

URN: 22-200

Subject: Corporate Complaints and Compliments Policy

Report to: Policy & Resources Committee (P&R)

Report by: Information Governance Lead and Data Protection Officer

SUBJECT MATTER

This report is written to introduce an updated Corporate Complaints and Compliments Policy. This policy has been revised to incorporate the requirements of the Housing Ombudsman as set out in the recently published Housing Ombudsman Complaint Handling Code.

Changes have also been made to complaint response timescales, these are to allow for a more thorough investigation and response, enabling complaints to be handled more efficiently and further improving Customer Service.

RECOMMENDATION

That Policy & Resources Committee review and approve this Policy.

1. Introduction

The Housing Ombudsman published an updated version of its Complaint Handling Code in April 2022, this was introduced as part of the Ombudsman's new powers in the revised Housing Ombudsman Scheme.

The Code has been strengthened to include provisions that support a positive complaint handling culture and sets out good practice that will allow Landlords to respond to complaints effectively and fairly.

The updated Code takes effect from 1 April 2022 and Landlords have until 1 October 2022 to become compliant.

2. Work to Date

The Council's Corporate Complaints and Compliments Policy has been reviewed and updated in line with the requirements set out in the Housing Ombudsman's Complaint Handling Code.

As part of this review, it was identified that the current timeframe of 10 working days to respond to stage 1 non social housing related complaints was insufficient. This has led to complaints not being fully investigated and resolved at the earliest opportunity.

To rectify this situation the timeframe to respond to non social housing related complaints has been extended from 10 to 15 working days. This change will allow the responding Manager to fully investigate the complaint and provide a comprehensive response, thereby enabling complaints to be handled more efficiently and further improving Customer Service.

In addition, if the customer is not satisfied with the response they receive to their complaint, a limit of 6 months from the response issue date to escalate their complaint to the next complaint stage has been introduced.

3. Next Steps

The updated Corporate Complaints and Compliments Policy is to be considered by Policy and Resources Committee on 27 September 2022 and if approved the Policy will be adopted and implemented from 1 October 2022.

Following approval of the updated Corporate Complaints and Compliments Policy, the Council's Housing Service will be required to carry out an annual assessment against the Housing Ombudsman's Complaint Handling Code to ensure its complaint handling remains in line with their requirements. The results of this assessment must be published.

4. Financial Implications

N/A

5. Risk Implications

From 1 October 2022 all Landlords are bound to abide by the Housing Ombudsman's Complaint Handling Code. Failure to incorporate the requirements of this code into the Council's Corporate Complaints and Compliments Policy will put the Council at risk of regulatory action.

6. Legal Implications

N/A

7. Conclusion

Policy & Resources Committee are recommended to approve the updated Corporate Complaints and Compliments Policy.

8. Background Papers

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Completed
Section 151 Officer Consultation:	N/A
Existing Council Policies:	Completed
Financial Implications (including VAT and tax):	N/A

Legal Implications (including human rights):	N/A
Risk Implications:	See 4 above
Equality Issues/EQIA assessment:	N/A
Crime & Disorder:	N/A
Every Child Matters:	N/A



Great Yarmouth Borough Council

Corporate Complaints and Compliments Policy

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Date 7 September 2022

Version 1.4

Last Review Date July 2019

Review Changes Changes made to comply with the Housing Ombudsman's complaint handling code.
Date for Stage 1 responses amended from 10 working days to 15 working days (apart from when the Council is in the capacity as a Social Landlord, where responses will be issued within 10 days).
Request for escalation for Stage 2 and Stage 3 complaints to be within six months of the previous response.
Addition of Compensation section

Document Status Draft

Introduction

This policy details Great Yarmouth Borough Council's approach to complaints, compliments and comments received from its customers. The policy will apply to all Council services and provides a clear framework for customers and staff to use. The purpose of the policy is to:

- Define what is a compliment, comment and complaint
- Ensure all compliments and complaints are acknowledged and recorded on the Council's system
- Adopt a consistent and fair approach to handling complaints
- Provide a thorough and timely response to customer complaints
- Learn lessons from complaints and put procedures in place to prevent recurrence
- Recognise customer feedback and suggestions made through the use of comments
- Acknowledge good customer service via compliments received and share these with the officers involved

Definitions

A complaint is defined as the concern or dissatisfaction of a Customer regarding the service, action or lack of action taken by the Council. Customers are not necessarily required to quote the words "complain" or "complaint" in order for the Council to recognise their dissatisfaction as a complaint.

A Customer is able to complain if they believe the Council has not followed its process correctly, it should be distinguished that the complaints relates to the process the Council has undertaken rather than about a decision that it has made.

