



Complaints Policy

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1.0 Scope

The Complaints Policy sets out the approach that Broxtowe Borough Council takes to investigate and respond to official complaints.

The Policy applies to all complainants that have registered an official complaint with the Council.

For the purpose of the Policy, official complaints relate to both stage 1 and stage 2 complaints.

2.0 Purpose

The document describes how Broxtowe Borough Council will monitor, investigate and response to official complaints.

The Housing Ombudsman recommends that the Council adopt its Complaint Handling Code to ensure a consistent approach to dealing with complaints and learning from the outcome of complaints.

3.0 Aims and Objectives

The aims and objectives of the Policy are:

- To ensure consistent reporting, investigating and responding to all official complaints received by the Council.
- To provide guidance on how to appropriately action complaints.

4.0 Regulatory Code and Legal Framework

- Housing Ombudsman remedies guidance.
- Housing Ombudsman Complaint Handling Code.
- Local Government Ombudsman Guidance on remedies.
- Complaints Compensation Policy.

5.0 Policy Outline

Introduction

An effective complaints process enables the Council to learn from the issues that arise for residents and to take steps to improve the services it provides. Complaint handling performs an important strategic role for an organisation, providing vital intelligence on its performance, culture and reputation.

Some Council's see complaints as a form of negative feedback. However, there are many benefits to be gained from having an effective and efficient complaints process. These can be:

- Complaints allow an issue to be resolved before it becomes worse. Those issues not resolved quickly 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.
- Good complaint handling promotes a positive Council and resident relationship.

The complaints process

1. Definition of a complaint

1.1 Effective complaint handling enables residents to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint.

1.2 A complaint must be defined as:

'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 a resident or group of residents.'

1.3 A resident does not have to use the word 'complaint' for it to be treated as such. Whenever a resident expresses dissatisfaction The Council must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with the Council's complaints policy.

1.4 The Council must recognise the difference between a **service request** and a **complaint**. This must be set out in their complaints policy. A service request is a request from a resident to the Council requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.

1.5 A complaint must be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. The Council must not stop their efforts to address the service request if the resident complains.

- 1.6 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 ask for wider feedback about their services, they also must provide details of how residents can complain.

2. Exclusions

- 2.1 The Council must accept a complaint unless there is a valid reason not to do so. If the Council decide not to accept a complaint they must be able to evidence their reasoning. Each complaint must be considered on its own merits.
- 2.2 A complaints policy must set out the circumstances in which a matter will not be considered as a complaint or escalated, and these circumstances must be fair and reasonable to residents. Acceptable exclusions include:
- The issue giving rise to the complaint occurred over twelve months ago.
 - Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
 - Matters that have previously been considered under the complaints policy.
- 2.3 The Council must accept complaints referred to them within 12 months of the issue occurring or the resident becoming aware of the issue, unless they are excluded on other grounds. The Council must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.
- 2.4 The Council decides not to accept a complaint, an explanation must be provided to the resident setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the Council to take on the complaint.
- 2.5 The Council must not take a blanket approach to excluding complaints; they must consider the individual circumstances of each complaint.

3. Accessibility and awareness

- 3.1 The Council must make it easy for residents to complain by providing different channels through which they can make a complaint. The Council must consider their duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of residents who may need to access the complaints process.
- 3.2 Residents must be able to raise their complaints in any way and with any member of staff. All staff must be aware of the complaints process and be able to pass details of the complaint to the appropriate person within the Council.
- 3.3 High volumes of complaints must not be seen as a negative, as they can be indicative of a well-publicised and accessible complaints process. Low complaint volumes are potentially a sign that residents are unable to complain.
- 3.4 The Council must make their Complaint Policy available in a clear and accessible format for all residents. This will detail the two stage process, what will happen at

each stage, and the timeframes for responding. The policy must also be published on the Council's website.

- 3.5 The policy must explain how the Council will publicise details of the complaints policy, including information about the Ombudsman and this Policy
- 3.6 The Council must give residents 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.
- 3.7 The Council must provide residents with information on their right to access the Ombudsman Service and how the individual can engage with the Ombudsman about their complaint.

