

Complaints and Feedback Policy

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Version Control

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1.0 Content

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2.0 Introduction

South Derbyshire District Council (The Council) is committed to putting our customers first and providing high quality services. Occasionally things do go wrong and so we welcome and recognise the importance of customer feedback. The Council will ensure Officers take ownership of complaints and respond positively to our customers' needs and expectations. We will work with our customers to resolve issues. This is an integral part of the service we provide. The Council will respond to complaints promptly and efficiently, resolving complaints quickly wherever possible. We will use the information received from complaints to drive improvements.

For the purpose of this document, the term Complainant refers to any person making a complaint, for example, a resident or a service user. This Policy sets out how the Council processes feedback from customers whether it is a comment, compliment or a complaint. Feedback from our customers is invaluable as it gives us the opportunity to put things right if there have been mistakes and, just as importantly, helps us to improve our services.

3.0 Purpose

The purpose of this Policy is to:

- Clarify how the public may make a complaint about us.
- Define the standards the public can expect when they make a Complaint.
- Recognise the importance of customer feedback in providing feedback about the Council's service and performance.
- Set out how the Council will monitor customer feedback and use that information to improve services and identify training needs.

4.0 What is our policy?

The Council believes that if a customer wishes to make a comment, compliment or complaint they should find it easy to do so. The Council welcomes comments, compliments and complaints and looks upon them as an opportunity to learn, adapt, improve and provide better services. This Policy is intended to ensure that comments, compliments and complaints are acknowledged, dealt with properly and are taken seriously so that customers feel confident that their comments, compliments and complaints are recognised, acknowledged, listened to and acted upon promptly and fairly.

5.0 Feedback

This Policy and Procedure describes the actions to be taken by the Council when there are positive or negative views or improvement suggestions from customers. For clarity definitions for Compliments and Service Requests are detailed below:

Customer Compliment

“A customer statement of positive recognition or praise for a service or member of staff”.

Request for Service.

“A request from a resident requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly”.

When a comment or compliment is received, this will be passed to the Customer Experience Officer who will copy it to the relevant Head of Service and Executive Director for feedback to the service or individual concerned.

6.0 Complaints

6.1 Defining a Complaint

For the purposes of this Policy, a Complaint is 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 an individual or group of individuals.”

You do not have to use the word ‘complaint’ for it to be treated as such.

Whenever an individual expresses dissatisfaction, the Council must give them the option to make complaint.

A complaint that is submitted via a third party or representative will still be handled in line with this Policy.

An expression of dissatisfaction with a service 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 their services, it also must provide details of how an individual can complain.

There may be instances when the Council has failed to provide a service, such as a missed refuse collection, insufficient grass cutting, or failure to meet an appointment time etc. and you may raise this as a “complaint”. The issue will not be dealt with under the formal procedure detailed in this Policy, in the first instance, but as a “service request”. A Service Request is a request from an individual to the Council requiring action to be taken to put something right.

Such mistakes or omissions will be rectified promptly and the Council will notify you of the action taken. The Council will record, monitor and review these instances within each service area so that any trends can be identified and steps can be taken to prevent a reoccurrence.

The Council will raise a complaint if you are dissatisfied with the response to the Service Request, even if the handling of the Service Request remains ongoing. The Council will not stop its efforts to address the service request if you complain.

Should the Customer Experience Officer consider that a comment is of a negative nature, he/she will discuss it with the relevant Head of Service so that the appropriate actions can be undertaken. If necessary, Stage 1 of the Complaints Procedure will be invoked.

6.3 Exclusions

The Council must accept a complaint unless there is a valid reason not to do so. If it decides not to accept, it will evidence its reasoning. Each complaint must be considered on its own merits.

The Council will accept complaints referred to it within 12 months of the issue occurring, or you becoming aware of the issue, unless the complaints are excluded on other grounds set out below. The Council does, however, have discretion to accept complaints made outside this time limit where there are good reasons to do so.

Where the Council decides not to accept a complaint, an explanation will be provided setting out the reasons why the complaint has not been accepted and the right to take that decision to the Ombudsman.

