contact with the customer either in person, by phone, by fax, by letter or any combination of these, provided that one form of contact is maintained.
- temporarily suspend all contact with the complainant or investigation of a complaint whilst seeking legal advice or guidance.

If the unreasonable or unreasonably persistent behaviour continues, it may become necessary for the council to stop the investigation of the complaint and stop their contact with the person about it. This decision will be made in consultation with senior managers, where required, by CFCT who must be satisfied that:

- the rest of the corporate policy and procedure has been followed as far as is possible; and
- no material element of a complaint has been overlooked or inadequately addressed
- status as a former unreasonable or unreasonably persistent complainant does not prejudice the investigation of a new, valid complaint
- that previous attempts at resolving matters have failed
- that this approach does not present an unacceptable level of risk for the person or the council.

When this decision has been reached, CFCT will contact (where the risk assessment allows) the person to confirm this and will include any relevant points from the below list:

- An explanation of the reasons for this decision and where appropriate, when it will be reviewed.
- That further contacts about the complaint, will not be acknowledged or answered.
- how they can contact the teams providing services to them, to discuss any day-to-day issues which arise and how to request new services if this becomes necessary.
- Inform the customer that in certain circumstances the council reserves the right to pass unreasonable or unreasonably persistent complaints to its solicitors and/or the Police for advice or consideration of enforcement options where appropriate.
- Their right to contact the Ombudsman and that any new complaints will be investigated through the normal procedure.

CFCT will also communicate this decision and steps taken to relevant staff and managers.

A review of this decision must be held at least 12 months after the initial decision and depending on the circumstances, this may be extended.

Where threats or aggressive behaviour is likely to put staff at serious risk, contact will be withdrawn immediately without notification. CFCT will complete the appropriate report using the health and safety incident reporting portal and in conjunction with senior managers, will identify if contact can continue and how this should be done. In these cases, the option of contacting the Police and or taking legal action should always be considered.

Withdrawing ‘unreasonable or unreasonably persistent’ status

Having deemed a customer to be unreasonable or unreasonably persistent, this status may be withdrawn by CFCT, if for example, the customer demonstrates a more reasonable approach or if they later submit a further, new complaint for which the normal complaints procedure would appear to be appropriate.

CFCT will advise the customer of the withdrawal of the unreasonable or unreasonably persistent status.

Section 14: The Complaint, feedback and compliance team (CFCT) Monitoring system

The monitoring system is on the council's secure network and is used to register, monitor and record the 4Cs. It is a tool for CFCT to ensure consistency of approach in the 4Cs process throughout the organisation and ensure compliance with this corporate policy and procedure.

Section 15: Reporting information

CFCT are responsible for reports to the appropriate forum on a regular basis.

These will include to management teams and Committees.

Reports will include recommendations for service/ policy improvements if required, based on the analysis of data obtained from the monitoring system.

The following information should be included:

Quantity and Quality:

- Number of “4Cs” received
- Percentage of “4Cs” responses provided within timescales
- Number of complaints dealt with at each stage
- Percentage of complaints answered in time at each stage
- Number of Ombudsman complaints
- Number of Ombudsman decisions by type
- Type of “4Cs” by service
- Nature of concerns, compliments and comments received
- Nature of Complaints for example: delay/poor service/no service
- Learning

Annual reports will be published to let customers and Councillors know how the council is performing, what lessons we have learned and how 4Cs have been used to improve what we do, including the type of changes made because of 4Cs.

Section 16: Roles and responsibilities

CFCT will assess, investigate and respond to complaints at stage 1 and stage 2. A different member of CFCT will do those stage 1 complaints that lead to a stage 2 complaint.

CFCT are also responsible for:

- coordinating and registering 4Cs including MPs Enquiries
- determining, assessing and allocating stage
- providing the independent to service and impartial investigations into complaints at both stages
- Sampling the 4Cs responses for quality against agreed markers – ‘dip’ testing
- Co-coordinating, processing and responding to Ombudsman enquiries
- Acting to support the 4Cs process
- Providing training and support to colleagues
- Production of reports as necessary

Section 17: Training

Awareness training for all staff on the 4Cs and this policy and procedure, will be regularly provided. This will also be covered in the new employee induction training.

Section 18: Publicising the 4Cs

This is done in a number of ways including

- Publishing on the council's website
- Raising awareness of where it is available on the council website such as email signatures, correspondence, etc
- Attending resident and/or tenant engagement groups

Section 19: Accessibility

As a public authority, we are committed to ensuring that all customers can access our complaints process in a way that meets their individual needs. We recognise our duty under the Equality Act 2010 to make reasonable adjustments and to promote inclusive service delivery.

Our approach to accessibility includes:

- **Multiple Access Channels:** Complaints can be submitted in person, by phone, email, post, or via our website. We also accept complaints through advocates or representatives where appropriate.
- **Alternative Formats:** We can provide information and accept complaints in alternative formats such as large print, braille, audio, and easy-read documents. These can be requested at any stage of the process.
- **Language and Communication Support:** We offer translation and interpretation services, including British Sign Language (BSL), to support individuals whose first language is not English or who have communication needs.
- **Digital Accessibility:** Our website is designed to meet recognised accessibility standards (e.g., WCAG 2.1), ensuring compatibility with assistive technologies.
- **Physical Accessibility:** Our council office is equipped with accessible entrances, hearing loops, and other facilities to support disabled visitors. Home visits or alternative meeting arrangements can be made where needed.
- **Reasonable Adjustments:** We will make reasonable adjustments to our complaints process to ensure it is accessible to everyone. This may include extended timeframes, support with form completion, or alternative communication methods.

Feedback and Continuous Improvement

We welcome feedback on the accessibility of our complaints process and use it to inform ongoing improvements. If a complainant feels that accessibility has not been adequately considered, this will be treated as a separate issue and investigated accordingly.