



Corporate Complaints, Comments and Compliments Policy

Amended July 2021

Hartlepool Borough Council – Corporate Complaints, Comments & Compliments Procedure

1. Background & Context

- 1.1 Hartlepool Borough Council aims to provide high quality services that meet the needs of local people. We want to make our services as efficient and effective as possible. To do this we need to know whether we are getting it right and how we can improve services.
- If a person is not satisfied with a service, we want them to tell us why not and what we can do to improve things;
 - If we are doing things really well, we'd like to hear about that too;
 - And we are interested in hearing any suggestions people have for making Hartlepool Borough Council services even better.
- 1.2 In response we promise to listen carefully to what people have to say and respond promptly to their comments and complaints. Any information that is provided will be treated confidentially. We aim to deal with any complaints impartially, objectively and professionally. Making a complaint will not affect the treatment or services that individuals or their family receive.
- 1.3 Hartlepool Borough Council has agreed the following definition for what constitutes a compliment, a comments and a complaint:

The definition of a compliment is:

An expression of thanks or appreciation with an individual or team for a job well done. The standard of service provided would, however much appreciated, be an expected part of the individual or teams normal duties and responsibilities

The definition of a comment is:

A remark, however made, about the standard of service, action taken or lack of action by the Council, its staff, or contractors or agents providing service on behalf of the Council affecting an individual customer or group of customers

The definition of a complaint is:

A complaint is an expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Council, its staff, or contractors or agents providing services on behalf of the Council that requires a response.

- 1.4 This does not include complaints about a third person i.e. a complaint received about a noisy neighbour or where a customer is reporting a situation that requires attention e.g. a street light not working. These are requests for service and only become complaints if the customer is dissatisfied with our response to the request for service.

- 1.5 Complaints should be made using our online form where possible, either search for Complaints on the Hartlepool Council Website or use the link provided below:

https://www.hartlepool.gov.uk/forms/form/173/comments_compliments_and_complaints

- 1.6 A common complaints and comments leaflet and form will be made available to members of the public which is equally applicable in all circumstances covered by this policy and for all departments. This is intended as a mechanism for getting complaints and comments into the system easily and, therefore complements rather than replaces other departmental paperwork. The leaflet and forms will be available, on request, in alternative formats, e.g. community languages, Braille, large print etc. Copies can be obtained from the Corporate Complaints Officer or from Council buildings accessible to the public.

2. Complaints outside of this Policy

- 2.1 There are a number of areas that this Policy does not cover and these are set out in Appendix 1. These areas already have specific arrangements in place and therefore when it becomes obvious that a complaint falls into one of these areas then the complainant should be informed and advised how to proceed or where to direct their complaints.

3. Dealing with Complaints

- 3.1 This Policy has been developed in order to ensure consistency in the way that we deal with complaints across the Council. All departments must use the process outlined within this policy for all the complaints that they receive unless they sit outside of this policy as outlined in Appendix 1. The Corporate Strategy Section is responsible for coordinating and monitoring the implementation of this policy and reporting the Council's overall performance to elected members.
- 3.2 Within the Council a number of individuals have key roles to play in the implementation of this policy. They include:

Managing Director

The Managing Director will often be the first point of contact for a complaint and when one is received they will forward that on to the

complaints lead officer within the department for investigation in accordance with this policy.

If the complainant has already complained to the department and feels that they have not received a satisfactory response the complaint should be passed on to the relevant department/lead departmental complaints officer to ensure that a full investigation has taken place. If there has been an investigation then the complainant can be referred to the LGO. If the complaint has not been fully investigated it should be put through the Corporate Complaints Procedure and the complainant informed of the process and timetable.

Corporate Complaints Manager

The Corporate Complaints Manager is the Council's Performance & Partnerships Manager. They are responsible for:

- Co-ordinating and monitoring the complaints policy and its implementation to ensure that all residents and service users who wish to complain receive a similar, high level of service;
- Redirecting complaints that are received centrally to the relevant departments for investigation;
- Collecting and collating regular monitoring data from departments;
- Reporting complaints performance to elected members;
- Supporting and advising departments involved in complaints investigations;
- Reviewing final complaints investigation reports alongside final letter to the complainant;
- Coordinating the Council's responses to complaints being investigated by the Local Government Ombudsman.

