

Corporate Complaint Policy

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Corporate Complaint Policy

1 Introduction and objectives

1.1 South Gloucestershire Council seeks to provide a high-quality service to everyone in the District or who accesses its services.

1.2 The Council's complaints process seeks to provide a procedure for individuals who feel that they have not received the service that they should reasonably be able to expect from South Gloucestershire Council and is designed to ensure that complaints are addressed in a timely, transparent and fair way, and that the Council learns from the complaints we receive to make sure that we improve.

1.3 Through this policy, the Council seeks to avoid issues escalating to complaints, but if they do, ensuring robust complaint handling and a culture of learning from complaints.

2 What is a complaint?

2.1 A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.

2.2 An individual does not have to use the word complaint in their contact with the Council for it to be treated as a complaint if it meets the definition above.

2.3 Sometimes, an individual may make a "service request", which is a request that the Council provides or improves a service, fixes a problem or reconsiders a decision. While a service request may contain elements of dissatisfaction, it would not, in and of itself, be considered as a complaint. An individual may, however, raise a complaint where they express dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. In this situation, a complaint would be raised in parallel with the service request, and work on the service request would not cease due to the complaint. Further information on complaints and service requests can be found in section 8 of this policy.

2.4 Services are responsible for implementing appropriate measures to monitor service requests that they receive.

2.5 Where a complainant raises additional complaints while their first complaint is being investigated at Stage 1, they should be incorporated into the original complaint if they are relevant, and the Stage 1 response has not been issued. The complaint should be considered as a separate complaint if: the response is not relevant to the complaint already being investigated (for example, it relates to a different service), the response has already been issued, or where adding the complaint to the existing complaint would unreasonably delay the complaint.

3 Complaints outside of this policy

3.1 The following types of complaints are not considered under this policy, due to there being specific processes, including statutory processes, that govern how these types of complaint are handled. Information on the different types of process can be found on the Council's website.

- Complaints about Councillors
- Complaints under the Care Act
- Complaints under the Children's Act
- Complaints within the remit of the Building Safety Regulator
- Appealing parking fines
- Planning application appeals
- Housing Benefit and Council Tax Support appeals
- Freedom of Information Internal Reviews
- School admission appeals

3.2 Complaints relating to schools, including members of school staff are handled by the specific school, and complainants should contact the school's headteacher in the first instance, and complain to the school's governing body if they remain unhappy. The school will explain their complaints process to them.

4 Complaint exclusions

4.1 The Council will respond to all complaints. However, in certain situations the Council may not accept and respond to a complaint. The circumstances where the Council will exclude a complaint are:

- Requests for a service.
- Requests for information about policies, procedures or services available.
- Disagreement with a properly made decision.
- Matters where there is a right to appeal or a legal remedy (e.g. the refusal of planning permission, statutory right of appeal under housing benefit regulations).
- Contracts between the Authority and any other party.
- Complaints about rights under the Freedom of Information Act 2000 or Data Protection Act 1998 or the Environmental Information Regulations 2004.
- Complaints made to schools or about schools.
- Complaints about the School Curriculum made under Section 23 of the Education Act 1988.
- Education Admissions Appeals.
- Special Educational Needs and Disability Tribunal.
- Complaints about childcare providers.
- The statutory complaints procedure operated by the People department.
- The statutory appeals procedure operated by the Planning Inspectorate.
- The statutory appeals procedure operated by the housing service (homelessness) to review decisions made about eligibility for housing.
- The statutory appeals procedure operated by the revenues and benefits section.
- Employment matters
- Complaints from employees or on the behalf of employees.
- Complaints from or about any South Gloucestershire Council partner organisation.

- Complaints from or about Elected Members.
- Any other appeal/legal court process.

This list is not exhaustive.

4.2 These reasons do not constitute a blanket exclusion of complaints and, where it is reasonable and appropriate to do so, the Council may accept a complaint that meets one or more of the situations outlined above.

4.3 A large number of the decisions made by the Council are made in accordance with a statutory procedure, i.e. the Council does not have discretion about the process that has to be followed to make a decision. Such decisions include decisions about planning applications or licensing applications, these can be described generally as regulatory functions.

4.4 A complainant may disagree with the outcome of a decision that has been made following a procedure. In such cases the complainant should first notify the service area that has made that decision. Decisions taken following a statutory procedure cannot be reviewed using this procedure. The decisions stand unless or until successfully challenged through legal proceedings.

4.5 When the Council does not accept a complaint, the Council will contact the complainant to inform them of this decision and to explain the rationale for excluding the complaint.

5 Who can complain?

5.1 Anyone is entitled to complain about services that the Council provides, provided their complaint meets the definition of a complaint set out above.

