

## **Guildford Borough Council**

### **Complaints Policy**

Version Control: Final version

Policy Service Owner: Customer and Case Services/ Monitoring Officer

This document replaces: Complaints Policy

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Governance route: Chief Executive and Lead councillor

## 1. Purpose of this Policy

This document sets out our approach to dealing with customer complaints and ensuring that complaints are investigated in an evidence-based, fair, and efficient way.

Our mission is to be a trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

We are committed to providing excellent services to all our customers. If we do get something wrong, we will take steps to put it right as quickly as possible.

We seek to evolve and welcome customer feedback as an important means of improving our services. Where it is necessary, we will revise administrative processes to help us meet our objective of providing excellent service to customers.

We also appreciate that our resources are limited. We must therefore ensure that our resources are deployed reasonably in handling complaints.

We will ensure that details of our complaint's procedure remain published on our website and are available in printed form (on request) for customers who do not have access to the internet.

## 2. What is covered by this Policy?

Complaints can be made by anyone who is affected by Council services, because we, or someone acting on our behalf, have failed to do something that should have been done or has failed to do something to a satisfactory standard. Complaints can also be made where you consider we have taken action where we should not have. This will be referred to as a **Stage 1 complaint**. The groups who can make Stage 1 complaints includes the following:

- residents
- customers or service users

- people who work in or visit the borough of Guildford
- advocates on behalf of the above
- local businesses
- community groups
- councillors/MPs on behalf of their constituents

The affected person may choose for someone else to complain on their behalf such as a relative, carer or friend. Where an individual chooses for someone else to complain on their behalf, they must give us written permission to liaise with that person.

When you are making a complaint, support is available from our Customer Services team, who can assist with any issues.

### **Anonymous Complaints**

Anonymous complaints that contain enough information for us to review will be recorded and referred to the relevant Service in the same way as other complaints. The fact that a complaint is from an anonymous source will not in itself justify a decision not to pursue the matter. We will make a judgment on a case-by-case basis as to whether to investigate the substance of a complaint made anonymously and decide if quality improvements are required based on the complaint.

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

A complaint is an expression of dissatisfaction by a customer about the standard of service, actions, or lack of action by the Council, its own staff, or those acting on its behalf, affecting an individual or a group.

### **What can you complain to us about?**

A complaint could be about several things, including:

- a failure to deliver a service which meets reasonable expectations

- a delay in providing a service
- unsatisfactory quality of a service
- the conduct of a member of Council staff
- failure of our staff in following Council policy or the policy itself

### **Complaints falling outside of this policy**

Formal complaints about Council services will only be considered if the customer/complainant has first reported their issue to the correct service area for it to be resolved (whether this is outsourced or not). A formal complaint will be considered if the service area has not substantially resolved the issue following completion of their investigation. We may reject the complaint if there is no evidence that it has previously been reported to us. If a complaint is rejected for this reason, it will be made known to the complainant.

Where services are delivered by an outsourced or independently managed company/body, then the complaints procedure of that organisation must have been followed and the results made available to us. We will only be able to review such complaints after the relevant process has been followed.

### **3. What is not covered by this Policy?**

There are certain subject areas that we would not review under the complaints process because there are alternative methods of reporting these issues. These subject areas include the following:

- first time customers make a request for a service (such as removal of fly-tipping, missed waste collection, reporting noise nuisance, or reporting a housing repair)
- a request for information or an explanation of Council policy (such as why Council tax is set at a certain level)

- disagreement with a Council policy decision
- disagreement with a decision for which there are alternative remedies e.g. statutory review or appeal, court challenge

You cannot use the Complaints Procedure to complain about Council decisions on requests for access to information made under data protection or freedom of information legislation.

For further information about this please visit our website.

There are other instances when a complaint should not be dealt with under this policy.

These include (but are not limited to):

- planning appeals
- benefit appeals
- council tax or business rates appeals
- councillor conduct complaints
- appeals against statutory notices
- appeals against parking tickets (Penalty Charge Notices (PCN's) or enforcement actions
- housing application decisions
- Community Trigger applications

More information about this can be found on our website.

The relevant Director will have discretion in deciding whether to consider complaints, where to do so would prejudice any of the following concurrent investigations or procedures:

- a separate appeal or review procedure, for an internal council procedure
- court proceedings
- tribunal proceedings
- disciplinary proceedings

- criminal investigations

In situations where a complaint should not be dealt with under this policy, an officer will provide a full explanation of this to the customer when they first contact us and will inform them of what to do next.

