



Complaints Policy

JULY 2024

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INTRODUCTION

Dover District Council is committed to providing efficient, quality services focussed on the needs of our residents and customers.

However, sometimes things can go wrong and when this happens, we encourage our residents and customers to tell us so that we can put things right, learn from our mistakes and improve our services. The Council will demonstrate that through increased transparency, accessibility and good governance that demonstrates that residents and customers are at the heart of our service delivery and good complaint handling is central to that.

Complaints and compliments are viewed as valuable feedback and, as a 'learning organisation' the Council should endeavour to use the lessons learnt from this feedback to improve the services we provide. There are many benefits to be gained from an effective and efficient complaints process:

- Good complaint handling promotes a positive relationship between the Council and service users.
- Complaints allow an issue to be resolved before it becomes worse. Those issues not resolved promptly can take significant resource and time to remedy.
- Involvement in complaint resolution develops staff ownership, decision-making and engagement.
- Complaints provide senior staff with essential insight into day-to-day operations, allowing them to assess effectiveness and drive a positive complaint handling culture.
- Data collected about complaints can be analysed and used to inform key business decisions to drive improvements in service provision.

The Council's Complaints Policy has been updated in line with the provisions of the Joint Complaint Handling Code developed by the Housing Ombudsman and the Local Government and Social Care Ombudsman.

1. DEFINITION OF A SERVICE REQUEST

- 1.1 A Service Request is separate from a complaint and is defined by the Joint Complaint Handling Code as:

‘A request that the Council provides or improves a service, fixes a problem or reconsiders a decision.’

- 1.2 Service requests are not complaints but may contain expressions of dissatisfaction. A Service Request provides the Council with an opportunity to resolve matters to an individual's satisfaction before it becomes a complaint.
- 1.3 Elected Member (MPs and councillors) enquiries are usually dealt with as Service Requests even when they contain an expression of dissatisfaction. Elected Members or residents that express dissatisfaction with the Council's approach to resolving the substantive issue, or the outcome, following the Service Request have the opportunity to make a complaint under Stage 1 of the complaints procedure.
- 1.4 A complaint may be raised when the individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.
- 1.5 For most Service Requests there will be a process in place to deal with an issue. This could be an online or telephone reporting process to register the issue or a contact number to arrange for a service provider to visit to rectify the issue. In most cases the Council should be able to put things right through its usual service delivery processes.
- 1.6 For example, in the event of a missed waste collection there is a reporting method to register the missed collection and enable the service to arrange for the missed bin to be collected. For general household or communal repairs there is an email address and telephone number to arrange with the council's contractor for works to be undertaken.
- 1.7 A record of Service Requests received through the Council's complaints process is kept for monitoring and reporting to assist the Council in improving its service delivery.

2. DEFINITION OF A COMPLAINT

- 2.1 The Council's definition of a complaint, except for complaints about housing matters, is the same as that specified by the Local Government and Social Care Ombudsman in its Complaint Handling Code:

"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 or group of individuals."

- 2.2 The Council's definition for a complaint about a housing matter is the same as that specified by the Housing Ombudsman's Complaint Handling Code:

"An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord ('the Council'), its own staff, or those acting on its behalf, affecting a resident or group of residents."

- 2.3 A resident/individual does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative will still be handled in line with the Council's Complaints Policy.
- 2.4 A record of Complaints is kept for monitoring and reporting to assist the Council in improving its service delivery.
- 2.5 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where the Council asks for wider feedback about its services, it will also provide details of how residents and individuals can make a complaint.

3. MATTERS FALLING OUTSIDE THE SCOPE OF THE COMPLAINTS PROCEDURE

3.1 The Council must accept a complaint unless there is a valid reason not to do so. Each complaint will be considered on its own merits and where the Council decides not to accept a complaint it will explain its reasons for why the matter is not suitable for the complaints process.

3.2 Matters falling outside the scope of the complaint's procedure are set out below:

- Where the resident/individual has known about the issue **for more than 12 months** unless there is good reason for the delay or if there are safeguarding or health and safety issues.
- Something for which there is a statutory right of appeal or that can be appealed about to a tribunal (such as the Housing Benefit Appeals Service) or go to court about, unless there is a good reason the resident/individual should not be expected to use that appeal right.
- Where legal proceedings have already started. This is defined as details of the claim, such as the Claim Form or Particulars of Claim, have been filed at Court.
- Matters that have already been considered under the Council's Complaints Policy or by the Ombudsman.
- Anonymous complaints will not normally be accepted as it would not be possible for the Council to respond to them. However, the Head of Corporate Services and Democracy in consultation with the Council's Monitoring Officer will make a decision on a case-by-case basis as to whether an anonymous complaint should be investigated further.
- Allegations that a Councillor has failed to comply with the Code of Conduct for Members. There is a separate procedure for these complaints (Please see page 10).

