

## **Revised Complaints Policy**

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**Portfolio:** All

**Wards Affected:** All

### **Purpose of the Report:**

To present the revised corporate complaints policy and outline the key changes from the existing complaints policy.

### **Recommendations:**

1. To review the draft revised Complaints Policy and recommend that Council adopts the Policy in full.

## **1. Summary**

- 1.1 This report introduces the revised corporate complaints policy and seeks approval for implementation.
- 1.2 The policy covers complaints received through any channel across all services.
- 1.3 The policy will replace the Housing Complaints Policy which was implemented on 1<sup>st</sup> April 2024 which covers complaints regarding temporary accommodation.
- 1.4 The policy clarifies how we will support residents/customers in making their complaint and outlines how we will deal with said complaint.
- 1.5 The policy also clarifies how we will take learning from complaints received to continually improve our services.

## **2. Background**

- 2.1 In 2021, we adopted a new corporate complaints policy which at the time, took learnings and best practice from the guidance given by the Local Government and Social Care Ombudsman.
- 2.2 In April 2024, both the Local Government and Social Care Ombudsman and the Housing Ombudsman released new complaint handling codes. The Housing Ombudsman updated its existing code and consulted members to put it on a statutory footing under the Social Housing (Regulation) Act 2023. Whereas this is a completely new code for the Local Government and Social Care Ombudsman.
- 2.3 Both Codes are aligned in emphasising the following key principles:
  - Accessibility and awareness
  - Process
  - Timeliness
  - Oversight
- 2.4 In order to have one singular complaints policy covering all complaints for all services, we have adopted the provisions in both Codes as they represent best practice in complaint handling.

## **3. Current positions/findings**

- 3.1 The following table shows a summary of the changes that have been made to our current complaints policy to create the revised complaints policy:

Area	Current complaint policy	Revised complaint policy
Definition of a complaint	An expression of dissatisfaction about a council service (whether that service is provided directly by the council or by a contractor or partner) that requires a response.	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.’
Service request definition		A service request is a request from you to us requiring action to be taken to provide a service. We define a service request as “a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision”.
Exclusions		<p>We may exclude a complaint for the following reasons:</p> <ul style="list-style-type: none"> <li>• The issue giving rise to the complaint occurred over twelve months ago (we may apply discretion to complaints issued after this time frame).</li> <li>• Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.</li> <li>• Challenging the Councils duty to discharge its legal obligations.</li> <li>• Matters that have previously been considered under the complaints policy.</li> <li>• Where the Council has already enacted the use of the unreasonably persistent complaints policy.</li> <li>• The complaint is already being considered by the Local Government or Housing Ombudsman.</li> <li>• If it is a complaint about a Councillor, which should be considered under the <a href="#">Council’s process for handling councillor complaints</a>.</li> <li>• If it is not about a Council service or a matter for which we are responsible.</li> <li>• Planning objections (comments) on live Planning applications, which should be considered under the <a href="#">Planning comments process</a>.</li> </ul>

		<ul style="list-style-type: none"> <li>• Matters for which there is an existing right of appeal or legal remedy, these types of matters are dealt with according to the specific nature of the appeal: <ul style="list-style-type: none"> <li>○ Parking ticket disputes</li> <li>○ Planning and licensing application appeals</li> <li>○ Housing benefit appeals</li> <li>○ Choice-based lettings reviews</li> <li>○ Council Tax reduction appeals</li> <li>○ Council Tax banding appeals</li> <li>○ Regulatory matters for which there is a formal route of appeal</li> </ul> </li> </ul>
<p>Complaint handling process</p>	<p>Acknowledgement – within 5 working days.</p> <p>Stage 1 – within 15 working days:</p> <ul style="list-style-type: none"> <li>• Manager responsible for responding to a complaint.</li> <li>• Fully investigate to reach a resolution and prevent it escalating to Stage 2.</li> </ul> <p>Stage 2 – within 15 working days:</p> <ul style="list-style-type: none"> <li>• Director responsible for responding to a complaint.</li> </ul> <p>Carry out a review of the complaint response at Stage 1 and consider any new evidence.</p>	<p>Acknowledgement – within 5 working days.</p> <p>Stage 1 - within 10 working days of the complaint being acknowledged.</p> <ul style="list-style-type: none"> <li>• First level manager to investigate</li> <li>• An extension can be considered if it's a complex case, an extension must be no more than 10 working days without good reason.</li> </ul> <p>Stage 2 – acknowledged and logged within 5 working days of the escalation request.</p> <p>Stage 2 - within 20 working days of the complaint being acknowledged.</p> <ul style="list-style-type: none"> <li>• Second level manager to review and investigate.</li> <li>• An extension must be no more than 20 working days without good reason.</li> </ul>
<p>Putting things right</p>	<ul style="list-style-type: none"> <li>• Acknowledge when things go wrong.</li> <li>• Apologise when appropriate.</li> <li>• Improve procedures so similar problems do not happen again.</li> </ul>	<ul style="list-style-type: none"> <li>• Apologising;</li> <li>• Acknowledging where things have gone wrong;</li> <li>• Providing an explanation, assistance or reasons;</li> <li>• Taking action if there has been delay;</li> <li>• Reconsidering or changing a decision;</li> <li>• Amending a record or adding a correction or addendum;</li> <li>• Providing a financial remedy;</li> </ul>

