

Complaints Policy

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| Approved by | Governance Committee |
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Complaints Policy

1. Purpose

The purpose of Havant Borough Council's Complaints Policy is to ensure that complaints about our services are dealt with effectively, consistently, and fairly.

Through this Policy, our aim is to provide customers and Council employees with clarity over the way that complaints about Havant Borough Council's services will be dealt with.

Havant Borough Council's Customer Access and Experience Strategy ([Customer Access and Experience Strategy 2025-28](#)) set outs how customers will be at the heart of its service delivery and good complaint handling is central to that. We will embrace complaints through increased transparency, accessibility, and complaint handling governance.

We also aim to provide clarity over what types of problems raised by customers will and will not be dealt with through the Complaints Policy.

It is our intention that customers should be able to make a complaint in any way they choose, including through our website, by email, by telephone, in writing or in person. In implementing the Complaints Policy, our commitment is to focus on solving the problems that customers raise with us.

2. Scope

2.1 This policy aims to adhere fully to:

- The Local Government & Social Care Ombudsman (LGSCO) Complaint Handling Code - [Complaint Handling Code - Local Government and Social Care Ombudsman](#)
- The Housing Ombudsman's Complaint Handling Code - [The Complaint Handling Code | Housing Ombudsman Service](#)

2.2 Under the Local Government Act (1974), the Local Government and Social Care Ombudsman (LGSCO) jurisdiction is specific to complaints about the council's wider activities and administrative functions, for example:

- Waste collection
- Planning applications
- Homelessness applications and the statutory duty to provide homelessness advice and accommodation



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- Council Tax
- Housing Benefit applications

2.3 Under the Housing Ombudsman Scheme, the complaints jurisdiction is specific to the following groups:

- A person who has a lease, tenancy, licence to occupy, service agreements or other arrangement to occupy premises owned or managed by the council
- An ex-occupier if they had a legal relationship with the council at the time the matter complained about arose
- A representative or person who has the authority to make a complaint on behalf of any of the people listed in the two previous points

2.4 These codes act as a guide for customers setting out what they can and should expect from an organisation when they make a complaint. The purpose of these Codes is to enable organisations to resolve complaints raised by customers promptly, and to use the data and learning from complaints to drive service improvements. It also helps to create a positive complaint handling culture amongst staff and individuals.

3. Definition of a Service Request and Complaint

We recognise the difference between a service request and complaint.

3.1 Service Request

A service request/enquiry is a request from a customer to the Council requiring action to be taken to put something right. A service request may be defined as, 'a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision.'

This provides the Council with an opportunity to resolve matters to a customer's satisfaction before they become a complaint.

Service requests/enquiries are not complaints but may contain expressions of dissatisfaction. They would not be reviewed under the complaints process. 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, grass cutting request).
- 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.



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3.2 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 group of individuals.'

We make no distinction between a 'formal' and an 'informal' complaint.

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 service.
- The conduct of a member of council staff.
- Failure of our staff in following council policy or the policy itself.

A complaint needs to be made within 12 months of the problem occurring or the resident becoming aware of the issue. It is at the council's discretion if complaints made outside this time limit are to be considered. These cases will be referred to the relevant Executive Head of Service for decision.

4. What is not covered under this Policy

This policy covers general complaints to the council about its own services. It does not cover complaints that are covered by other rules, such as:

- Planning appeals
- Benefits entitlement appeals
- Council tax or business rates liability appeals
- Appeals against statutory notices
- Appeals against parking tickets (Penalty Charge Notices (PCN's) or enforcement actions
- Complaints about councillor conduct – details of this process can be found on our website: [Councillors conduct | Havant Borough Council](#)
- Reviews of decisions relating to Information Requests (Freedom of Information Act 2000 and Environmental Information Regulations 2004)
- In the event of a complaint against the Chief Executive the organisation will decide if the complaint is investigated by the Local Government and Social Care Ombudsman [LGSCO]. The decision will be made by an Executive Head and/or the Monitoring Officer independent of the complaint



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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 Havant
- 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 who will also be able to represent them at any meeting with the Council. Where an individual chooses for someone else to complain or act 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. 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.

7. How we try to resolve your complaint

Before making a complaint, contact the council service direct as it may be possible to resolve the problem immediately without having to go through the complaints process. If this is not possible or you are unhappy with the response then the stages below outline our complaints process.



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8. Corporate Complaints Process

8.1 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

8.2 **STAGE 1 – Formal Response by Team Leader/ Manager**

The complaint will be received by the Customer Service Team and will be assigned and sent to the Team Leader or Manager for the relevant service. They will oversee the investigation and respond directly to you. They may need to contact you to clarify the details of your complaint.

It is very important that we understand exactly what the complaint is before we investigate. If your complaint relates to more than one function within the council, a lead Team Leader or Manager will be identified and will be responsible for co-ordinating and providing a comprehensive joint response.