3.3 Where the Council does not accept a complaint, the resident/individual will be provided with an explanation setting out the reasons why the matter is not suitable for the complaints process and will be advised of right to take the decision not to accept the complaint to the appropriate Ombudsman. Where the Housing Ombudsman or the Local Government and Social Care Ombudsman (as appropriate) does not agree with the Council's decision to not accept a complaint, the Council may be instructed to accept the complaint.

4. ACCESSIBILITY AND AWARENESS

- 4.1 The Council will provide several different channels through which residents and individuals may make a complaint and in keeping with its duties under the Equality Act 2010 will make reasonable adjustments for those that need to access the complaints process. A record of any reasonable adjustments will be made and the agreed reasonable adjustments will be kept under active review as appropriate.
- 4.2 Complaints can be raised with any member of staff. All staff will be made aware of the complaints process and will know how to pass the details of the complaint to the appropriate person or department within the Council.
- 4.3 The Council will give residents and individuals the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the Council concerning their complaint.
- 4.4 The Complaints Policy and the process for making a complaint will be made available on the Council's website. There will also be an online form for making a complaint to the Council that can be used. Further information on the methods for making a complaint can be found in section 6 of this Policy.
- 4.5 The Council's website will contain the contact details for the Housing Ombudsman and the Local Government and Social Care Ombudsman.

5. THE COMPLAINT HANDLING PROCESS

- 5.1 All complaints will be dealt with in accordance with the Council's adopted Complaints Policy.
- 5.2 In responding to a complaint, the Council will:
- (a) Clarify with the resident/individual (or their representative) any aspects of the complaint that it is unclear about;
 - (b) Deal with complaints on their merits, act independently, and have an open mind;
 - (c) Give the resident/individual (or their representative) a fair chance to set out their position.
 - (d) Make any reasonable adjustments for individuals where appropriate under the Equality Act 2010. The Council must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident/individual has disclosed. Any agreed reasonable adjustments will be kept under active review.
 - (e) Take measures to address any actual or perceived conflicts of interest; and
 - (f) Consider all relevant information and evidence carefully.
- 5.3 A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the customer and whether there are any urgent actions required.
- 5.4 The officer responding to the complaint will be expected to manage the resident/individual's expectations and be clear as to whether the desired outcome is unreasonable or unrealistic.
- 5.5 The Council will deal with the resident/individual's representative provided the resident/individual provides their authority that the representative can act on their behalf.
- 5.6 Where a response to a complaint will fall outside of the timescale set out in the Complaints Policy, the resident/individual will be informed of when the response will be provided and the reason(s) for the delay.
- 5.7 The response to the complaint must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 5.8 Where the complaint relates to a recurring issue, the response should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident/individual.
- 5.9 Where the resident/individual (or their representative) raises additional issues during the investigation, these should be incorporated into the investigation and response if they are relevant, and the response has not yet been finalised/issued. Where the

response has been issued, or it would unreasonably delay the response, the additional issues should be logged as a new Service Request or Stage 1 complaint.

- 5.10 The Council will not refuse to escalate a complaint through all stages of the complaints process unless there are valid reasons to do so. Where the Council does refuse to escalate a complaint through all stages the reason(s) for this will be clearly set out in the response. See Section 3 (Matters Falling Outside the Scope of the Complaints Procedure) for further information.
- 5.11 At completion of each stage, the Council must confirm the following in writing to the resident/individual (or their representative):
- Details of any remedies
 - Details of any outstanding actions
 - Details of how to escalate the complaint if the customer is not satisfied with the answer

6. THE COMPLAINTS PROCEDURE

- 6.1 When an individual or resident contacts the Council the member of staff should do all they can to resolve the issue and if this is not possible refer the matter to their line manager. If further enquiries are needed to resolve the matter, or if the individual or resident requests it, the issue must be logged as a complaint with Corporate Services.
- 6.2 Complaints about a Council service can be made:
- Using the on-line complaint form
 - In writing (letter or email)
 - Using the Council's Complaint leaflets (these are available at the Whitfield Reception or can be posted to the resident)
 - Via the telephone
 - In person at the Council Offices by appointment.
- 6.3 The on-line complaint form is the Council's preferred option as it is quickest way to register a complaint with the Council. However, complaints will still be accepted through all the methods listed above.
- 6.4 The Council has a two-stage complaints procedure in line with Ombudsman guidance. These are referred to as Stage 1 and Stage 2 in this Policy.
- 6.5 Complaints about the behaviour of a member of staff or a councillor are dealt with under different arrangements outside the scope of this policy. For further information please see Annex B and Annex C respectively of this Policy.

