

Corporate Complain Policy

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Introduction

This policy sets out the process the Council will follow to respond to complaints effectively and fairly. The purpose of the policy is to enable us to resolve complaints raised by individuals promptly, and to use the data and learning from complaints to drive service improvements. It will also help us to create a positive complaint handling culture amongst officers and individuals. You can also use the policy to share positive feedback about a service you have received, share a suggestion or give general feedback.

The Policy sets out what you can expect when you make a complaint about the Council. We will seek feedback from people who make complaints about how their complaint was handled as part of the drive to encourage a positive complaint and learning culture.

The principles, process and timescales set out in this policy align with the Complaint Handling Code issued by the Local Government and Social Care Ombudsman, issued under section 23(12A) of the Local Government Act 1974. A copy of the Complaint Handling Code can be found [on the Ombudsman's website](#).

What complaints are covered by the Policy?

The Policy only applies to complaints where there is no statutory process in place. Some complaints about children's services, adult social care and public health are not covered by the expectations set out in this Policy. The Council has separate processes for handling complaints that fall within those areas, and we will tell you which process applies when we acknowledge your complaint.

The Policy does not apply to complaints about the behaviour of a councillor. Detail of how to raise a complaint about a councillor can be found [here](#).

It is important to us that your concerns are heard and understood. The starting point for this is a shared understanding of what constitutes a service request and what constitutes a complaint.

Service requests

Service requests are not complaints but may contain expressions of dissatisfaction. Our aim is to resolve matters before they become a complaint, and we welcome the opportunity to deal with a service request before a complaint is made. A service request is defined as:

“A request that the organisation provides or improves a service, fixes a problem or reconsiders a decision”.

We will record, monitor and regularly review our handling of service requests and aim to resolve these through our normal service delivery processes. If you are unhappy with our response to a service request, or if the issue persists after you have received a response, you can ask that the issue be considered as a complaint, even if the handling of the service request remains ongoing. Our efforts to address your service request will not stop if you raise the matter as a complaint.

You can use your 'My Council' account to request a service online or to track progress of existing requests. By signing up to your 'My Council' account, you can also request to subscribe to the Council's monthly newsletter, keeping you up to date with the latest Council developments. [Click here to log in or create a My Council account.](#)

You can request some services without creating an account including:

- [Reporting a missed bin or recycling collection](#)
- [Report a problem with a road, path or street light](#)
- [Apply for or renew an older person's bus pass](#)
- [Contact us about Council Tax](#)
- [Pest control](#)
- [Comment on a planning application or raise a planning enforcement matter](#)

The below does require you to have a My Council account:

- [Applying for a Blue Badge parking permits or appealing a decision](#)

If you can't find what you need on our website, details of how to contact Customer Services can be found [here](#).

What is a complaint?

We 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 officers, or those acting on its behalf, affecting an individual or group of individuals.’

We will ask you the following questions to help us resolve your complaint:

- **What has gone wrong?** (it is useful for you to provide dates and times where relevant to assist with an investigation).
- **What impact has it had on you?**
- **What would you like us to do to put it right?** (This will help us to understand what you would like to happen as a result of submitting your complaint. We will try to meet desired outcomes however it is not always possible to do so. Should this be the case, an explanation will be provided).

We will also need your name and contact details. If you are submitting a complaint on behalf of someone else, we will need their consent for you to act on their behalf, or proof that you have authority to act for them (such as Power of Attorney).

What is excluded from the complaints process?

There are circumstances when there is a valid reason for not accepting a complaint. Each complaint will be considered on its own merit. Examples of complaints that may not be accepted include:

- **Comments and compliment.** It is helpful to know when we are doing something well and we value your feedback in this respect. To continue to improve our services we welcome compliments, comments and suggestions. We will pass all comments, compliments and feedback to the service and relevant officers.
- **Complaints about a Council policy.** Such comments will be forwarded to the relevant service for consideration. If, however, you feel that you do not have equal access to a Council service, or you have been treated unfairly under a policy, your complaint will be considered under this procedure.
- **Anonymous complaints** (i.e. where you do not provide their name or contact details) will be investigated, however it will not be possible to provide a response. If, however, an anonymous complaint does not provide enough information to enable the Council to investigate or to take further action, the Council will not investigate. Anonymous noise complaints cannot be investigated.
- **Complaints about schools.** All schools have their own complaint procedures and in the first instance complaints should be directed to the schools. However, if you feel your complaint

would not be appropriate to be forwarded to a school, the Council may consider whether it is appropriate under this policy.

