
Subject:	REVISED COMPLAINTS POLICY
Meeting and Date:	Cabinet – 8 July 2024 Council – 17 July 2024
Report of:	Rebecca Brough, Head of Corporate Services and Democracy
Portfolio Holder:	Councillor Stacey Blair, 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 framework for local government complaints has undergone a number of changes in recent years that has required the Council to update its Complaints Policy in 2022 and 2023 to ensure that it remained compliant with Ombudsman guidance. Following the most recent changes, the Housing Ombudsman and Local Government and Social Care Ombudsman have introduced a new Joint Complaint Handling Code for local authorities to use as the basis for their complaints policy.
- 1.2 This report seeks to present a revised Complaints Policy for the Council that reflects the new Joint Complaint Handling Code.

2. Introduction and Background

- 2.1 It should be noted that although the two Ombudsmen have produced a Joint Complaint Handling Code there in fact two slightly different Joint Complaint Handling Codes in operation. This is in part due to the Housing Ombudsman being empowered under The Social Housing (Regulation) Act 2023 to issue a statutory code of practice about the procedures that landlords should have in place for considering complaints and monitor compliance with the Code. The Local Government and Social Care Ombudsman does not have the same power to issue a statutory code of practice.
- 2.2 The current DDC Complaints Policy is compliant in all key areas of operation with the Joint Complaint Handling Codes. The Council operates the required two stage complaints process and has arrangements in place for dealing with service requests. However, the structure of the Council's current Complaints Policy and in places some of the language used is different from that set out in the Joint Complaint Handling Code. By way of example, the DDC Complaints Policy includes a differently worded definition of a service request from that in the Joint Complaint Handling Code although there are no practical differences in the application of the Complaints Policy from that

intended by the Joint Complaint Handling Code. Accordingly, to ensure that there can be no doubt about compliance with the Joint Complaint Handling Code, a revised Complaints Policy has been developed.

Member Responsible for Complaints

- 2.3 The Local Government and Social Care Ombudsman and the Housing Ombudsman's Joint Complaint Handling Code requires that the Council appoints a member of the 'governing body' (in this case considered by officers to be the Cabinet) as the Member Responsible for Complaints.
- 2.4 The Leader of the Council designated the Portfolio Holder for Finance, Governance, Climate Change and Environment as the Member Responsible for Complaints (MRC) via a Leader Decision (LD02 24) which was published on 12 June 2024.
- 2.5 The MRC, working with the Head of Corporate Services and Democracy, will be responsible for ensuring the Cabinet receives regular information on complaints that provides insight on the Council (and for housing matters the Council as landlord) complaint handling performance. The MRC must have access to suitable information and staff to perform this role and report on their findings.

Complaints Monitoring

- 2.6 In accordance with the Ombudsmen's Joint Complaint Handling Code, the MRC and the governing body (or equivalent) must receive the following:
 - regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;
 - regular reviews of issues and trends arising from complaint handling;
 - regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and
 - annual complaints performance and service improvement report.
- 2.7 The Head of Corporate Services and Democracy will work with the MRC to determine the best method of delivering this requirement.
- 2.8 The Governance Committee will continue to monitor complaints handling and Ombudsman investigations and, in relation to non-executive functions, to make payments or provide other benefits in cases of maladministration.
- 2.9 This will not change the role of individual Portfolio Holders who will continue to receive updates as normal on the performance of their respective service areas including in relation to complaints.

3. Identification of Options

- 3.1 Option 1: To adopt the Complaints Policy.
- 3.2 Option 2: To not adopt the Complaints Policy.

4. Evaluation of Options

- 4.1 Option 1 is the recommended option as this brings the Council's Complaints Policy unambiguously in line with the Joint Complaint Handling Code and the Housing Ombudsman's statutory guidance for the handing of complaints.
- 4.2 Option 2 is not the recommended option. Although the Council's complaints procedure is robust and compliant with the procedures in the statutory guidance from the Housing Ombudsman, by adopting the language used in the new Joint Complaint Handling Code it removes any potential questions of compliance.

5. **Equality Impact Assessment**

5.1 An Equality Impact Assessment (EIA) has been undertaken for the revised Complaints Policy and the complaints handling processes. This found no concerns that could not be mitigated through existing measures in place.

5.2 For example, complaints can be made online via the council's website, in writing by letter, by telephone or in person by appointment at the Council offices. The Council also has access through a framework agreement with Kent County Council to interpreting and communication services for the deaf and deafblind, can produce large print documents in-house and access other services commercially if required.

6. **Resource Implications**

6.1 There are no resource implications arising from the revised Complaints Policy.

7. **Climate Change and Environmental Implications**

7.1 There are no climate or environmental implications arising from this report.

8. **Corporate Implications**

8.1 Comment from the Director of Finance (linked to the MTFP): Accountancy has been consulted and has no further comments to add.

8.2 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.

8.3 Comment from the Equalities Officer: As noted at paragraph 5.1 the adoption of this policy does not highlight any concerns regarding the protected characteristics that could not be mitigated through existing measures in place. The Equality Officer has no further comments to make, other than to remind Members that in discharging their responsibilities they 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>

9. **Appendices**

Appendix 1 – Complaints Policy

10. **Background Papers**

Complaints Policy (as adopted in July 2023)

Housing Ombudsman Complaint Handling Code

Local Government and Social Care Ombudsman Handling Code

Equality Impact Assessment

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