



GUILDFORD  
BOROUGH

## **Guildford Borough Council**

### **Complaints Policy**

#### **Document Information**

Version Control: Version 2

Policy Service Owner: Customer and Case Services/Monitoring Officer

This document replaces: Complaints Policy, April 2022

Document Creation Date: April 2024

Document last updated: April 2024

Next review date: April 2025

Governance: Adoption by Chief Executive in consultation with relevant lead councillor, 24<sup>th</sup> April 2024

## Table of Contents

|   |    |
|---|----|
| 1. Purpose of this Policy .....   | 3  |
| 2. Our Objectives .....   | 3  |
| 3. What is a complaint? .....   | 3  |
| 4. What is not a complaint?.....  | 4  |
| 5. Who can make a complaint? .....  | 5  |
| 6. Is there a time limit for complaining? .....   | 5  |
| 7. Making a complaint .....   | 6  |
| Anonymous Complaints .....  | 6  |
| 8. Our complaints procedure.....  | 6  |
| Stage 1 - complaint .....   | 6  |
| Stage 2 – appeal .....  | 7  |
| 9. Outcomes of complaints.....  | 7  |
| 10. Remedies Offered .....  | 8  |
| 11. What to do if you are not satisfied with the decision of the final Stage 2 process? ..... | 8  |
| 12. Contacting the relevant Ombudsman .....   | 9  |
| Contacting the Local Government and Social Care Ombudsman .....                               | 9  |
| Contacting the Housing Ombudsman .....  | 9  |
| 13. Record Keeping /Logging Complaints.....   | 9  |
| 14. Data Protection and retention of information .....  | 9  |
| 15. Equality Act 2010 .....   | 9  |
| 16. Learning and improving.....   | 9  |
| 17. Monitoring and Review of the Policy .....   | 10 |
| 18. Performance of the Policy .....   | 10 |
| 19. Vexatious and Malicious Contact Policy.....   | 10 |

## **1. Purpose of this Policy**

This document sets out our approach to dealing with customer complaints and ensuring that complaints are investigated in an evidence-based, fair, and efficient way.

Our mission is to be a trusted, efficient, innovative, and transparent council that listens and responds quickly to the needs of our community.

We are committed to providing excellent services to all our customers. If we do get something wrong, we will take steps to put it right as quickly as possible.

We seek to evolve and welcome customer feedback as an important means of improving our services. Where it is necessary, we will revise administrative processes to help us meet our objective of providing excellent service to customers.

We also appreciate that our resources are limited. We must therefore ensure that our resources are deployed reasonably in handling complaints.

We will ensure that details of our complaint's procedure remain published on our website and are available in printed form (on request) for customers who do not have access to the internet.

## **2. Our Objectives**

This Policy seeks to deliver the following results:

- To promote accountability and transparency and an effective complaint handling culture.
- To provide an accessible means for all customers, or their advocates, to complain if they are dissatisfied.
- To provide a fair and consistent process for resolving complaints.
- To resolve customer complaints at the earliest stage possible.
- To provide a resolution in accordance with the timescales stated in the Procedure.
- To communicate with customers using plain English, and clearly set out our reasons for reaching relevant conclusions following an investigation.
- To ensure we learn from our mistakes to improve services where this is appropriate and to avoid repeat complaints.

In doing this, our objective is for complaints to be handled in a way that reflects the need to:

- Have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments.
- Take collective responsibility for any shortfalls identified through complaints, rather than blaming others.
- Act within the professional standards for engaging with complaints as set by any relevant professional body.

## **3. What is a complaint?**

A complaint is 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 a group of individuals.

A complaint could be about several things, including:

- A failure to deliver a service which meets reasonable expectations.
- A delay in providing a service.
- Unsatisfactory quality of a service.
- The conduct of a member of council staff.
- Failure of our staff in following council policy or the policy itself.

