Appendix 1



Complaints policy

Hertsmere Borough Council 2024

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| **Author(s)** | Lee GallagherCustomer Services Digital Transformation Manager |
| **Business Unit and Team** | Customer Services |
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1. **Purpose**
	1. This policy sets out the council’s arrangements for complaint handling and reflects its commitment to providing service users and residents with an effective and transparent approach for dealing with complaints.
	2. As a council we recognise that complaints provide us with an opportunity to improve. They offer a chance to put things right. This policy sets out our position on the following:
		* The definition of a complaint
		* When a complaint won’t be considered
		* Stages of the complaint process
		* How to escalate a complaint
		* Remedy and compensation
		* Reasonable adjustments
		* Our approach to accountability and transparency
		* Unreasonably persistent complainants
	3. This policy updates the council’s Complaints Policy in response to the new statutory Local Government and Social Care Ombudsman (LGSCO) Complaint Handling Code (2024).
2. **Scope**

**2.1** This policy underpins all Council policies, strategies and schemes and must be upheld by all council staff.

1. **Legal and Regulatory Framework**
	1. This policy sets out how the council will comply with the requirements of the following:
		* Local Government Act 1974 (section 23(12A) and Part III)
		* Local Government & Social Care Ombudsman (LGSCO) Complaint Handling Code (2024)
	2. The LGSCO published a revised versions of their Complaint Handling Code in February 2024. The LGSCO Code is issued as ‘advice and guidance’ under the Local Government Act (1974), which means that the council should consider the code when responding to complaints.
	3. Under the Local Government Act (1974), the Local Government and Social Care Ombudsman (LGSCO) jurisdiction is specific to complaints about the council’s wider activities and administrative functions, for example:
		* homelessness applications and the statutory duty to provide homelessness advice and accommodation
		* complaints about the operation of a council’s housing allocation, including assessments of priority or banding given to an applicant applying for a home in its borough
		* complaints about housing benefit applications
		* bin collections
		* planning applications (although by law the LGSCO cannot normally investigate a complaint where there is or was a right of appeal to a government minister).
2. **Policy**

## Definition of a Complaint

* 1. A complaint is an expression of dissatisfaction, however made, 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 resident or group of residents.
	2. A resident does not have to use the word ‘complaint’ for it to be treated as such. Whenever a resident expresses dissatisfaction the council will give that person the choice to complain. This includes circumstances where the council has actively sought residents’ feedback or where dissatisfaction has been expressed in other forums (e.g. social media). In these cases, the council will ensure the resident is given the opportunity to complain by providing details of how to make a complaint directly, or by providing information as part of the mechanism through which feedback has been sought.
	3. A complaint needs to be made within 12 months of the problem occurring or the resident becoming aware of the issue. It is at the council’s discretion if complaints made outside this time limit are to be considered. These cases will be referred to the council’s Executive Director or Chief Executive for decision.
	4. If the council decides not to accept a complaint, an explanation will be provided setting out the reasons why the matter is not suitable for the council’s complaints process. This written confirmation will also advise of the right for this decision to be taken to the Ombudsmen. The council would not accept a complaint for the reasons set out in section 4.5 and 4.6, or if a complainant chooses to submit their complaint without contact details. If a complainant chooses to omit their contact details, we will treat this as anonymous feedback.

## Representation by others

In cases where complainants require another person to act as their representative the council may seek confirmation from the complainant to confirm they agree. All complainants will be able to have representation or be accompanied at any meeting with the council.

## When a complaint won’t be considered

* 1. Some complaints aren’t actually complaints at all but are ‘service requests'. A service request is a contact from a resident that brings a matter to the council's attention for the first time, and requests a service offered by the council, for example:
* reporting a missed bin
* raising a concern about food hygiene in a restaurant
* reporting anti-social behaviour
* reporting an adult or child safeguarding concern
* reporting a breach of planning permission
	1. In these cases, the council will advise the best way to raise the request or report the concern. If once a request has been made and the resident is dissatisfied with the council’s response to the service request, a complaint can be made to the council. The raising of a complaint will not stop the councils’ efforts to address the service request.
	2. In addition to service requests, the council will not consider a complaint relating to:
* Legal proceedings - this is defined as details of the case having been filed at court
* Matters that have previously been considered under the Complaints Policy and either a determination has been reached and/or escalated to the appropriate ombudsman
* Insurance claims (unless the complaint is perceived to be as an outcome of maladministration)
* Employment related personnel matters
* Where a statutory right of appeal exists (Appealing a Planning decision for example)
	+ Complaints about the conduct of a councillor (please see [Councillors' conduct and standards of behaviour - Hertsmere Borough Council](https://www.hertsmere.gov.uk/Your-Council/Councillors-MPs/Councillors-conduct-and-standards-of-behaviour.aspx))

# Stages of the complaint handling process

* 1. Service users and residents are able to submit a complaint via the council’s website, by phone, or by meeting with a council officer in-person. Further details of how to make a complaint are set out in Appendix A.
	2. Under the requirements of the LGSCO Complaint Handling Codes, all council staff will be able to refer a complaint to the appropriate member of staff responsible for oversight of complaints and in-line with the council's complaint handling procedure. This includes complaints made directly to a member of staff which does not use one of the methods outlined in 4.9.