Directors/Assistant Directors

Directors and Assistant Directors could where appropriate be required to review complaints. They will:

- Offer strategic view and advice when required for particularly complex or contentious complaints
- Where appropriate complete a final review/sign off of complex/contentious investigations
- Where appropriate authorise appropriate remedies offered to complainant

Departmental Complaints Officers

All departments have a nominated senior officer who is responsible for coordinating the handling of complaints within their department and ensuring that this policy is followed. They will

- Provide advice and guidance on the implementation of this policy;
- Allocate complaints to Investigating Officers within their department and ensure that process outlined in this policy is followed;

- Review all responses to formal complaints about their department before they are sent on to the Director/Assistant Director and the Corporate Complaints Manager for sign off before it is sent on to the complainant;
- Ensure that care is taken to provide a full and coordinated response to the complainant where a complaint involves both the council and another body for example an organisation that is providing a service on the Council's behalf and that the complaint is not passed between organisations;
- Be responsible for providing regular complaints performance reports to the Corporate Complaints Manager;
- Supply the Corporate Complaints Manager with the information required for complaints being investigated by the Local Government Ombudsman.

Investigating Officers

All departments will identify a number of suitably trained, senior officers who will undertake complaint investigations. Investigating Officers will:

- Not investigate complaints where they have been directly involved in the action or decision being complained of. Where a conflict of interest is found the complaint investigation will be handed over to another officer within the department;
- Undertake complaint investigations following this policy and the 'Complaints Guide and Toolkit for Officers' resource available from the staff intranet; and
- Record their findings in an Investigation Report using the template provided on the 'Complaints Guide and Toolkit for Officers' intranet page.

3.3 Conflicts of Interest

A conflict of interest is a situation in which private or personal interests are sufficient to appear to call into question the capacity for objective and impartial consideration of a complaint. The following are examples of areas which could lead to real or apparent conflict:

- relationships with other parties/organisations which could lead to perceived or real split loyalties;
- relevant financial or other interests with the parties/organisation concerned;
- where the outcome of the complaint might be perceived as rewards for past decisions, contributions, or favours.

- 3.4 Investigating officers should consider carefully their own circumstances to gauge whether or not a real or perceived conflict might exist and if necessary discuss it, as appropriate, with their Departmental Complaints Officer, Corporate Complaints Manager or Monitoring Officer and agree a satisfactory resolution. This may require a change in Investigating Officer.

3.5 Confidentiality

The identity of the person making a complaint will be made known only to those who need to consider the complaint and will not be revealed to any other person or made public by the Council. It may not be possible to preserve confidentiality in some circumstances e.g. where relevant legislation applies or allegations are made which involve the conduct of third parties. Complainants should be advised about this if it becomes necessary to share their identity.

3.6 Support for Staff

Employees who are the subject of a complaint will be informed that the complaint has been made, how the complaint will be investigated and what the outcome of any investigation is. If an investigative interview is necessary then the employee will, where possible, be given 2 days notice of the interview and they will be offered the option of being accompanied by a colleague or union representative. Support from the Employee Wellbeing Team may also be appropriate.

3.7 Support for Complainant

The Council recognises that receiving appropriate support when making a complaint is important for some individuals. The information below provides details on the support available when making a complaint.

Advocacy support and representation

An advocate or representative is someone who can submit a complaint on your behalf and can support you through the process. This may be a family member or relative, an organisation such as Citizens Advice Bureau, a solicitor or a Councillor/Member of Parliament. An advocate's role is to listen to your views and concerns and help you explore your options. They can provide information to help you make an informed decision, accompany you to meetings and contact the Council on your behalf.

Making a complaint on behalf of someone else

If you would like to make a complaint on someone else's behalf and before accepting the complaint the Council will need to confirm that you have the authority and consent to do so. This is because providing you with a response may involve disclosing personal information relating to the individual and therefore the Council needs to ensure that the rights of the individual are protected. The Council will contact the individual to ask them to complete and sign a consent form.