7. STAGE 1 OF THE COMPLAINT HANDLING PROCESS

Acknowledging a Complaint

- 7.1 The Council will acknowledge and log complaints **within 5 working days of the complaint being received**. The resident/individual will be advised of the process involved.

Responding to a Complaint – Timescales

- 7.2 The Council will provide a full written response to the Stage 1 complaint **within 10 working days** of the complaint being acknowledged by the complaints team.
- 7.3 A working day excludes weekends, public holidays and any days that the Council Offices are closed.
- 7.4 The Council may occasionally decide that an extension to this timescale is needed when considering the complexity of the complaint. In such cases the resident/individual will be informed of the expected new timescale for response. Any extension should be no more than 10 working days without good reason, and the reason(s) should be clearly explained to the individual.
- 7.5 A good reason in this situation could include, but is not limited to, where information is required from third parties, where a matter is particularly complex, or where further time is required to complete the investigation.
- 7.6 When a resident/individual is informed of the need for an extension to the timescale for a response, they should also be provided with the details of the relevant Ombudsman.

Responding to a Complaint – Stage 1 Response

- 7.7 Most Stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident/individual.
- 7.8 Stage 1 complaints are usually responded to by the relevant service as they are best placed to resolve the matter. However, in some instances, one of the Council's contractors may respond on the Council's behalf. Where a third party such as a contractor responds on the Council's behalf at Stage 1, the Council will ensure that the complaint is handled in accordance with the provisions of the Complaints Policy. If all or part of the complaint is not resolved to the resident/individual's satisfaction at Stage 1 by the third party (such as a contractor), it must be progressed to Stage 2 of the complaint procedure.
- 7.9 The response to the complaint should be provided to the resident/individual (and/or their representative) when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions should still be tracked and actioned promptly, with appropriate updates provided to the resident/individual (or their representative). It is the responsibility of the officer responding to the Stage 1 complaint to ensure that any outstanding actions are resolved as promised in the Stage 1 response.

- 7.10 Where the resident/individual raises additional complaints during Stage 1, these should be incorporated into the Stage 1 response if they are related, and the Stage 1 response has not yet been provided. Where the Stage 1 response has been provided, the new issues are unrelated to the issues already being considered, or it would unreasonably delay the response, the new issues should be logged as a new complaint.
- 7.11 As a Stage 1 complaint is a formal complaint it must be responded to in writing, even if it is to confirm what has been advised/agreed verbally to the resident/individual as part of the investigative process. A written response for this purpose can be considered to be an email or a letter.
- 7.12 The Stage 1 response will:
- Deal with complaints on their merits.
 - Address all points raised with an open mind.
 - Take measures to address any actual or perceived conflict of interest.
 - Consider all information and evidence carefully.
 - Set out the Council's understanding of the complaint and the outcomes the resident/individual is seeking as part of the complaint. If any aspect of the complaint is unclear, the resident/individual must be asked for clarification.
 - Provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
 - Be clear about those aspects of the complaint which are, and are not, the responsibility of the Council and clarify any areas where this is not clear.
 - Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.
 - Provide details of how to escalate the matter to Stage 2 of the complaints process if the resident/individual is not satisfied with the Stage 1 response. For clarity and consistency of approach, this should use the agreed form of words set by the Corporate Services team.
- 7.13 In responding to a Stage 1 complaint, consideration should be given to factors such as the complexity of the complaint and whether the resident/individual is vulnerable or at risk.

8. STAGE 2 OF THE COMPLAINT HANDLING PROCESS

- 8.1 If all or part of the complaint is not resolved to the resident/individual's satisfaction at Stage 1, it must be progressed to Stage 2 of the complaint procedure. Stage 2 is the Council's final response.

