



## **COMPLAINTS POLICY**

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## 1. Introduction

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West Yorkshire Combined Authority (“CA”) is committed to providing high quality services for all members of the public, businesses and organisations.

We welcome our customers’ views and will use them to improve our services.

The CA is the accountable body for the Leeds City Region Enterprise Partnership which is also covered by this policy.

The purpose of this policy is to provide a framework for dealing with complaints. It explains our processes and the role of the Local Government and Social Care Ombudsman.

### 1.1. Aims of the Complaints Policy

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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](mailto:complaints@westyorks-ca.gov.uk)

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

### 1.2. The CA’S definition of a complaint

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A complaint is an expression of dissatisfaction about the standard of service the CA 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.

### **1.3. What we cannot deal with under this policy**

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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.

### **1.4. Other complaints procedures**

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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/contactmetro/complaint/>

- **Complaints about Freedom of Information (FOI) requests**  
Under the Freedom of Information (FOI) Act 2000 and the relevant code of practice, we must have a procedure and set internal timescales to deal with the following:
  - complaints about how we handled your information request or why we decided not to provide information to you,
  - if you feel that we have failed to comply with our publication scheme.

These complaints will be handled by a senior officer under the same process as a formal stage 2 complaint. In cases where we decide not to provide the information, the officer must consider advice from the Legal Services. The CA's Information Officer will notify you of the outcome of our investigations within 20 working days of receipt of your complaint.

If we cannot respond in full within this timeframe, we will advise you why we need more time. Under this legislation, we must ensure that we respond fully to you within 40 working days from receipt of your complaint.

There is no further right of appeal to the CA following this investigation. Within our response we will inform you of your right to take your complaint further if you remain dissatisfied. Our response will contain the contact details for the Information Commissioner, <http://www.ico.gov.uk> You have a further right of appeal to the Information Tribunal.

- **Complaints about Environmental Information Regulations (EIR) requests**  
Under the Environmental Information Regulations (EIR) 2004 you can ask us to reconsider an information request. You can make representations to us in writing about this no later than 40 working days after the date you think we have failed with the EIR.

These complaints will be handled by a senior officer under the same process as a formal stage 2 complaint. We have to consider your representations and any supporting evidence produced by you, and decide if we have complied with the EIR requirements. The officer must consider advice from Legal Services. The officer will notify you of the outcome of our investigation as soon as possible, and no later than 40 working days after receipt of your complaint.

There is no further right of appeal to the CA following this investigation. Within our response we will inform you of your right to take your complaint further if you remain dissatisfied. Our response will contain the contact details for the Information Commissioner, <http://www.ico.gov.uk> You have a further right of appeal to an Information Tribunal.

- **Complaints about Data Protection requests**

Complaints about how the CA has processed personal data, or sensitive personal data under the Data Protection Act 1998, for example, complaints about information sharing, disclosure, retention, or information security, will be handled by a senior officer, in consultation with Legal Services, under the same process as a formal stage 2 complaint. You will be notified of the outcome of our investigation within 15 working days of receipt of your complaint, wherever possible.

There is no further right of appeal to the CA following this investigation. Under the Data Protection Act, an individual is entitled to request an assessment from the Information Commissioner's Office ("ICO") as to whether the CA has complied with the requirements of the Act. The details as to how to appeal are set out on the ICO's website. However, the CA is committed to trying to resolve all complaints at an early stage and encourages individuals to raise any concerns with the CA before contacting the ICO.

This list is a guide and is not exhaustive.

## **1.5. Confidentiality**

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The CA 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 CA 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.

## **2. How We Implement The Policy**

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The CA 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:-

## **2.1. Stage 1**

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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.

## **2.2. Stage 2**

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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.

### 2.3. Next steps

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

## 3. The Local Government and Social Care Ombudsman

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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 CA. You can complain to the LGO at any time, but they will usually refer a complaint back to the CA 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

## 4. Dealing With Persistent Or Vexatious Complainants

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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 CA 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 CA, 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 CA'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 CA staff are not adversely affected. Information about the restrictions will also be registered on the customers' record whilst ever the restrictions are in force.