

# **Corporate Complaints Policy and Procedure**

**Revised 11 January 2021**

## **1. Our complaint policy**

### **Scope of our policy**

This policy and procedure applies to all Council employees and to employees and organisations who deliver services on behalf of this Local Authority.

### **Introduction**

The Council is committed to putting people at the centre of everything we do and aims to provide the best possible service to residents. However, sometimes things can go wrong and if you are not happy with the service you have received from the Council then please tell us so that we can, where possible, sort out the problem.

We will carry out enquiries fairly, deal with your complaint as quickly and effectively as we can while maintaining confidentiality and keeping you informed of progress. We want to reassure you that the service you get will not be affected if you raise concerns or make a complaint.

The policy and procedure:

- allows managers to address issues of unsatisfactory service and seek improvements in service delivery;
- ensures that customers are treated fairly and consistently;
- ensures that a proper and adequate investigation takes place before any action is taken; and
- safeguards the integrity and good reputation of the Council.

Whenever you contact us, we will:

- be polite and treat you with respect;
- give you honest and clear advice;
- make it clear what we can and cannot do;
- listen to your views; and
- admit when things go wrong and do our best to put them right.

What we ask you to do:

- treat us politely and with respect; and
- tell us when things go wrong so that we can put them right.

### **What is a complaint?**

In general terms a complaint can be considered as: *“an expression of dissatisfaction by telephone, personal visit or in writing, about the standard of*

*service, actions or lack of action by the council or its staff affecting an individual or group of customers.”*

### **How can people complain?**

Complaints can be made in person, by telephone, in writing, by fax, via our website or email. It is somewhat difficult to investigate a complaint submitted anonymously but where we have sufficient information to allow an investigation to begin, we will do so. Where possible, we will also respect a complainant's reasonable request for anonymity.

### **Who can complain?**

Anyone who uses our services and is dissatisfied with the standard of service we have provided or our lack of action. However, any complaint should be made to the Council within 12 months of when a person feels that something has gone wrong.

### **What can people complain about?**

People can complain about any **services** that the Council provides or contracts out. However, please note that:

- although a complaint can be submitted against Council **policy**, please be aware that Council policy cannot be overturned through the complaint process as this can only be done through the statutory decision making procedure; and
- issues relating to employment or application for employment with the Council cannot be addressed through the complaint procedure.

### **Remedies for redress**

The purpose of redress is to remedy the injustice or hardship suffered and where possible to return a complainant to the position they would have been before the situation went wrong. Types of redress include:

- an apology;
- providing the service that should have been received at first;
- taking action or making a decision that should have been done before;
- reconsidering an incorrect decision;
- improving procedures so that similar problems do not occur again; and
- if after an investigation by Council staff or the Ombudsman, it is concluded that as a result of maladministration there is no practical action that would provide a full and appropriate remedy or if the complainant has sustained loss or suffering, financial compensation may be the most appropriate approach.

## **Unreasonable or Unreasonably Persistent complaints**

If we consider that a complainant is unreasonable or unreasonably persistent, we will refer the matter to a senior manager, who will consider whether further investigation of the complaint will be carried out.

## **2. The Corporate Complaints Procedure**

Our complaints procedure is designed to support the effective management of complaints and is set out below.

### **INFORMAL COMPLAINTS**

We will always try to resolve enquiries/concerns by way of 'service requests' by talking through problems with you, without the need to go through our formal complaints procedure. We will aim to put things right and give you a timescale when we will respond to you, detailing the action we have taken.

If we are unable to resolve the complaint to your satisfaction then we will tell you how to proceed within the formal complaint procedure which is outlined below.

### **FORMAL STAGE 1**

In all cases, the Council will attempt to resolve an issue informally in the first instance. A complaint will be registered under Stage 1 of our formal complaints procedure when:

- we can't resolve the problem informally
- you tell us that you want to make a formal complaint
- we believe it is necessary to use the formal procedure to resolve or respond to the complaint

Complaints at Stage 1 will be investigated by a Head of Service or the appropriate manager, from the service you have complained about, who was not directly involved in the reason for your complaint.