4. Complaint handling staff

- 4.1 The Council must have a person or team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the governing body (or equivalent). This Policy will refer to that person or team as the 'complaints officer'. This role may be in addition to other duties.
- 4.2 The complaints officer must have access to staff at all levels to facilitate the prompt resolution of complaints. They must also have the authority and autonomy to act to resolve disputes promptly and fairly.
- 4.3 The Council are expected to prioritise complaint handling and a culture of learning from complaints. All relevant staff must be suitably trained in the importance of complaint handling. It is important that complaints are seen as a core service and must be resourced to handle complaints effectively.

5. The complaint handling process

- 5.1 The Council must have a single policy in place for dealing with complaints. Residents must not be treated differently if they complain.
- 5.2 The early and local resolution of issues between the Council and residents is key to effective complaint handling. It is not appropriate to have extra named stages (such as 'stage 0' or 'informal complaint') as this causes unnecessary confusion.
- 5.3 A process with more than two stages is not acceptable under any circumstances as this will make the complaint process unduly long and delay access to the Ombudsman.
- 5.4 Where the Council's complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, it must form part of the two stage complaints process set out in this Policy. Residents must not be expected to go through two complaints processes.
- 5.5 The Council are responsible for ensuring that any third parties handle complaints in line with the Policy.

- 5.6 When a complaint is logged at Stage 1 or escalated to Stage 2, the Council must set out their understanding of the complaint and the outcomes the resident is seeking. The Policy will refer to this as “the complaint definition”. If any aspect of the complaint is unclear, the resident must be asked for clarification.
- 5.7 When a complaint is acknowledged at either stage, the Council must be clear which aspects of the complaint they are, and are not, responsible for and clarify any areas where this is not clear.
- 5.8 At each stage of the complaints process, complaint handlers must:
- a) deal with complaints on their merits, act independently, and have an open mind;
 - b) give the resident a fair chance to set out their position;
 - c) take measures to address any actual or perceived conflict of interest; and
 - d) consider all relevant information and evidence carefully.
- 5.9 Where a response to a complaint will fall outside the timescales set out in this Policy the Council must agree with the resident suitable intervals for keeping them informed about their complaint.
- 5.10 The Council must make reasonable adjustments for residents 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 has disclosed. Any agreed reasonable adjustments must be kept under active review.
- 5.11 The Council must not refuse to escalate a complaint through all stages of the complaints procedure unless it has valid reasons to do so. The Council must clearly set out these reasons, and they must comply with the provisions set out in section 2 of this Policy.
- 5.12 A full record must be kept of the complaint, and the outcomes at each stage. This must include the original complaint and the date received, all correspondence with the resident, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.
- 5.13 The Council must have processes in place to ensure that a complaint can be remedied at any stage of its complaints process. The Council must ensure that appropriate remedies can be provided at any stage of the complaints process without the need for escalation.
- 5.14 The Council must have policies and procedures in place for managing unacceptable behaviour from residents and/or their representatives. The Council must be able to evidence reasons for putting any restrictions in place and must keep restrictions under regular review.
- 5.15 Any restrictions placed on contact due to unacceptable behaviour must be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

6. Complaints stages

Stage 1

- 6.1 The Council must have processes in place to consider which complaints can be responded to as early as possible, and which require further investigation. The Council must consider factors such as the complexity of the complaint and whether the resident is vulnerable or at risk. Most stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident.
- 6.2 Complaints must be acknowledged, defined and logged at stage 1 of the complaints procedure **within five working days of the complaint being received**.
- 6.3 The Council must issue a full response to stage 1 complaints **within 10 working days** of the complaint being acknowledged.
- 6.4 The Council must decide whether an extension to this time scale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the resident.
- 6.5 When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.
- 6.6 A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.
- 6.7 The Council must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 6.8 Where residents raise additional complaints during the investigation, these must be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.
- 6.9 The Council must confirm the following in writing to the resident at the completion of stage 1 in clear, plain language:
 - a) the complaint stage;
 - b) the complaint definition;
 - 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) details of any outstanding actions; and
 - g) details of how to escalate the matter to stage 2 if the individual is not satisfied with the response.

