

# Complaint Handling Guidance 2024

## Introduction

The Local Government and Social Care Ombudsman has introduced a new non-statutory complaint handling code aligned in approach with the separate statutory Housing Ombudsman's code. The Code is 'important advice and guidance about good administrative practice'. Therefore, whilst not legally obliged to do so, we are expected to follow the code unless there are good reasons not to.

The Code applies from 1 April 2024 and is due to be adopted by the Standards and Audit Committee in July 2024.

This guidance is intended to help you if you receive a complaint so that you know what to do with it and ensure it is sent to the right person (or people) to deal with. Please read this in conjunction with the corporate and Housing complaints policies and procedures.

## Definitions

The new definition of a service request is:

***A request that an organisation provides or improves a service, fixes a problem or reconsiders a decision***

This can include expressions of dissatisfaction. Where an individual expresses dissatisfaction that could meet the criteria for a complaint they should be given the opportunity to make a complaint. However, we should be able to agree with the customer that if they make a complaint it can be treated as a service request which will often make it easier to resolve in a more timely manner.

The customer does not have to use the word complaint for it to be treated as one.

Service requests will continue to be dealt with by the relevant business centre as they are now as 'normal service delivery' and should remain separate from the complaints process. If someone makes a service request in our acknowledgement we should signpost the complaints policy.

If someone lodges a complaint which is a service request there is a process for Customer Services to convert it to a service request which removes it from the complaint route.

Some examples of Service Requests:

- [Council Tax banding appeal](#)
- [Environmental Information Regulations Internal Review](#)
- [Freedom of Information Internal Review](#)
- [Homelessness and Housing Register appeals](#)
- [Object to a planning application](#)
- [Parking Penalty Charge Notices](#)
- [Planning enforcement request](#)
- [Problems with neighbours](#)
- [Representations and Reviews under the Licensing Act 2003](#)

The new definition of a complaint is:

***‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.’***

Some examples of complaints:

- delay in responding to a service request
- not satisfied with the action taken to remedy a service request
- not happy with the way a service request has been handled
- communication by staff dealing with a service request
- not happy with how we have acted in relation to a complaint about a third party (noise/neighbours etc)
- complaints about contractors and other third parties who provide public services on our behalf

Who can make a complaint?

Anyone can make a complaint. Councillors, MPs and other third party advocates can raise complaints on behalf of individuals where consent has been given and we are satisfied that they are acting in their best interests. These complaints should be treated with the same weight as if the individual made the complaint themselves.

When we receive a complaint it should be sent via an internal form to Customer Services, who will send it to the relevant nominated stage one complaint handler to be triaged, logged and allocated to the correct person to action it promptly. The internal form captures the information needed to deal with the complaint and allows data and images to be uploaded. This form can also be used to log complaints made by telephone or in person.

When the complaint is logged in Jadu, an automatic acknowledgement to the customer will be generated with a unique reference number and a case is created for a full audit trail.

Sometimes a customer will complain about more than one issue or it may cross over different business centres. Where this is the case Customer Services will divide the complaint and send the relevant part of it to each service area who will respond and Customer Services will collate and respond to the customer. It is not the role of staff within Customer Services to quality check, proofread or write responses on behalf of other business centres; responsibility lies with the stage one and stage two complaint handlers to ensure they have responded to the customer appropriately.

A list of complaint handlers is included at the end of this guidance. This list will change over time so please make sure you are using the most up to date list which is where Jadu will store the information.

If you receive a complaint about a councillor or co-opted member please send it to Mario Leo or Leonie Woodward in Legal and copy in Democratic Services.

Core principles of effective complaint handling

The Code requires us to respond to complaints promptly and places an emphasis on quality over speed so that our customers can be confident that we are dealing with the issues they raise seriously and are committed to putting things right.

A complaint response should be provided to the individual when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. If a proposed remedy cannot be delivered the individual should be informed with reasons, any alternative remedy provided and reminded of right to complain to the Ombudsman. Complaints can be remedied at any stage of the process without the need for escalation.

We should:

- be clear about what aspects of a complaint we are and are not responsible for;
- deal with complaints on their merits, act independently, and have an open mind;
- take measures to address any actual or perceived conflict of interest; and
- consider all relevant information and evidence carefully
- Apologise and acknowledging where things have gone wrong;
- Provide an explanation, assistance or reasons;
- Take action if there has been delay;
- Amend a record or adding a correction or addendum;
- Act within the professional standards for engaging with complaints as set by any relevant professional body.
- Ask for feedback by way of a brief follow up survey

## Exceptions

We do not have to accept all complaints. If a complaint is not going to be accepted, please refer to the Ombudsman's initial list of exclusions in the corporate complaints policy and procedure.

If the complaint being made is about something that happened over 12 months ago, there is an option to accept a complaint outside of this timeframe if there are good reasons to do so, and if not to signpost the customer to the Ombudsman.

If there is a known issue that can be addressed by an automated response which deals with the complaint this is acceptable and avoids delay by telling the customer what has gone wrong, that we know about it and it is being addressed and hopefully avoids a complaint being made. This is a short term measure only usually for operational matters, but should include details of how to make a complaint if they wish.

## Timeframes

For the process to work staff will need to keep their outlook diaries up to date and use the out of office facility to avoid delays to complaints being dealt with in a timely manner.

1. Acknowledge complaints within 5 working days of receipt.
2. Provide a full response at stage one within 10 working days of the complaint being acknowledged (option to extend by a further 10 working days if justified and the complainant is informed and reasons given for the extension and provided with details of the relevant Ombudsman – a link to the website is sufficient)
3. If escalated to stage two provide an acknowledgement within 5 working days of the escalation request being received
4. Provide a full response at stage two within 20 working days of the complaint being acknowledged (option to extend by a further 20 working days if justified and clearly explained to the complainant and provided with details of the relevant Ombudsman)

## Stage One

We should aim to resolve all complaints promptly at stage one if we can.