Accessibility and additional languages

The Council wants all of its customer to feel that they are able to send their feedback and/or complaints for consideration. Please use the contacts at the end of the policy if you require information in a more accessible format or help if English isn't your first language. If you have any other additional requirements which you would like the Council to consider when corresponding with you, please use the contact details at the end of this policy

4. Complaints Process

4.1 Pre-Formal Complaint Stage

An initial attempt should always be made to settle a complaint straightaway without recourse to the formal complaints process by arranging for something to be done such as responding to requests for service e.g. repairing a street light which needs attention, responding to a first complaint about a barking dog or providing information and explanation of council policy or practice.

4.2 The majority of complaints should be resolved this way. Direct contact with the complainant, by phone or in person, is recommended to clarify whether the issue is a complaint, what outcome the person desires and whether this can be achieved.

4.3 Complaints of this nature should be responded to within 5 working days with a substantive response but where possible dealt with immediately over the phone. This timescale is reflective of the 5 working days initial acknowledgement of a formal complaint although many pre formal complaints will be resolved before they move on to this stage.

4.4 Formal Complaint Process

There are 2 reasons behind formal complaints:

1. The complainant is not satisfied with the attempts made to resolve the problem at the pre-formal complaint stage;
2. There has been no opportunity to sort out their complaint using the pre-formal complaint stage as no quick remedy has been available.

4.5 The Formal Complaints process to be followed is:

Step 1. Receipt of complaint

Complaints can be received in a variety of forms – by letter, email, over the phone and in person. They can also be received by any member of staff from the Local Authority or by an Elected Member.

Where complaints are taken over the phone or in person then the person taking the complaint should record the name and contact details of the complainant, their preferred method of contact, the detail of their complaint and then send it straight on to the relevant Departmental Complaints Lead for processing. Where it is uncertain which Department should process the complaint the Corporate Complaints Manager will be able to advise.

4.6 **Step 2. Acknowledgement of complaint**

Once they have received the complaint the Departmental Complaints Officer will check whether the complaint is outside the scope of this policy (see Appendix 1). If it is they will contact the complainant and inform them of how to take their complaint forward **within 5 working days**. If the complaint is covered by this policy then they will appoint an Investigating Officer and write out (by letter or email dependent on the complainant's preferred method of contact) to the complainant **within 5 working days** to acknowledge their complaint, confirm what the complaint covers (this is especially important if the complaint has been taken over the phone or face to face), inform them of who the Investigating Officer is and their contact details, outline the next steps of the process and when they should expect to hear the result of their complaint.

4.7 **Step 3. Investigation of complaint**

Complaint investigations will need to be completed **within 25 working days** of the complaint being submitted. All Investigation Officers will need to complete the Investigation Report Template recording their findings and conclusion. Guidelines for good investigative practice are available for investigation officers.

In some cases the Investigating Officer may need to get further information from the complainant. It is expected that the complainant will respond to this request within a reasonable timeframe (within 20 working days) and if necessary the complaint will be put on hold and the clock stopped until the complainant has responded. After this point if the complainant has not responded and the investigation cannot be continued then the investigation will be closed. In some circumstances a complaint may be reopened if the complainant contacts the Council and explains the reason for their delay in responding within the reasonable timeframe.

In some cases the Investigating Officer may need to get further information from a third party, particularly where the complaint is about a service delivered by an outside body on behalf of the Council. It is expected that the third party will respond to this request within a reasonable timeframe (within 20 working days) and this may mean that the Investigating Officer is unable to complete their investigation within the timeframe. The complainant will be informed of the delay and the reason for it. However it must be recognised that the Council has no jurisdiction to compel a third party to cooperate. If the complaint was referred to the LGO, the LGO would require evidence to see that the request has been made.