## Priority Responses

Where a complaint indicates that a resident is vulnerable or at risk, the complaint will be escalated to the appropriate Manager for review. Where there are adult or child safeguarding concerns this will be raised through the adult and child safeguarding process.

The council operates a 2-stage complaints procedure:

# Stage 1 – Response by the Service (Manager responsible for the service or delegated Officer)

* 1. The complaint will be acknowledged within 5 working days of receipt, and a written response provided within the following 10 working days (Up to 15 days working days in total).
	2. The complaint will be investigated by the most appropriate Manager or delegated Officer, with support from their team.
	3. To help clarify or resolve the complaint, the council may want to talk to the complainant or their representative (see section 3.4) over the phone or in person. If the council are able to resolve the complaint over the phone, the council will send the complainant a written response to summarise what was agreed.
	4. Complex complaints and cases that involve more than one service may take the council longer to investigate. If this is the case the council will notify the complainant and set out the extension timescale. The extension can be for no more than 10 working days. When notifying the complainant of the extension the council will provide the contact details of the relevant Ombudsman.
	5. At the completion of stage 1 the council will provide the complainant the following in writing:
		+ 1. the complaint stage;
			2. the complaint definition;
			3. the decision on the complaint;
			4. the reasons for any decisions made;
			5. the details of any remedy offered to put things right;
			6. details of any outstanding actions; and
			7. details of how to escalate the matter to stage 2 if the complainant is not satisfied with the response.

# Stage 2 – Response by Senior Manager (Head of Service or delegated Officer)

* 1. A request to escalate to stage 2 should be made within 90 days of the stage 1 response. It is helpful if the complainant explains why the complaint is not resolved to their satisfaction at stage 1. Stage 2 is the final response stage. The complaint will be acknowledged within 5 working days of receipt, and a written response provided to the complainant within the following 20 working days (Up to 25 working days in total).
	2. The review of the complaint will not be carried out by the same officer who considered the complaint at stage 1.
	3. If an extension is required due to the complexity of the complaint the reason will be explained to the complainant. The extension will not exceed 20 days. When notifying the complainant of the extension the council will provide the contact details of the relevant Ombudsman.
	4. At the completion of stage 2 the council will provide the complainant the following in writing:
		+ 1. the complaint stage;
			2. the complaint definition;
			3. the decision on the complaint;
			4. the reasons for any decisions made;
			5. the details of any remedy offered to put things right;
			6. details of any outstanding actions; and
			7. details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.

## Additional Complaints

Where additional complaints during the investigation, these will be incorporated into the stage 1 response if they are related to the original complaint and the stage 1 response has not been issued. Where the stage 1 response has been issued, or the new complaint is unrelated to the complaint already being investigated or it would unreasonably delay the response, a new complaint will be logged.

# How to escalate a Complaint

* 1. The LGSCO are a free service which residents can complain to at any time. However, they will usually only investigate a complaint if it has exhausted the council’s internal procedure. Further details on how to escalate a complaint can be found in Appendix A.

## Remedy and Compensation

* 1. Where something has gone wrong the council will acknowledge this and work with the complainant to set out the actions it has already taken, or intends to take, to put things right. These actions 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.
	1. The council will work with the complainant to identify a suitable remedy, and in doing so will set out what will happen and by when. Where the remedy is financial the council will be motivated to try and put the complainant back in the position they would have been had that error not occurred. This will be guided by the appropriate Ombudsman guidance.

# Reasonable Adjustments

* 1. Under the Equality Act (2010) the council is required to ensure that the way we work does not place people with disabilities at a disadvantage when accessing services. The council’s approach to consideration and implementation of reasonable adjustments in relation to complaints includes:
* We will record details of any disabilities or vulnerabilities that a resident may disclose
* Recording approved reasonable adjustment requests and keeping these under active review
* Providing opportunity for the complainant to have a representative deal with their complaint on their behalf, and to be represented or accompanied at complaints meetings where required.

# Accountability and Transparency

* 1. The council takes a positive approach to learning from complaints. We encourage our staff to learn from things that have gone wrong so we can make them better in the future. To help this, the council will produce an Annual Complaints Report for scrutiny and challenge. This report will include the annual self-assessment against the LGSCO Complaint Handling Codes to ensure that the Complaints Policy remains in line with requirements.
	2. The Annual Complaints Report will be presented to the council’s Executive and Overview & Scrutiny Committee and made available to residents online via the council’s website. This will be published alongside information about the Complaint Handlings Codes and the role of the Ombudsmen.
	3. The council’s Senior Management Team will be responsible for ensuring services are effectively and fairly operating the complaints process and are incorporating lessons learnt from complaints.
	4. The council’s Complaints Policy and details about how to make a complaint, contact the Ombudsman and details of each Ombudsman’s Complaint Handling Code will be published on the council’s website.