The Council must not take a blanket approach to excluding complaints. It will consider the individual circumstances of each complaint.

6.4 Circumstances where complaints are excluded

These are some types of complaint that may be excluded from this policy and procedure:

- 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.
- Repeated complaints regarding the same issue and already considered under the Policy.
- Complaints which amount to a disagreement with the Council about its decision, rather than the way the decision has been carried out (for example the level of the Council Tax);
- A planning or development control matter where a right of appeal exists, unless the complaint relates to the way the matter has been administered;
- A Council decision where regulatory powers are being exercised (for example, Licensing or Environmental Health functions), unless the complaint relates to the way the matter has been administered;
- Complaints which amount to a disagreement with, or a refusal to, accept a legal ruling that the Council is applying;
- Housing Benefit, Residual Community Charge, Council Tax, NNDR, or any other matters where statutory appeals procedures exist;
- Housing Allocation matters where separate procedures exist;
- Complaints about Councillors, as these should be made to the Monitoring Officer as a breach of the Council's Members' Code of Conduct;
- Complaints regarding a matter that is not a function of the Council but instead a function or service provided by the County Council, a parish council or other organisation or body; and
- Complaints that involve a possible Insurance Claim unless the complaint concerns the way in which the matter has been administered by the Council.

6.5 How the Council handles complaints

The Council has a team assigned to take responsibility for complaint handling, including liaison with the Ombudsman and ensuring complaints are reported to the Council's Committees with the oversight of the Deputy Chief Executive / Executive Director – Resources and Transformation.

The Team has access to staff at all levels to facilitate the prompt resolution of complaints. They have the authority and autonomy to act to resolve disputes promptly and fairly.

The Council prioritises complaint handling and a culture of learning from complaints. All relevant staff including staff employed by the Council's contractors are suitably trained in the importance of complaint handling.

6.6 Raising an issue

The Council encourages you to firstly raise a service request with the service concerned. You can do this by letter, email, over the telephone or in person. You should keep a copy of any correspondence sent and keep a note of the date of any telephone calls or visits in person.

The Council will make every effort to resolve a concern and will inform you of the formal procedure if the concern is not resolved.

The Council will not discourage you from complaining and will make every effort to assist you in the process.

6.7 Making a complaint

If you are dissatisfied with the initial response after raising the matter with the service concerned and you wish to pursue the matter you should can make a complaint.

You can also make a complaint if you have not raised the issue with the service concerned.

Complaints may be made;

- on the official complaint form on the Council's website,
- by putting the details in writing via a letter addressed to the Customer Experience Officer, South Derbyshire District Council, Swadlincote, Derbyshire, DE11 0AH,
- by telephoning and asking to speak to a Customer Experience Officer on (01283) 595795
- by reporting the matter in person at the Civic Offices, Civic Way, Swadlincote, Derbyshire DE11 0AH.

If you have already supplied full details of your complaint by the telephone or in person at the Civic Offices, you will not be asked to repeat the information to the Customer Experience Officer nor will you be asked to complete a complaint form. The Officer receiving the Complaint will record and verify the details and will pass this to the Customer Experience Officer.

If you have a disability that causes difficulty in traveling to the Civic Offices and need assistance with completing a complaints form, a home visit can be arranged.

6.8 How complaints will be dealt with

If your complaint has reached an advanced stage before the procedure is invoked, some of the following stages may be rendered unnecessary and bypassed.

You will be kept informed of progress at all stages and your complaint will be dealt with in confidence.

If you have requested the involvement of your local Councillor, you can request for details to be given to that Councillor, including progress on the complaint at all stages. You will need to do this in writing and send this to the Customer Experience Team.

The Council will ensure that all Complaints will be treated with priority and will be referred to the Customer Experience Officer as soon as practicable.

The Council's contractors are aware of this Policy and the requirement to refer any complaint to the Council's Customer Experience Officer as soon as practicable.

At each stage of the complaints process, the Council will:

- a. deal with complaints on their merits, act independently, and have an open mind;
- b. give you a fair chance to set out your position;
- c. take measures to address any actual or perceived conflict of interest; and
- d. consider all relevant information and evidence carefully.