Stage 2

- 6.10 If all or part of the complaint is not resolved to the resident's satisfaction at stage 1, it must be progressed to stage 2 of the Council's procedure. Stage 2 is the Council's final response.
- 6.11 Requests for stage 2 must be acknowledged, defined and logged at stage 2 of the complaints procedure within **five working days of the escalation request being received**.
- 6.12 Residents must not be required to explain their reasons for requesting a stage 2 consideration. The Council are expected to make reasonable efforts to understand why a resident remains unhappy as part of its stage 2 response.
- 6.13 The person considering the complaint at stage 2 must not be the same person that considered the complaint at stage 1.
- 6.14 The Council must issue a final response to the stage 2 **within 20 working days** of the complaint being acknowledged.
- 6.15 The Council must decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident of the expected timescale for response. Any extension must be no more than 20 working days without good reason, and the reason(s) must be clearly explained to the resident.
- 6.16 When an organisation informs a resident about an extension to these timescales, they must be provided with the contact details of the Ombudsman.
- 6.17 A complaint response must be provided to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the resident.
- 6.18 The Council must address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 6.19 The Council must confirm the following in writing to the resident at the completion of stage 2 in clear, plain language:
 - a) the complaint stage;
 - b) the complaint definition;
 - 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) details of any outstanding actions; and
 - g) details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.
- 6.20 Stage 2 is the Council's final response and must involve all suitable staff members needed to issue such a response.

7. Putting things right

- 7.1 Where something has gone wrong the Council must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These 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.
- 7.2 Any remedy offered must reflect the impact on the resident as a result of any fault identified.
- 7.3 The remedy offer must clearly set out what will happen and by when, in agreement with the resident where appropriate. Any remedy proposed must be followed through to completion.
- 7.4 The Council must take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

8. Self-assessment, reporting and compliance

- 8.1 The Council must produce an annual complaints performance and service improvement report for scrutiny and challenge, which must include:
- a) the annual self-assessment against this Code to ensure their complaint handling policy remains in line with its requirements.
 - b) a qualitative and quantitative analysis of the Council's complaint handling performance. This must also include a summary of the types of complaints the Council has refused to accept;
 - c) any findings of non-compliance with this Policy by the Ombudsman;
 - d) the service improvements made as a result of the learning from complaints;
 - e) any annual report about the Council's performance from the Ombudsman; and
 - f) any other relevant reports or publications produced by the Ombudsman in relation to the work of the Council.
- 8.2 The annual complaints performance and service improvement report must be reported to the Council's governing body (or equivalent) and published on the on the section of its website relating to complaints. The governing body's response to the report must be published alongside this.
- 8.3 The Council must also carry out a self-assessment following a significant restructure, merger and/or change in procedures.
- 8.4 The Council may be asked to review and update the self-assessment following an Ombudsman investigation.

8.5 If a Council is unable to comply with the Policy due to exceptional circumstances, such as a cyber-incident, they must inform the Ombudsman, provide information to residents who may be affected, and publish this on their website. The Council must provide a timescale for returning to compliance with the Policy.

9. Scrutiny & oversight: continuous learning and improvement

9.1 The Council must look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.

9.2 A positive complaint handling culture is integral to the effectiveness with which The Council resolve disputes. The Council must use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.

9.3 Accountability and transparency are also integral to a positive complaint handling culture. The Council must report back on wider learning and improvements from complaints to stakeholders, such as residents' panels, staff and relevant committees.

9.4 The Council must appoint a suitably senior lead person as accountable for their complaint handling. This person must assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

9.5 In addition to this, a member of the governing body (or equivalent) must be appointed to have lead responsibility for complaints to support a positive complaint handling culture. This person is referred to as the Member Responsible for Complaints ('the MRC').