- **Complaints about Elected Members/Councillors.** These are reviewed under the Council's Code of Conduct for Members.
- **Insurance Claims.** Complaints involving personal injury and/or loss or damage to property will be dealt with separately by the Council's Insurance Team and not under this policy.
- **Employee Conduct or Behaviour.** Complaints about members or officers behaviour either in isolation or as a wider complaint can be submitted by emailing: foiandcomplaints@stockton.gov.uk. These will always be investigated however depending on the nature of the complaint about the member of officers, it may not be possible to share with you the full details of the investigation and outcome. The Council will decide whether individual action against an employee is required following investigation of a complaint, the details of any action taken is the personal data of the employee and is not shared with you.
- **Complaints about being required to pay full council tax.** Residents can put in an application for a council tax reduction. If the person is not satisfied with the Council's decision on their application, they can ask the Council to review its decision. If the Council refuses to change its decision, they can appeal to the Valuation Tribunal. This is the process set out in law for a person to challenge a Council's decision on their entitlement to a council tax reduction and we generally expect it to be used. We also cannot investigate the terms of our council tax reduction scheme because such policies form part of the Council's annual council tax.
- **Where there is an existing appeals process.** The Council will not deal with complaints where there are existing appeals processes. You will be advised of the relevant appeals process and given details of how to make an appeal. An example of this may be the school admissions panel who deal with matters of dissatisfaction regarding decisions on school placements.
- **Where matters are subject to legal proceedings.** If legal action is being taken either by yourself or by the Council, the Council may not deal with your complaint if it is considered that to do so would prejudice the conduct of those proceedings. There may also be circumstances where a complaint may need to be put on hold until after the legal proceedings have taken place. In either case, you will be informed of the Council's decision.
- **Complaints regarding Data Protection or misuse of personal information.** Complaints regarding Data Protection will be dealt with under the Council's Data Breach procedure. For example, if you think the Council has not handled personal information appropriately.
- **Complaints regarding personnel matters.** Complaints from members of officers regarding matters concerning the workplace will not be dealt with under this policy. Complaints should be reported to a line manager or Human Resources directly. Council officers can confidentially report any concerns about aspects such as fraud or corruption to bullying and harassment in the workplace via the Council's Confidential Reporting Policy.

Under what circumstances might your complaint not be considered or escalated?

We will always provide the reason why a complaint will not be accepted or progressed further after an initial response has been issued. This could be because there is another process that should be followed such as an appeal or because the complaint is late. We will not usually investigate any complaint made more than 12 months after the date of the event /matter that instigated the complaint, or the date that you became aware of it. Time delays can mean that a thorough investigation is no longer possible. Consideration will be given to complaints where there are special circumstances leading to delayed reporting.

Accessibility, Awareness and Advocacy

We want to make it easy for people to raise complaints by providing different channels through which they can do so. This ensures we comply with our duties under the Equality Act 2010. We will make reasonable adjustments for those who may need to access the complaints process. We will keep a record of the adjustments agreed and will keep these under active review.

You can raise a complaint in any way, with any officer. All our officers are aware of the complaints process and can pass details of your complaint to the appropriate person.

Our complaints policy is published on our website and is available in accessible formats. If you require the policy in another format than the one that is available to you, please let us know.

If you want to share your views with the council about a service we provide, but need some support to do this, you can ask someone to act as your 'advocate'. An advocate is someone who can support you to express your views and wishes and can help you to raise a concern or make a complaint. They can contact the council on your behalf if you agree to them doing so. The council will only discuss your concerns with an advocate after you have given your consent for us to do so.