You need to notify the Council if you have a disability and any reasonable adjustments you require. The Council will make reasonable adjustments for you where appropriate under the Equality Act 2010, and keep a record of any reasonable adjustments agreed, as well as a record of any disabilities you disclose. The Council will keep under review any agreed reasonable adjustments.

The Council will not refuse to escalate a complaint through all stages of the complaints process unless it clearly sets out its valid reasons for doing so.

The Council will set out its understanding of your Complaint and the outcomes you are seeking. If any aspect of the complaint is unclear, the Council will ask you for clarification.

The Council will address all points raised in your Complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

The Council will be clear in its response as to which aspects of the complaint it is or is not responsible for and clarify any areas where this is not clear. The Council will detail the organisations responsible for the service if it is not itself responsible.

Where something has gone wrong the Council will 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.

Any remedy offered will reflect the impact on you as a result of any fault identified.

The remedy offer will clearly set out what will happen and by when, in agreement with you where appropriate. Any remedy proposed will be followed through to completion.

If a proposed remedy cannot be delivered, the Council will inform you of the reasons for this, provided with details of any alternative remedy and remind you of your right to complain to the Ombudsman,

The Council will take account of the guidance issued by the Ombudsman and any relevant Council Policy when deciding on appropriate remedies.

The Council will retain a full record of the complaint, and the outcomes at each stage. This will include the original complaint and the date received, all correspondence with you, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.

6.9 Complaint Stages

For housing complaints, when a complaint is received at Stage 1 or escalated to Stage 2, the Customer Experience Team will set out their understanding of the issues raised and your desired outcomes and seek confirmation from you that these have been captured accurately. If any part of the complaint is unclear, the Council will ask you to clarify the matter to ensure the complaint is fully understood before an investigation is undertaken.

When acknowledging a complaint at either stage, the Council will clearly explain which aspects of the complaint fall within its responsibility and which do not, and will seek to clarify any areas of uncertainty with the resident.

Where a response to a complaint will fall outside the timescales set out in this Policy the Council will agree with you suitable intervals for keeping you informed about your complaint.

Stage 1

All complaints will be referred to the Customer Experience Officer, who will ensure the complaint is logged appropriately.

The Customer Experience Officer will issue a reference number to each complaint so that it can be tracked throughout the enquiry.

For housing-related complaints, the Customer Experience Officer will also confirm that the complaint and the desired outcomes have been accurately understood and recorded before the investigation begins.

A complaint form will be completed where required.

The Customer Experience Officer will acknowledge the complaint within **five working days excluding statutory holidays**. They will then liaise with Head of Service of the service area concerned to co-ordinate a response.

The Council will endeavour to send a full response within **ten working days** from the date of acknowledgement. If this timescale cannot be met then the Customer Experience Officer will clearly explain this to you, give an indication of when a full response may be given and provide updates at agreed intervals.

If the Council needs further time to respond, that extra time will be limited to a further ten working days unless there is good reason to extend further.

The Council has processes in place to consider which complaints can be responded to as early as possible, and which require a longer period for further investigation. The Council will consider factors such as the complexity of the complaint and whether you are vulnerable or at risk when prioritising complaints.

The Stage 1 Response will be provided after the conclusion of the investigation and will not be delayed until any outstanding actions are completed. If there are outstanding actions when the Stage 1 Response is sent, further updates will be provided to confirm when the outstanding actions are concluded.

If the complaint concerns more than one service area the Customer Experience Officer will co-ordinate a corporate response to the issues raised.

Where you raise additional complaints during the investigation, these will be incorporated into the Stage 1 response if they are related to the original complaint 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 to investigate the new issues, the new issues will be logged as a new complaint.

The Stage 1 response will confirm that if the complaint remains unresolved you have the right to request a review by the Executive Director of the service area concerned, who will consider the Complaint afresh and will not be bound by the Stage 1 response (Stage 2 complaint).

Stage 2

Where your complaint has not been resolved, and if you request it, your complaint will be progressed to Stage 2. Stage 2 is the Council's final response.