A complaint is not a request for service, information or an explanation of council policy or practice. Complaints will also not be accepted about formal decisions taken by committees or those delegated to staff, where there is an existing right of appeal or where there is active or pending legal action. Complaints will also not be accepted for decisions that have been taken in accordance with statute where there is an existing right of review or appeal.

A compliment is defined as praise or admiration received from a Customer in response to service or action they have received from an individual, team or service.

Complaints

A complaint would usually need to be made within a year of an action being taken or service received by the customer. The Council has the ability to extend this time limit providing that it is still possible for an investigation to be conducted and the customer can demonstrate good reason why there has been a delay in them making their complaint.

Complaints from 3rd parties who are properly authorised to act on the Customers behalf will be accepted, responses to these complaints will be issued directly to the authorised party. Anonymous complaints will not be accepted.

Where a customer Complaint or escalation request is declined, the Council will provide the customer in writing with an explanation of the reason(s) for this decision along, with contact details for the relevant Ombudsman.

The complaints process has three prescribed stages. The process begins with a (stage 1) complaint, if the issues raised are not satisfactorily resolved at this stage the customer can escalate their complaint to a (stage 2) complaint, any escalation must be submitted within 6 months of the Stage 1 response. If the Customer remains unsatisfied with the response received at stage 2, they are able to escalate their complaint onto the final stage (stage 3) of the complaints process, this escalation must to submitted within 6 months of the Stage 2 response. If the Customer remains discontent with the responses provided by the Council following all stages of the process, they are able to complain to the relevant Ombudsman.

A complaint must have been through the Council's complete complaint process before it can be escalated to the Local Government and Social Care Ombudsman or the Housing Ombudsman.

The Ombudsman will usually only accept a complaint where a response has not been provided by the Council within a reasonable timescale (usually within 12 weeks) or if after going through the Councils complaints process there has not been a resolution to the issue(s) raised.

The Ombudsman in most cases cannot investigate if the complainant has not been directly affected by matter concerned or if the complaint is not escalated to them within 12 months of the issue arising.

The Council's aim is to resolve the majority of issues as early as possible and preferably even before they reach a (stage 1) complaint. However, it is acknowledged that this may not always be possible.

All complaints must be sent to the complaints@great-yarmouth.gov.uk email box, any complaints received via the Council's social media channels or Service's group email boxes must also be forwarded to complaints@great-yarmouth.gov.uk.

Upon receipt of complaint into the complaints@great-yarmouth.gov.uk email box an acknowledgment of the complaint will be issued to the complainant within 5 working days.

Where a complaint contains multiple elements that span across services, the Corporate Services Team will determine the principal elements of the complaint and allocate it to a Head of Service responsible for these to answer. The Head of Service will then take responsibility for drawing together responses to the remaining elements of the complaint from other services, in order to provide the customer with a comprehensive response that encompasses all aspects of their complaint.

The Corporate Services Manager has the discretion to decide to escalate a complaint straight to stage 2 of the complaint process should the complaint be of sufficiently serious nature to warrant this.

Complaints made directly to the Chief Executive will be dealt with under the normal complaints process unless they concern a member of the Management Team or are deemed of a severe nature in which case they will be handled directly by the Chief Executive.

Complaints concerning Councillors should be made under the Councillor's code of conduct, using a form on the Council's website: <https://www.great-yarmouth.gov.uk/complaint-about-a-councillor> . All complaints regarding Councillors will be dealt with by the Council's Monitoring Officer.

All requests for responses received in relation to complaints which are being investigated by the Local Government Ombudsman or Housing Ombudsman must be sent to complaints@great-yarmouth.gov.uk . The Corporate Services Team will act as the coordinator for handling these complaints and liaising with the Ombudsman.

Complaint Stages

Informal (Stage 1) complaints are initial complaints that will be reviewed and answered at operational level by a Team Leader or Manager. The Team Leader or Manager will investigate the complaint and provide a full response to the Customer. It is envisaged that most complaints will be resolved at the stage.

Head of Service (Stage 2) complaints occur when a customer's initial complaint has not been resolved to their satisfaction at Stage 1 and the complaint therefore requires further investigation by a different person. These complaints will be considered at service level and answered by the Head of Service providing they have not been actively or directly involved in the initial complaint or response. Where this is the case the complaint will be passed to another Head of Service to answer. The Head of Service must review the response provided at stage 1 and conduct any further investigation required into the customer's case.

