
Subject:	UPDATE TO CORPORATE COMPLAINTS POLICY
Meeting and Date:	Cabinet – 3 July 2023 Council – 19 July 2023
Report of:	Louise May, Strategic Director (Corporate and Regulatory)
Portfolio Holder:	Councillor Susan Beer, Portfolio Holder for Finance, Governance, Climate Change and Environment
Decision Type:	Non-Key Decision
Classification:	Unrestricted

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

Recommendation:

Cabinet: That Cabinet adopts the amended 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 amended Complaints Policy in respect of Council functions.

1. Summary

- 1.1 The Cabinet and Council adopted a revised Complaints Policy in July 2022. As part of this it was highlighted that future amendments would be required to remove references to the third stage in the complaints process then in force for housing complaints due to changes contained within The Building Safety Act 2022 that had not yet come into force. Those provisions have subsequently come into effect and an amendment to the policy is required to remove references to it.
- 1.2 This also presents an opportunity to make an additional change to bring the policy into line with the Housing Ombudsman's recommended practice for written acknowledgements of housing complaints.

2. Introduction and Background

3. There are three amendments proposed to the Council's Complaints Policy.
4. The first amendment relates to the 'designated person' third stage of housing complaints. This was not unexpected as the Government had announced its intention to change the legislation at the time the Complaints Policy was last updated.
5. The removal of the third stage moves the processes for dealing with housing complaints into line with the rest of the Council's complaints process which is for a robust two stage complaints process in line with recommended best practice.
6. The intention of the 'designated person' stage was to provide complainants with the option of having an impartial review of their complaint conducted by someone other than the Council's complaints process. However, this stage was not compulsory and many complainants opted to complain to the Housing Ombudsman directly after the completion of the second stage review. This stage has now been repealed by The Building Safety Act 2022 and the policy has been updated accordingly to remove

references to it. All complaints will now undergo a two-stage process in line with recommendations from both Ombudsmen. After the completion of the second stage the complainant, if still not satisfied, will have the option of complaining to the relevant Ombudsman.

7. The second amendment relates to guidance issued by the Housing Ombudsman which the Council had not previously included within its Complaints Policy but commonly happens as a matter of practice. The Housing Ombudsman guidance includes a provision that Stage 1 complaints should always receive a written response (either by letter or email). The Council's current policy permits for first stage complaints to be resolved verbally where the complaint was of a nature where that would be appropriate.
8. It is proposed that an amendment be made to the Complaints Policy as follows:

“As a Stage 1 complaint is a formal complaint it should be responded to in writing, even if it is to confirm what has been advised/agreed verbally to the complainant as part of the investigative process. A written response for this purpose can be considered to be an email or a letter.”
9. This amendment would apply to all complaints received, not just housing complaints.
10. Finally, a small change has been made to set a limit as to the duration of an extension on a Stage 1 complaint's timescale for a response. All Stage 1 complaints have a 10-working day timescale to respond to the complainant with the potential to extend this if required. However, the length of the extension is not set in the current policy.
11. It is therefore proposed that any extension should not exceed a further 10 working days without a good reason. A good reason would be considered to be, but is not limited to, where additional time is required to obtain information from third parties, where a matter is particularly complex, or where more time is required to complete an investigation. This acknowledges that some complaints may require more time than others to investigate while still setting a clear expectation as to the longest someone should normally expect to wait for a response to a first stage complaint.
12. **Identification of Options**
 - 12.1 Option 1: To adopt the revised Complaints Policy.
 - 12.2 Option 2: To not adopt the revised Complaints Policy.
13. **Evaluation of Options**
 - 13.1 Option 1 is the recommended option as this brings the Council's Complaints process into line with the Housing Ombudsman's recommended guidance for the handling of complaints, as requested by the Housing Ombudsman, and changes to legislation.
 - 13.2 Option 2 is not the recommended option as it does not meet the Housing Ombudsman's guidance requirements.
14. **Resource Implications**
 - 14.1 There are no resource implications in the amendments to the Complaints Policy.
15. **Climate Change and Environmental Implications**
 - 15.1 There are no climate or environmental implications arising from this report.
16. **Corporate Implications**
 - 16.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted and has no further comments. (JS)

- 16.2 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.
- 16.3 Comment from the Equalities Officer: This report regarding an update to the Council's Corporate Complaints Policy 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>.
17. **Appendices**
Appendix 1 – Revised Complaints Policy
18. **Background Papers**
Complaints Policy

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