All Stage 2 complaints will be referred to the Customer Experience Officer, who will ensure the complaint is logged appropriately.

For housing-related complaints, they will also confirm that the complaint and the desired outcomes have been accurately understood and recorded before the investigation begins.

There is no requirement for you to give reasons as to why you are dissatisfied with the Stage 1 response, although providing reasons will assist the Council in its Stage 2 considerations and reply to you.

A Stage 2 complaint will be referred to the relevant Executive Director with copies of relevant documents and details of the decision/action taken by the service involved in an attempt to resolve the matter.

The Customer Experience Officer will send an acknowledgment on behalf of the Executive Director, within **five working days** of receiving the Stage 2 complaint. The Executive Director will review the matter with the assistance of staff from the relevant service.

The relevant Executive Director will endeavour to provide a final response to the complaint **within 10 working days following the acknowledgement of the complaint progressing to Stage 2**. This time period can be extended to a maximum of **20 working days** with good reason. The Customer Experience Officer will clearly explain this to you and give an indication of when a full response may be given.

The Stage 2 Response will be provided after the conclusion of the investigation and will not be delayed until any outstanding actions are completed. If there are outstanding actions when the Stage 2 Response is sent, further updates will be provided to confirm when the outstanding actions are concluded.

Conciliation

If appropriate to resolve your complaint, you may be invited to attend a meeting with a senior officer from the service which is the subject of the complaint. A senior officer from a different service will act as mediator. You may bring an advisor or independent person with you for support.

6.10 Referral to the Local Government and Social Care Ombudsman or Housing Ombudsman

At any time, you may refer your complaint to the Local Government and Social Care Ombudsman or Housing Ombudsman. Normally, the Ombudsman will afford the Council the opportunity to resolve the complaint locally before getting involved. The Ombudsman will usually only investigate cases of maladministration (where the Council has failed to handle something correctly) rather than investigate the actual decision the Council has made.

If you remain dissatisfied with the outcome of a complaint, you have the right to have your complaint reviewed by the Local Government and Social Care Ombudsman or the Housing Ombudsman.

The Local Government and Social Care Ombudsman deals with all complaints relating the Council's functions except those that relate to social housing landlord function, The details of how to make a complaint are available on the LGO website, using the following link <http://www.lgo.org.uk/making-a-complaint/>

The Housing Ombudsman deals with all complaints relating to the Council's social housing landlord function. The details of how to make a complaint to the Housing Ombudsman can be accessed using the following link <https://www.housing-ombudsman.org.uk/>

Where a matter is considered by the Ombudsman Service its decision will be final.

7.0 Other complaint types

Vexatious Complaints

The Council may, in its absolute discretion, decide that a complaint is repeated, malicious or vexatious and as a result decide not to respond to such a complaint.

Hate Crime Incident

If you believe that your complaint is racially motivated or is a Hate Crime you must notify the Council and the Council will then follow the Hate Crimes Procedure in responding to the issue.

Anonymous Complaints

The Council does not normally accept anonymous complaints. However, if the matter appears to be of a serious nature, it will be passed to the Chief Executive who, in consultation with the relevant member of Leadership Team, will decide on whether the matter should be investigated.

Any information provided will be treated in the strictest confidence.

Relationship With the Disciplinary Procedure

The Complaints Procedure is distinct from the Council's Disciplinary Procedure for employees. If the nature of a complaint is such that disciplinary action against an employee may be involved, the appropriate Executive Director will decide whether the Disciplinary Procedure should be invoked.

8.0 Performance and Monitoring

The Council will keep a record of complaints received and will report performance quarterly to the Finance and Management Committee on the resolution of complaints, drawing attention to any trends that may indicate the need for improvements in service. The appropriate Head of Service will complete a complaint assessment sheet for each complaint received to monitor/review any trends in complaints and report what action is being taken to improve services/procedures.

The Council's Complaints Form contains equality monitoring questions in order for the Council to assess if any of the Council's policy and procedures disproportionately affect a section of the community.