A Stage 1 complaint will be logged on our case management system by our Customer Services Team, 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 or as soon as practical after 10 days have elapsed, an explanation will be given for the delay in providing the response, 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.



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The Team Leader or Manager of the service that the complaint refers to will ensure that in their response they address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate. We will also ensure we will be clear which aspects of the complaint the Council are, and are not, responsible for and clarify any areas where this is not clear.

We will also include in our response to Stage 1 complaints how to escalate the matter to Stage 2 if the individual is not satisfied with the response.

8.3 **STAGE 2 – Review by Executive Head of Service**

If you are unhappy with our response from the Team Leader or Manager, you can request for it to be progressed to Stage 2 to be considered by the Executive Head of Service.

Requests for a review under stage 2 of the complaints process will be acknowledged and logged on the Council's case management system within five working days of the escalation request being received. Within the acknowledgement, the Executive Head of Service will set out their understanding of any outstanding issues and the outcomes you are seeking. If any aspect of the complaint is unclear, the Executive Head of Service will ask you for clarification.

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 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.

8.4 **Outcomes of complaints**

A complaint can be upheld (found to be valid or justified), partly upheld (some aspects of the complaint found to be valid or justified), or not upheld (unsubstantiated or lacking sufficient evidence). 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:



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- 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.

8.5 Putting things right and learning

Where something has gone wrong, we will acknowledge this and set out the actions we have already taken, or intend 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

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

8.6 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.



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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 that they can contact the Local Government and Social Care Ombudsman, or if housing related the Housing Ombudsman, once their complaint has been fully investigated under our Complaints Policy at the end of the procedure.

The Ombudsman's role is to investigate complaints of maladministration by Local Authorities and they can be contacted as follows:

| Local Government & Social Care Ombudsman | |
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| Website | www.lgo.org.uk |
| Telephone Number | 0300 061 0614 |
| Postal Address | PO Box 4771, Coventry CV4 0EH |

| Housing Ombudsman | |
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| Website | www.housing-ombudsman.org.uk |
| Telephone Number | 0300 111 3000 |
| Postal Address | PO Box 1484, Unit D, Preston PR2 0ET |

9. Performance Reporting and Self-Assessment

9.1 All complaints will be recorded and logged under the complaints section of the Council's case management system. The Council recognises that a high volume of complaints is indicative of residents being able to access the complaints process, and we will continue to monitor the number of complaints received.

9.2 We will produce quarterly and annual complaints performance and service improvement report for scrutiny and challenge. The annual report will include:

- An annual self-assessment against this Code to ensure its complaint handling policy remains in line with its requirements.
- A qualitative and quantitative analysis of the organisation's complaint handling performance. This should also include a summary of the types of complaints the organisation has refused to accept
- Any findings of non-compliance with this Code
- Service improvements made as a result of the learning from complaints



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- The annual letter about the organisation's performance from the Ombudsman
- Any other relevant reports or publications produced by the Ombudsman in relation to the work of the organisation

This report will be considered annually by the Council's Governance Committee and will be published on the complaints pages of our website together with any response to the report from the relevant council Committee.

- 9.3 We will also carry out a self-assessment of our complaints policy 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 Ombudsman.

10. Data Protection and Retention of Information

All complaints will be handled in accordance with the requirements of the UK 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.

11. 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.

12. Scrutiny & oversight: continuous learning and improvement

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.

A positive complaint handling culture is integral to the effectiveness which organisations resolve disputes. The council is committed to using its complaints process as a source of intelligence to identify issues and support positive changes in service delivery. To achieve this, the council will:



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- Look beyond the circumstances of individual complaints and consider whether service improvement can be made as a result of any learning
- Appoint within each service area, a suitably senior officer to review complaint handling and assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures which require revision
- The Customer Services Manager will be the Officer Responsible for Complaints ('the ORC'). The ORC will be responsible for ensuring that information regarding complaints that provide insight into the council complaint handling process is regularly provided to the Executive Leadership Team and the Governance Committee. This data will be obtained via the Council's complaints dashboard which provides a rolling indicator on performance of complaints and enables interrogation on the volume, categories, and outcomes of complaints. Reporting will be undertaken via quarterly and annual reports and the annual governance statement. The Customer Service Manager will also provide regular updates on the reviews of issues and trends arising and updates on the outcomes of the Ombudsman's investigations and findings.

13. Management of Unreasonable Complainant Behaviour (Vexatious)

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.

Version control record

| Version number | Date | Author / reviewer | Comments / changes |
|----------------|----------|----------------------|--|
| 0.1 | 12/11/24 | Janice Newman | Updated to reflect LGSCO and HOS Complaints handling codes |
| 1.0 | 27/01/25 | Governance Committee | Approved |
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