Once their investigation has been completed it should be reviewed by the Departmental Complaints Officer who will then forward it on to the

Corporate Complaints Manager (who will check the process has been followed) and the Director/Assistant Director for sign off. Once signed off by both the Director/Assistant Director and the Corporate Complaints Manager the Investigating Officer will write out to the complainant to confirm the outcome of their investigation, what remedy/apology is offered (if appropriate) and that if they are not satisfied with how the complaint has been investigated they are entitled to contact the Local Government Ombudsman for further investigation where appropriate.

4.8 Step 4. The Role of Senior leaders and Evaluation and Learning

The Complaints Policy is not just a process. It is a way of obtaining feedback about how the council is performing and what lessons can be learned. This means that recording of complaints outcomes should have a high profile and results should be reviewed at a senior level on a regular basis.

Senior management will take ownership of complaints procedures. They should ensure that any learning and improvement from complaints is properly disseminated and implemented.

Where investigations have been upheld or partly upheld remedial actions will be agreed with the Investigating Officer, Departmental Complaints officer and the relevant Director. These will be communicated to the relevant Departmental Management Team(s) and to the Corporate Complaints Officer. It will be the role of the Departmental Complaints officer to ensure that this process is followed, and that remedial actions are completed.

5. Persistent and Unreasonable Complaints and Complainants

- 5.1 In general, dealing with a complaint is a straightforward process but in a minority of cases people pursue their complaints in a way that can impede the investigation of their complaint or can have significant resource implications for the authority. A separate Managing Unreasonable Customer Behaviour policy has been formulated to deal with the very small number of complainants whose frequency of contact with the authority, insoluble and persistent complaints, or unacceptable behaviour makes it necessary for special measures to be taken.
- 5.2 Before implementing any of the provisions set out in the policy, officers must consider whether the Council's procedures have been followed correctly, whether full and reasonable responses have already been given and whether the complainant is now inappropriately persistent or behaving unreasonably.

6. Role of the Local Government Ombudsman

- 6.1 If a complainant remains dissatisfied with the outcome of their complaint or the way in which their complaint was handled then they have the right to take their complaint to the Local Government Ombudsman.
- 6.2 The Local Government Ombudsman can be contacted by phone to the LGO Advice Team on 0300 061 0614 or by going through their website at www.lgo.org.uk
- 6.3 If the Local Government Ombudsman receives a complaint before it has been considered by the Council they will regard it as premature and send it on to the Council for investigation in accordance with this policy. The complainant will still have the right to take the complaint back to the Ombudsman if they are dissatisfied with the outcome of their complaint or the way in which it has been handled.

7. Monitoring & Reporting of Complaints Performance

- 7.1 All departments will provide regular reports to the Corporate Complaints Manager on the complaints they have received in the specified time period. The reports will include:
- the number and type of complaints received;
 - the outcome of the complaints;
 - actions arising/lessons learnt.
- 7.2 An annual, publicly available report is required to comply with national guidelines on good practice and will be subject to audit. This report will

be presented to the Finance and Policy Committee. The report will contain the number and types of complaints received along with the outcome of the complaints and information as to whether they have been upheld, together with the LGO annual review letter.

During the year updates on Complaints monitoring will be given through the quarterly performance report as and when required with issues escalated through CMT and Finance and Policy Committee where appropriate.

8. Dealing with Comments & Compliments

- 8.1 Comments and compliments should be dealt with promptly. Appropriate responses to suggestions and comments should be made by departments. Compliments should be gratefully acknowledged, where appropriate, and shared with the officers concerned. Departments may wish to record and report on comments and compliments within their departments to help improve the management of services.

9. Other Information

Joint responses

If a complaint relates to more than one service area within the Council, a lead service will be agreed and a coordinated response will be prepared with one response being provided to your complaint. There is a joint protocol between local authorities and health partners with respect to dealing with complaints that cover both health and local authority joint service provision. This protocol will be used to determine how your complaint will be handled. You will be notified of a point of contact and an expected response date.

Collective complaints

Where appropriate complaints made by a number of individuals on the same subject will be dealt with as one investigation. It may be appropriate for each complainant to receive a response directly unless a representative has been nominated on behalf of the individuals.