Acknowledging a Complaint

- 8.2 Requests for stage 2 must be acknowledged, defined and logged at Stage 2 of the complaint's procedure **within 5 working days** of the escalation request being received.
- 8.3 Within the acknowledgement, the Council will set out its understanding of any outstanding issues and the outcomes the resident/individual is seeking.
- 8.4 There is no requirement for the resident/individual to explain their reason for requesting their complaint to be considered at Stage 2. However, if any aspect of the complaint is unclear, the Council will ask for clarification.

Responding to a Complaint

- 8.5 The person considering the complaint at Stage 2 will not be the same person that considered the complaint at Stage 1. Officers from the Council's Corporate Services team will usually consider Stage 2 complaints. For the purposes of this Policy, these officers are considered as the "complaints officer(s)".
- 8.6 The Council will issue a final response to the stage 2 **within 20 working days** of the complaint being acknowledged.
- 8.7 The Council will decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident/individual of the expected timescale for response. Any extension should be no more than 20 working days without good reason, and the reason(s) should be clearly explained to the resident/individual.
- 8.8 When it is necessary to inform a resident/individual about an extension to these timescales the resident/individual should be provided with the details of the relevant Ombudsman. For clarity and consistency of approach, this should use the agreed form of words set by the Corporate Services team.
- 8.9 The Council should confirm the following in writing to the resident/individual at the completion of stage 2 in clear, plain language the following:
- a) the complaint stage;
 - b) the Council's understanding of the complaint;
 - c) the decision on the complaint;
 - d) the reasons for any decisions made;
 - e) the details of any remedy offered to put things right;

- f) the details of any outstanding actions; and
 - g) the details of how to escalate the matter to the Ombudsman if the resident/individual remains dissatisfied. This should use the agreed form of words set by the Corporate Services team.
- 8.10 The Stage 2 response will be the Council's final response and will involve all suitable staff members needed to issue such a response.

9. PUTTING THINGS RIGHT

9.1 Where something has gone wrong the Council should acknowledge this and set out the actions it has already taken, or intends to take, to put things right.

9.2 These can include:

- A written apology;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision (where it is possible to do so);
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Providing additional training for staff;
- Changing policies, procedures or practices; and/or
- Taking some other form of action.

9.3 Any remedy offered should reflect the impact on the individual or resident as a result of any fault identified.

9.4 The remedy offer must clearly set out what will happen and by when, in agreement with the resident/individual where appropriate. Any remedy proposed must be followed through to completion.

Apology

9.5 In some circumstances an apology is all that is required. An apology can be made in person but ideally should be in writing, so the Council has a record of how the matter was dealt with. An apology should:

- acknowledge the error or service failure
- accept responsibility for it
- explain clearly why it happened
- express sincere regret

Financial Compensation

9.6 There may be occasion when an apology and/or other actions do not fully remedy the complaint. If a resident/individual requests financial compensation or the officer believes that this is appropriate, consideration must be given to:

- Actual quantifiable financial loss sustained as a direct result of the error or service failure identified; and/or

- Any statutory payments which may be due for example under the Right to Repair scheme
 - Other financial redress, for example in recognition of avoidable inconvenience or other unfair impact of the error or service failure which has been identified.
- 9.7 Our compensation calculations are always based on what the Council considers to be fair depending on the particular circumstances of the case being considered.

Other Action

- 9.8 The Council will also consider if there are some practical actions which would provide all, or part of a suitable remedy.
- 9.9 For example, Council could:
- perform or not perform any of the contractual or other obligations existing between the Council and the resident/individual
 - exercise or not exercise any of the rights existing between the Council and the resident/individual
 - undertake or refrain from undertaking works for example to repair a property
 - take such other reasonable steps to put things right as are within the Council's legal powers, for example review or change a decision on the service given to the resident/individual or do something else to make things better for the resident/individual.
- 9.10 The remedy offer will clearly set out what will happen and by when, in agreement with the resident/individual where appropriate. Any remedy proposed should be followed through to completion.
- 9.11 If a proposed remedy cannot be delivered, the resident/individual should be informed of the reasons for this, provided with details of any alternative remedy and reminded of their right to complain to the Ombudsman.
- 9.12 The Council will take account of the good practice guides issued by the relevant Ombudsman when deciding on appropriate remedies.