#### **4. What is not a complaint?**

There are certain subject areas that we would not review under the complaints process because there are alternative methods of reporting these issues. These subject areas include the following:

- First time customers making a request for a service (such as removal of fly-tipping, missed waste collection, reporting noise nuisance, or reporting a housing repair).
- A request for information or an explanation of council policy (such as why council tax is set at a certain level).
- Disagreement with a council policy decision.
- Disagreement with a decision for which there are alternative remedies e.g., statutory review or appeal, court challenge.

You cannot use the complaints procedure to complain about council decisions on requests for access to information made under data protection or freedom of information legislation. For further information about this please visit our website.

There are other instances when a complaint should not be dealt with under this policy. These include (but are not limited to):

- Planning appeals.
- Benefit appeals.
- Council tax or business rates appeals.
- Councillor conduct complaints.
- Appeals against statutory notices.
- Appeals against parking tickets (Penalty Charge Notices (PCN's) or enforcement actions.
- Housing application decisions.
- Community Trigger applications.
- Circumstances where the issue giving rise to the complaint occurred over twelve months ago.
- Situations where 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.

The relevant Director will have discretion in deciding whether to consider complaints, where to do so would prejudice any of the following concurrent investigations or procedures:

- a separate appeal or review procedure, for an internal council procedure
- court proceedings
- tribunal proceedings
- disciplinary proceedings
- criminal investigations

If we decide not to accept a complaint, an explanation will be provided to you setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.

In respect of housing complaints, a resident has the right to challenge council decisions by bringing their complaint to the Housing Ombudsman. In respect of other complaints unrelated to housing, individuals have the right to challenge decisions by bringing their complaints to the Local Government and Social Care Ombudsman.

Further information on how to contact the Housing Ombudsman and Local Government and Social Care Ombudsman can be found below.

## **5. Who can make a complaint?**

Anyone can make a complaint including, but not limited to:

- Residents.
- Customers or service users.
- People who work in or visit the borough of Guildford.
- Advocates on behalf of the above.
- Local businesses.
- Community groups.
- Councillors/MPs on behalf of their constituents.

The affected person may choose for someone else to complain on their behalf such as a relative, carer or friend. Where an individual chooses for someone else to complain on their behalf, they must give us written permission to liaise with that person.

When you are making a complaint, support is available from our Customer Services team, who can assist with any issues.

## **6. Is there a time limit for complaining?**

We will be far more capable of carrying out a proper investigation and putting things right if complaints are received soon after the issue takes place. As time passes it becomes more difficult to investigate events properly and fairly; records may no longer be available, memories fade, and relevant staff may no longer work for us.

For these reasons you should contact us within **one month** of the relevant issue arising. Beyond this our ability to review the issue may be diminished and therefore compromised; the same may also apply to the complainant's ability to assist with the complaint. Any

response made past these periods may be limited and remedial action may not be possible. The material facts will be reviewed by us and following this we will make a fair decision about the complaint, based on the available evidence.

We will accept complaints referred to us within **twelve months** of the issue occurring or the resident becoming aware of the issue unless they are excluded on other grounds (set out above). We will consider whether to apply discretion to accept complaints made outside this time limit on a case-by-case where there are good reasons to do so.

## **7. Making a complaint**

We acknowledge that we may receive a range of complaints in a variety of ways including by phone, in person, in writing, and online.

Complaints should preferably be received in writing and whilst we encourage use of our online form, we will accept any written communication. If a complaint is made via social media, we will signpost you to our complaints process to ensure it is properly logged, investigated, and responded to. In all cases, we will provide reasonable assistance to convert any form of contact, regardless of how it is initially made, into writing or other accepted mediums (such as an online form) where the complainant has a genuine need for support in doing this.

When you are making a complaint, support with the process is available from our Customer Services team, who can assist with any issues.

### **Anonymous Complaints**

Anonymous complaints that contain enough information for us to review will be recorded and referred to the relevant Service in the same way as other complaints. The fact that a complaint is from an anonymous source will not in itself justify a decision not to pursue the matter. We will make a judgment on a case-by-case basis as to whether to investigate the substance of a complaint made anonymously and decide if quality improvements are required based on the complaint.

