

Corporate Complaints Policy 2024

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1. Introduction

Charnwood Borough Council (the Council) recognises the importance of complaints and welcomes them as a valuable form of feedback about our services and those services provided by our contractors. The Council will use this feedback to continually evolve and provide services to residents in the most effective and efficient ways.

Complaints offer an insight into the Council's delivery of services and the aim of this policy and procedure is to deal with complaints in a fair, consistent and structured manner and provide an efficient and streamlined framework for doing so. It will also ensure that the Council can learn from complaints and use the information we gain to improve our services so that as a customer you have confidence that the same problem will not occur again.

Emphasis is placed on resolving complaints as quickly and efficiently as possible to ensure a satisfactory outcome for those involved.

2. Purpose and Scope

This policy applies to all employees working for the Council, including those working from home or at non-Council locations. It also applies to consultants, agency staff and contractors working for or on behalf of the Council while engaged on Council business.

The complaints policy ensures that there is a clear and systematic process by which customers can seek redress for failures in service provision. The aims and objectives of the Council's complaints policy are to give customers a fair, consistent and structured process to find a remedy when things have gone wrong.

The Council will also use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.

Accountability and transparency are integral to a positive complaint handling culture. This policy is published on the Council's website. We will also publish future annual complaints performance and service improvement reports on there.

3. Our objectives

This policy will seek to deliver the following results:

- Provide a resolution in accordance with the timescales stated
- Resolve complaints at the earliest opportunity
- Increase customer satisfaction
- Learn from mistakes
- Identify and implement service improvements

4. Comments and compliments

The Council also wants to encourage customers to let it know when it has done something well or if they have suggestions on how it can improve what it does.

A comment is feedback about policies, practices, or a service as a whole, which have an impact on everyone and not just one individual. A comment can be positive or negative in nature. Comments may question policies and practices, make suggestions for new services or for improving existing services.

A compliment is an expression of satisfaction, thanks, praise, or congratulations.

5. What is a complaint?

The Council defines a complaint as an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the Council, its staff, or those acting on its behalf, affecting an individual, resident or group of residents. Where a customer expresses dissatisfaction (subject to section 6 below), they must be given the choice to make a complaint.

A complaint can be raised by anyone who has been affected by the actions or inactions of the Council. Complaints may, for example, be about:

- The lack of fairness or professionalism of interaction with officers
- Failure to do something we should have done
- Refusal to provide a service or delivery of poor service
- Failure to follow the correct policy, procedure, law or legislation

6. What is not a complaint under this policy?

Initial requests for service, or for action to be taken to put something right, may include expressions of dissatisfaction but are not considered to be a complaint under this policy. It is reasonable for the Council to have an opportunity to respond to a service request for any issues reported for the first time.

Certain other matters will not be accepted as a complaint or not dealt with through the Council's complaints policy, either because there are other processes more suitable for dealing with them, or because they are outside of the Council's control.

These include:

- The correct application of Council policy, or matters for which there is a right of appeal (either within the Council or to an independent tribunal)**
- Matters of law or central government policy e.g. Council tax legislation
- Complaints where the customer or the Council have started legal proceedings, such as where details of the Claim Form or Particulars of Claim have been filed at court

- Matters that have previously been considered under the complaints policy and been concluded as not being the fault of the Council
- Complaints which have already been decided by a court or independent tribunal
- Complaints relating to Freedom of Information (FOI), Environment Information Regulations (EIR), Environmental Impact Assessments (EIA) and Data Protection legislation, including data breaches
- Complaints from staff about personnel matters, including appointments, dismissals, pay, pensions, and discipline. (These are dealt with under the Council's HR procedures)

**Matters where there are alternative statutory appeal or tribunal processes include:

- Planning decisions, including consent, refusals and enforcement decisions
- Homelessness decisions and housing register banding decisions
- Parking appeals / notices
- Council tax and Housing benefit decisions
- Appeals against statutory notices
- Regulatory matters (Environmental Health, Licensing, & Community Safety)
- Insurance claims
- Conduct of elected members (Councilors)

If the Council decides there is a valid reason not to accept a matter as a complaint we will provide a clear written explanation setting out the reasons why the matter is not suitable for the complaints process, specifically referencing the exclusion that applies. We will also explain the right for the complainant to take that decision to the relevant Ombudsman if they choose to.

7. What is the time limit for making complaints?

It is far easier to find out what happened and to put things right if complaints are received at the time of the incident. As time passes it becomes more difficult to investigate events fairly and fully – people's memories fade, staff who were closely involved may have left the Council, or records may no longer be available.

For these reasons, the Council will normally only accept complaints made within 12 months of the issue occurring or the customer becoming aware of the issue, unless they are excluded on other grounds.

However, if the complaint relates to safeguarding, health and safety issues or there are exceptional circumstances provided by the complainant for the delay in submitting the complaint, the Council may make a discretionary decision to accept complaints made outside of this time limit.