# Unreasonable actions by complainants

* 1. There are a small number of people who pursue their complaints in a way that can prevent proper investigation of their complaint or other peoples, or who refuse to accept the determination of their complaint. These cases require the council to commit significant and inappropriate levels of resource to investigating the complaint. We refer to such complainant’s behaviour as ‘unreasonable’ and, exceptionally, will take action to limit their contact with the council and its staff. For further information please refer to the council’s management of unreasonable actions by complainants Policy.

**5. Monitoring and Review**

* 1. This policy will be reviewed by the relevant Head of Service or Service Manager every 3 years or earlier if there is a change in legislation. Where more than 10% of the policy content is changed the Executive Director and appropriate Portfolio Holder will be required to decide if the policy needs to be formally reconsidered by the Executive or appropriate decision-making body.
	2. Where there is a request for the content of the policy to be reviewed in response to a complaint, the Executive Director will be notified. If the Executive Director agrees that a review of policy is required, this will be discussed with the appropriate Portfolio Holder. The Head of Service or Service Manager will be responsible for implementing a subsequent policy review.

**6. Equalities**

* 1. Under the Equality Act (2010) the council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty and in the application of this policy, the council will carry out its functions in a way that:
		1. Removes discrimination, harassment, victimisation and any other conduct that is unlawful under the Equality Act (2010)
		2. Promotes equal opportunities between people who have a protected characteristic(s) and those who don’t
		3. Encourages good relations between people who have a protected characteristic(s) and those who don’t

**7. Data Protection**

* 1. The council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to delivery of services. The council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and

Data Protection Act (2018). For further information on the councils approach to handling information please see [Privacy Notices - Hertsmere Borough Council](https://www.hertsmere.gov.uk/Privacy-Notices.aspx)

**8. References and Resources**

* Hertsmere Borough Council (HBC) Equality Diversity and Inclusion Policy (Workforce 2023)
* HBC Corporate Data Protection Policy and Privacy Notice (2023)
* HBC Management of unreasonable complaint behavior (2024)
* HBC Safeguarding Children and Vulnerable Adults Policy (2020)

**9. Abbreviations and Definitions**

* GDPR General Data Protection Regulation
* LGSCO Local Social Care & Housing Ombudsman
* PSED Public Sector Equality Duty
* HBC Hertsmere Borough Council

**10. Appendices**

## Appendix A – Making and Escalating a Complaint

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| **11. Version History** |
| **Date** | **Outlined Amendments** | **Author** |
|  November 2024 | Draft 4 | Lee Gallagher |
|  December 2024 | Draft 5 | Lee Gallagher |
| January 2025  | Final  | Lee Gallagher |

**Appendix A – Making and Escalating a Complaint**

As a council, we are committed to providing excellent customer service and we welcome feedback from our customers. We will always seek to do our best, but we recognise that sometimes things go wrong. If you are dissatisfied with the level of service you have received we want to know so we can investigate what’s happened and try to put things right.

Your feedback gives us the opportunity to learn and improve our services. You can make a complaint in one of the following ways:

* + - Using our online form which can be accessed at [www.hertsmere.gov.uk](http://www.hertsmere.gov.uk)
		- By phone on 020 8207 2277
		- Through a third party, like a relative, support worker or advocate. With your written consent

You can request to escalate a complaint by emailing complaints@hertsmere.gov.uk

If you do not have access to online or telephone services please visit the council’s office at the Civic Offices to use a council computer. Our doors are open between 9am and 5:15pm Monday to Thursday and 9am to 5pm on a Friday.

If you would prefer to meet with an advisor please book and appointment by calling 020 8207 2277.

Please try and let us know about your complaint as soon as possible, we know that sometimes this isn’t always possible, but any complaints made after 12 months of the problem occurring will be at the council’s discretion to investigate.

If you are dissatisfied with the council’s decision in relation to the outcome of a complaint, you can appeal to the relevant ombudsman. There are two different ombudsmen covering different aspects of what we do.

**Local Government & Social Care Ombudsman (**<https://www.lgo.org.uk/>**)**

They can investigate most complaints including waste and recycling, council tax, Environmental Health, homelessness, and housing options services including our council housing allocations policy. **Note: They do not deal with complaints about council housing.**

Tel: 0300 061 0614

Postal Address:

PO Box 4771

Coventry CV4 0EH

**Housing Ombudsman (**<https://www.housing-ombudsman.org.uk/>**)**

The Housing Ombudsman can investigate complaints about council housing such as repairs, leasehold services, and lettings. **Note: They do not consider complaints about council housing allocations policy, homeless and housing options services.**

Find information about the [https://www.housing-ombudsman.org.uk/landlords-](https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/%29) [info/complaint-handling-code/)](https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/%29).

Email:info@housing-ombudsman.org.uk Tel: 0300 111 3000

Postal Address: PO Box 152

Liverpool

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