

Complaints Policy

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Policy overview

Our mission at the West Yorkshire Combined Authority is simple. We are committed to ensuring we have the right people with the right skills in the right place, making the right choice to efficiently and effectively deliver inclusive growth.

Our vision is simple, to create a one organisation culture which embeds our values and behaviours in everything we do and to be world class in what we do, and how we treat our employees.

Policy scope and objectives

This policy applies to all Combined Authority employees. It outlines a framework for dealing with complaints. It explains our processes and the role of the Local Government and Social Care Ombudsman.

1. Aims of the Complaints Policy

Our corporate complaints policy aims to ensure that customers:

- know where and how to complain and have easy access to our complaints system;
- receive an acknowledgement and information on the progress of their complaint; and
- receive an appropriate response with prompt and adequate action when we have failed to provide a satisfactory service.

We are committed to treating all customers fairly and we take equality and diversity into account in a positive way. We will, therefore, ensure that individual needs are taken into account when applying this policy and that any reasonable adjustments are made as required.

We do not require you to contact us in writing. All customer feedback will be treated equally whether it is by telephone, letter, fax, face to face, email, social media or any other communication.

You can email us at: complaints@westyorks-ca.gov.uk

You can write to us at: Customer Services, West Yorkshire Combined Authority, Wellington House, 40 -50 Wellington Street, Leeds LS1 2DE Telephone: 0113 348 1558

2. Our Definition of a Complaint

A complaint is an expression of dissatisfaction about the standard of service the Combined Authority provides. Our staff are able to resolve most issues of dissatisfaction as part of their job, without the need for you to make a complaint. However, there may be cases that require further investigation and the involvement of other officers to find out what went wrong. We will deal with these as complaints.

3. What we Cannot Deal With Under This Policy

Not all complaints to us will be dealt with under this policy. Please see below for guidance on what we cannot deal with under this policy.

- **Appeals procedures**

If there is an appeals procedure which applies to your complaint, we will refer you to that procedure.

- **Existing right of objection**

This is where there is a more appropriate individual or organisation to deal with your complaint such as a tribunal, Ombudsman or court.

- **Complaints about issues that occurred over 12 months ago**

We would not normally investigate complaints about something that happened more than a year ago, unless there are exceptional circumstances.

4. What we Cannot Deal With Under This Policy

There are also some complaints that will not be dealt with under this policy as set out below:

- **Whistleblowing Policy**

The CA is committed to encouraging all individuals, including non-CA employees, to be open in raising any concerns with us. Concerns relating to the following matters will be dealt with under the CA's Whistleblowing Policy:

- a criminal offence
- a failure to comply with any legal obligation
- a miscarriage of justice
- endangering the health and safety of anyone
- possible fraud, bribery or corruption
- unethical conduct
- damage to the environment
- information relating to any of the above has been or is likely to be deliberately concealed.

- **Where legal proceedings are involved**

When a legal challenge is being made regarding whether a decision, action (or lack of action) is lawful. This is a separate process to the Ombudsman.

- **Employment Issues**

Complaints made by our members of staff about personnel matters are dealt with through our grievance procedure. Complaints made by job applicants who wish to complain about our recruitment and selection process, will be dealt with by the relevant recruiting manager.

- **Procurement Issues**

Complaints from contractors or potential contractors relating to the award of contracts are dealt with under the procurement process.

- **Complaints about the following:**

- a. A bus stop or shelter

- b. A bus station
- c. A train station
- d. Passenger information
- e. Mcards/concessionary fares
- f. AccessBus or school bus specific services

If your complaint relates to any of the matters listed a to f above, it will be dealt with under a separate process: <https://www.wymetro.com/contact-us/>

• **Complaints about Freedom of Information (FOI) or Environmental Information Regulations requests**

These will be dealt with under the internal review process set out in our Freedom of Information/Environmental Information Regulations policy.

This list is a guide and is not exhaustive.

5. Confidentiality

The Combined Authority respects the privacy of information supplied through the complaints process and we use it to improve our services and resolve complaints. If a formal complaint is made against a member of staff they will be given the opportunity to comment. The Combined Authority provides some services in partnership with other organisations and it may be necessary to share information with our partners to resolve the complaint. Anonymous complaints will be considered under this policy. However, in some circumstances it may not be possible to investigate an anonymous complaint.

6. How we Implement the Policy

The Combined Authority has a two stage policy. Upon receipt of the complaint, our service will look at the issues contained within the complaint. We will look at whether we feel there is the need for a full investigation or if we could resolve the issue for you quickly. If we think we can do so, we may contact you to discuss this with you with the hope of resolving your complaint. If we cannot, your complaint will be dealt with in the following way:-

6.1 Stage 1

Stage 1 of a complaint is the first formal stage and we will acknowledge receipt of your complaint within 3 working days. Our acknowledgement can be made verbally or in writing and will include:

Contact details for who will be dealing with your complaint.

A date or timeframe by which you can expect to receive a response.

Our policy is to respond in full to you within 15 working days of receipt of your complaint, wherever operationally possible. If we cannot respond in full within 15 working days, we will provide you with regular updates at least every 2 weeks.

These will detail the reason for the delay and when you can expect to receive a response.