8. What if I don't receive a response?

Timescales for response are set out in sections 13 and 14 of this policy. Should a complainant not receive a response within these timescales they can contact the relevant Ombudsman for help to get a response. The Ombudsman will investigate whether the Council is correctly following its complaint handling process, and where there is evidence that the Council is not following the process the Ombudsman may instruct the Council to respond.

9. Is there a deadline for escalating a complaint?

If a complainant remains dissatisfied with the response to all or part of their stage 1 complaint, they can escalate to stage 2 of the complaint handling process. Escalation requests must be received within 28 days of the stage 1 response. Requests made after the 28-day deadline will only be considered where there are extenuating circumstances.

10. Who can make a complaint?

Complaints may be made by anyone who is affected, either because the Council (or someone acting on its behalf) have failed to do something they should have done or have done something to an unsatisfactory standard.

Complainants may choose to ask someone else to deal with their complaint on their behalf, such as a relative, carer or friend, and to represent or accompany them at any meeting with the Council. Complaints can also be made through a Councillor, Member of Parliament, or another elected person. Correspondence from these individuals will be dealt with in the same way as if it were received from the complainant themselves.

Where appropriate, the Council will seek consent from the complainant to correspond with a third party on their behalf. This ensures compliance with data protection requirements and reassurance that the complainant's wishes are being fulfilled.

If a complaint is received from a vulnerable adult who does not have the capacity to consent, the Council will decide how to progress the matter in accordance with the Mental Capacity Act 2005. Where appropriate, complainants will be signposted to relevant advocacy services.

The Council values all complaints, including those made anonymously. Generally, anonymous complaints will only be accepted if there is enough information in the complaint to enable the Council to make further enquiries. If an anonymous complaint is received, this will be recorded as anonymous. If an anonymous complaint does not provide enough information to enable further action to be taken, a decision may be made not to consider it. This judgement will be based on the individual circumstances of each complaint.

11. How to make a complaint?

The Council is committed to making it easy for customers to contact us and provides a variety of different pathways to do so.

Wherever possible, we encourage customers to submit any feedback or complaints using our online form:

https://www.charnwood.gov.uk/pages/feedback_compliments_or_complaints

Alternatively, contact can be made:

- By telephone: 01509 263151
- By post: Customer Experience Team, Charnwood Borough Council, Southfields, Loughborough, LE11 2TX
- In person (by appointment only): Charnwood Borough Council, Southfields, Loughborough, LE11 2TX

Complaints received via social media will be forwarded to the relevant service area and handled in accordance with this policy.

12. The complaint handling process

In the first instance the Council will review the matter(s) raised to see if it fits the definition of a complaint (see sections 5 and 6). If we consider it to be a request for a service or a comment on services, it will not be accepted as a formal complaint.

The Council operates a formal two stage complaints process as set out below. All complaints will be logged, defined and acknowledged within 5 working days of receipt. The acknowledgement will include:

- The Council's understanding of the complaint
- The outcome(s) the complainant is seeking
- The name of the investigating officer
- The date the response will be provided

When defining the complaint, the Council will make clear which aspects of the complaint we are, and are not, responsible for.

If any aspect of the complaint is unclear, the Council may ask the complainant for clarification and / or details of how they would like the matter to be resolved.

Following completion of the investigation the Council will respond in writing, confirming:

- The complaint stage
- The complaint definition and issues investigated
- The decision on the complaint
- The reason(s) for the decision made

Where the complaint is upheld, the response will also contain:

- An apology
- The details of any remedy offered to put things right
- Details of any outstanding actions, and when they will be completed
- Lessons learnt / actions taken to prevent any recurrence

13. Stage 1 complaint

Stage 1 is the first stage of the Council's complaints policy. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided.

Complaints will be logged, defined and acknowledged within 5 working days of being received (the day of receipt is day zero).

The Council will direct a stage 1 complaint to a senior officer within the relevant service area who will respond directly to the complainant.

A thorough, detailed investigation will be carried out and a full written response, clearly stating what decision has been reached, will be issued within 10 working days of the complaint being acknowledged. The response will also provide details of how to raise a query about or clarify the contents of the stage 1 response, or to escalate the matter for review at stage 2 if the complainant is not satisfied with the response.

Some complaints may be of a complex nature and will require additional time to investigate. In these cases, the Council may extend the response date by up to a further 10 working days, and the reason for the extension and the new date for response will be clearly explained to the complainant in writing. The Council will also provide the complainant with the contact details of the relevant Ombudsman.

14. Stage 2 complaint

If all or part of the complaint is not resolved to the complainant's satisfaction at stage 1, they can ask for the complaint to be reviewed at stage 2. This must be requested within 28 calendar days of the stage 1 response.

Complaints will be logged, defined and acknowledged at stage 2 within 5 working days of being received (the day of receipt is day zero).

The aim of the stage 2 process is to review the adequacy of the stage 1 response. The stage 2 investigation will be undertaken by an independent member of the Customer Experience Team who has not considered the complaint at stage 1.

The final response to the stage 2 review will be issued within 20 working days of the complaint being acknowledged.

