

Report title	Council's Complaints Policy and adoption of the Ombudsman's Complaint Handling Code
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Department	Law and Governance
Exempt?	No

<p>Purpose of report:</p> <ul style="list-style-type: none"> • To resolve
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<p>Synopsis of report:</p> <p>This report is seeking approval to adopt the Local Government and Social Care Ombudsman's Complaint Handling Code and the Council's new Complaints Policy. It also outlines the Digital Services Solution to assist with effective complaint handling in the authority. Guidance for staff has been produced which is a 'living document'; it will be regularly reviewed and refined as the authority begins to operate the new policy and in light of any subsequent guidance issued by the Ombudsman from time to time.</p>

<p>Recommendation that:</p> <ul style="list-style-type: none"> i) the Local Government and Social Care Ombudsman's (the Ombudsman's) Complaint Handling Code, issued in April 2024, be adopted; ii) the new Internal Complaints Policy 2024 be approved; and iii) the guidance for staff be endorsed

1. Context and background of report

1.1 Members will recall that the Ombudsman's introduction of a new complaint handling code was brought to this Committee's attention at its meeting on 21 November 2023 when Members approved this Council's response to their consultation. Progress with the Code and its implications for the Council to adopt it and produce a new Complaints Policy has been reported regularly.

1.2 The original intention was to have one joint handling code for both the Local Government and Social Care Ombudsman and the Housing Ombudsman. Feedback from the consultation resulted in their codes remaining separate mainly owing to the specific responsibilities of authorities that are social landlords and the fact that their code is statutory. Therefore, the Housing Ombudsman also introduced a new complaint handling code and the Housing Committee approved a new complaints policy at its meeting in June 2024. This is closely aligned with the main complaints

policy but takes into account the Council's role as social landlord for our Council Housing tenants.

- 1.3 As the policy was being reviewed, it was timely to review the process for how complaints are handled across the organisation. Therefore, the complaints process was identified as part of the ongoing Service Review programme, to review and revise the process in light of policy changes but also to address inconsistencies in approach and quality of responses. Work has been ongoing to build a digital solution to assist the process, make it more user friendly and at the same time bring more consistency to complaint handling across the authority.
- 1.4 The Service Review has now been concluded and the framework is in place to improve processes to assist compliance with the non-statutory Best Value Notice.

2. Report and, where applicable, options considered and recommended

- 2.1 Officers are now in a position having examined the Ombudsman's complaint handling code (attached at Appendix A) to seek approval for its adoption and bring a new Complaints Policy (attached at Appendix B) to this Committee for approval. Guidance for staff has been produced (Appendix C) which is included so that this Committee with the remit of overseeing complaints can be aware of what is expected of complaint handlers and will hopefully assist if Councillors are contacted for advice or help in making a complaint.
- 2.2 The most pertinent information to provide at this stage is a reminder of the overview of the Code and what has changed from the old code and an introduction to the software underpinning the policy. Members are referred to the [report](#) to this Committee in November 2023 which set out the provisions of the code at consultation stage and key elements of complaint handling.

The Code post consultation

- 2.3 After and in response to feedback received on the consultation, the Ombudsman changed the focus of stage 1 to respond more flexibly. There is no longer a requirement to issue a formal written response with a prescriptive checklist. This is to enable us to provide proportionate responses to the complaint. In addition, the focus of stage 2 was changed to remove the review of how the stage 1 complaint was dealt with to a 'more formal investigation of the complaint (where necessary) and/or providing the organisation's final corporate response. An element of reviewing how the complaint was dealt with at Stage 1 might still be an element of it. There is an aspiration to deal with complaints 'promptly' instead of 'quickly' to emphasise quality over speed.
- 2.4 The code provides the following key changes:
 1. an opportunity to treat something as a service request first instead of a complaint even where dissatisfaction is expressed
 2. Give people a choice of whether to lodge a complaint when they express dissatisfaction
 3. Complaints through 'social media' has been removed from the code and replaced with accepting complaints through 'different channels' which could include social media but not if they are a general expression of dissatisfaction. We will only deal with complaints via social media that are in the form of a direct message as is our current practice.

4. Removed reference to not naming staff in complaints – whilst still focussing on the actions of the organisation to minimise impact on staff
5. If someone fails to say why they are unhappy with the stage 1 response or make clear why they want to escalate and we feel the stage 1 response is complete we can make this our final response and signpost to the Ombudsman
6. Refer to outcomes instead of upheld/not upheld complaints
7. Councillor and MP Enquiries are still regarded as service requests. Where dissatisfaction has been expressed, the Councillor can be signposted to the complaints policy in the Council's response.

New definitions

2.5 Service Request:

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

2.6 The code clarifies that 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.’ A customer doesn't have to use the word complaint for it to be treated as one. Service requests would continue to be dealt with by the relevant business centre as they are now as ‘normal service delivery’ and should be kept separate from the complaints process.

2.7 Complaint:

‘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.’

2.8 The broader definition of a service request will absorb a significant number of what we used to regard as complaints. Nevertheless, it is still important to deal with service requests in a timely manner and record what we have done to fulfil those requests to maintain the high standards expected of us. This equally applies to how we deal with complaints.

