

# Stroud District Council

## Corporate Complaints Policy and Procedure

### Introduction

Stroud District Council is committed to providing a high standard of service to all residents. As part of our continuing effort to improve the services provided by us we rely on feedback from our service users. We want to know when we get it right so that standards can be maintained or improved, but we also need to know when someone is not happy with the service they have received, so we welcome suggestions from our residents on how we can improve. Our aims with this policy are that:

- We will deal effectively with any concerns or complaints you may have about our services.
- We will apologise if we get something wrong, and where possible, try to put things right.
- We will try to learn from our mistakes and use the information we gain to improve our services.

### 1.0 Scope and purpose of the policy

1.1. The purpose of this policy is to:

- define what we consider a formal complaint to be;
- clarify how a complaint can be made;
- explain the process we will follow once a complaint is made;
- advise how non-Council complaints are dealt with;
- set out how the Council monitors complaints, and how this information is used to improve services;
- advise staff members on how to deal with complaints.

1.2 We define a formal complaint as:

*“An expression of dissatisfaction about the Council’s action, lack of action or standard of service, or staff, which the service user wishes to be treated as a complaint”.*

1.3 Examples of areas where this policy will not apply are set out below:

- allegations of criminal activity (this would be dealt with under the Whistleblowing Policy)
- allegations of professional negligence / compensation claims
- complaints about Councillors
- court matters
- staff employment matters

- 1.4 The final decision as to whether or not a complaint should be dealt with under this policy will be made by the Complaints Manager. When you express concerns or complain to us, we will usually respond in the way we explain below. However, sometimes you may have a statutory right of appeal (e.g. against a refusal to grant you planning permission) so, rather than investigate your complaint, we will explain to you what you need to do in these circumstances.
- 1.5 The purpose of the complaints process is to resolve complaints and to give a structure to the process we will use to do so. If necessary, we will investigate a complaint and determine whether or not the relevant service department has acted in accordance with legislative requirements, or in line with approved policies and procedures. It is important to point out that this process will not overturn any decisions which have been made properly.

## **2.0 A complaint or a service request?**

- 2.1 It is important that we understand at the outset whether your dissatisfaction about a particular service is a complaint or a service request. For many of our services (for example, reporting a council property repair or missed bin collections) we rely partly on our residents to tell us when something is wrong. The Council should be given the opportunity to try and resolve the matter so these initial contacts will be treated as requests for service not complaints. If you make a request for a service and you are not happy with the response or the way in which that service is carried out, you may then make a complaint
- 2.2 A complaint may arise where we have not provided a service to the standard and quality expected by the service user. For example, this would include:
- a lack of response;
  - general quality of service provided; delays in dealing with matters;
  - on-going or persistent service problems;
  - poor customer care, or conduct of staff members;
  - where the resident has suffered additional costs; or
  - inconvenience due to a mistake or failure to act by the Council.

## **3.0 Who can complain?**

- 3.1 Any resident of Stroud District, or their representative who has been given appropriate consent by the resident, may make a complaint. To ensure that we get to know about the problem as soon as possible, we strongly encourage complainants to submit complaints online at [complain@stroud.gov.uk](mailto:complain@stroud.gov.uk)

3.2 However, complaints can also be made by other methods such as:

- meeting face to face with Council staff;
- completing the form:  
[www.stroud.gov.uk/complaintsform](http://www.stroud.gov.uk/complaintsform)
- writing to us at the following address:  
Complaints  
Stroud District Council  
Ebley Mill, Ebley Wharf  
Stroud  
GL5 4UB

#### **4.0 Confidentiality**

4.1 All complaints received will be dealt with confidentially and in accordance with the requirements of the GDPR and Data Protection law. It is important for you to appreciate that we must reserve the right to discuss complaints with relevant members of staff and / or relevant third parties. In relation to complaints regarding housing, we will share the details of the complaint with a Designated Person if necessary. However, information will only be shared to assist with the processing of complaints, not for any other reason.

#### **5.0 Anonymous complaints**

5.1 Anonymous complaints are unlikely to be effectively dealt with as we need to correspond with and, in some cases, meet with someone who makes a complaint in order to address their concerns. These complaints will still be recorded and investigated by the relevant services involved so far as possible in order to identify possible areas for service improvement.