In respect of Housing complaints, a resident has the right to challenge Council decisions by bringing their complaint to the Housing Ombudsman. In respect of other complaints unrelated to Housing, individuals have the right to challenge decisions by bringing their complaints to the Local Government and Social Care Ombudsman.

Further information on how to contact the Housing Ombudsman and Local Government and Social Care Ombudsman can be found below.

#### 4. Our Objectives

This Policy seeks to deliver the following results:

- to promote accountability and transparency and an effective complaints handling culture
- provide an accessible means for all customers, or their advocates, to complain if they are dissatisfied
- to provide a fair and consistent process for resolving complaints
- to resolve customer complaints at the earliest stage possible
- to provide a resolution in accordance with the timescales stated in the Procedure
- to communicate with customers using plain English, and clearly set out our reasons for reaching relevant conclusions following an investigation
- to ensure we learn from our mistakes to improve services where this is appropriate and to avoid repeat complaints

## 5. Our Approach

We acknowledge that we may receive a range of complaints in a variety of ways including by phone, in person, in writing, and online. We will review all complaints but may not deal with them all in the same way.

As referred to above, in order to manage service delivery efficiently and effectively there will be occasions where a separate process has been put in place to manage a specific type of complaint, such as online reporting for a missed standard waste collection. A further example of this would be complaints that should first be attended to by an officer from the relevant service within the Council.

Where a complaint does not fall within the remit of Stage 1 and Stage 2, as detailed below, complaint advice will be given on how the issue can be reported and how we will take remedial action.

Complaints should be received in writing and whilst we encourage use of our online form we will accept any written communication including via social media. Complaints submitted via social media will be taken offline to ensure confidentiality and will follow our standard complaints procedure. In all cases, we will provide reasonable assistance to convert any form of contact, regardless of how it is initially made, into writing or other accepted mediums (such as an online form) where the complainant has a genuine need for support in doing this.

When you are making a complaint, support with the process is available from our Customer Services team, who can assist with any issues.

We will publish a clear procedure for dealing with complaints from customers and provide information to customers on how they can take their complaint to the appropriate Ombudsman if necessary.

Complaints are allocated to an individual investigator who may contact you by phone, email, or letter if we need any further information or clarification. If your complaint relates to more than one function within the council we will ensure that we provide a comprehensive joint response with a lead investigator.

### **Is there a time limit for complaining?**

We will be far more capable of carrying out a proper investigation and putting things right if complaints are received soon after the issue takes place. As time passes it becomes more difficult to investigate events properly and fairly; records may no longer be available, memories fade, and relevant staff may no longer work for us.

For these reasons you should contact us within **1 month** of the relevant issue arising. For housing-related issues a complaint should be made within **6 months** of the issue arising.

Beyond this our ability to review the issue may be diminished and therefore compromised; the same may also apply to the complainant's ability to assist with the complaint. Any response made past these periods may be limited and remedial action may not be possible.

The material facts will be reviewed by us and following this we will make a fair decision about the complaint, based on the available evidence.

We will acknowledge all complaints within **five working days** of receipt and the relevant officer dealing with your complaint will aim to email or write to you about your complaint within **ten working days** of receiving it. If they cannot resolve your complaint within this period, you will be notified of this and of any likely timeframes in the resolution of your complaint.

### **Outcomes of complaints**



A complaint can be **upheld, partly upheld, or not upheld**. Any response to a complaint will explain whether a complaint is upheld or otherwise and will provide clear reasons for the decision.

Where complaints are upheld, or partly upheld, the remedy must be appropriate and proportionate to the complaint, considering the customer's needs and desired outcome.

If you are not satisfied with the outcome of your Stage 1 complaint you can use the Stage 2 complaints procedure as set out below.

### **Stage 1 - Complaints**

As referred to above, a Stage 1 complaint is an expression of dissatisfaction by a customer about one of our services that requires a response. Once we have considered, investigated and decided how to deal with your Stage 1 complaint you will be notified of our decision. If you are not satisfied with our decision, or think the decision does not completely resolve the issue complained of, you can make an appeal.

### **Stage 2 - Appeals**

An appeal request must be submitted in writing and will be accepted if it has been received within **28 days** from the date our response/decision was sent to the original Stage 1 complaint and meets any of the following criteria:

- we made our decision based on inaccurate facts that may have changed our decision,
- you have new and relevant information that was not previously available, and which might change our decision,
- we have overlooked or misunderstood parts of your complaint or did not take account of relevant information which could change our decision.

