



Wyre Council Corporate Complaints Procedure

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Introduction

Complaints play a vital role in helping the council maintain high standards of service, identify areas for improvement, and ensure transparency in how we work. This Complaints Policy sets out the process for raising concerns, the steps the council will take to investigate and respond, and the types of issues that fall within the scope of the procedure. By providing a clear and accessible route for submitting complaints, the council demonstrates its commitment to accountability, fairness, and continual improvement in the services it delivers.

What is a complaint

The Local Government Ombudsman define 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.”

Complaints are distinct from Service Requests which are a request from a customer to the council requiring action to be taken to fix a problem, improve a service or reconsider a decision.

A complaint is raised when a customer expresses dissatisfaction with the service they have already received or a response to their service request, even if the request remains ongoing. The council will not stop its efforts to address the service request even if a complaint is made.

The council will generally consider the first time an issue is raised to be a Service Request, unless dissatisfaction is expressed.

Complaints can be made in person, over the telephone, in writing, by email and digitally through forms on the council's website.

Wyre Council will consider its duties under the equality act to ensure access to the complaints procedure and anticipate the needs and reasonable adjustments of individuals making complaints.

What is covered by the Corporate Complaints Procedure

Complaints under the procedure must relate to a service the council is responsible for. Reasons for complaint may include:

- Delays in responding to your enquiries and requests
- Failure to provide a service
- Our standard of service provided
- Treatment by or attitude of a member of staff
- Our failure to follow proper procedures or the law
- An IT systems failure
- Feeling unfairly treated under a council policy

Your complaint may involve more than one council service or be about someone working on behalf of the council. Complaints should be made within 12 months of an issue arising unless exceptional circumstances apply.

Complaints will be accepted unless there is a valid reason for us not to do so. Valid reasons include:

- Complaints about issues which are more than 12 months old unless there are exceptional circumstances
- Day to day service requests or initial reporting of faults.

- Complaints made by our suppliers, partners, and other public authorities as these should be addressed to the relevant service manager or director.
- Disagreements with the Council's policies where the complaint is not based on an alleged failure to follow due process or a misapplication of that policy.
- Complaints or Appeals concerning a matter where an alternative appeal/review procedure exists, such as an appeal within the council or to an independent tribunal (e.g. the awarding of Housing Benefits).
- Matters that have previously been investigated and responded to under the complaints policy. and has exhausted the complaints process with no new information or evidence being provided.
- A matter which is, or could be reasonably be expected to be, the subject of court or tribunal proceedings (Please note that complaints can be raised up until the point legal proceedings have been filed).
- Complaints that are in the hands of the council's insurers where no other remedy beyond compensation can be found.

If the council decides not to accept a complaint, then a detailed explanation will be provided setting out the reasons why the matter is not suitable for the complaints process and the right of the complainant to take that decision to the Ombudsman.

How we deal with complaints

Stage 1

If it has not been possible to resolve your concerns through a service request or you are still unsatisfied with the response from the council your case will be logged as a Stage 1 Corporate Complaint.

Within three working days of the council receiving your complaint, you will be sent an acknowledgement. You will also be told the date you can expect the investigation into your complaint to be completed, which should be within 10 working days. If we are unable to meet this deadline you will be informed and the information of the relevant Ombudsman provided.

The relevant senior officer will investigate your complaint and provide a response. If you are not satisfied with this response you can request for your case to be escalated to a Stage 2 Corporate Complaint.

The council will normally only review complaints if the individual responds to the response/ decision letter within 28 days.

Stage 2

Once a case is escalated to Stage 2 you will be sent an acknowledgement within three working days, and we aim to send a full response to your complaint within 20 working days. If we are unable to meet this deadline you will be informed and the information of the relevant Ombudsman provided.

Stage 2 complaints are considered by a senior officer from another service area who has had no previous involvement in your complaint. This stage is to review the Stage 1 decision and ensure that the correct process has been followed. It is not automatically a reinvestigation of the Stage 1 complaint. This is the council's final response.

When the investigation has been completed, we will look to identify any learning points for sharing with managers to help reduce the number of complaints in the future.

