
Subject:	COMPLAINTS POLICY
Meeting and Date:	Cabinet – 4 July 2022 Council – 20 July 2022
Report of:	Louise May, Head of Governance and HR
Portfolio Holder:	Councillor Chris Vinson, Portfolio Holder for Finance, Governance, Digital and Climate Change
Decision Type:	Non-Key Decision
Classification:	Unrestricted

Purpose of the report: To adopt the Council's Complaints Policy.

Recommendation:

- Cabinet:** That Cabinet adopts the Complaints Policy in respect of Executive functions and recommends to Council that the Complaints Policy be adopted for Council functions.
- Council:** That Council adopts the Complaints Policy in respect of Council functions.
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1. Summary

Following the dissolution of East Kent Housing and the return of the function in-house, the Complaints Policy requires updating to reflect the latest guidance from the Housing Ombudsman. This report seeks to implement a general refresh of the Complaints Policy in addition to the changes required by the Housing Ombudsman.

2. Introduction and Background

- 2.1 The Council previously revised its Complaints Policy in 2007/08. Since then, the Housing Service has been outsourced to an Arm's Length Management Organisation (East Kent Housing) and then returned in-house. During this time, the guidance from the Housing Ombudsman has changed and this revision to the Complaints Policy seeks to incorporate those requirements as well as undertake a general review of the current policy.

Complaints Policy

- 2.2 The Housing Ombudsman has produced guidance against which local authorities can assess their Complaints Policy and this was used to assess and revise the Complaints Policy in respect of housing matters.
- 2.3 The Complaints Policy also covers complaints for all other council services in respect of service delivery and complaints relating to the behaviour of members of staff.
- 2.4 While there is no single approach to the processing of complaints across local authorities, Dover District Council has historically adopted a robust two stage process (three stage for housing complaints) and the Policy sets out the procedure and timescales involved at each stage. These stages are as follows:

- 2.5 **Request for Service:** This is outside the Complaints Policy and deals with matters for which the service has a mechanism in place by which to deal with issues. It does not apply to matters where there has been a failure or degradation of service as these will fall within the complaints process.
- 2.6 For example, with general household or communal repairs where there is an email address and telephone number for a tenant to arrange with the council's contractor for repair works to be undertaken and contacts under this would be considered a request for service. However, if the works were not undertaken when arranged or not undertaken to a satisfactory standard it would be classed as a Stage 1 complaint.
- 2.7 **Stage 1 Complaint:** When a complaint is received by the Corporate Services Team it is acknowledged within 5 working days maximum, usually within 2 working days, and the complainant is advised of the process involved. The complaint is then referred to the Service Manager, or a member of their team, who has 10 working days in which to respond to the customer and provide Corporate Services with details of the action taken.
- 2.8 **Stage 2 Complaint:** If a complainant requests that their complaint be investigated further after Stage 1 has been completed, it will be dealt with at stage 2 of the complaint's procedure. An independent investigation into the complaint will be undertaken by a member of the Corporate Services team. The complainant will be provided with a timescale of how long the investigation will take. This would normally be up to 20 working days, but the complainant will be kept advised of progress and advised if more time is required to complete the investigation.
- 2.9 **Stage 3 Complaint (Housing Only):** For housing services governed by the Housing Ombudsman Service, the complainant can in addition to the normal process request a 'designated person' carry out an impartial review of their complaint, following a Stage 2 review and prior to the matter being referred to the Housing Ombudsman. At Dover District Council this is usually either the Portfolio Holder for Social Housing, Port Health, Skills and Education or one of the local Members of Parliament. The complainant does not have to elect for a 'designated person' review, but if they do not, they must wait eight weeks before referring their complaint to the Housing Ombudsman Service.
- 2.10 The Building Safety Act 2022, which received Royal Assent in April 2022, contains provisions to remove the designated person role (Stage 3), but these provisions are not expected to come into force until 12 months after the Act received royal assent. A revised Complaints Policy will be produced following April 2023 once the changes have been enacted.
- 2.11 Local Government and Social Care Ombudsman/Housing Ombudsman: Once all stages are complete the complainant can refer the matter to the relevant Ombudsman if they choose.
- 2.12 The Complaints Policy has also introduced an updated and expanded section on Remedies Guidance and Complaint Resolution in keeping with the latest ombudsman guidance.

Monitoring and Lessons Learnt

- 2.13 An annual report is submitted to the Governance Committee setting out the performance of the Council's complaints process for the previous year and the Performance Report considered by Cabinet and the Overview and Scrutiny Committee provides a quarterly update on Stage 2 complaints.
- 2.14 Complaints and compliments should be viewed equally as valuable feedback and, as a learning organisation, the Council should endeavour to use the lessons learnt from this feedback to improve the services it provides. As service managers are involved

directly in the resolution of Requests for Service and Stage 1 complaints and informed of the outcome of Stage 2 investigations and Ombudsman investigations, they are best placed to take on board any lessons learnt and where necessary, make improvements.

3. Identification of Options

- 3.1 Option 1: To adopt the Complaints Policy as set out in Appendix 1.
- 3.2 Option 2: To adopt the Complaints Policy set out in Appendix 1 with amendments.
- 3.3 Options 3: To not adopt the Complaints Policy.

4. Evaluation of Options

- 4.1 Option 1: This is the recommended option as the updated Complaints Policy builds on existing experiences and incorporates the latest guidance from the respective ombudsmen.
- 4.2 Option 2: This is not the recommended option. If this option is to be pursued it is recommended that it be subject to a further report assessing any proposed changes.
- 4.3 Option 3: This is not the recommended option. The Complaints Policy set out in Appendix 1 is consistent with the recommendation of the Housing Ombudsman Service.

5. Resource Implications

- 5.1 There are no resource implications arising from the proposed revisions to the Complaints Policy.

6. Climate Change and Environmental Implications

- 6.1 There are no new climate change or environmental implications arising from the updated Complaints Process.

7. Corporate Implications

- 7.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted and has no further comments. (AT)
- 7.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>

8. Appendices

Appendix 1 – Complaints Policy

9. Background Papers

Standards Committee – 6 June 2007

Building Safety Act 2022

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