5.2 A complainant does have the right to complain anonymously, which they may decide to do if they feel uncomfortable sharing their identity with the Council. However, in doing so, the council will not be able to look into the specific circumstances of their case and, if they do not provide a way for us to contact them, the Council will not be able to inform them of the outcome of their complaint.

5.3 All complainants can expect to be treated with dignity and respect and must not be treated differently when receiving Council services due to their status as a complainant.

6 Third party complaints

6.1 A third party may complain on an individual's behalf. Suitable evidence of authority to act on an individual's behalf, such as a written consent or Power of Attorney, must be provided. If this evidence is not provided, or if insufficient evidence is provided, the relevant service will contact the individual to seek further evidence from the third party. The Council is not able to process the complaint until suitable proof has been provided.

6.2 Third parties, where the Council is satisfied that they are acting on an individual's behalf, may represent or attend any meetings required to progress the complaint.

7 Services provided by third parties/partners

7.1 The Council provides a number of services via contracts with a range of third party organisations, such as community organisations that the Council has

commissioned to provide services.

7.2 Where these arrangements are in place, the service responsible for commissioning the service will ensure that there is a clear complaint procedure in place with the provider to ensure that service users are still able to complain about the service in line with the relevant Complaint Handling Code.

7.3 A complainant should not be expected to go through a further process because their complaint relates to a service provided by third party.

8 Time limit for complaints

8.1 A complaint should be made within 12 months from the issue occurring or the individual becoming aware of the issue, whichever is the later. Complaints may be made beyond this point where there are good reasons to do so.

9 How to complain

9.1 Individuals can complain to the Council through a variety of means: the complaint form on the Council's website, by email, by social media, by post, by telephone to the Council's Contact Centre, or in person to a member of staff.

9.2 While the preferred route to receive complaints is via the complaints form on the Council's website, individuals are able to raise complaints by all of the above channels above. A complaint must not be excluded solely because of how it was received, although where a complaint is not obviously identifiable as a service request formal complaint, either because it is described as a complaint or is clearly intended to be treated as a complaint, the service request should be acknowledged, with information on how the individual can raise a complaint.

9.3 All Council staff should be aware that individuals have the right to complain and should be able to appropriately direct any complaint that they receive to the appropriate Departmental Complaint Representative for the service area for response.

9.4 If an individual requires reasonable assistance to make a complaint, such as translation services or help writing their complaint, this should be coordinated by the relevant department complaints team in the first instance. The Council has a requirement under the Equality Act 2010 to make reasonable adjustments for complainants. Where a complainant requires a reasonable adjustment as part of their complaint, this should be recorded as part of the recording of their complaint.

10 Complaints process

10.1 The process for Corporate Complaints comprises two stages: Stage 1 – Investigation and Stage 2 – Review. The following table sets out the timelines for each stage.

| <u>Stage</u> | <u>Action</u> | <u>When</u> |
|---|-----------------------|--|
| 1 | Acknowledge complaint | Within 5 working days of receipt of the complaint |
| | Stage 1 response | Within 10 working days of the acknowledgement of the complaint |
| Complainant has two months to raise a Stage 2 complaint | | |
| 2 | Acknowledge complaint | Within 5 working days of receipt of the Stage 2 complaint |
| | Stage 2 response | Within 20 working days of the acknowledgement of the Stage 2 complaint |

10.2 The early and local resolution of complaints is key to effective complaint handling. Where possible, officers should seek to resolve complaints at an early stage and in a timely manner. Accordingly, appropriate remedies, if required, must be available at all stages of the complaints process; a complainant should not have to make a Stage 2 complaint to receive an appropriate remedy for their complaint.

10.3 Acknowledgment of Complaints

10.3.1 All complaints received at both Stage 1 and Stage 2 will be acknowledged by the Council within five working days of receipt. The acknowledgement will include the reference number assigned to the complaint, the Council's understanding of the complaint and the outcome sought, and the due date for the response to the complaint. Where a complaint includes elements outside of the Council's responsibility, it will be made clear in the acknowledgement.

10.4 Stage 1 – Investigation

10.4.1 When a complaint is received, it will be considered as a Stage 1 complaint. At this stage, the complaint will be investigated by an officer at the Council. Stage 1 complaints must be acknowledged by the Council within five working days of receipt, and a response provided within 10 working days of the acknowledgement being sent.

10.4.2 If further information is required to process or investigate the complaint, staff who administer complaints or by the investigating officer can and should contact the individual complainant.

10.4.3 All complaint investigations should include three broad elements:

- What happened? - what events occurred that led to the complaint.
- What should have happened? - how should the service being complained about have operated?
- Is there a discrepancy? Why? - If the service provided was not what should have been provided, why was it different? If the service provided operated as it should have, can more information be provided to contextualise the complainant's experience?