<p>Self-assessment and reporting</p>		<ul style="list-style-type: none"> <li>• Changing policies, procedures or practices.</li> </ul> <p>The Council must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:</p> <ol style="list-style-type: none"> <li>a) the annual self-assessment against the Ombudsman Code to ensure our complaint handling policy remains in line with its requirements.</li> <li>b) a qualitative and quantitative analysis of the our complaint handling performance. Which will also include a summary of the types of complaints we have refused to accept;</li> <li>c) any findings of non-compliance with the Ombudsman Code;</li> <li>d) the service improvements made as a result of the learning from complaints;</li> <li>e) any annual report about our performance from the Ombudsman; and</li> <li>f) any other relevant reports or publications produced by the Ombudsman in relation to our work.</li> </ol> <p>The annual complaints performance and service improvement report must be reported to the Council’s governing body (or equivalent) and published on the on the section of its website relating to complaints. The governing body’s response to the report must be published alongside this.</p>
<p>Continuous Improvement</p>	<p>We are committed to learning from the complaints we receive and promoting a culture of continuous improvement. To do this we will:</p> <ul style="list-style-type: none"> <li>• Regularly report the complaints received to senior leaders along with lessons learned.</li> <li>• Review and make changes to policies and procedures where necessary.</li> <li>• Provide relevant training to staff.</li> </ul>	<p>We are committed to learning from the complaints we receive and promoting a culture of continuous improvement. To do this we will:</p> <ul style="list-style-type: none"> <li>• Regularly report the complaints received to senior leaders along with lessons learned.</li> <li>• Review and make changes to policies and procedures where necessary.</li> <li>• Provide relevant training to staff.</li> </ul>

#### **4. Proposed action**

4.1 The aims of this policy are to:

1. To show how the Council handles complaints through increased transparency, accessibility and complaint handling governance demonstrating that residents/customers are core to its service delivery and good complaint handling is integral.
2. It aims to support the earliest resolution of complaints prior to the matters escalating to The Ombudsman.
3. It provides residents/customers with the knowledge of what to expect if they make a complaint as well as improving access and awareness.
4. It enables continuous improvement and lessons learned.

4.2 In line with the implementation of this policy, all staff will receive training on the new policy via SkillGate. Complaint handlers and those involved in complaints will also receive training on our internal process to handle complaints and effective complaint handling.

#### **5. Other options**

5.1 Members may choose not to adopt the singular policy covering both the Housing Ombudsman and Local Government and Social Care Ombudsman's complaint handling code and continue to have a separate policy for Housing complaints and other corporate complaints.

#### **6. Issues and risks**

6.1 If the joint policy is not adopted, our current corporate complaints policy will not be in line with the Local Government and Social Care Ombudsman complaint handling code and we may be at risk of challenge.

6.2 **Resource Implications** – there are no resource implications associated with this report.

6.3 **Legal Implications** – there are no legal implications associated with this report.

6.4 **Equality Implications** – an equalities impact assessment has been carried out and there are no equality implications relating to this policy.

6.5 **Environmental Impact** – there are no environmental impact implications associated with this report.

6.6 **Crime and Disorder** – there are no crime and disorder implications associated with this report.

6.7 **Risks** – there are no risks associated with this report.

## **7. Conclusion**

- 7.1 This policy has been written to enable us to handle complaints in line with the most recent Codes from the Housing Ombudsman and the Local Government and Social Care Ombudsman.

