



***Complaints  
Handling Procedure  
Part 2: When to use this  
procedure***



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## What is a complaint?

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1. **Lothian Valuation Joint Board's (LVJB's)** definition of a complaint is: 'an expression of dissatisfaction by one or more members of the public about LVJB's action or lack of action, or about the standard of service provided by or on behalf of LVJB.'
2. For clarity, where an employee also receives a service from LVJB as a member of the public, they may complain about that service.

A complaint may relate to the following, but is not restricted to this list:

- failure or refusal to provide a service
  - inadequate quality or standard of service, or an unreasonable delay in providing a service
  - dissatisfaction with one of our policies or its impact on the individual
  - failure to properly apply law, procedure or guidance when delivering services
  - failure to follow the appropriate administrative process
  - conduct, treatment by or attitude of a member of staff; or
  - disagreement with a decision, (**except** where there is a statutory procedure for challenging that decision, or an established appeals process).
3. **Appendix 1** provides a range of examples of complaints we may receive, and how these may be handled.
  4. A complaint **is not**:
    - disagreement with a decision where there is a statutory procedure for challenging that decision
      - such as freedom of information and subject access requests or;
      - an established appeals process, such as a disagreement against information on council tax, non-domestic rating and the electoral register.
    - a disagreement where a statutory right of appeal, complaint or challenge exists – such as a disagreement, challenge or objection concerning an information notice or its related civil penalty, the valuation roll, the valuation list or the electoral register and its associated absent voter and overseas elector lists.
    - a routine first-time request for a service (see **Complaints and service requests**)
    - a request for compensation only (see **Complaints and compensation claims**)
    - issues that are in court or have already been heard by a court or a tribunal (see **Complaints and legal action**)
    - a request for information under the Data Protection or Freedom of Information (Scotland) Acts.
    - a grievance by a staff member or a grievance relating to employment or staff recruitment.
    - a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern).
    - an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.
    - A concern about the actions or service of a different organisation, where we have no involvement in the issue (except where the other organisation is delivering services on our behalf).
    - abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our [Unacceptable Actions Policy](#)
  5. We will not treat these issues as complaints and will instead direct customers to use the appropriate procedures. Some situations can involve a combination of issues, where some are complaints and others are not, and each situation should be assessed on a case-by-case basis.
  6. If a matter is not a complaint, or not suitable to be handled under the CHP, we will explain this to the customer, and tell them what (if any) action we will take, and why. See **What if the CHP does not apply**.

## Who can make a complaint?

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7. Anyone who receives, requests or is directly affected by our services can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser). If you are making a complaint on someone else's behalf, you may need their consent.

## Supporting the customer

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8. All members of the community have the right to equal access to our complaint's procedure. It is important to recognise the barriers that some customers may face complaining. These may be physical, sensory, communication or language barriers, but can also include their anxieties and concerns. Customers may need support to overcome these barriers.
9. We have legal duties to make our complaints service accessible under equalities and mental health legislation and we are committed to supporting individuals & vulnerable groups who require assistance in this process.

## How complaints may be made

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10. Complaints may be made verbally or in writing, including face-to-face, by phone, letter or email. Complaint issues may be raised via our website - [www.lothian-vjb.gov.uk/complaints/](http://www.lothian-vjb.gov.uk/complaints/)
11. Where a complaint is made **verbally**, we will make a record of the key points of the complaint raised. It is important that the completion of a complaint form does not present a barrier to people complaining.
12. Where a complaint issue is raised via a digital channel managed and controlled by LVJB (for example an official twitter address), we will explain that we do not normally take complaints on social media, but we will tell the person how they can complain.

In exceptional circumstances, we may respond to very simple complaints on social media. This will normally only be appropriate where an issue is likely to affect a large number of people, and we can provide a very simple response.

We must always be mindful of our data protection obligations when responding to issues online or in a public forum. See **Part 1: Maintaining confidentiality and data protection**.

## Time limit for making complaints

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13. The customer must raise their complaint within six months of when they first knew of the problem, unless there are special circumstances for considering complaints beyond this time (for example, where a person was not able to complain due to serious illness or recent bereavement).
14. Where a customer has received a stage 1 response, and wishes to escalate to stage 2, unless there are special circumstances, they must request this either:
  - within six months of when they first knew of the problem; or
  - within two months of receiving their stage 1 response (if this is later).
15. We will apply these time limits with discretion, taking into account the seriousness of the issue, the availability of relevant records and staff involved, how long ago the events occurred, and the likelihood that an investigation will lead to a practical benefit for the customer or useful learning for the organisation.
16. We will also take account of the time limit within which a member of the public can ask the SPSO to consider complaints (normally one year). The SPSO have discretion to waive this time limit in special circumstances (and may consider doing so in cases where we have waived our own time limit).