Director (Stage 3) complaints are for any complaints that could not be satisfactorily resolved at Stage 2 and warrant further investigation or review. These complaints will be considered by a Director of the Council who will conduct an independent review of the customer's complaint along with the previous replies provided to the customer and any other pertinent information. The Director will then undertake any supplementary investigations required to enable them to issue a final response and decide if any remedial action is required.

Complaint Investigation

When investigating complaints, the investigating officer will adhere to the following principles:

- deal with complaints on their merits
- act independently and have an open mind
- take measures to address any actual or perceived conflict of interest
- consider all information and evidence carefully
- keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.

Should a customer raise additional elements or further complaints while their original complaint is being investigated, the additional elements or complaint will be included as part of the original complaint and a single response issued.

If a customer raises additional elements or further complaints after the investigation into their original complaint has concluded, the Council may choose to treat additional elements or further complaints as a new complaint.

Complaint Responses

Complaints can be responded to in writing, via a telephone call or email. If a customer has indicated a preference for one of the above means of communication a reply should be made using this, unless considering the type of complaint it is deemed more effective to use a different method of communication.

Responses to Stage 1 complaints will be issued within 15 working days of the complaint being received, apart from when complaints are received regarding the Council in its capacity as a Social Landlord, in which case they will be issued within 10 days.

Stage 2 & 3 complaints may require a more in-depth investigation and therefore responses will be issued within 20 working days of the complaint being received.

If for any reason a response is unable to be issued within timeframes specified above, the Customer will be informed of the delay as soon as possible and provided with an estimated timescale in which they can expect to receive a full reply, with further updates given as appropriate. If the customer disagrees with the extension period and their complaint relates to Council housing, they have the right to contact the Housing Ombudsman who can challenge the proposed extension period on the customers behalf. In these circumstances the Council will provide the customer with contact details for the Housing Ombudsman.

Compensation

Compensation is defined as a means: "To make amends for loss, injury, service failure, breach of contract, inconvenience or offence." Compensation does not have to be of a financial nature, it can also be made by way of replacement or a gesture of goodwill.

Claims for damage caused to personal belongings or personal injury claims whereby there is a suggestion that liability may sit with Great Yarmouth Borough Council or one of our contractors will be dealt with by the Council's Insurance Team. Investigating Officers must be mindful that the authority to award compensation should only be used in extraordinary circumstances.

Where the complaint relates to a contractor working on behalf the Council, we will work with them to ensure that the relevant compensation is awarded to the customer via the contractor.

When determining if a compensation payment is applicable, consideration will be given as to whether any statutory payments are due, if any quantifiable losses have been incurred, the time and trouble a resident has been put to as well as any distress and inconvenience caused.

Any compensation identified will firstly be used to offset any existing debts a customer may have with Council (excluding disrepair claims, replacement of property or the outcome of insurance claims). To avoid the possibility of 'paying twice', we will await the outcome of any insurance claim before making a decision whether or not to award compensation.

Any offer of compensation will be live for 28 days, after which if we have not heard from the customer confirming acceptance of the offer and providing their bank details, no payment will be made.

Compensation payments required to be paid by the Housing Ombudsman or Local Government Ombudsman sit outside of this policy.

Specific Financial Losses

We promote the importance of home contents insurance; therefore, compensation must not be paid or promised to anyone suffering loss or damage to personal property or personal injury, unless the incident has first been reported to the service team for investigation.

Where specific financial losses have occurred, including damage to possessions, evidence of the financial loss should be sought to evidence the amount of compensation sought – evidence should include original bills and receipts or costs to replace damaged items on a like for like basis.

Determination should be made whether the loss constitutes a claim on our insurance or that of an agent acting on our behalf, for example a contractor, by liaising with our Insurance Team. If this is the case the matter should be referred to the Insurance Team.

Compliments

Compliments can be made either face to face, over the telephone or in writing, where these are made face to face or via the telephone a written record will be made by the officer who the customer was spoke to.

Compliments should be forwarded to the Corporate Services Manager who will make a record of them and send them on to the relevant service or member of staff for their consideration or information.

Implementation and Compliance

Each Head of Service will be responsible for the implementation of this policy within their service.

It is the responsibility of managers to ensure that their staff receive information about and are aware of this Policy. Staff are required to adhere to this Policy at all times. New starters should also be made aware of this Policy as part of their induction.

Reference Documents

This Policy should be read in conjunction with the following policies or guidance:

- Abusive, persistent or vexatious complaints and complainants Policy

Distribution

This Policy will be available to Customers to view on the Council's internet webpages and for members of staff on the Council's intranet (The Loop).

Review

This Policy will be subject to a biennial review with the next review date scheduled for September 2024.