Following completion of Stage 2, if you are still unhappy you may wish to contact the Local Government Ombudsman.

Local Government Ombudsman

If you are unhappy with the way your case has been dealt with, you can refer your complaint to the Local Government Ombudsman who may decide to investigate the matter further.

Please note that the Ombudsman is not a planning appeal body. It is not their role to decide on matters of planning balance or judgement. That is the council's role. If the Ombudsman considers that there was no fault in the process, they cannot question whether the council's decision was right or wrong.

The Local Government Ombudsman is an independent organisation who investigates the way your case has been handled, or the council's failure to do something but does not question a council's decision simply because you do not agree with it. It is a free service.

The Ombudsman expects you to have given us chance to deal with your complaint, before you contact them. If you have not heard from us within a reasonable time, it may decide to investigate your complaint anyway. This is usually up to 12 weeks.

Contact information:

The Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone: 0300 061 0614

Website: www.lgo.org.uk

Putting things right

Where investigations undertaken through the Corporate Complaints Procedure find evidence of wrongdoing or error in the council's actions or through the behaviour of its officers, we will acknowledge this and inform the complainant of what actions we will take to put things right.

This can Include:

- Apologising
- Acknowledging where things have gone wrong
- Providing an explanation, assistance or rationale
- 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, through compensation
- Reviewing policies, procedures or practices, making changes where required

Data Protection/Information Governance requests

Data Protection related complaints will be dealt with in consultation with the council's Information Governance Officer considering the council's statutory obligations and information security policies.

Keeping records

Records should be retained for all formal complaints on the council's complaint system 'Connect'.

Detailed information on individual complaints should be treated confidentially with access limited to those involved in resolving the matter.

Records on individual complaints should be stored on the council's complaint system 'Connect' for 6 years from the end of their administrative use.

Oversight and reporting

The LGO Complaint Handling Code says the Council 'should appoint a suitably senior person to oversee its complaint handling performance. This

person should assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.' (Paragraph 9.4 of the Complaint Handling Code)

This role is fulfilled by the Monitoring Officer at Wyre Council, who has oversight of the whole complaints system, including interactions with the Ombudsman. Updates will be provided on complaints to the Statutory Officers of the council on a regular basis.

An annual Complaints Performance and Service Improvement report will be produced on behalf of the Monitoring Officer for scrutiny and challenge. This will be co-ordinated by the council's Corporate Feedback Co-ordinator and the report will include:

- An annual self-assessment against the LGO Complaints Handling Code to ensure compliance.
- A qualitative and quantitative analysis of the organisation's complaint handling performance. This should also include a summary of the types of complaints the organisation has refused to accept.
- Any findings of non-compliance with the LGO Complaints Handling Code.
- The service improvements made as a result of the learning from complaints.
- The annual letter about the organisation's performance from the Ombudsman.
- Any other relevant reports or publications produced by the Ombudsman in relation to the work of the organisation.

This will be considered by Cabinet and Overview and Scrutiny Committee. In line with LGO guidance and an accessible version published on the council's website.

A Member Responsible for Complaints will be assigned in line the with LGO Complaints Handling Code. At Wyre this role will be fulfilled by the Resources Portfolio Holder who in addition to the annual report, will be provided with regular updates on the operation of the Corporate Complaints Procedure.

Complaints against Councillors

Complaints against councillors are not considered under the Corporate Complaints Procedure. These are instead considered through the Elected

Members' Code of Conduct by the Monitoring Officer. For more information, please visit the below link:

<https://www.wyre.gov.uk/complaints-compliments/complaints-councillor>

Vexatious, abusive or persistent complaints

The council aims to treat all complainants fairly and will, as far as possible, ensure that the substance of any complaint is addressed. However, the council also has a duty to effectively manage public funds by ensuring resources expended on handling complaints are proportionate.

In some cases, relations between councils and unreasonably persistent or vexatious complainants break down completely while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs, the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

Definitions

The Local Government Ombudsman uses the following definition to identify complainants that are unreasonable and unreasonably persistent:

“Unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority’s consideration of their or other people’s, complaints.

Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint.”