Some stage 2 complaints may be of a complex nature and will require additional time to investigate. In these cases, the Council may extend the response date by up to a further 20 working days, and the reason for the extension and the new date for response will be clearly

explained to the complainant in writing. The Council will also provide the complainant with the contact details of the relevant Ombudsman.

Stage 2 is the Council's final response and there is no internal review of the stage 2 response. Once a complaint has exhausted the Council's complaints process, we will refer the complainant to the relevant Ombudsman service.

15. Complaints remedies

When something has gone wrong, the Council will acknowledge this and set out the actions it has already taken (or which will be taken) to put things right. These may 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
- Providing a financial remedy
- Changing policies, procedures or practices

The remedy offer will clearly set out what will happen and by when. Where reasonably possible, the aim is to return the complainant to the position they would have been had the service failure not occurred. The Council will take into account the guidance issued by the relevant Ombudsman when deciding on appropriate remedies.

Where a complainant owes money to the Council, for example for rent or Council Tax arrears, any financial remedy will in most cases be offset against the debt. It will not be offset if there is a legitimate dispute about the debt (for example, there is a benefit claim pending), or if the financial remedy is for a specific purpose (for example, to decorate after repairs), or if it is to replace damaged possessions.

Matters relating to Officer conduct will not be shared with the complainant; these will be dealt with internally under the Council's HR disciplinary policies, where appropriate.

16. Contacting the Ombudsman

The Ombudsman Service is free, independent and impartial. It will investigate if the Council has acted unfairly or caused injustice by maladministration, such as failing to do something it should have done, doing something it should not have done, or through unreasonable delays in acting.

Customers have the right to contact the Ombudsman Service at any stage of their complaint. In most cases, the Ombudsman will normally only consider complaints if the complainant has been through both stages of the Council's complaints policy or if the Council has failed to correctly follow the Complaints policy. However, the Ombudsman does have discretion to investigate a

complaint prior to the Council conducting its own investigation; for example, where the Ombudsman deems the complainant to be vulnerable or if the case raises an issue of general concern to the public.

The Housing Ombudsman Service considers complaints between tenants / leaseholders and social landlords such as the Council. The Local Government and Social Care Ombudsman considers complaints about most other Council functions. The services operate two separate Codes, recognising their different roles and powers, but share many of the same approaches and principles.

To determine which Ombudsman to send an enquiry to, visit:

<https://www.lgo.org.uk/make-a-complaint/fact-sheets/housing/which-ombudsman-for-complaints-about-social-housing>

The Housing Ombudsman code and contact details are as follows:

Code: www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/complaint-handling-code-2024/

Web: www.housing-ombudsman.org.uk

Telephone: 0300 111 3000

Details for the Local Government and Social Care Ombudsman code and contact are as follows:

Code: www.lgo.org.uk/information-centre/information-for-organisations-we-investigate/complaint-handling-code/complaint-handling-code

Web: www.lgo.org.uk

Telephone: 0300 061 0614

17. Vexatious and unreasonably persistent customers

The aim of the Council's Complaints policy is to deal with complaints in a fair, consistent and structured manner, to find out what went wrong and try to put things right for the future.

Most complaints received by the Council are resolved through the Complaints policy without difficulty, and the Council does not normally limit the frequency or nature of contact that customers may have with its staff during this process.

However, in a minority of cases people may pursue their complaint in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submission of information. This can impede investigation of their complaint (or complaints made by others) and can have significant resource issues for the Council and its ability to maintain normal service.

The Vexatious and Unreasonably Persistent Customer Policy identifies situations where a customer, either individually or as part of a group, or a group of customers, might be considered as 'unreasonably persistent or vexatious' because of the frequency and nature of their contacts.

The Vexatious and Unreasonably Persistent Customer Policy is available at:

<https://www.charnwood.gov.uk/vexatious>

18. Performance and monitoring

The monitoring and review of complaints provides valuable information about customer perception and service performance. It also helps identify areas of wider organisational learning from complaints to drive service improvement.

This information will be used to produce management reports to monitor service performance, to identify areas of service failure or gaps in provision, and to bring about positive changes in service delivery. The outcomes will also be reported in the Council's annual complaints performance and service improvement report, which will be published on the Council's website.

To assist with the Council's service improvement agenda individuals who have made a complaint may be contacted to seek views on their experience of the process.

19. Equalities and diversity monitoring

Equality monitoring is the collection of information about the characteristics of people such as their age, disability, sex, ethnicity, sexual orientation, religion or belief. Having this kind of information about customers helps the Council to make sure services are delivered fairly to everyone.

20. Data protection and retention of information

We collect, hold and process information in accordance with the requirements of the UK General Data Protection Regulation and the Data Protection Act 2018. We will ensure the Data Protection principles are adhered to and all personal information provided as part of a complaint will be kept in line with our retention policy and only shared with other Council departments or contractors where it is necessary to do so.

For more information about how the council handles your data and your rights under the data protection legislation please see the following webpages:

www.charnwood.gov.uk/pages/data_protection

www.charnwood.gov.uk/pages/privacy_statement