9.6 The MRC will be responsible for ensuring the governing body receives regular information on complaints that provides insight on the Council's complaint handling performance. This person must have access to suitable information and staff to perform this role and report on their findings.

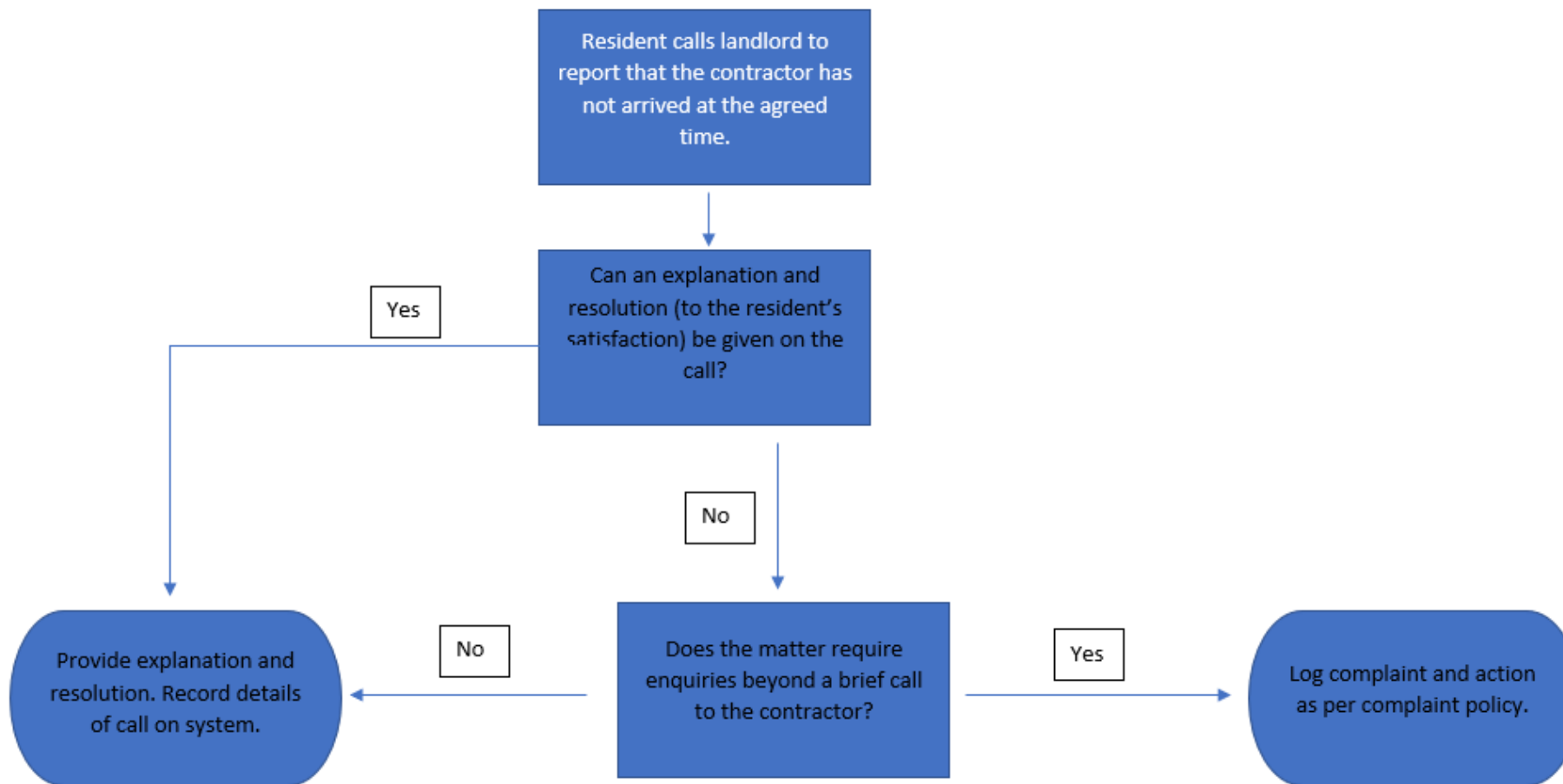
9.7 As a minimum, the MRC and the governing body (or equivalent) must receive:

- a) regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance;
- b) regular reviews of issues and trends arising from complaint handling;
- c) regular updates on the outcomes of the Ombudsman's investigations and progress made in complying with orders related to severe maladministration findings; and
- d) the annual complaints performance and service improvement report.