## **8. Recommendations**

- 8.1 To review the draft revised Complaints Policy and recommend that Council adopts the Policy in full.

## **Background papers**

[Broadland District Councils Complaint Policy](#)

## Broadland District Council's Complaints Policy

### Introduction

Broadland Districts Council's aim is to provide an excellent customer experience, ensuring we meet the needs of our residents and customers. However, we recognise that there are times when we do not meet the expected level of service and where this is the case, it is important that we provide customers with a simple and accessible way to report this and that the complaints are resolved promptly, politely, and fairly.

Broadland District Council takes every complaint seriously and uses complaints as an opportunity to put things right and take learning to enable us to continuously improve.

This policy outlines how we will resolve complaints, adhering to the current Housing Ombudsman and the Local Government and Social Care Ombudsman complaint handling codes.

We will adhere to this policy when handling all complaints. This policy is supported by an internal complaint handling process and in some cases, service area specific guidance.

#### Our 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.'

”

A complaint is where you express dissatisfaction with a service you have received from us, you do not have to mention the term 'complaint' for us to treat it as such.

A complaint that is submitted via a third party or representative will be handled in line with this policy.

#### Our definition of a service request is:

A service request is a request from you to us requiring action to be taken to provide a service.

“

'a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision.'

”

Service requests are not complaints, but we will record, monitor and review these regularly.



We will raise a complaint when you express dissatisfaction with our response to your service request, even if the handling of the service request remains ongoing. We will not stop our efforts to address the service request if you complain.

### **Exclusions:**

We will accept a complaint unless there is a valid reason not to do so. If we decide not to accept a complaint, we will evidence our reasoning. We will consider each complaint on its own merits.

We may exclude a complaint for the following reasons:

- The issue giving rise to the complaint occurred over twelve months ago (we may apply discretion to complaints issued after this time frame).
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Challenging the Council's duty to discharge its legal obligations.
- Matters that have previously been considered under the complaints policy.
- Where the Council has already enacted the use of the unreasonably persistent complaints policy.
- The complaint is already being considered by the Local Government or Housing Ombudsman.
- If it is a complaint about a Councillor, which should be considered under the [Council's process for handling councillor complaints](#).
- If it is not about a Council service or a matter for which we are responsible.
- Planning objections (comments) on live Planning applications, which should be considered under the [Planning comments process](#).
- Matters for which there is an existing right of appeal or legal remedy, these types of matters are dealt with according to the specific nature of the appeal:
  - Parking ticket disputes
  - Planning and licensing application appeals
  - Housing benefit appeals
  - Choice-based lettings reviews
  - Council Tax reduction appeals
  - Council Tax banding appeals
  - Regulatory matters for which there is a formal route of appeal

If we decide not to accept a complaint, we will give an explanation to you setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell us to take on the complaint.

We will take a considered approach when deciding whether to exclude a complaint from our policy, noting the individual circumstances of each case.

## The Complaint Handling Process

When a complaint is logged, we will set out our understanding of the complaint and the outcomes that you are seeking. If any aspect of the complaint is unclear, we will seek clarification from you.

When we acknowledge a complaint, we will be clear which aspects of the complaint we are not responsible for and clarify any areas where this is not clear.

At each stage of the complaints process, our complaint handlers will:

- a) deal with complaints on their merits, act independently, and have an open mind;
- b) give you a fair chance to set out your position;
- c) take measures to address any actual or perceived conflict of interest; and
- d) consider all relevant information and evidence carefully.

If we need longer to respond to a complaint, we will agree with you suitable intervals for keeping you informed about your complaint.

### Stage 1:

This is the investigation stage. Responsibility for complaints at this stage sits with the first level manager for the team.

We will acknowledge your complaint **within 5 working days of the complaint being received.**

We will issue a response to your complaint **within 10 working days of the complaint being acknowledged.**

If an extension to this timescale is required when considering, we will inform you of the expected timescale of response. **An extension will be no more than 10 working days without good reason and if this is the case, the reason(s) will be clearly explained to you.**

When we inform you of the extension to the timescale, we will provide the contact details for The Ombudsman.

We will issue a response to the complaint when the answer to the complaint is known, not when the outstanding actions to the request have been completed. Any outstanding actions will be tracked and actioned promptly with updates provided you.

If you raise additional complaints during the investigation and these are related to the same complaint, we will incorporate these into the Stage 1 complaint if the Stage 1 response hasn't been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues will be logged as a new complaint.