## **8. Our complaints procedure**

Each complaint will be considered on its own merits and will consider the individual circumstances of each complaint and does not have to use the word 'complaint' for it to be treated as such. At each stage of the complaints process, our complaint handlers will:

- Deal with complaints on their merits, act independently, and have an open mind.
- Give the complainant a fair chance to set out their position.
- Take measures to address any actual or perceived conflict of interest.
- Consider all relevant information and evidence carefully.

### **Stage 1 - complaint**

Complaints are allocated to an individual investigator who may contact you by phone, email, or letter if we need any further information or clarification. If your complaint relates to more

than one function within the council, we will ensure that we provide a comprehensive joint response with a lead investigator.

A Stage 1 complaint will be logged, defined, and acknowledged within five working days of the complaint being received.

The response to a Stage 1 complaint will be sent within **ten working days** from complaint being acknowledged. With Stage 1 complaints, we will consider which complaints can be responded to as early as possible, and which require further investigation. In doing so, we will consider factors such as the complexity of the complaint and whether the complainant is vulnerable or at risk.

If responding within ten working days is not possible, an explanation will be given for the delay in providing the decision, and an expected date for when the Stage 1 outcome should be reached. This should not exceed a further ten working days without good reason and we will clearly explain the reason to you. When doing this, we will agree suitable intervals with you for keeping you informed about your complaint and will provide you with the contact details of the relevant Ombudsman.

## **Stage 2 – appeal**

If all or part of the complaint is not resolved to your satisfaction at Stage 1, you can request for it to be progressed to Stage 2 to be considered as an appeal. Stage 2 is our final response, and the appeal will not be considered by the same person that considered the complaint at Stage 1.

An appeal request must be submitted in writing and will be accepted if it has been received within **twenty-eight days** from the date our response/decision was sent to the original Stage 1 complaint.

Before a final decision is made at Stage 2 regarding a complaint, you will have been able to comment on any adverse findings from our reply at Stage 1 and we will endeavour to understand why you remain unhappy as part of our Stage 2 response.

A Stage 2 complaint will be logged, defined, and acknowledged within five working days of the appeal request being received.

The response to a Stage 2 complaint will be sent within **twenty working days** of the complaint being acknowledged. If this is not possible, an explanation and an expected date by when the Stage 2 outcome should be reached will be provided. This should not exceed a further twenty working days without good reason and we will clearly explain this reason to the you. When doing this, we will agree suitable intervals with you for keeping you informed about your complaint and will provide you with the contact details of the relevant Ombudsman.

## **9. Outcomes of complaints**

A complaint can be **upheld, partly upheld, or not upheld**. Any response to a complaint will explain whether a complaint is upheld or otherwise and will provide clear reasons for the decision.

Complaint responses will 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.

In a complaint response, we will include the following in clear, plain language:

- The complaint stage.
- The complaint definition.
- 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.
- **Stage 1:** details of how to escalate the matter to Stage 2 if the individual is not satisfied with the response.  
**Stage 2:** details of how to escalate the matter to the relevant Ombudsman if the individual remains dissatisfied.

Where complaints are upheld, or partly upheld, the remedy will be appropriate and proportionate to the complaint, considering the complainant's needs and desired outcome.

## **10. Remedies Offered**

We will ensure that any remedy we offer at Stage 1 or Stage 2 reflects the extent of the service failures, and the level of detriment caused to the resident as a result. We will also take account of guidance issued by the relevant Ombudsman when deciding on appropriate remedies.

Remedies offered by us may include (but are not limited to) the following:

- Apologising
- Acknowledging where things have gone wrong.
- Providing an explanation, assistance, or reasons.
- Taking action if there has been a delay.
- Reconsidering or changing a decision.
- Amending a record or adding a correction or addendum.
- Providing a financial remedy.
- Changing policies, procedures, or practices.