10. **UNREASONABLE BEHAVIOUR AND VEXATIOUS COMPLAINTS**

- 10.1 While the Council welcomes complaints and will deal with them fairly in accordance with the Council's Complaints Policy, some individuals may act in a manner towards the Council and its staff that it considers to be unreasonable.
- 10.2 The Council has policies and procedures in place for managing unacceptable behaviour from individuals and/or their representatives. Where the Council puts any restrictions in place the reasons for this will be recorded and the restrictions will be kept under regular review.
- 10.3 Any restrictions placed on an individual's contact with the Council due to unacceptable behaviour should be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

11. PERFORMANCE REPORTING

- 11.1 The Council will produce an annual complaints performance and service improvement report. This will include:
- (a) An annual self-assessment against the Joint Complaint Handling Code to ensure the Council's complaint handling policy remains in line with the Code's requirements.
 - (b) A qualitative and quantitative analysis of the organisation's complaint handling performance. This will also include a summary of the types of complaints the organisation has refused to accept.
 - (c) Any findings of non-compliance with the Joint Complaint Handling Code.
 - (d) The service improvements made as a result of the learning from complaints.
 - (e) The annual letter about the organisation's performance from the Ombudsman.
 - (f) Any other relevant reports or publications produced by the Ombudsman in relation to the work of the Council.
- 11.2 The annual complaints report will be published on the section of the Council's website relating to complaints. The response from the Council will be published alongside this.
- 11.3 In the Council is unable to comply with the requirements of the Housing Ombudsman's Complaint Handling Code due to exceptional circumstances, such as a cyber incident, it must inform the Ombudsman, provide information to residents who may be affected, and, if possible, publish this on its website. The Council must provide a timescale for returning to compliance with the Housing Ombudsman's Complaint Handling Code.

12. **PRIVACY**

- 12.1 Any information provided will only be used for the purposes of investigating the complaint. All personal data will be held securely and in line with the relevant legislation. In order to investigate a complaint, certain customer information (like their name, contact details and details of the complaint) may be shared with other council services so that a response can be given. Information may also be shared with the relevant Ombudsman if they have received a complaint.
- 12.2 All complaints will be dealt with in line the Data Protection Act 2018 and the Freedom of Information Act 2000. The identity of the person making a complaint will only be made known only to those who need to know in order to consider the complaint. The council aims to be open and honest when responding to complaints but sometimes it is necessary to maintain confidentiality and information will generally not be provided about third parties.

13. OMBUDSMAN DETAILS

- 13.1 The contact details for the two Ombudsmen are listed below. You should complain to the Council in the first instance to give us a chance to sort out your problem.

Local Government and Social Care Ombudsman

Website: <https://www.lgo.org.uk/>

Telephone: 0300 061 0614

Postal Address:

Local Government & Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH

Housing Ombudsman

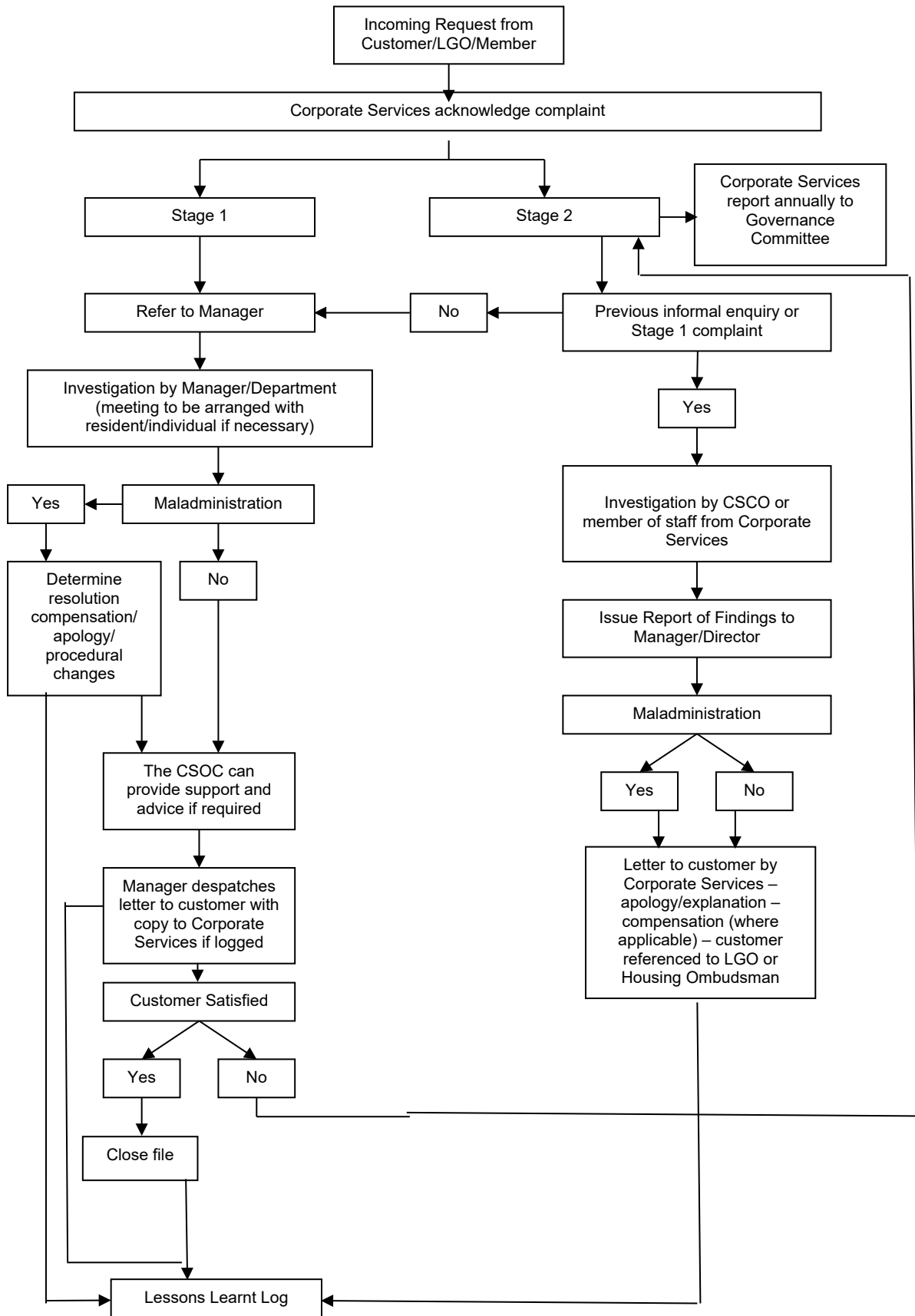
Website: <https://www.housing-ombudsman.org.uk/>

Telephone: 0300 111 3000

Postal Address:

Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

ANNEX A - COMPLAINT ABOUT SERVICE DELIVERY



ANNEX B - PROCEDURE FOR DEALING WITH A COMPLAINT AGAINST MEMBER OF STAFF

- Where a serious complaint is made concerning a member of staff this will be referred to their Line Manager.
- Listed below are examples of a serious complaint although this list is not exhaustive:
 - Fraud
 - Rude/disrespectful
 - Theft
 - Corruption
 - Offences of dishonesty
 - Incitement to or acts of discrimination
 - Fighting
 - Physical assault
 - Drunkenness or being under the influence of illegal drugs at work.
- The Manager will investigate the allegation (seeking advice from Human Resources where appropriate).
- If the matter can be easily resolved e.g., there is a satisfactory explanation for the member of staff's actions or the evidence is available and clearly demonstrates that the complaint is not upheld, the Manager will liaise with the member of staff and respond to the resident/individual.
- If the matter requires investigation a Lead Officer and Investigator will be appointed. (The Investigator would normally be the Line Manager). At this stage the Monitoring Officer or Director will advise the member of staff and, subject to HR advice, the officer concerned may be suspended.
- Once the investigation is complete a report will be produced, and the Monitoring Officer or Strategic Director will convene a case conference meeting. If the complaint is upheld the Investigating Officer, taking appropriate advice from Human Resources will consider the required course of action, which may include disciplinary measures.
- If the complaint is not upheld the Monitoring Officer or Strategic Director will immediately liaise with the member of staff.

ANNEX C - PROCEDURE FOR DEALING WITH AN ALLEGED BREACH OF THE MEMBER CODE OF CONDUCT

Section 28 (6) Localism Act requires the Council to have in place arrangements under which allegations that a district, town or parish councillor has failed to comply with the Code of Conduct for Members can be investigated and under which decisions on allegations can be made. The Council has such arrangements in place.

The Localism Act provides that a failure to comply with an authority's code of conduct is not to be dealt with otherwise than in accordance with the arrangements.

Those arrangements are separate from and outside the scope of this Complaints Policy and can be viewed here:

http://www.dover.gov.uk/council_democracy/councillors_decisions_meeti/councillors/councillor_complaints.aspx