When we respond to the complaint at Stage 1 we will include in our response, in clear plain language:

- a) the complaint stage;
- b) the complaint definition;
- c) the decision on the complaint;
- d) the reasons for any decisions made;

- e) the details of any remedy offered to put things right;
- f) details of any outstanding actions; and
- g) details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

## **Stage 2:**

This is the review stage, complaints at this stage are dealt with a second level manager.

If the complaint hasn't been resolved to your satisfaction at Stage 1, you can request that this is escalated to Stage 2. Stage 2 is our final response.

We will acknowledge, define and log a request for Stage 2 **within 5 working days of the escalation request being received.**

You are not required to explain your reasons for requesting a stage 2 consideration. We will make reasonable efforts to understand why you remain unhappy as part of our stage 2 response.

The complaint handler considering the Stage 2 complaint will be a different person to the complaint handler at Stage 1.

We will issue a final response to the complaint **within 20 working days of the complaint being acknowledged.**

If an extension to this timescale is required when considering, we will inform you of the expected timescale of response. **An extension will be no more than 20 working days without good reason and if this is the case, the reason(s) will be clearly explained to you.**

When we inform you of the extension to the timescale, we will provide the contact details for The Ombudsman.

When we respond to the complaint at Stage 2 we will include in our response, in clear plain language:

- a) the complaint stage;
- b) the complaint definition;
- c) the decision on the complaint;
- d) the reasons for any decisions made;
- e) the details of any remedy offered to put things right;
- f) details of any outstanding actions; and
- g) details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.

## **Putting things right:**

Where something has gone wrong, we will acknowledge this and set out the actions we have already taken, or intend to take, to put things right. These can include:

- Apologising;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;

- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices

Any remedy we offer will reflect the impact on the resident as a result of any fault identified.

We will be clear in our remedy offer what will happen and by when, in agreement with you where appropriate. Any remedy we propose will be followed through to completion.

We will take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

## **Next Steps**

If you have been through all stages of our complaints procedure and are still dissatisfied, you can ask the Local Government Ombudsman to review your complaint.

The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service.

The Ombudsman expects you to have given us chance to deal with your complaint, before you contact them. If you have not heard from us within a reasonable time, it may decide to look into your complaint anyway, this is usually up to 12 weeks.

The Local Government Ombudsman looks at individual complaints about councils and some other organisations providing local public services.

## **Contact**

### **Local Government and Social Care Ombudsman**

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Telephone: 0300 061 0614

Opening hours

Monday, Tuesday, Thursday and Friday: 10am to 1pm

Wednesday: 1pm to 4pm

### **Housing Ombudsman**

Website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Telephone: 0300 111 3000

Opening hours

Monday to Friday: 9am to 5pm

## **Self-assessment, Reporting and Compliance**

We will produce an annual complaints performance and service improvement report for scrutiny and challenge which will include:

- g) the annual self-assessment against the Ombudsman Code to ensure our complaint handling policy remains in line with its requirements.
- h) a qualitative and quantitative analysis of our complaint handling performance. Which will also include a summary of the types of complaints we have refused to accept;
- i) any findings of non-compliance with the Ombudsman Code;
- j) the service improvements made as a result of the learning from complaints;
- k) any annual report about our performance from the Ombudsman; and
- l) any other relevant reports or publications produced by the Ombudsman in relation to our work.

## **Continuous Improvement**

We are committed to learning from the complaints we receive and promoting a culture of continuous improvement. To do this we will:

- Regularly report the complaints received to senior leaders along with lessons learned.
- Review and make changes to policies and procedures where necessary.
- Provide relevant training to staff.

## **Other types of feedback or enquiries**

The following will not be dealt with under this policy but will be dealt with under their own policy/procedure:

- Complaints of fraud or corruption
- Whistleblowing
- Hate incidents
- Information requests
- Member misconduct

## **Retention Guidelines**

The following sets out our retention guidelines for all complaints received:

### **Stage 1 & Stage 2 Complaints**

- Destroy 2 years after the closure of the complaint. Unless the complaint has been escalated to the Ombudsman (see Ombudsman retention guidance).
- Files will be reviewed and destroyed on a monthly basis.

## **Ombudsman Complaints**

- Destroy 6 years after the closure of the complaint.
- Files will be reviewed and destroyed on a quarterly basis.