## Particular circumstances

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### Complaints by (or about) a third party

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17. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints from third parties, which may include relatives, friends, advocates and advisers. If you are making a complaint on someone else's behalf, you may need their consent.
18. See also **Part 1: Maintaining confidentiality and data protection**.

### Serious, high-risk or high-profile complaints

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19. We will take particular care to identify complaints that might be considered serious, high-risk or high-profile, as these may require particular action or raise critical issues that need senior management's direct input. Serious, high-risk or high-profile complaints should normally be handled immediately at stage 2 (see **Part 3: Stage 2: Investigation**).
20. We define potential high-risk or high-profile complaints as those that may:
  - involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
  - generate significant and ongoing press interest
  - pose a serious risk to our operations

present issues of a highly sensitive nature, for example, concerning a particularly vulnerable person

### Anonymous complaints

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21. We value all complaints, including anonymous complaints, and will take action to consider them further wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint must be authorised by the Complaints Officer appointed by the Assessor and Electoral Registration Officer.
22. If we pursue an anonymous complaint further, we will record it as an anonymous complaint together with any learning from the complaint and action taken.
23. If an anonymous complainant makes serious allegations, these should be dealt with in a timely manner under relevant procedures. This may not be the complaints procedure and could instead be relevant disciplinary procedures.

### What if the customer does not want to complain?

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24. If a customer has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, we will explain that complaints offer us the opportunity to improve services where things have gone wrong. We will encourage the customer to submit their complaint and allow us to handle it through the CHP. This will ensure that the customer is updated on the action taken and gets a response to their complaint.
25. If the customer insists, they do not wish to complain, we are not required to progress the complaint under this procedure. However, we should record the complaint as an anonymous complaint (including minimal information about the complaint, without any identifying information) to enable us to track trends and themes in complaints. Where the complaint is serious, or there is evidence of a problem with our services, we should also look into the matter to remedy this (and record any outcome).
26. Please refer to the example in **Appendix 1** for further guidance.

## **Complaints involving more than one area or organisation**

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27. If a complaint relates to the actions of two or more areas within our organisation, we will tell the customer who will take the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.
28. If a customer complains to us about the service of another organisation or public service provider, but we have no involvement in the issue, the customer should be advised to contact the appropriate organisation directly.
29. If a complaint relates to our service and the service of another organisation or public service provider, and we have a direct interest in the issue, we will handle the complaint about LVJB through the CHP. If we need to contact an outside body about the complaint, we will be mindful of data protection. See **Part 1: Maintaining confidentiality and data protection**.
30. Such complaints may include:
  - a complaint made to us about registering to vote on the electoral register where the customer's dissatisfaction relates to the service we have provided and the service the DWP has provided, or;
  - a complaint made to us from a Council Tax Payer about their Liability Date where the customer's dissatisfaction relates to the service we have provided. The Revenues Section of the relevant constituent council is responsible for billing the customer therefore they will need to be informed of any outcome that changes the Liability Date, or;
  - a complaint made to us where the customer is complaining about the Effective Date used for their liability for the payment of a non-domestic rates. Whilst the date the change is effective from on Valuation Roll is dealt with by LVJB, the Non-Domestic Rates Section of the constituent council is responsible for payments and relief, therefore, will need to be advised if the complaint is upheld and the Effective Date is amended.

## **Complaints about senior staff**

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31. Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation.

## **Complaints and other processes**

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32. Complaints can sometimes be confused (or overlap) with other processes, such as disciplinary or whistleblowing processes. Specific examples and guidance on how to handle these are below.

## **Complaints and service requests**

33. If a customer asks LVJB to do something (for example, provide a service or deal with a problem), and this is the first time the customer has contacted us, this would normally be a routine service request and not a complaint.
34. Service requests can lead to complaints, if the request is not handled promptly or the customer is then dissatisfied with how we provide the service.