Before a final decision is made at Stage 2 regarding a complaint, you will have been able to comment on any adverse findings from our reply at Stage 1.

Timeframes for our responses

Logging and acknowledging complaints – **five working days** of receipt.

**Stage 1 complaint decision – 10 working days** from complaint being logged. If this is not possible, an explanation should be given for the delay in providing the decision, and an expected date for when the Stage 1 outcome should be reached.

**Stage 2 response – 20 working days** from the date the Stage 2 escalation was requested. If this is not possible, an explanation and an expected date by when the Stage 2 outcome should be reached will be provided. This should not exceed a further 10 working days without good reason.

### **Remedies Offered**

We will ensure that any remedy we offer at Stage 1 or Stage 2 reflects the extent of the service failures, and the level of detriment caused to the resident as a result. Remedies offered by us will include (but are not limited to) the following:

- acknowledging where things have gone wrong
- providing an explanation, assistance, or reasons
- apologising
- acting if there has been a delay
- reconsidering or changing a decision if this is lawful and proportionate
- amending a record
- providing a financial remedy
- changing policies, procedures, or practices

When offering a remedy, we will set out what will happen and timelines for this, in agreement with the resident where appropriate.

**What to do if you are not satisfied with the decision of the Final Stage 2 process?**

We hope we can resolve any problems quickly and successfully but there will be occasions where we will not be able to resolve a customer's complaint to their satisfaction. If this is the case, we will make customers aware that they can contact the Local Government and Social Care Ombudsman or if the complaint is housing-related, make them aware that they can contact the Housing Ombudsman.

The Local Government & Social Care Ombudsman and the Housing Ombudsman will not normally consider a complaint until it has been completely considered via our complaints procedure. We will make customers aware once their complaint has been fully investigated, at the end of our complaints procedure.

**6. Contacting the relevant Ombudsman**

Contacting the Local Government and Social Care Ombudsman

If you are not satisfied after receiving the Stage 2 response, you can refer your complaint to the Local Government and Social Care Ombudsman. To contact the Ombudsman please visit their website: [www.lgo.org.uk](http://www.lgo.org.uk) or call them on 0300 061 0614.

Once we receive notification from the Local Government and Social Care Ombudsman that they are investigating a complaint we will assist with the request and provide the Ombudsman with the information they require.

Contacting the Housing Ombudsman

As a Landlord, we will provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only at the point they have exhausted our complaint process.

The outcome of a complaint will include the right to refer the complaint to the Housing Ombudsman. The referral should be made through a designated person within **eight weeks** or directly by the resident within eight weeks of our final decision.

To contact the Housing Ombudsman please see their website:

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk) or call them on 0300 111 3000.

### **Definition of 'Designated Person'**

A 'designated person' can help to resolve a complaint after a landlord's internal complaints procedure is finished. This person can help resolve a complaint either by trying to resolve the complaint themselves, or – if they are unable to resolve the matter themselves - by referring the complaint straight to the Housing Ombudsman. A designated person can be an MP, a local councillor, or a tenant panel.

### **7. Record Keeping /Logging Complaints**

We will log all complaints in our complaints handling system.

### **8. Data Protection and retention of information**

All complaints will be handled in accordance with the requirements of the General Data Protection Regulation and the Data Protection Act 2018. The handling and storage of personal data will be handled and stored in accordance with our Data Protection Policy and our Record Retention Disposal Schedule.

## **9. Equality Act 2010**

We will comply with the Equality Act 2010, and where appropriate will make reasonable adjustments to our policy and procedure to accommodate an individual's needs.

## **10. Learning and improving**

We are aware that learning from complaints can influence future service changes, policies and procedures. We will look for systemic themes in complaints received and if found will use this awareness to learn and improve our service delivery.

We will seek feedback from residents in relation to our complaints handling.

## **11. Review of the Policy**

The Corporate Governance & Standards Committee is responsible for monitoring the effectiveness of the Council's complaints procedure and making appropriate recommendations to the Executive.

Under the Scheme of Delegation within our Constitution, the Chief Executive is authorised to amend and update this policy in consultation with the Lead Councillor.

## **12. Performance of the Policy**

The implementation of the Complaints Policy will be measured and monitored in a number of ways, including a quarterly report against key performance indicators, which is reviewed by our Senior Management Team.

### 13. Vexatious and Malicious Contact Policy

We are committed to dealing with all complaints received fairly and impartially, however, there will be circumstances where individuals hinder consideration of complaints and need to be managed differently. We have a separate policy for such matters, which can be found on our website.