Provided we record what we have done to resolve the complaint in the case notes in Jadu, there is no requirement to issue a formal written response at this stage. This gives us the flexibility to provide proportionate responses to the complaint. This could simply be a phone call to the customer, or an email. We would usually respond to the customer using the method by which they contacted us, or by the means they choose and we should address the customer in the way they have requested. For example, don't use their first name unless they have indicated they wish to be addressed in this way.

If necessary, we should clarify with the individual any aspects of the complaint we are unclear about.

We should not refuse to escalate a complaint unless there are valid reasons which should be set out clearly. Although it is very helpful to know why someone wishes to escalate their complaint to stage 2 and our procedure allows us to ask them, the complainant is not required to tell us. If someone fails to say why they are unhappy with our stage one response or make clear why they want to escalate and we feel the stage one response is complete there is an option to signpost to the Ombudsman.

## Stage Two

This should not be a review of how a stage one complaint was dealt with, although this might be an element of it if we have to check through the case in Jadu to see what has happened so far. Instead, it should be a more formal investigation of the complaint (where necessary) and/or providing the organisation's final corporate response. Stage two complaints should be dealt with by the people identified in the list at the end of this guidance.

## The Ombudsman

Generally, customers would be signposted to the Local Government and Social Care Ombudsman at all stages of the process and when an extension to a response deadline is sought. However, where the Council is acting in its capacity as landlord, and in some cases regarding Disabled Facilities Grants, Council tenants would be signposted to the Housing Ombudsman. If you are unsure, please seek guidance from colleagues in Housing; either Angela Horsey or Tom Brangan.

## Equalities

We are required to comply with any aspects of the Ombudsman's Code which fall under the Public Sector Equality Duty. We should anticipate where reasonable adjustments might be needed, including whether people require any changes to how the service is delivered and when handling complaints gives people the opportunity to request any reasonable adjustments they may need and for us to make reasonable adjustments for people where appropriate under the Equality Act 2010 in order to deal with their complaint. We should give the individual a fair chance to set out their position and be represented or accompanied by a person of their choosing if covered by the Equality Act.

We should deal with unreasonable complainant behaviour in line with the approved policy and have regard where appropriate to the Equality Act 2010.

## Outcomes and Remedies

Once a complaint has been dealt with we should identify what lessons can be learned from it and how best practice can be shared to make service improvements. This could be changing a policy or working practice, providing a financial remedy where appropriate, communicating to staff and implementing training and guidance if appropriate.

We should take collective responsibility for any shortfalls identified through complaints, rather than blaming others and have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments.

We should take account of good practice guides issued by the Ombudsman and service area experts when deciding on appropriate remedies.

Any remedy offered should reflect the impact on the individual as a result of any fault identified and the remedy offered should clearly set out what will happen and when and followed through to conclusion.

We have produced some templates which will help us comply with the complaints handling code. You can find these in the

## Performance and Monitoring

Overseeing complaints remains with the Monitoring Officer as the link between councils and the Ombudsman and the Standards and Audit Committee.

It is important that complaints are logged centrally in Jadu because they will help inform our performance and monitoring requirements. This includes producing an annual complaints performance and service improvement report, completing an annual self-assessment and reporting on key performance indicators, in addition to the regular reports made to the Standards and Audit and Housing Committees.

## Further Guidance

Further guidance will be provided by the Ombudsman towards the end of 2024/25 to cover:

- how the code can be applied flexibly to meet local need
- interaction between other statutory complaints processes and appeals rights
- timescales
- Social media
- Exclusions from complaints process – where excluded customer can be signposted to the Ombudsman
- Identifying staff when replying to complaints
- Complaints about third parties providing services commissioned by the council (including contractors)
- Compliance with the Public Sector Equality Duty
- Updated guidance on dealing with unreasonable complainant behaviour
- Dealing with representatives (feedback form Care UK was that people were too easily labelled as vexatious and their complaints disregarded)

## Comments and queries

If you are unsure about anything in this guidance please contact Clare Pinnock. For questions and further guidance on Jadu please contact colleagues in Digital Services.

## Complaint handlers

| <b>Department</b>                                | <b>Stage One Contact</b>  | <b>Stage Two Contact</b>                         |
|--|---|--|
| <b>Assets and Regeneration</b>                   | Alex Williams, Corporate Head of Assets and Regeneration                  | Amanda Fahey, Assistant Chief Executive, Finance |
| <b>Customer, Collection and Digital Services</b> | Linda Norman, Corporate Head of Customer, Collection and Digital Services | Amanda Fahey, Assistant Chief Executive, Finance |
| <b>Community Services</b>                        | Darren Williams, Corporate Head of Community Services                     | Phil Turner, Assistant Chief Executive, Place    |
| <b>Environmental Services</b>                    | Helen Clark, Corporate Head of Environmental Services                     | Phil Turner, Assistant Chief Executive, Place    |
| <b>Financial Services</b>                        | Paul French, Corporate Head of Financial Services                         | Amanda Fahey, Assistant Chief Executive, Finance |
| <b>Housing</b>                                   | Maggie Ward, Corporate Head of Housing                                    | Phil Turner, Assistant Chief Executive, Place    |
| <b>Planning, Economy and Built Environment</b>   | Ashley Smith, Corporate Head of Planning, Economy and Built Environment   | Phil Turner, Assistant Chief Executive, Place    |
|  |   | Mario Leo, Corporate Head of Law and Governance  |