Withdrawing a complaint

You may withdraw your complaint at any time by contacting the Council and letting them know. Consideration will be given as to whether the concerns raised still need to be fully investigated, for instance if there were safeguarding concerns relating to you or other individuals.

Deceased individuals

In circumstances where the individual is deceased and you would like to make a complaint about the service they have received, the Council will require you to provide documentation to confirm that you have been granted the right to their personal information, Documentation

may include Grant of Probate or Letter of Administration. If you are unsure what documentation you need to provide please contact the Council.

10. **Contact**

Online – visit the Council's website homepage www.hartlepool.gov.uk and search for Complaints, Comments and Compliments. An online form is available to complete.

Email - email your feedback to customerservices@hartlepool.gov.uk

Phone – 01429 266522

Address – Customer Services, Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY

Social Media

In line with this procedure, the Council will not respond formally to complaints which have been uploaded to any social media platform. Please use the contact details outlined above.

Privacy information and Data Protection

All personal information collected is for the purpose of responding to customer feedback and complaints and will only be shared with relevant service areas of the Council or third parties where the law enables the Council to do so (e.g. MP's or councillors). For more information about how the Council processes your personal data please visit:

https://www.hartlepool.gov.uk/info/20032/access_to_information/500/access_to_information

Confidentiality

The Council considers the importance of confidentiality when handling customer feedback and complaints. However to enable a complaint investigation to be undertaken, personal information will be shared with the investigating officer and on occasions other officers where necessary. Personal information will not be shared with anyone unnecessarily and will be handled in line with data protection legislation

Appendices

Appendix 1 – Complaints outside of this Policy

Appendix 2 – Complaints about Elected Members

The following templates are also available from the staff intranet (search “Complaints Toolkit”);

- Acknowledgement of complaint letter template
- Complaint outside complaint policy remit letter template
- Holding letter template - delay in investigation
- Investigation Officer's Investigation Report Template
- Investigation Officer's Report - good example
- Managing unreasonable customer behaviour templates (modify behaviour letter and 12 month review letter template)
- Outcome of appeal - appeal not upheld letter template
- Outcome of appeal - appeal upheld letter template
- Outcome of investigation letter template
- Request for further information letter template
- Single Point of Contact (SPOC) letter template

Appendix 1 - Complaints outside of this Policy

1. Summary table of exceptions to the Policy

- 1.1 There are a number of areas that fall outside of this Complaints Policy as they already have specific arrangements in place. Those areas are identified in the table below along with detail of how to proceed for those complaints:

| Area of complaint | How to complain |
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| Adult Social Care | <p>Social Care Complaints are treated differently than Corporate Complaints, due to the sensitivity and often complex nature of the services involved. If you are unhappy with the Council's service or a service that the Council has arranged on your behalf (such as home care or residential care), you can complain to the Council. However, there is a separate process for this type of complaint. Details can be accessed on the following link: https://www.hartlepool.gov.uk/info/20076/adults_and_older_people/93/complaints_comments_and_compliments_about_social_care</p> <p>If you have arranged and now pay for your own care and wish to complain, you can complain direct to the Local Government Ombudsman. Complaints in the first instance should be made to the care provider but if your complaint remains unresolved, you can contact the Local Government Ombudsman.</p> |
| Children's Social Care | <p>Social Care Complaints are treated differently than Corporate Complaints, due to the sensitivity and often complex nature of the services involved. If your complaint is about Children's Social Care you can complain to the Council however there is a separate process for this type of complaint. Details of the complaints policy and how to complain can be accessed on the following link: https://www.hartlepool.gov.uk/info/20015/social_care_and_health/594/complaints_comments_and_compliments_childrens_social_care</p> |
| Public Health functions | <p>Public Health Complaints are treated differently than Corporate Complaints, due to the sensitivity and often complex nature of the services involved. If your complaint is about a Public Health service or function you can complain to the Council however there is a separate process for this type of complaint. Details of the</p> |