An advocates' role is to listen to your views and concerns and help you to explore your options. They can provide information to help you make an informed decision, accompany you to meetings and contact us on your behalf. An advocate should not give their personal opinion, try to make decisions for you or make judgements about you.

Professional advocacy services can be accessed through some organisations and charities. Friends, family and carers can also act as an advocate.

Below are the details of some advocacy services that are available:

- if you have a mental health need and require support, information is available on our [support for people with mental health needs page](#)
- the [Citizens Advice Bureau](#) can also provide advice and guidance in making a complaint
- if you are a child or young person the [National Youth Advocacy Service](#) can provide individual advocacy and arrange of information, advice and support to ensure your voice is heard when decisions are being made about you

Who will deal with your complaint?

The Council's Information Governance Team is responsible for coordinating the complaint process, including liaison with our regulator the Local Government and Social Care Ombudsman (LGSCO) and reporting to the Council's corporate management team. We will share your complaint with a manager responsible for the issue you are raising, as they have access to officers at all levels to facilitate the prompt and fair resolution of your complaint. Complaint handling is a core service and those responding to complaints will receive training to ensure they prioritise complaint handling and promote a culture of learning and improving services from them.

What to expect when you raise a complaint

Early resolution is key to effective complaint handling. Anyone who expresses dissatisfaction with a service provided to them will be given the opportunity to make a complaint. We recognise that you may be reluctant to make a complaint for fear that it may impact on service you receive in the future. Please be assured that complaining will not impact on the services delivered to you.

The person responding to your complaint will:

- clarify with you any aspects of the complaint they are unclear about.
- deal with your complaint on its merits, act independently, and have an open mind.
- give you a fair chance to set out your position.
- take measures to address any actual or perceived conflict of interest; and
- consider all relevant information and evidence carefully.

If our response to your complaint is likely to fall outside the timescale set in this Policy, we will write to you to advise when the response will be provided and give the reasons for any delay.

Efforts to remedy a complaint will continue throughout the complaints process without the need for escalation to stage 2 or to the Ombudsman.

We will only share your complaint with the people that need to know about it for us to respond.

What information will we hold about your complaint?

We will keep a full record of your complaint and the outcomes at each stage. This will include the original complaint and date received, all correspondence with you and other parties about your complaint, and any relevant supporting documents such as reports. This will be retained in line with our data retention schedule in line with our obligations under the Data Protection Act 2018.

Expectations of complainant's behaviour

The council appreciates that complaints are sensitive in nature and that you will feel passionate about their concerns and will want to share this with the council. Our officers should always treat you with respect as an individual, listen to your concerns and provide you with the information as necessary.

We expect you to also always behave in a respectful manner through the process. This involves not using unacceptable language, derogatory terms, being personal in nature or threatening, either verbally or in correspondence to the council. If you decide not to behave in a respectful manner, the council will take appropriate action to support and protect its staff. The council has considered the guidance and good practice advice provided by the Local Government and Social Care Ombudsman in dealing with these matters and this is outlined below.

Persistent complainants

The council recognises that having complaints investigated will be important to you and it is committed to resolving complaints where possible. There may be occasions where contact from you becomes so frequent and persistent that it hinders the council's ability to consider the complaint and other individuals' complaints appropriately.

Examples of persistent behaviour include:

- Contacting a number of council officers/one council officer about the same issues and not allowing each officer time to look into concerns and to respond before sending the next piece of correspondence/making contact.
- Contacting a number of council officers/one council officer about the same issue or asking the same questions even though a response to the questions has been given.
- Pursuing a complaint which has completed the council's complaints procedure and/or the Local Government and Social Care Ombudsman's process, where a final decision has been issued.
- Sending a considerable amount of correspondence to the council asking for updates on complaints when the expected response date has not yet passed.

In these circumstances the council will contact the complainant, usually in writing, to inform and advise that their behaviour is not conducive to council business and will explain the reasons for this. The complainant will be asked to reconsider their contact in future. If the persistence continues, a Senior Officer or Manager will decide whether the circumstances justify a restriction of contact. The individual will be informed of the reason for the decision and for how long the restriction will apply before reconsideration is given. Information relating to how the individual can appeal a decision will also be provided.