10.4.4 All elements of the complaint must be addressed as part of the investigation and response, even if it is to explain that an element of the complaint is not the responsibility of the Council.

10.4.5 Once they have investigated the complaint, the investigating officer will contact the complainant (either directly or via departmental complaint staff) to inform the complainant of the outcome of the complaint. The response will include the investigating officer's findings and how they have reached the decision that they have in respect of the complaint, with reference to any relevant policy, law, guidance or best practice. At a minimum, the response is required to contain the following in clear, plain language:

- The complaint stage
- A summary of the complaint
- The decision on the complaint
- The reasons for any decisions made
- The details of any remedy offered to put things right
- Details of any outstanding actions
- Details of how to escalate the matter to Stage 2 if the individual is not satisfied with the response.

10.4.6 In addition to the explanation of the outcome, the Stage 1 response must also state whether the complaint is upheld (found in favour of the complainant), is not upheld (found in favour of the Council) or is partially upheld (elements of the complaint are found in favour of the complainant and the Council).

10.5 Stage 2 - Investigation

10.5.1 If a complainant is dissatisfied with the response to their complaint at Stage 1, they can escalate their complaint to Stage 2, their complaint will be reviewed by a manager, who will review the adequacy of the response to the Stage 1 complaint, as well as any new information that they have provided.

10.5.2 Complainants do not have to provide a reason why they want their complaint to be subject to a Stage 2 review, although they should be given the opportunity to do so, as this can be useful in identifying potential areas of focus at Stage 2. The Council is required to make a reasonable effort to understand why the complainant remains dissatisfied when making a Stage 2 complaint.

10.5.3 A Stage 2 complaint should be made within two months of the response to the Stage 1 complaint although, if exceptional circumstances apply, a Stage 2 complaint may be accepted by the Council outside of this period.

10.5.4 A Stage 2 complaint is investigated by a manager. As the final stage in the Council's complaints process, all relevant staff should be involved in the response where necessary.

10.5.5 Once they have investigated the complaint, the manager will contact the complainant (either directly or via departmental complaint staff) to inform the complainant of the outcome of the complaint. The response will include the investigating manager's findings and how they have reached the decision that they have in respect of the complaint, with reference to any relevant policy, law, guidance or best practice. At a minimum, the response is required to contain the following in clear, plain language:

- The complaint stage
- A summary of the complaint
- The decision on the complaint
- The reasons for any decisions made
- The details of any remedy offered to put things right
- Details of any outstanding actions
- Details of how to escalate the matter to the relevant Ombudsman if the individual is not satisfied with the response.

10.5.6 Stage 2 represents the end of the Council's internal complaints process. If a

complainant remains dissatisfied with their complaint after Stage 2, they can contact the Local Government and Social Care Ombudsman.

10.5.7 Contact details for the Local Government and Social Care Ombudsman must be provided with the acknowledgement of the complaint, and in the Stage 2 response, regardless of the decision at this stage.

10.6 Investigation of Complaints

10.6.1 The investigation of Stage 1 complaints must be investigated by a suitable officer who is not named or otherwise directly affected by a complaint. The officer must not be biased, nor have the perception of bias due to their role or relationship to the officers involved in the complaint. While this policy does not specify a grade or level of seniority, the officer must be sufficiently senior that they can respond on behalf of the Council, and in any case should be more senior than the officers to whom the complaint relates.

10.6.2 The specific form of the investigation will vary depending on the nature, complexity and severity of the issues raised in the complaint. In all cases, however, the officer conducting the investigation can contact the complainant for further information if they feel it is required to investigate the complaint. In all situations, the officer investigating a complaint should:

- Clarify with the individual any aspects of the complaint they are unclear about
- Deal with complaints on their merits, act independently, and have an open mind
- Give the complainant a fair chance to set out their position
- Address any actual or perceived conflict of interest
- Consider all relevant information and evidence carefully

10.6.3 All Council staff are required to assist officers and managers working on complaints in facilitating the prompt resolution of complaints.

10.7 Complaints About Named Staff

10.7.1 Where a complaint explicitly refers to a named member of staff rather than a service generally, that member of staff should be contacted during the investigation period to help understand their version of events. The member of staff should also be made aware of the outcome of the complaint, but not given the ability to clear or otherwise alter or influence the response.

10.8.1 Where possible, complaint responses should avoid naming specific officers in respect of the complaint.

11 Extensions, late and delayed responses

11.1 While the Council seeks to respond to all complaints in a timely manner, there may be circumstances where a service is not able to provide a response within the timescales set out above.

11.2 Where necessary for complex complaints, the timescales above can be extended for a further 10 working days (20 working days at Stage 2). Any extension must be communicated to the complainant prior to the due date previously communicated to the complainant, must explain why the extension is required and must include contact details for the Local Government and Social Care Ombudsman.