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| | <p>complaints policy and how to complain can be access on the following link: https://www.hartlepool.gov.uk/downloads/file/866/public_health_complaints_comments_and_compliments_procedurepdf .</p> |
| Schools and Academies | <p>Each school must have a procedure in place to deal with complaints. Complaints procedures may vary from school to school but these should be made available upon request. The Local Authority has no power to investigate a complaint about the internal management of a school. Further information on school complaints can be obtained from the Department for Education at www.gov.uk/complain-about-school</p> |
| Areas where there is a legal remedy | <p>All legal options/investigation should be concluded before any investigation through the Corporate Complaints Procedure can be started. However the Complaints process cannot consider legal findings.</p> |
| Those that are likely to be the subject of civil proceedings, police investigation or disciplinary proceedings | <p>All legal options/investigation should be concluded before any investigation through the Corporate Complaints Procedure can be started.</p> |
| Matters dealt with under the Council's employment procedures (e.g. complaints by staff or former staff) or complaints from staff in relation to employment issues | <p>Complaints in relation to employment procedures should be referred to HR Business Partner (HRBP@hartlepool.gov.uk)</p> |
| Complaints about the Council's strategies and policies and decisions made by elected members | <p>Complaints about the council's policies and about decisions made by elected members do not fall within the remit of a complaints procedure that is related to services administered by officers of the council. However complaints are sometimes made to officers about decisions made by the council and its decision making bodies. These should be recorded and forwarded to the relevant committee chair and the complainant informed that this has been done. A substantive response should be made</p> |

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| | to the complainant by the relevant committee chair. |
| Complaints about Elected Members | See Appendix 2 – Complaints about Elected Members |
| Complaints about the Managing Director or Directors | <p>Formal complaints about the Managing Director will be referred to the council's Monitoring Officer (the Chief Solicitor) for investigation.</p> <p>Formals complaints about Directors will be referred to the Managing Director for investigation.</p> |
| Some complaints about housing | <p>In the first instance tenants should direct their complaint to their landlord so that they are given the opportunity to respond and put things right. If the Council is the Landlord refer to the Housing Complaints Policy at Housing Services Complaints Policy</p> <p>Further information and support on complaints is available from the Housing Ombudsman Service: www.housing-ombudsman.org.uk</p> |
| Data breaches | <p>If you are concerned about a data breach or how your personal information has been handled then further information about how to take this forward is available at:</p> <p>https://www.hartlepool.gov.uk/info/20032/access_to_information/500/access_to_information/11</p> <p>Or from the Information Commissioners Office: www.ico.org.uk</p> |
| Requests for service (for example the first time someone rings to report a faulty street light) | <p>The Council can receive requests for service in a variety of ways. You can:</p> <ul style="list-style-type: none"> • Contact one of our customer representatives during office hours on 01429 523331 (Monday to Thursday 8:30am till 5:00pm, Friday 8:30am till 4:30pm please note we are not open during bank holidays); • Or you can email us using: customer.service@hartlepool.gov.uk • Alternatively, we have a number of online forms that can be completed. They are accessible on our website under specific services https://www.hartlepool.gov.uk/ |

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| Complaints about the actions of a third party e.g. a noisy neighbour, which would be dealt with as a request for services | Please see above. |
| Insurance claims against the Council | Complaints in relation to the outcome of an insurance claim against the Council can be taken to the CAB (https://www.citizensadvice.org.uk/) for advice as to how to take further or to a private solicitor to make a claim at the Small Claims Courts |
| Complaints that have already been fully investigated through the Council's complaints procedure | <p>Complaints that have been considered through the Council's complaints procedure will not be reinvestigated unless new information has emerged. In this case they will normally be referred back to the department to check whether the original decision needs to be changed.</p> <p>Once complaints have been fully investigated the complainant should be advised of their right to take their complaint to the Local Government Ombudsman if they remain unsatisfied with the outcome or how their complaint was dealt with.</p> <p>The Local Government Ombudsman can be contacted by phone to the LGO Advice Team on 0300 061 0614 or by going through their website at www.lgo.org.uk</p> |
| Complaints that have been investigated by the Local Government Ombudsman | Once complaints have been investigated by the Local Government Ombudsman they will not be reconsidered by the Council. |
| Complaints made 12 months after the date that the complainant learned that something had gone wrong | Complaints made 12 months or more after the date of the incident / issue will not usually be investigated. In certain circumstances this time limit may be extended, e.g. the complainant did not find out that the Council was responsible for creating a particular problem until after the 12 months' time limit. Advice should be sought from the Corporate Complaints Officer and Chief Solicitor. |
| Some complaints from individuals where the decision | See Unreasonable Customer Behaviour Policy |