2.9 Understanding what are service requests and what are complaints is key to the process. The guidance (Appendix C) provides some examples but the list is not exhaustive and is likely to be added to with input from each business centre.

2.10 We may experience an initial spike in Complaints as the new policy beds in, but it is also hoped that through agreement with our customers complaints can be dealt with as service requests which is less formal and may achieve a more timely outcome.

The process

2.11 When a member of staff receives a complaint it should be fed through to Jadu using an internal form on the staff Home Intranet hosted by Customer Services to be triaged, logged and allocated to the correct business centre to action it promptly. CLT have decided that the stage one complaint handlers will be a named Corporate Head rather than using a generic inbox to which a pool of staff have access. The success of this relies on colleagues keeping their outlook diaries up to date and using their ‘out of office’ so that complaints can be promptly re-allocated if necessary.

- 2.12 The Code makes it clear that Councils should have the opportunity to deal with something as a service request before a complaint is made. Jadu allows a two way process to upgrade or downgrade between service requests and complaints and to signpost complaints that are not under our jurisdiction to third parties such as the county council. Complaints about our contractors are included by reason of the definition. Colleagues from Housing have had a significant input into the project group and colleagues in Digital Services have dedicated a significant amount of time and effort which is much appreciated.
- 2.13 Members are asked to note that the following issues are logged in a different way and are outside the new code. These include noise, fly tipping, abandoned vehicles, food hygiene, private sector housing, caravan site, taxis, health and safety, licensed premises, safeguarding, neighbour disputes, homelessness appeals, planning appeals, benefit claim appeals, business rates/valuation appeals, penalty charge notices, data breaches, complaints about Councillors (which continue to be dealt with as set out on the Code of Conduct). There is a separate report elsewhere on this agenda dealing with complaints about Councillors received in the last year.

Timescales and expectations

- 2.14 The following new timescales are slightly more relaxed than our current provisions:
1. Acknowledgement to the customer – within 5 working days of receipt.
 2. Full response at Stage 1 – 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 signposting to the relevant Ombudsman)
 3. 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
 4. If escalated to Stage 2 – acknowledgement within 5 working days of the escalation request being received
 5. Full response at Stage 2 – 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 signposting to the relevant Ombudsman)

Dealing with complaints

- 2.15 Set out below are the core principles and objectives of dealing with complaints:
1. Aim to resolve promptly at stage 1
 2. If there is a known issue that can be an automated response that deals with the complaint this is acceptable and avoids delay telling the customer what has gone wrong, we know about it and it is being addressed – short term measure only for usually operational matters but should include details of how to proceed to stage 2
 3. Is the complaint being made within 12 months of the issue occurring or the person becoming aware of it – option to accept a complaint outside of this timeframe if good reasons to do so, and if not to signpost to the Ombudsman
 4. Clarify with the individual any aspects of the complaint they are unclear about;
 5. Be clear about what aspects of a complaint they are and are not responsible for

6. Deal with complaints on their merits, act independently, and have an open mind;
7. Give the individual a fair chance to set out their position and be represented or accompanied by a person of their choosing e.g. if covered by the Equality Act
8. Take measures to address any actual or perceived conflict of interest; and consider all relevant information and evidence carefully;
9. Anticipate where reasonable adjustments might be needed and make reasonable adjustments for individuals where appropriate under Equality Act
10. Not refuse to escalate a complaint unless there are valid reasons
11. Keep a concise but meaningful record of the complaint and outcomes at each stage including confirmation of signposting to the next stage
12. If a complaint is not going to be accepted refer to the Ombudsman's initial list of exclusions

- 2.16 We are in the process of creating some templates which will help us apply the code, modelled on those that Housing already have in place for consistency and one corporate approach model. The Ombudsman has produced some [FAQ](#) Further Good Practice Guidance will be provided over the next 12 – 18 months.

Jadu

- 2.17 Attached at Appendix D is the latest workflow diagram for Jadu which colleagues in Digital Services have provided.

3. Policy framework implications

- 3.1 The Complaints Policy should be read in conjunction with the Customer First Strategy which was approved by Corporate Management Committee at its meeting in June 2024.
- 3.2 The Complaints Policy supports the following themes in the Council's Corporate Business Plan: 'empowering communities', 'health and wellbeing' and 'organisational development', and all our corporate values underpin the policy and procedures.
- 3.3 The Code introduces new reporting requirements as set out in the section called 'Responsibilities and Performance Monitoring' of the complaints policy (page 7)
- 3.4 As requested by the Chair and following the motion at Council in April 2024 we will be reviewing the 'unreasonable complainant behaviour protocol' and Members will note that the Complaints Policy makes reference to the LGA 'Debate not Hate' campaign as although linked it is essentially a separate issue. We are considering how best to incorporate this and the request for clear reporting and monitoring mechanisms and a report will be brought to a future meeting of this Committee to approve the updated protocol.