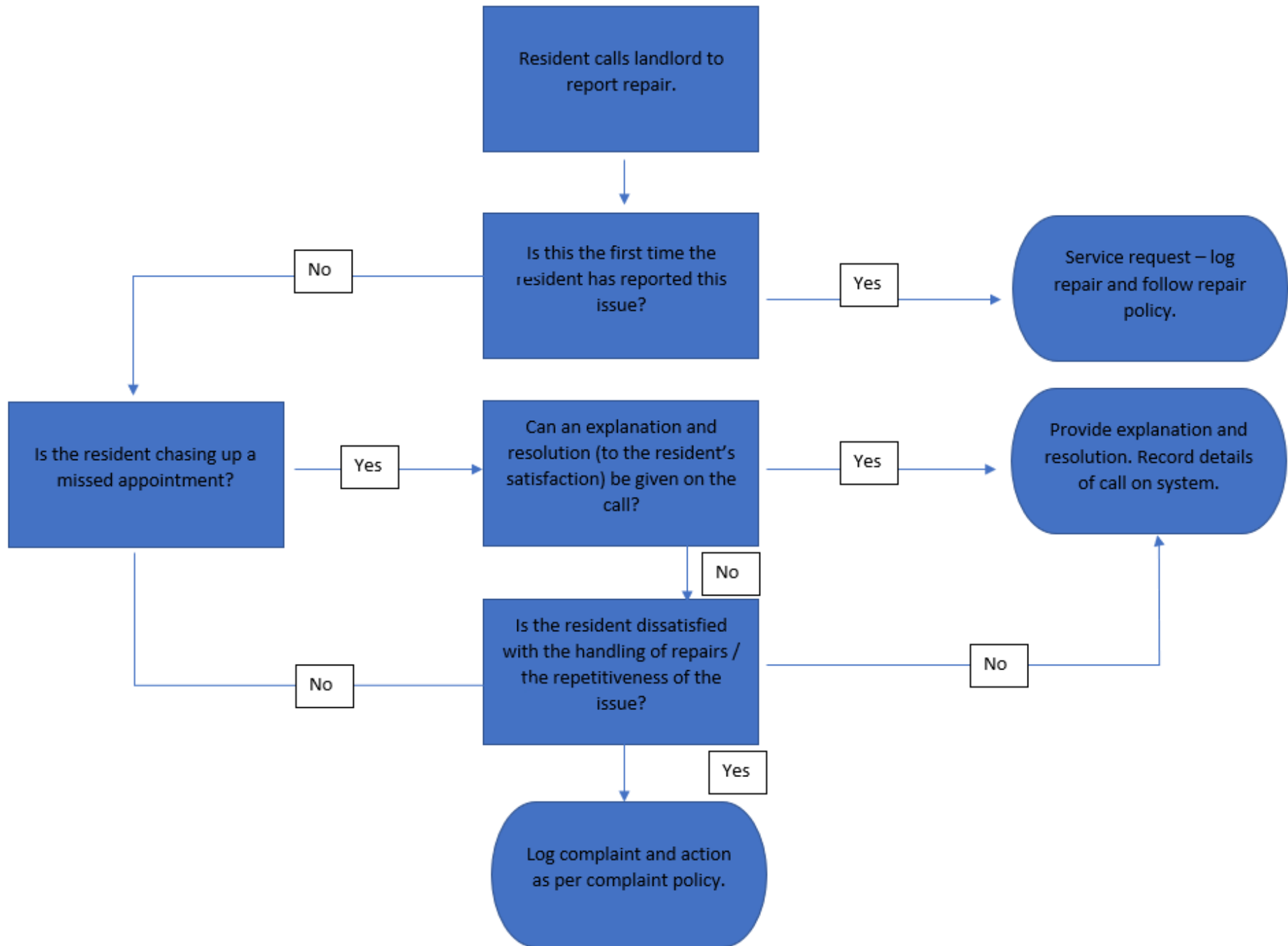
9.8 The Council must have a standard objective in relation to complaint handling for all relevant employees or third parties that reflects the need to:

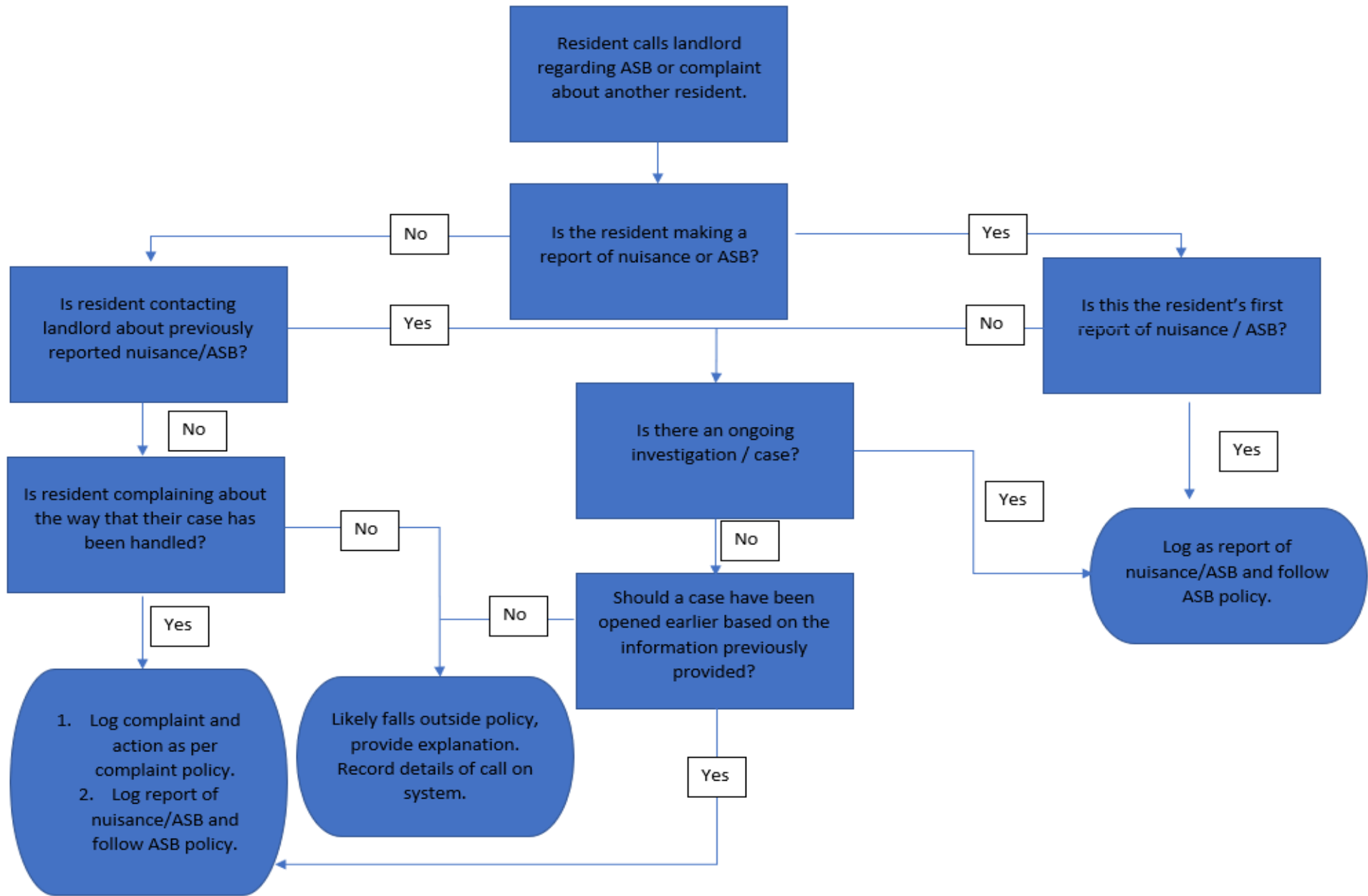
- a) have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
- b) take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- c) act within the professional standards for engaging with complaints as set by any relevant professional body.