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| has been made to restrict contact as they have been classified as unreasonably persistent or behaving unreasonably | |
| Anonymous complaints | All anonymous complaints i.e. where an individual does not provide their name or contact details will be reviewed and investigated where appropriate, however it will not be possible to provide a response. However if an anonymous complaint does not provide enough information to enable the Council to investigate or take further action, the Council will not investigate. |
| Freedom of Information (FOI) requests - Freedom of Information Act 2000 | <p>From 1st January 2005 the Freedom of Information Act gave every person the right to access information recorded and held by local authorities subject to certain conditions and exemptions. The intention of the Act is to provide a culture of greater openness and accountability for public bodies.</p> <p>Hartlepool Borough Council has a duty to respond to information requests within 20 working days and will advise accordingly if information is available.</p> <p>To find out what information is available please in the first instance refer to our Publication Scheme page.</p> <p>If the information you require is not shown in the Publication Scheme then please send your request in writing using the contact details set out below.</p> <p>Contact Details:</p> <p>Information Access Request Legal Services Division Civic Centre Hartlepool TS24 8AY</p> <p>Email Freedomofinformation@hartlepool.gov.uk</p> |

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| <p>Data Subject Requests – Data Protection Act 2018</p> | <p>The Data Protection Act 2018 and the General Data Protection Regulations regulates the processing of information, relating to individuals including the obtaining, holding, use or disclosure of such information.</p> <p>The Act/Regulations places a legal responsibility on the Council to ensure that data collected and processed receives the highest level of protection. The Act also provides individuals who are the subject of personal data (data subjects) with certain rights. Further information, on individual rights can be found at www.hartlepool.gov.uk/rights-under-gdpr</p> <p>If you wish to make a data subject request please send a request in writing using the contact details set out below. Hartlepool Borough Council is under a statutory duty to comply with your request within one month.</p> <p>Contact Details:</p> <p>Information Access Request Legal Services Division Civic Centre Hartlepool TS24 8AY</p> <p>Fax to 01429 523481</p> <p>Email dataprotection@hartlepool.gov.uk</p> |
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| <p>Environmental Information Requests - Environment Information Regulations</p> | <p>The Environmental Information Regulations (EIR) 2004 were introduced on 1 January 2005 to give individuals right of access to environmental data held by local authorities and private bodies who carry out a public function e.g. utility companies. Examples of environmental records are of land use, waste, energy, food contamination, pest control, pollution, refuse, waste management, dog patrol etc.</p> <p>In complying with the Environmental Information Regulations Hartlepool Borough Council has a duty to:</p> <ul style="list-style-type: none"> • Respond to all EIR requests within 20 working days • Offer advice and guidance, where appropriate to ensure you acquire the information you seek. • Respond to requests free of charge (subject to reasonable disbursements) unless one of the 'exceptions' set out in the Regulations applies. • Provide information in a suitable format. <p>If part of an EIR request falls within Freedom of Information or Data Protection different exemptions and timescales do apply.</p> <p>EIR requests can be made verbally, by telephone on 01429 523087 or in writing using the contact details set out below.</p> <p>Contact Details:</p> <p>Information Access Request Legal Services Division Civic Centre Hartlepool TS24 8AY</p> <p>Email Freedomofinformation@hartlepool.gov.uk</p> |
| <p>Complaints about a contractor of a service</p> | <p>Complaints about services that are delivered on behalf of the Council by a contractor or third party, in most instances, should be initially dealt with by the contractors under their own complaints procedure. However if you are unable to discuss the matter with the contractor or have</p> |