Examples of restrictions which may be considered include:

- Restricting contact to one point of contact.
- Restricting how contact can be made.

- Limiting the contact to one form only and for a certain number of times (e.g. one letter per week)
- Restricting telephone calls to specified days or times, or to voice messages only.

The action above will be taken to support officers to consider the complaint and undertake their investigation. In all cases, appropriate records will be kept outlining the reasons for the action which has been taken and a date for when the action should be reviewed.

Unreasonable behaviour and unacceptable language

The council will not tolerate any behaviour which is considered unacceptable, offensive, abusive, threatening or deceitful. The council has a duty of care to its staff and as such will take any necessary action to protect council officers.

You will be informed if your behaviour, actions or language is deemed to be unacceptable and provided with an opportunity to reconsider your actions. Should such behaviour continue after this warning then the council will not correspond with the complainant any further about the complaint or decide not to discuss the complaint further on the phone (i.e. terminating the call).

Officers will also consider if the unacceptable actions are appropriate for the individual to be considered for inclusion on the Employee Protection Register (EPR). The EPR is a register which informs officers of potentially harmful situations by providing effective information. Where appropriate to do so, individuals will be informed if they have been added to this register.

In cases where it is felt that the behaviour is extreme or threatens the immediate safety and welfare of staff, the council will consider options such as reporting to the Police or taking legal action. In such cases, the council may not give any prior warning.

Where any restrictions are put in place we will ensure we can evidence the reasons for this and will keep any such restrictions under regular review. Any restrictions placed on a complainant's contact due to unacceptable behaviour will be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

Complaints Stages

Stage 1

Complaints will be responded to as early as possible, taking account of factors such as the complexity of the complaint and whether the individual is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided.

We will acknowledge, and log complaints at stage 1 of the complaint procedure within five working days of the complaint being received.

We will provide a full response to stage 1 complaints within 10 working days of the complaint being acknowledged.

If an extension is needed due to the complexity of the complaint we will inform you of the expected timescale for response. Any extension will be no more than 10 working days without good reason, and the reason(s) will be clearly explained. When an extension is applied, we will provide you with details of the Ombudsman.

A complaint response will be issued when the matter has been investigated, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with appropriate updates provided.

Complaint responses will address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. We will be clear which aspects of the complaint the Council is and is not responsible for and clarify any areas where this is not clear.

The complaint response will provide details of how to escalate the matter to stage 2 if you are not satisfied with the response.

Should you raise additional complaints during stage 1, these will be incorporated into the stage 1 response if they are related, and the stage 1 response has not been provided. Where the stage 1 response has been provided, the new issues are unrelated to the issues already being considered, or it would unreasonably delay the response, the new issues will be recorded as a new complaint. Depending on when additional complaints are raised, an extension to timescale may be required. We will notify you if this is the case and provided a revised date for response.

Stage 2

If all or part of the complaint is not resolved to your satisfaction at stage 1, you have the right to request that the complaint is progressed to stage 2. Stage 2 is the Council's final response.

We will acknowledge and log requests for stage 2 within five working days of the escalation request being received. Within the acknowledgement, we will set out our understanding of any outstanding issues and the outcomes you are seeking. If any aspect of the complaint is unclear, we will ask you for clarification.

Although you are not required to explain your reasons for requesting a stage 2, this will help us to understand why we have been unable to resolve matters and what outcome you are looking for. It is useful if you share this with us when you request that the complaint is escalated.

The person considering the complaint at stage 2 will not be the same person that considered the complaint at stage 1.

We will issue our final response to the stage 2 complaint within 20 working days of the complaint being acknowledged.

If an extension to the timescale is needed due to the complexity of the complaint we will inform you of the expected timescale for response. Any extension will be no more than 20 working days without good reason, and the reason(s) will be clearly explained to you. When an extension is applied, we will provide you with details for the Ombudsman.