Prior to that, we will acknowledge the complaint within 3 working days of receipt and tell you who is looking into it. We aim to give you a response to your complaint at Stage 1 within 10 working days. If this is not possible, we will write to you to let you know why there is a delay and the estimated time it will take to provide a full response. If you are not happy with the response you receive, the full response will tell you:

- how to escalate your complaint to Stage 2; or

- that you may escalate your complaint direct from Stage 1 to the Housing or Local Government and Social Care Ombudsman if we feel that the decision cannot be overturned through the complaint process.

### **FORMAL STAGE 2 (Review)**

You can ask us to review your complaint at Stage 2 if:

- you are unhappy with how your complaint was handled at Stage 1
- you are unhappy with the response you have received

In your appeal you will need to say why you are dissatisfied with the response and what further action you expect.

Complaints at Stage 2 will be investigated by a Director, who will review how your complaint was dealt with originally to decide if:

- the complaint was investigated thoroughly and objectively
- the conclusions reached are based on evidence
- the response was reasonable, appropriate and tried to achieve resolution

We will acknowledge your request for an investigation at Stage 2 of the Corporate complaints procedure within 3 working days of receipt and tell you who is looking into it. We aim to give you a full response to your complaint at Stage 2 within 10 working days and if we can't finish our investigation in time, we will let you know and tell you why. If you are unhappy with the response you receive, the full response will tell you:

- how to escalate your complaint to Stage 3; or
- that you may escalate your complaint direct from Stage 2 to the Housing or Local Government and Social Care Ombudsman if we feel that the decision cannot be overturned through the complaint process.

### **FORMAL STAGE 3 (Appeal)**

You can appeal to the Chief Executive of the Council if:

- you are unhappy with the outcome of your complaint at Stage 2 ●  
you are unhappy with the response you have received

In your appeal you will need to say why you are dissatisfied with the response and what further action you expect.

The Chief Executive will acknowledge the complaint within 3 working days of receipt and will then review the previous decisions and decide if they were fair

and reasonable. We aim to give you a full response to your complaint at Stage 3 within 15 working days. If we can't complete it on time, we will tell you why. The response will advise you how to escalate your complaint further if you are still unhappy.

## **TAKING YOUR COMPLAINT FURTHER**

If your complaint is about Housing management matters, (but not Lettings/Housing allocations) please see section A below. For all other matters see section B.

### **A. Designated Person and Housing Ombudsman**

If your complaint has been through Stages 1, 2 and 3 of the formal complaint procedure and the complaint is about a tenancy, leasehold, or other housing management issue, there are two further steps.

#### **(i) Designated Person**

As a result of the Localism Act 2011, this Council has a 'designated person' whose role is fulfilled by a locally elected member. The role of the designated person is to consider the request by a tenant for assistance in resolving his/her dispute with the Council. If the designated person does not feel that he can resolve the complaint, or after trying he has not resolved it to your satisfaction, he will advise you of his findings and that you may refer your complaint to the Housing Ombudsman Service.

Alternatively, if you do not want the designated person to consider your complaint, you could allow 8 weeks to elapse (from the date of the Stage 3 response) and then escalate your complaint direct to the Housing Ombudsman Service.

#### **(ii) Housing Ombudsman Service**

The Housing Ombudsman Service is set up by law to look at complaints about registered providers of social housing and their service is free, independent and impartial. The contact details of the Housing Ombudsman are:

Housing Ombudsman Service  
81 Aldwych  
London  
WC2B 4HN

Telephone 0300 111 3000 (Mon-Fri 8.30am to 5pm)  
Fax 020 7831 1942

Email [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk) <http://www.housing-ombudsman.org.uk/>

## **B. Local Government and Social Care Ombudsman (LGO)**

If your complaint is about any other Council service, and you feel we have treated you unfairly or you disagree with our decision, you can complain to the LGO. The Ombudsman is an independent watchdog which makes sure that all councils act fairly and follow their own policies and procedures. The contact details of the LGO are:

Local Government and Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

Telephone: 0300 061 0614 (Mon-Fri 8.30am to 5pm)  
Fax: 024 7682 0001  
Online complaint form: [www.lgo.org.uk/forms/ShowForm.asp](http://www.lgo.org.uk/forms/ShowForm.asp)  
<http://www.lgo.org.uk/>