When offering a remedy, we will set out what will happen and timelines for this, in agreement with the complainant where appropriate. We will ensure that any remedy proposed is followed through to completion.

## **11. What to do if you are not satisfied with the decision of the final Stage 2 process?**

We hope we can resolve any problems quickly and successfully but there will be occasions where we will not be able to resolve a customer's complaint to their satisfaction. If this is the case, we will make customers aware that they can contact the Local Government and Social Care Ombudsman or if the complaint is housing-related, make them aware that they can contact the Housing Ombudsman.



The Local Government & Social Care Ombudsman and the Housing Ombudsman will not normally consider a complaint until it has been completely considered via our complaints procedure. We will make customers aware once their complaint has been fully investigated, at the end of our complaints procedure.

## **12. Contacting the relevant Ombudsman**

### **Contacting the Local Government and Social Care Ombudsman**

If you are not satisfied after receiving the Stage 2 response, you can refer your complaint to the Local Government and Social Care Ombudsman. To contact the Ombudsman please visit their website: [www.lgo.org.uk](http://www.lgo.org.uk) or call them on 0300 061 0614.

Once we receive notification from the Local Government and Social Care Ombudsman that they are investigating a complaint we will assist with the request and provide the Ombudsman with the information they require.

### **Contacting the Housing Ombudsman**

As a landlord, we will provide early advice to residents regarding their right to access the Housing Ombudsman Service throughout their complaint, not only at the point they have exhausted our complaint process.

The outcome of a complaint will include the right to refer the complaint to the Housing Ombudsman.

To contact the Housing Ombudsman please see their website: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk) or call them on 0300 111 3000.

Once we receive notification from the Housing Ombudsman Service that they are investigating a complaint we will assist with the request and provide the Ombudsman with the information they require.

## **13. Record Keeping /Logging Complaints**

We will log all complaints and their outcomes at each stage in our complaints handling system.

## **14. Data Protection and retention of information**

All complaints will be handled in accordance with the requirements of the General Data Protection Regulation and the Data Protection Act 2018. The handling and storage of personal data will be handled and stored in accordance with our Data Protection Policy and our Record Retention Disposal Schedule.

## **15. Equality Act 2010**

We will comply with the Equality Act 2010, and where appropriate will make reasonable adjustments to our policy and procedure to accommodate an individual's needs.

## **16. Learning and improving**

We are aware that learning from complaints can influence future service changes, policies, and procedures. We will look for systemic themes in complaints received and if found will use this awareness to learn and improve our service delivery.

We will produce an annual complaints performance and service improvement report for scrutiny and challenge. This report will be considered annually by appropriate council Committee and will be published on the complaints pages of our website.

In addition to this, we will undertake an annual self-assessment against the Codes of both the Local Government and Social Care Ombudsman and the Housing Ombudsman to ensure our complaint handling policy remains in line with their requirements. We will also carry out a self-assessment following a significant restructure, merger and/or change in procedures, as well as if we are requested to review and update the self-assessment following an investigation by the relevant Ombudsman.

### **17. Monitoring and Review of the Policy**

The Corporate Governance & Standards Committee is responsible for monitoring the effectiveness of the council's complaints procedure and making appropriate recommendations to the Executive.

Under the Scheme of Delegation within our Constitution, the Chief Executive is authorised to amend and update this policy in consultation with the Lead Councillor.

### **18. Performance of the Policy**

The implementation of the complaints policy will be measured and monitored in a number of ways, including a quarterly report against key performance indicators, which is reviewed by our senior management team.

If we are unable to comply due to exceptional circumstances with this policy, or the Code of either Ombudsman, we will inform the relevant Ombudsman, provide information to residents who may be affected, and publish this on our website as soon as we can determine this within the scope of the issue.

### **19. Vexatious and Malicious Contact Policy**

We are committed to dealing with all complaints received fairly and impartially, however, there will be circumstances where individuals hinder consideration of complaints and need to be managed differently. We have a separate policy for such matters, which can be found on our website.