The Stage 2 response will confirm the following in clear, plain language:

- the complaint stage.
- the Council's understanding of the complaint.
- the decision on the complaint.
- the reasons for any decisions made.
- the details of any remedy offered to put things right.
- details of any outstanding actions; and
- details of how to escalate the matter to the Ombudsman if you remain dissatisfied.

Stage 2 will be the Council's final response and will involve all suitable officers members needed to issue such a response.

Complaints about a service delivered on behalf of the Council

Where a complaint relates to a third party (e.g. a contractor) Stage 1 will be undertaken by the third party, and Stage 2 will be undertaken by the Council. Any third party providing a service on behalf of the Council will be expected to handle complaints in line with this Policy.

Complaints about the actions of the Council while undertaking its enforcement responsibilities will be addressed under this policy and directed to the LGSCO once a final response has been issued. Complaints about a contracted enforcement firm and agents, will also be addressed within this policy but will be directed to the Enforcement Conduct Board (ECB) once a final response has been issued. The LGSCO and the ECB have a memorandum of understanding detailing how they will work together on such complaints. This can be found [here](#).

Putting Things Right

When a complaint investigation has found that something has gone wrong, we will acknowledge this and set out the actions we have already taken or intend to take to put things right. These can 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 tell you what will happen and by when and we will follow any actions agreed through to completion. If for any reason we cannot deliver an action we have agreed, we will tell you the reason for this, provide details of any alternative actions and remind you of your right to complain to the Ombudsman.

Performance reporting and self-assessment

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

- an annual self-assessment against the Ombudsman's complaint handling code.
- a qualitative and quantitative analysis of our complaint handling performance, including a summary of the types of complaints we have refused to accept.
- any findings of non-compliance with the complaint handling code.
- service improvements made as a result of the learning from complaints;
- the annual letter about our performance from the Ombudsman; and
- any other relevant reports or publications produced by the Ombudsman in relation to the work of the Council.

The annual complaints performance and service improvement report will be reported through our governance arrangements and published on the section of our website relating to complaints. The response to the report from the relevant governance arrangement will be published alongside this.

We will also carry out a self-assessment following a significant restructure, merger and/or change in procedures.

Scrutiny and oversight: continuous learning and improvement

We will look beyond the circumstances of an individual complaint and consider whether service improvements can be made as a result of any learning from complaints.

We will promote a positive complaint handling culture and use complaints as a source of intelligence to identify issues and introduce positive change in service delivery. We will report wider learning and service improvements from complaints to stakeholders, such as citizen's panels, officers (through our annual complaints forum) and the relevant Council committee.

We will appoint a Complaints Manager to oversee our complaints handling performance. They will assess themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

Councillor Paul Rowling will have lead responsibility for complaints in governance arrangements, promoting a positive complaint handling culture. The Complaints Manager will provide them with regular information on complaints that provides an insight into the Council's complaint handling performance. They will have access to suitable information and officers to perform this role and report on their findings.

About the Ombudsman

The Local Government and Social Care Ombudsman looks at individual complaints about councils and some other organisations providing local public services. It also investigates complaints about all adult social care providers (including care homes and home care agencies) for people who self-fund their care. There are some [limits on what the Ombudsman can look at](#). For example, the Ombudsman may not consider your complaint if they believe you have not been significantly personally affected by the issue you are raising, or if you have a right of appeal to a court or tribunal. The contact details for the Ombudsman are:

Website: www.lgo.org.uk

Telephone: 0300 061 0614

You can also download a version of this wording in Easy Read (pictures and words) format.

How to submit a complaint

You can submit positive feedback, a comment (such as a suggestion or general feedback) or make a complaint by completing our online form.

[Submit a customer feedback or complaints form](#)

Alternatively, you can email foiandcomplaints@stockton.gov.uk or telephone on 01642 527521 between 9am to 4pm, Monday to Friday. You can write to us at:

Information Governance Team,
Stockton-on-Tees Borough Council,
Dunedin House,
Columbia Drive,
Thornaby,
Stockton-on-Tees,
TS17 6BJ.

We are unable to address complaints through social media and encourage complaints to be raised with our officers or by using the contacts detailed above.