The Council receives and considers a report on Ombudsman decisions annually

The Council has appointed a Member Champion for Complaints. This Member Champion ensures that Elected Members through the Council's Committee receive information on Complaints. The Member Champion for Complaints has the support of the Head of Customer Services.

The Council self-assesses its complaints performance and this Policy against the Housing Ombudsman Code and publishes this annually on its website

This Complaints Policy will be publicised on the Council's website.

9.0 Roles and Responsibilities

- **Responsible:** Service area who performs an activity or does the work.
- **Accountable:** Service area which is ultimately accountable for the service being provided
- **Consulted:** Services who need to be engaged and contribute to the policy
- **Informed:** Services or stakeholders that needs to be informed of the policy

Responsible	Accountable
• JOB ROLE/SERVICE AREA The Head of Customer Services is responsible for ensuring the policy is reviewed at the scheduled time. All Heads of Service are responsible for ensuring officers in their service area are aware of the policy. The appropriate Head of Service will complete a complaint assessment sheet for each complaint received to monitor/review any trends in complaints and report what action is being taken to improve services/procedures.	• JOB ROLE/SERVICE AREA The Local Government and Housing Act 1989 (the Act), provides that the Monitoring Officer, has a statutory duty to deal with any proposal, decision or omission by the Council which has given, or is likely to give, rise to maladministration or which is in contravention of any code of practice or rule of law. This Council's Monitoring Officer is the Executive Director of Law and People. The Local Government Finance Act 1988 provides that the "Chief Finance Officer" has a statutory duty to report to the Council on certain financial matters. The Chief Executive, in operating this Complaints Procedure, will have regard to the statutory duties of the Chief Finance Officer.
Consulted	Informed

JOB ROLE/SERVICE AREA Head of Legal & Democratic Services. To review and approve elements of the policy which impacts on elected members. GDPR Officer. To review and consider GDPR considerations and provide recommendations within the policy to comply with GDPR.	JOB ROLE/SERVICE AREA/STAKEHOLDER All employees - To understand and comply with the policy. Contractors - the Council's contractors are suitably trained in the importance of complaint handling.
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10.0 Sustainability Impact Assessment

This assessment is completed using the below table. Your assessment should be detailed in the "findings" section. You must detail the reasoning and the mitigation of any negative impacts. If there is 'no impact' no detail needs to be given.

	Positive impact (Y/N)	Negative impact (Y/N)	No impact (Y/N)	Assessment findings
Carbon net zero by 2030/2050			Y	<i>The policy does not impact on carbon net zero target.</i>
Other environmental impacts – waste, biodiversity, etc.			Y	<i>The policy does not impact on carbon net zero target.</i>
ISO 14001			Y	<i>The Policy does not worsen or improve out environmental performance.</i>

11.0 Policy Review

The policy will be reviewed every three years or sooner should legislation change.

12.0 References

- Housing Ombudsman.
- Local Government and Social Care Ombudsman.

13.0 Associated Documentation

Cross-reference to associated Council policies and procedures etc

Description of Documentation

14.0 Appendices

14.1 Equality Impact Assessment Form

The outcome of the assessment should be included in the supporting Committee Report which is seeking approval for a new or amended policy.

14.2 Policy Briefing Form

See attached

Policy Briefing Form

Introduction

This form is to provide a brief update to summarise the changes/amendments to an existing policy or to provide a summary for a new policy. This form should be used for the consultation, approval and communication of all adopted policies.

Policy update

A summary of the policy is detailed below

Policy Name: Complaints and Feedback Policy

Policy Date: TBC

Version Number: 4.0

Summary of Policy:

The Council is committed to putting our customers first and providing high quality services. Occasionally things do go wrong and so we welcome and recognise the importance of customer feedback. The Council will ensure officers take ownership of complaints and respond positively to our customers' needs and expectations.

Summary of key changes made to an existing policy.

Section	Amendment
<i>All</i>	Minor amendments to wording and procedure for Housing complaints to ensure alignment with Housing Ombudsman Complaint Handling Code.

Following final adoption of the policy, this form will be used by the Communication Team to be included in Let's Connect as part of the communication plan.

Further information can be found in the 'My Policies' section in Connect.