Should it be required, the investigating officer may contact you for further information to assist with their investigation. Our response can be provided by letter, email, face to face or by telephone. Where a response is given by telephone or in person, we will offer to provide written confirmation of our discussion.

As part of our stage 1 response, we will also advise you how you can take your complaint further, should you wish to do so.

6.2 Stage 2

If you remain dissatisfied following our investigation at stage 1, you can ask for your complaint to be looked at again by a more senior officer.

You will normally have 28 days from the date we responded to your initial complaint to take your complaint to stage 2, unless there are exceptional circumstances.

At this stage we will ask you to provide details in writing to aid the new investigation and let us know why you are still dissatisfied.

At stage 2 we will appoint a senior officer to review your complaint. In exceptional circumstances, the investigating officer may be from another service if we feel an independent review is required. The complaint will be acknowledged in the same way as at stage 1.

At stage 2 we will look at how we dealt with your original complaint and we will also respond to any further related issues that you have raised with us. Our policy is to respond in full to you within 15 working days of receipt of your complaint, wherever possible. If we cannot respond in full within 15 working days, we will provide you with regular updates at least every 2 weeks. These will detail the reason for the delay and when you can expect to receive a response.

6.2 Next Steps / The Local Government and Social Care Ombudsman

There is no further right of appeal to the Combined Authority following completion of an investigation at stage 2 of this policy.

In the event that you are still not satisfied that we have resolved your complaint after proceeding through the complaints procedure, you can complain to the Local Government and Social Care Ombudsman ("LGO"). The LGO is an independent national service that investigates complaints of injustice arising from maladministration by the Combined Authority. You can complain to the LGO at any time, but they will usually refer a complaint back to the Combined Authority if it has not been through all stages of the complaints procedure. The LGO can be contacted at:

Local Government and Social Care Ombudsman
PO Box 4771,
Coventry

CV4 0EH.

<http://www.lgo.org.uk>

Telephone: 0300 061 0614

7. Dealing With Persistent or Vexatious Complainants

There are a small number of customers who may be deemed by us to be a 'persistent or vexatious complainant' due to the behaviours they demonstrate in pursuing the resolution of their complaint.

As an example, a 'persistent or vexatious complainant':

- Displays behaviours/actions which are disproportionate, harassing and repetitious.
- Seeks unrealistic outcomes relative to the issue being raised and who state that their intention is to persist until that outcome is achieved.
- Repeatedly makes the same complaint with minor differences but who do not accept the outcome of any investigation into their complaints.

The inclusion of this section within the policy is to ensure that those customers who we deem to be 'persistent or vexatious complainants' are still dealt with fairly, honestly and properly, whilst also ensuring that other service users or Combined Authority staff are not adversely affected.

It is not possible to devise a single strategy to deal with 'persistent or vexatious complainants', as each case must be looked at on its own merits.

Before deciding whether it is appropriate for us to apply any restrictions in the way a 'persistent or vexatious complainant' can contact the Combined Authority, we must inform the complainant in writing or at a face to face meeting why we feel their behaviours or actions are unacceptable. We must also give them the opportunity to change their behaviours within a reasonable timescale before taking any further action.

Where this does not happen, we can apply restrictions in the way a customer accesses the Combined Authority's services and this must be confirmed in writing. We must also review our decision at least every six months, and this must also be confirmed in writing.

There is no right of appeal to the CA regarding the implementation of this section of the policy. We would, however, direct the customer to the Local Government and Social Care Ombudsman should they not agree with these restrictions.

When a customer is being dealt with under this section of the policy, information concerning the restrictions will be shared with relevant officers to ensure that they are still dealt with fairly, honestly and properly whilst also ensuring that other service users or Combined Authority staff are not adversely affected. Information about the restrictions will also be registered on the customers' record whilst ever the restrictions are in force.

8. Policy Approval

This policy has been produced by the HR Team in consultation with our recognised Trade Unions, UNISON and Unite and authorised by the Leadership Team.

This policy will be reviewed on an annual basis, to ensure that it continues to meet the needs of the Combined Authority and ensure compliance with relevant legislation. Where appropriate, this policy will be updated, in consultation with our recognised trade unions and other relevant parties.

9. Equality impact assessment (EIA)

In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

10. General data protection regulations (GDPR)

This policy has been considered in line with the latest GDPR principles and all paperwork kept in strict accordance of timelines, the right to rectify errors, the right for information to be forgotten (after the designated timelines) and the right to privacy throughout the process.

Personal data provided to the Combined Authority as part of the complaints process is processed under our statutory obligation to respond to complaints. The data is not processed for any other purpose or shared with any third parties other than where this is necessary for the handling of the complaint (e.g. transport operators). The data will be retained for a period of 2 years following the resolution of the complaint and then securely destroyed. Our full privacy notice can be viewed on our website at <https://www.westyorks-ca.gov.uk/privacy-policy/>

POLICY APPROVAL
<p>Authorised on behalf of the West Yorkshire Combined Authority by:</p> <p>Name:</p> <p>Signature:</p>
<p>Authorised on behalf of UNISON and Unite by:</p> <p>Name: _____</p> <p>Signature:</p>
<p>This policy is issued and managed by the Customer Services Department</p>