Some examples of unreasonable actions and behaviours include:

- Refusing to specify the grounds of a complaint, despite offers of assistance;
- Refusing to co-operate with the complaint investigation process;

- Refusing to accept that issues are not within the scope of the complaints procedure or the power of the council to investigate, change or influence;
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced;
- Changing the basis of the complaint as the investigation proceeds;
- Denying or changing statements he or she made at an earlier stage;
- Introducing trivial or irrelevant new information at a later stage;
- Raising numerous, detailed but unimportant questions - insisting they are all answered;
- Covertly recording meetings and conversations;
- Submitting falsified documents from themselves or others;
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with a variety of organisations;
- 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, expecting immediate responses;
- Submitting repeat complaints with minor additions/variations that the complainant insists make these 'new' complaints;
- Refusing to accept the decision – repeatedly arguing points with no new evidence;
- Harassing, intimidating or being verbally abusive by the use of foul, inappropriate, offensive or racist language.
- Use of AI which makes correspondence challenging and time consuming to process. For example, through the creation of fictitious details and/or the citing of erroneous regulations, policies or legislation.

How we deal with unreasonably persistent or vexatious complainants

The decision to treat complainants as unreasonably persistent and/or vexatious will be taken by a member of the Management team and in doing so they should be satisfied that:

- The complaint is being or has been investigated properly;
- Any decision reached on the complaint is the right one;
- Communications with the complainant have been adequate; and
- The complainant is not now providing any significant new information that might affect the organisation's view on the complaint.

Where it is necessary to designate the complainant as behaving unreasonably, some of the following steps may assist:

- Offering the complainant a meeting with an officer of appropriate seniority to explore scope for a resolution of the complaint and explain why their current behaviour is seen as unreasonable;
- Sharing the policy with the complainant and warning them that restrictive actions may need to be applied if their behaviour continues;
- Setting up a strategy meeting to agree a cross-departmental approach;
- Designating a key officer to co-ordinate the organisation's response;
- Helping the complainant to find a suitable independent advocate especially if the complainant has different needs.

The action taken should be proportionate to the nature and frequency of the complainant's current contacts, their behaviour and the circumstances. The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be brought to a conclusion briskly, without further distraction. Options include:

- Placing limits on the number and duration of contacts with staff per week or month;
- Offering a restricted time slot for necessary calls; Updated May 2014
- Limiting the complainant to one medium of contact (telephone, letter, email);
- Requiring the complainant to communicate only with one named member of staff;

- Requiring any personal contacts to take place in the presence of a witness and in a suitable location;
- Refusing to register and process further complaints about the same matter;
- Refusing access to any council building except by appointment;
- Reporting extreme behaviour that threatens the immediate safety and welfare of staff to the police.

Where a decision on the complaint has been made, the complainant will be informed that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information. The designated officer will read future correspondence.

Record keeping (Vexatious Complainant)

Where such action is taken, the designated officer will write to the complainant with a copy of the policy to explain why the decision has been taken, what it means for future contacts, how long any restrictions will last and what the complainant can do to have the decision reviewed. All correspondence will be held on the Council's Customer Relationship Management system (CRM) and some or all of this information may be obtained by the complainant via a Data Subject Access request or under the Freedom of Information entitlements.

When imposing a restriction on access, a review date should be specified and restrictions will be lifted and relationships returned to normal unless there are good grounds to extend the restrictions. The complainant should be informed of the outcome of the review and if restrictions are to continue, the reasons should be provided along with the next review date.

Dealing with new complaints from a persistent complainant

When complaints about new issues are made, these should be treated on their merits, and the Designated Officer will consider whether any restrictions previously applied are still appropriate and necessary.

Reviewing any restrictions on persistent complainants

Complainants have the right to challenge the decision on any restrictions to be applied under this policy and requests for review must be made

within 10 working days of the initial notification being sent. Such requests should be made to the Senior Solicitor, who will review the case to determine whether the decision to invoke the policy was correctly taken and/or whether any particular restrictions applied are justified. The Senior Solicitor will aim to complete the review within two months and on completing the review, will write to advise the complainant of the outcome and, if restrictions are to continue to be applied, the date that they will next be reviewed.