## **Complaints and disciplinary or whistleblowing processes**

35. If the issues raised in a complaint overlap with issues raised under a disciplinary or whistleblowing process, we still need to respond to the complaint.
36. Our response must be careful not to share confidential information (such as anything about the whistleblowing or disciplinary procedures, or outcomes for individual staff members). It should focus

on whether LVJB failed to meet our service standards, where relevant, or expected standards and what we have done to improve things, in general terms.

37. Staff investigating such complaints will need to take extra care to ensure that:
- we comply with all requirements of the CHP in relation to the complaint (as well as meeting the requirements of the other processes).
  - all complaint issues are addressed (sometimes issues can get missed if they are not also relevant to the overlapping process); and
  - we keep records of the investigation that can be made available to the SPSO if required. This can be problematic when the other process is confidential, because SPSO will normally require documentation of any correspondence and interviews to show how conclusions were reached. We will need to bear this in mind when planning any elements of the investigation that might overlap (for example, if staff are interviewed for the purposes of both the complaint and a disciplinary procedure, they should not be assured that any evidence given will be confidential, as it may be made available to the SPSO).
38. The SPSO's report [Making complaints work for everyone](#) has more information on supporting staff who are the subject of complaints.

### **Complaints from MPs, MSPs or Councillors**

Must be handled in the same manner as any complaint would be.

### **Complaints and compensation claims**

39. Where a customer is seeking financial compensation only, this is not a complaint. However, in some cases the customer may want to complain about the matter leading to their financial claim, and they may seek additional outcomes, such as an apology or an explanation. Where appropriate, we may consider that matter as a complaint, but deal with the financial claim separately. It may be appropriate to extend the timeframes for responding to the complaint, to consider the financial claim first.

### **Complaints and legal action**

40. Where a customer says that legal action is being actively pursued, this is not a complaint.
41. Where a customer indicates that they are thinking about legal action, but have not yet commenced this, they should be informed that if they take such action, they should notify the Complaints Officer and that the complaints process, in relation to the matters that will be considered through the legal process, will be closed. Any outstanding complaints must still be addressed through the CHP.
42. If an issue has been, or is being, considered by a court, we must not consider the same issue under the CHP.

### **What to do if the Complaints Handling Procedure does not apply**

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43. If the issue does not meet the definition of a complaint or if it is not appropriate to handle it under this procedure (for example, due to time limits), we will explain to the customer why we have made this decision. We will also tell them what action (if any) we will take (for example, if another procedure applies), and advise them of their right to contact the SPSO if they disagree with our decision not to respond to the issue as a complaint.
44. Where a customer continues to contact us about the same issue, we will explain that we have already given them our final response on the matter and signpost them to the SPSO. We may also consider whether we need to take action under our [Unacceptable Actions Policy](#)

## Appendix 1 – Examples of Complaints

The following tables give examples of complaints that may be considered at the frontline stage and suggest possible actions.

Complaint	Possible actions
<p><i>The customer complains that they have emailed their application to vote by post vote but they haven't received any communication from the ERO. They explain their wife has received confirmation that they have a postal vote and it was sent at the same time.</i></p>	<ul style="list-style-type: none"> <li>• <i>Check to confirm whether an application was received. In this case the application was attached to the same email as his wife's.</i></li> <li>• <i>Apologise to the customer.</i></li> <li>• <i>Resolve the issue by processing the application (if appropriate and it's valid). At an election, check it was received by the statutory closing date.</i></li> <li>• <i>If the application was received after the statutory closing date and was too late to be considered, explain this to the customer.</i></li> <li>• <i>If the application was received by the closing date for an election and is valid, additional actions are required, e.g., contacting the Returning Officer.</i></li> </ul>
<p><i>The customer complains that their new house has not been added to the Council Tax list.</i></p>	<ul style="list-style-type: none"> <li>• <i>Apologise to the customer.</i></li> <li>• <i>Resolve the issue by banding the property or providing a timeframe for when the property will be banded.</i></li> <li>• <i>An explanation should be provided to advise why there was a delay.</i></li> <li>• <i>Confirm to the customer when a notice will be issued and when the data will be interfaced to the relevant constituent council.</i></li> </ul>
<p><i>The customer has provided evidence to verify their claim for a reduction in Rateable Value but no response has been provided and due to the delay in receiving a response they are unhappy.</i></p>	<ul style="list-style-type: none"> <li>• <i>Although complaints we do not consider a complaint to be a complaint under our CHP if there is a formal procedure in place, we must still consider whether there has been a delay in communication with the customer, as we do treat poor service as a complaint.</i></li> <li>• <i>Consider the evidence as a matter of priority and/or in line with the relevant appeal procedures.</i></li> <li>• <i>Apologise and advise the customer why there has been a delay.</i></li> </ul>
<p><i>The customer has advised the Effective/Liability Date used for their New House being added to the Council Tax list is incorrect. It is 3 months before their date of entry. They have emailed to advise and we have not responded. After 2 weeks they have emailed again and still we have not responded as the Technician dealing with the ward concerned is currently off. They are very unhappy with the poor service they have received.</i></p>	<ul style="list-style-type: none"> <li>• <i>Apologise to the customer.</i></li> <li>• <i>Advise the reason for the delay and the reason that the Effective/Liability Date is incorrect</i></li> <li>• <i>Advise the customer that the Valuation List will be updated and a notice will be issued with the correct date of entry.</i></li> <li>• <i>Arrange to update the Domestic Valuation System which will allow the corrected date to be interfaced to the relevant constituent council.</i></li> </ul>