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| | not received a response from them the Council will consider if it is appropriate for the complaint to go through its procedure and advise you directly of its consideration. |
| Complaints outside of the Council's jurisdiction e.g. complaints about utilities companies, private business or other government bodies | Complainant needs to contact organisation direct. |
| Complaints subject to legal proceedings | Complaints that are subject to legal proceedings or where legal action is intended or underway will not be processed through the Corporate Complaints Policy. Complaints investigations will be suspended if legal action starts during the investigation process. |
| Reporting of racist incidents | Incidents can be by contacting the Community Safety Team on (01429) 523100 |

2. Appendix 2 - Complaints about Elected Members

2.1 Complaints of breach of the Code of Conduct

Under Section 27 of the Localism Act 2011, the Council has a duty to 'promote and maintain high standards of conduct by Members and co-opted members of the authority'. Anyone who considers that an Elected or Co-opted Member of the Council may have breached the Code of Conduct may make a complaint through the Council's Monitoring Officer. The Council under the Localism Act 2011, must also have in place 'arrangements' (incorporating complaints received against Parish Councillors) under which allegations that a Member has failed to comply with the Council's Code can be investigated and decisions made on such allegations. A 'complaint form' is available on the Council's website, together with the following additional information;

- 'Assessment Criteria for dealing with Standards allegations under the Localism Act 2011'.
- 'Arrangements for dealing with standards allegations under the Localism Act 2011'
- 'Hearing Procedures'

2.2 The Monitoring Officer will acknowledge receipt of a complaint within 5 working days of receipt and will review the complaint with the Independent Person. This is a person who:

- has not been a member, co-opted member or officer of the Council within the last five years from the date of their appointment;

- has applied for this post following advertisement; and
- has been appointed by a positive vote from Council.

2.3 The aim is to complete the initial review within an average of 20 working days. In appropriate cases, the Monitoring Officer will seek to resolve the complaint informally through 'local resolution' without the need for a formal investigation. If the Monitoring Officer decides that the complaint merits formal investigation, a subsequent report will either conclude that there is evidence of a failure to comply with the Code of Conduct or there is not. If there is evidence of a failure to comply the Monitoring Officer, after consulting with the Independent Person will determine whether the matter can proceed through local resolution or through a hearing of the Audit and Governance Committee (which has within its remit 'standards' functions) or through a Sub Committee.

2.4 Where a member has failed to comply with the Code of Conduct, the following action(s) can be taken:

- publication of findings;
- report findings to a meeting of Council;
- recommend to a Group Leader (or in the case of a Member not affiliated to a political group to Council) that the Member be removed from any or all Committees or Sub Committees;
- arrange training for the Member;
- remove the Member from all outside appointments to which they were appointed or nominated by the Council;
- withdraw facilities.

NOTE: If a complaint identifies criminal conduct or breach of any regulation, then the Monitoring Officer has the power to refer the matter to the Police or other appropriate regulatory agency. Section 34 of the Localism Act, 2011, has created a criminal offence of a person, without reasonable excuse, providing information which is false or misleading in relation to the disclosure of pecuniary interests on taking office and in matters considered at meetings of the authority.

2.5 **Complaints other than of breach of the Code of Conduct**

All other complaints about elected members will be dealt with by the Managing Director initially who will decide whether or not they should be pursued and by whom. If pursued:

- complaints involving accusations of impropriety will be dealt with through existing mechanisms set up to specifically deal with such matters, such as the Council's Standards Committee or, where appropriate, the Police;
- complaints about the behaviour of elected members, e.g. failure to provide promised assistance, offensive behaviour etc., will generally be referred either to the political party

organisations, where applicable, or, at the Managing Director's discretion, to the Standards Committee.

2.6 Where it is uncertain whether a complaint is about a breach of the Code of Conduct or not

Where there is any doubt whether a complaint is intended to be a complaint of breach of the Code of Conduct or a complaint which may be dealt with by other means, the Monitoring Officer will decide which route it should take (after communicating with the Independent Person).

2.7 N.B. The Code of Conduct for Councillors and Co-opted Members is published in the [Council's Constitution, Part 5 – Codes and Protocols](#). This is available on the Council's website, the Intranet or, if a paper copy is required, from:

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