11.3 If a complaint is going to be responded to late, the service should issue a holding response to the complainant informing them that the response is delayed. The holding

response should include an indication as to when the complainant can expect a response to their complaint and, if it is unclear when the complainant can expect to receive a response, agree a timetable with them to keep them updated on the progress of the investigation of their complaint.

12 Putting things right

12.1 The Council is committed to acknowledging its mistakes and putting things right where we have made an error. Where something has gone wrong, we should acknowledge that this is the case, apologise, and explain what has occurred. The actions that can be taken to put right the error will vary depending on the specific circumstances of the case but 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.

12.2 Where a decision is taken to award compensation, it must be taken in line with relevant Council policies concerning the award of compensation.

12.3 Any remedy offer made to a complainant should be proportionate to the impact of the failure on the complainant and should reflect the Local Government and Social Care Ombudsman's good practice. All remedy offers must be clear about what is proposed and when it will occur. Any remedy offer must be followed to completion. If it is not possible to complete the remedy offer, an alternative remedy should be offered and the contact details for the relevant ombudsman provided.

12.4 Where actions are required in response to a complaint to put things right, the completion of this action should not delay a response to the complaint being provided to the complainant. The service should, however, continue to track and confirm that the action required has been completed.

13 Learning from complaints

13.1 All complaints represent an opportunity to learn and improve services, ensuring that the Council is delivering the best services possible to residents.

13.2 It is important to note that even complaints that are not upheld represent an opportunity to learn and improve services.

13.3 How the Council learns from individual complaints will vary depending on the specific nature of complaints, but there are two broad opportunities to learn from complaints: individual complaints present an opportunity to learn from the circumstances of the case, which may shed light on specific failures or gaps in respect of service delivery, and which can be addressed to prevent reoccurrence; and data analysis of complaints received over a period of time, which may suggest a pattern of service failure or weakness, or opportunities to strengthen how the Council communicates to manage residents' expectations and explain the Council's actions.

14 Responding to suggestions and compliments

14.1 All suggestions about a Council service should be acknowledged, either by phone,

face to face or in writing within five working days of receipt. The suggestion should be recorded accurately and then passed to the appropriate senior officer or manager for a decision as to whether any service improvements can be made as a result. If a service improvement is made the customer should be informed. If it is not possible and/or appropriate to make changes following a suggestion, then the customer should be written to explaining why this is the case. This will show the customer that their feedback is taken seriously and will encourage them to feed back again.

14.2 Compliments should be acknowledged, and the customer should be thanked for taking the time to compliment the service or a member of staff within five working days of receiving the compliment. The compliment should be shown to a senior officer or manager. If the compliment is about a member of staff, the member of staff should be informed by their manager. A copy of all suggestions, compliments and any actions taken as a result should be sent to the relevant Departmental Complaints Representative, who will record them onto the system.

15 Contact restrictions

15.1 The imposition of contact restrictions and other limits on complainants are set out in the Council's policy for Unreasonably Persistent Complainants and/or Unreasonable Persistent Behaviour.

16 Performance monitoring and reporting

16.1 In order to ensure effective performance monitoring and learning from complaints, all complaints must be recorded in the Council's corporate case management system. The information captured must include the following:

- Date of receipt
- Whether it has been acknowledged and the date of acknowledgement
- Due date
- Date of response
- Details of the complaint
- Complaint stage
- The outcome of each stage
- Relevant communications and associated documents

16.2 The Council will publish a complaints annual report each year setting out analysis of the Council's performance in respect of complaints, including service improvements made by the Council. This information will be published on the Council's website and taken through formal scrutiny processes as required. The annual report will include:

- An annual self-assessment against the Code to ensure that the Council remains in line with its requirements.
- A qualitative and quantitative analysis of the Council's complaint handling performance, including a summary of the types of complaints the organisation has refused to accept.
- Any findings of non-compliance by the Ombudsman.
- Service improvements made as a result of the learning from complaints.
- The annual letters about the Council's performance received from the Ombudsman.
- Any other relevant reports or publications produced by the Ombudsman in relation to the Council.
- The Council's response to the annual report.

16.3 Additionally, quarterly performance reports will also be provided to the Council's management team, ensuring that they are kept informed of the performance of all Council services. Complaint performance information, particularly how the Council is learning from complaints and improving services will be shared with relevant stakeholders, such as residents.

17 Communication of this policy

17.1 This policy will be made available on the Council's website and promoted through relevant Council communication channels.

17.2 If the Council is unable to comply with the Code and this policy due to exceptional circumstances, it will inform the Local Government and Social Care Ombudsman, including an estimate of the number of individuals affected, and will post an update on the Council's website explaining the situation. Where available, an estimate of when compliance will be re-established will be included.

Last reviewed: April 2025

Date of next review: April 2027