Complaint	Possible actions
<p><i>The customer complains that a member of staff did not attend a pre-arranged meeting.</i></p>	<ul style="list-style-type: none"> <li>• <i>Speak to the member of staff, or the line manager, explain the customer's complaint.</i></li> <li>• <i>Agree how to resolve the issue, for example, by arranging a new time and date for the meeting.</i></li> <li>• <i>Explain the reasons for the failed appointment.</i></li> <li>• <i>Apologise to the customer.</i></li> </ul>
<p><i>The customer complains that the quality of service provided is not satisfactory.</i></p>	<ul style="list-style-type: none"> <li>• <i>Ask the relevant staff involved to review the guidance provided to assess whether it is acceptable.</i></li> <li>• <i>If appropriate, agree that more/better information should be provided.</i></li> <li>• <i>Provide the customer with an explanation after you have investigated.</i></li> <li>• <i>Apologise to the customer.</i></li> <li>• <i>Obtain a report from the relevant staff to confirm that further information has been provided to the customer.</i></li> <li>• <i>Feedback the learning outcomes from the complaint into a service improvement plan.</i></li> </ul>
<p><i>The customer expresses dissatisfaction in line with the definition of a complaint, but they say they do not want to complain – just wants to tell us about the matter.</i></p>	<ul style="list-style-type: none"> <li>• <i>Tell the customer that we value complaints because they help to improve services. Encourage them to submit the complaint.</i></li> <li>• <i>If a customer still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the customer that they will not be contacted again about the matter.</i></li> </ul>

## Appendix 2 – What is not a complaint?

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1. A concern may not necessarily be a complaint. For example, a customer might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the customer has to keep on asking for service.
2. In some cases a measure of discretion or further clarification is required in determining whether something is a complaint that should be handled through this procedure or another matter which should be handled through another process. There are also some specific circumstances when complaints should be handled in a particular manner.
3. The following *paragraph and table* provides examples of the types of issues or concerns that must not be handled through the complaints handling procedure. This is not a full list, and you should decide the best route based on the individual case.
4. *A customer may be concerned about matters which have their own specific review or appeal procedures, and, where appropriate, customers must be directed to the relevant procedure. This procedure should not, therefore, be used for dealing with customers complaints that are covered by the statutory appeal systems, listed below:*

<b><i>Non-Domestic Rating Valuation</i></b>	<i>Formal Appeal to Assessor, Local Valuation Appeal Committee, Lands Tribunal Valuation Appeal Court</i>
<b><i>Council Tax</i></b>	<i>Formal Appeal or Proposal to Assessor, Local Valuation Appeal Committee, Lands Tribunal Valuation Appeal Court</i>
<b><i>Electoral Registration</i></b>	<i>Appeal to ERO, Sheriff Court</i>
<b><i>Freedom of Information</i></b>	<i>Seek redress via FOI 'Review' process or Appeal to Information Commissioner</i>

### **Claims for compensation**

5. A customer may seek compensation from us if they consider us liable. This includes issues such as personal injury or loss of or damage to property. Claims for compensation only are not complaints, so you must not handle them through the complaints handling procedure. You should be clear, however, that where a customer wants to complain about the matter leading to their request for compensation, you may consider that matter as a complaint, but deal with the request for compensation separately. You may decide to suspend complaint action pending the outcome of the claim for compensation. If you do this, you must notify the customer and explain that the complaint will be fully considered when the compensation claim has been decided.