Service request or complaint – flow charts and case studies



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Resident calls landlord regarding ASB or complaint about another resident.

Is the resident making a report of nuisance or ASB?

Is this the resident's first report of nuisance / ASB?

Is resident contacting landlord about previously reported nuisance/ASB?

Is there an ongoing investigation / case?

Is resident complaining about the way that their case has been handled?

Should a case have been opened earlier based on the information previously provided?

1. Log complaint and action as per complaint policy.
2. Log report of nuisance/ASB and follow ASB policy.

Likely falls outside policy, provide explanation. Record details of call on system.

Log as report of nuisance/ASB and follow ASB policy.

REFERENCE

Case study A – Resident calls to report contractor has not arrived at the agreed time

Ms B calls the Council to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but is unable to explain to Ms B why the contractor did not arrive. The call handler asks Ms B if they can try and contact the contractor and call her back within the next hour. Ms B agrees. The call handler speaks to the contractor who explains they were held up at another job that took longer than expected. The call handler calls Ms B, explains the situation, and apologises. The call handler offers Ms B another appointment at a time that suits Ms B, and Ms B is satisfied with the explanation and resolution.

This is an example of a 'there and then' situation where the resident may be dissatisfied with the service provided on that morning, but the Council is able to quickly resolve the issue to the resident's satisfaction with minimal further enquiries. Whilst this does not need logging as a complaint, the Council should keep a record of the call and should consider if there is any learning (i.e. should the Council have been informed the contractor was delayed so it could alert Ms B and any other affected residents)

Alternative scenario

Ms B calls her Council to report that the contractor that was due to attend her property that morning has not arrived. Ms B is not happy as she had taken the morning off work for the appointment. The call handler checks the system but cannot see an appointment for Ms B that day. Ms B is adamant she had an appointment that morning and explains she received a text message from the Council with the date and timeframe. The call handler is unable to explain to Ms B why there was no appointment on the system and offers its apologies. The call handler also arranges another appointment and advises Ms B that it has opened a complaint on her behalf.

Whilst the Council can offer Ms B another appointment, it is unable to adequately explain why Ms B was told a contractor would attend that morning when there is no appointment on its systems. The Council will need to investigate why this has happened, which could involve interrogating the system and speaking with other departments. Whilst Ms B may have been satisfied with a further appointment, a positive complaints handling culture would explore why this has happened to try to put it right for the resident and to learn from any mistakes.

Case study B – Resident calls to report a repair

Mr D calls the Council to report a leak from one of his radiators. Mr D says the radiator has been leaking for a few months, but it has recently got worse. Although it has been leaking for a few months, this is the first time Mr D has contacted the Council about it.

This is a service request and should be handled in accordance with the Council's repairs policy.

Alternative scenario A

Mr D calls the Council regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and he was told each time that someone would come out to inspect the radiator, but he has never had an appointment, and no one has been out so far. He explains that his carpet underneath the radiator is starting to smell damp because of the leak. The call handler can see that Mr D has reported the issue several times but is unable to explain why it was never followed up. The call handler arranges an appointment for Mr D and opens a complaint case for Mr D.

Whilst this is a service request, it is also clear from the information that this repair has been reported several times before and the Council has not acted on the report, which is potentially a breach of its repairs policy. Although Mr D has not specifically said he wants to make a complaint, there has been a failure in the Council's service that should be investigated and put right. The Council should also explore any learning opportunities.