4. Resource implications/Value for Money

- 4.1 The Complaints Policy and new procedures have been developed within existing resources drawing on assistance from colleagues in Digital, Collection and Customer Services, Housing, Communications and the Corporate Project Management team.
- 4.2 The new complaints process is integrated with our existing Customer Relationship Management (CRM) system. This integration eliminates the need for a separate,

stand-alone complaints system, resulting in significant cost savings. By leveraging our existing infrastructure, we have avoided the expenses associated with hosting and licensing fees often required for third-party platforms.

- 4.3 This in-house approach not only promotes cost-effectiveness but also fosters a cohesive experience for complainants. The integration with the CRM system allows for centralised tracking and management of complaints, ensuring a smooth and efficient resolution process.
- 4.4 We have arranged training for key colleagues that handle complaints. The first session is taking place on 18 July and the second on 14 August. This means up to 36 staff across all the business centres will be trained, giving resilience and support to each other. The Ombudsman is delivering the training on-line. Officers consider this bespoke approach represents good value for money, based on the maximum of 18 delegates per session which can be met from within existing budgets.

5. Legal implications

- 5.1 Whilst the Ombudsman's Complaint Handling Code is not statutory, the Housing Ombudsman's Code is and it is sensible to take the same approach and have due regard for them accordingly.
- 5.2 There is a legal obligation to comply with all parts of the Code that pertain to the Equality Act 2010 (as amended).

6. Equality implications

- 6.1 Councillors need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010, as part of the decision-making process. The three aims the authority must have due regard for are:
 - eliminate discrimination, harassment and victimisation
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - foster good relations between persons who share a relevant protected characteristic
- 6.2 The Council must pay due regard to any obvious risk of such discrimination arising from the decision before them. There is no prescribed manner in how the equality duty must be exercised though producing an EIA is the most usual method. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief, sex or sexual orientation.
- 6.3 When the code was consulted on by the Ombudsman in August 2023 (at that time the intention was to have a joint handling code with the Housing Ombudsman), they produced an Equality Impact Assessment to which Officers have had due regard when undertaking our own local Screening Assessment which is attached at Appendix E and which has been submitted to the Council's Equalities Group for their consideration. There is a section entitled 'Equalities' in the complaints policy (page 6).

- 6.4 The whole ethos of the policy is to promote equalities and make our procedures as user friendly and accessible as possible with assistance and signposting at every stage. We are required to anticipate the needs and any reasonable adjustments of individuals who make a complaint by including whether people require any changes to how the service is delivered in an automated response for example which gives them the opportunity to request any reasonable adjustments they may need
- 6.5 We are not required to record when a protected characteristic has been engaged but in seeking feedback we can ask if it helps inform our data on complaint handling.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 None identified

8. Risk Implications

- 8.1 There is a risk if we were to not adopt or follow the Ombudsman's complaint handling code. If a matter were to be referred to the Ombudsman, and it was found that we had not adopted or adhered to the Code, there is a risk of greater sanctions being imposed. This may have reputational and potentially financial consequences.

9. Other implications

- 9.1 The complaints policy and procedures comply with data protection legislation and privacy information is included in the complaints policy (page 8).
- 9.2 Within the policy third parties including Councillors, MP, or another advocate are able to assist people making a complaint or do so on their behalf with their explicit consent. When lodging complaints there is a requirement to confirm that consent has been given by a customer for someone else to act on their behalf and we need to be satisfied that the third party is acting in their best interests. It should be noted that the code says that if a Councillor makes a complaint on behalf of someone else, it should be given the same weight (not more) as if the individual made the complaint themselves.
- 9.3 In terms of access to the complaints software; in addition to the project team, this is limited to Corporate Heads, who only have access to the complaints that have been assigned to them. Nominated colleagues in Customer Services and Democratic Services have 'master view' access to everything as they manage the system in terms of allocating complaints and extracting anonymised data to comply with the new reporting requirements, in preparing the reports for this Committee and producing the new annual self-assessment for the Ombudsman.

10. Timetable for Implementation

- 10.1 Adoption of the Code and approval of the Complaints Policy will take place with immediate effect. A 'soft' launch of the software took place in late June to familiarise staff with the new policy and procedures. The staff Home Intranet and public facing webpages have been updated and the Communications Team will share information to all staff via staff e-news, and an article on Staff Home.
- 10.2 Ombudsman Training is taking place on 18 July and 14 August 2024 for 36 members of staff including Corporate Heads.

10.3 The Ombudsman will be issuing further guidance on aspects of and compliance with the Code and other good practice documentation towards the end of 2025. The Ombudsman will start applying the Code in their processes from 2026/27. This gives councils a year to embed the code.

11. Conclusions

11.1 Adoption of the Ombudsman's Code, the new complaints policy and procedures, training and guidance will build on best practice, provide greater consistency and drive service improvement. This should improve the customer experience and make handling complaints a positive process for all concerned.

12. Background papers

- Relevant correspondence with the Ombudsman regarding training and internal correspondence with colleagues in the Service review and Digital Services.

13. Appendices

- Appendix A Ombudsman's Complaint Handling Code April 2024
- Appendix B Complaints Policy July 2024
- Appendix C Guidance for staff
- Appendix D Jadu Workflow diagram
- Appendix E Equality Impact Screening Assessment