Alternative scenario B

Mr D calls the Council regarding a leak from one of his radiators. Mr D says the radiator has been leaking for a few months and has recently got worse. Mr D tells the call handler that he has reported the leak several times and each time someone comes out they tell him they will do a temporary repair but that he needs a new radiator. Mr D tells the call handler he has been repeatedly told that the contractor will raise a job for a new radiator to be fitted but he has never heard anything. Mr D says he feels like he is going round in circles and that he thinks the Council is trying to save money by not fitting a new radiator. The call handler checks the repair notes and can see that previous contractors have recommended a new radiator is fitted.

The call handler raises a job for a new radiator and opens a complaint case for Mr D. *Although the resident has not asked to make a complaint, it is clear from the conversation that he is dissatisfied with the level of service he has received from the Council. It is also clear that something is not working as it should do within the Council's process, which should be investigated as part of the complaint.*

Case Study C – Resident calls to report noise nuisance/ASB

Mr A calls the Council to report that his neighbour has been playing music at an excessive volume late into the night, which has stopped him and his family from being able to sleep. Mr A says this has been affecting his work and his children's school. He tells the Council that he has tried speaking to his neighbour about it, but the neighbour was aggressive and abusive to him. Mr A would like the Council to do something about the noise.

This is a report of noise nuisance/ASB. The Council should explain the ASB procedure to Mr A and clearly outline what the next steps are. The Council should follow its ASB policy in responding to this allegation.

Two months later Mr A calls the Council again. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells the Council that this is impacting on his mental health, and he is worried that it could escalate further. Mr A tells the Council that he has reported some instances to the police, and he has filled in the diary sheets as the Council has asked. The Council confirms it will add this new information to Mr A's case file. The Council contacts Mr A and provides an update on the ASB case, confirming it has spoken with the neighbour and is engaging with the police in relation to Mr A's reports. Mr A agrees to continue reporting issues as per the Council's request.

Although the neighbour's behaviour is escalating, the Council continues to work with Mr A and to investigate the allegations in accordance with its policy. It is providing updates to Mr A and is working with other local agencies (i.e. the police) to resolve the matter.

Alternative scenario

Two months after his initial report, Mr A calls his Council. He explains that the loud music has continued, and the neighbour has escalated to being abusive and aggressive whenever they see each other. Mr A tells his Council that he has reported some instances to the police, and he has filled in the diary sheets as the Council has asked but he has not heard anything from the Council since his initial report. Mr A tells the Council that he has done everything asked of him, but the Council has not done anything and has left him and his family to live in fear of his neighbour. Mr A tells his Council that this is impacting on his mental health, and he is worried that it could escalate further.

The Council has not responded to Mr A's initial report of ASB, therefore as well as following up on the reports of ASB as per the ASB policy, the Council should also open a complaint case to look at its handling of Mr A's reports of ASB.

Appendix A – Self-Assessment

This self-assessment must be completed and must be shared with the organisation's governing body (or equivalent) annually as part of the complaints performance and service improvement report.

Evidence must be included to demonstrate compliance in practice as part of the other elements of the annual complaints performance and service improvement report with additional commentary as necessary. For example, this could include records of quality assurance checks on complaint responses, exclusions and feedback from relevant staff. If the failure to meet a requirement only relates to one service area or department this must be made clear in the commentary section.

When completing the self-assessment, organisations should not focus on the number of complaints received. Recording a high number of complaints may be an indication that the organisation welcomes complaints and that individuals are able to access the complaints process easily. Organisations should focus on timescales for responding to complaints and complaint outcomes.

Members of the Housing Ombudsman must submit a copy of their self-assessment as part of their annual complaints performance and service improvement report, following the guidance for submissions. The submissions will be used to assess the organisation's compliance with the Code in line with the Housing Ombudsman's duty to monitor against this.

The Local Government and Social Care Ombudsman may consider the complaints performance and service improvement report as part of an investigation or its own annual review of complaints.