#### **6.0 Service standard**

6.1 We would like to resolve complaints as quickly and efficiently as possible and will aim to acknowledge complaints within 3 working days of receipt. If you email a complaint to us at [complain@stroud.gov.uk](mailto:complain@stroud.gov.uk) you will receive an automated acknowledgement. We will aim to provide a full response to the complaint within 10 working days. If we need a bit longer, we will let you know the reasons and work with you to agree the timescales where we can. We will do our best to try to give you an idea how long the investigation will take to conclude.

6.2 We must make you aware that there are no set timescales for dealing with service requests which can take longer to resolve due to operational reasons.

## **7.0 Assistance in making complaints**

7.1 We recognise that some residents may need support to make their complaint or would like someone to act on their behalf. We will ensure we address any additional requirements e.g. Braille, large print copies, minicom facilities, physical access to buildings and an interpretation service if appropriate.

7.2 We may arrange to undertake a home visit where you have difficulty in attending at our offices to discuss your complaint.

7.3 Depending on the issue, we may also suggest that you speak to:

- Your local councillor or MP;
- A solicitors to seek independent legal advice;
- Citizens Advice Stroud

### **7.4 Complaints Policy - Member involvement guidance**

Members are sometimes asked to intervene when a member of the public/or tenant is dissatisfied with the way the Council is serving them. This often doesn't mean the member of public/tenant has filed or will file a complaint. The member can be helpful in trying to resolve problems informally. However, it is very important to remember that there are often two sides and a history behind most disagreements, so it is important for the member to hear the Council officers side as well. Sometimes information released by officers may be constrained by the needs of officers to maintain confidentiality, and the member of public/tenant may need to give officers permission to release information. In general the member role should be limited to ensuring the Council delivers existing policy effectively in relation to the service requested.

If a ward resident decides to make a complaint, complainants can ask their Ward Councillors to support them with their complaints either by way of signposting or acting as an advocate on their behalf. If the Ward Councillor is going to be directly assisting a complainant, the council's complaint handling officers should be informed as soon as possible and, where necessary may need to obtain written consent from the complainant authorising the Council to provide personal data to the Ward Councillor

Ward Councillors can assist the complainant by helping them to differentiate service requests from complaints and also to help them to try to resolve the problem at a local level if possible. If Ward Councillors are helping with the submission of a complaint, this should be done using the process set out in this policy.

Ward Councillors may also signpost the complainant to useful information and organisations, even if the complaint will not be dealt with by the council. They may also facilitate communication, meetings and enquiries within the council on the complainant's behalf. The role may also include ensuring reasonable adjustments are made, if necessary, follow the complaint through to its resolution and keep in touch with the complainant and raise any service improvement issues that are identified.

For the benefit of the public, it is important to recognise that Councillors are not able to make promises they cannot keep, guarantee a particular outcome for the complainant or attempt to influence the complaints procedure.

Councillors should not make the assumption that stages of the complaints procedure can be omitted because of their involvement, nor give legal advice and make decisions for the complainant.

## **8.0 Timescale for making a complaint?**

8.1 It is always better to try and resolve issues as soon as possible when everything is fresh in your mind, but we recognise that this isn't always possible. You should make a complaint as soon as you can and certainly within 12 months of when you first became aware of the matter.

8.2 We will be unlikely to be able to investigate if you tell us about a particular matter after 12 months has elapsed. However, there may be instances where exceptions may need to be made and these will be considered by the relevant Head of Service.

## **9.0 Corporate complaints process**

9.1 To make things as straightforward as possible for residents, we have one corporate complaints process and procedure. The process is normally two stage, but if your complaint is related to housing, there is an additional step in the process which we will tell you about below.

9.2 We have prepared flowcharts to help you which can be accessed here:

[Stage 1](#)

[Stage 2](#)

9.3 The complaints process

If we can, we will try to sort things out straight away. Depending on the nature of the issue, we may be able to resolve things with a simple telephone call; other complaints may be a bit more detailed.

9.4 Stage 1 – investigation by the service – informal resolution

a) Each service within the Council will identify suitably qualified officers who are responsible for investigating and responding to complaints in accordance with guidance provided.

b) Once a complaint is received, we aim to acknowledge it within 3 working days starting with the day after the complaint is received by us, tell you the

name of the person who is dealing with it and record it on the central complaints management system.

- c) The appropriate investigating officer should keep you updated throughout the investigation process where applicable.
- d) You can expect a full response to your complaint within 10 working days. If this is not possible, we will keep you informed of progress and let you know how long we think the investigation will take to conclude.
- e) You will receive a full response to your complaint in writing by email or letter as appropriate.
- f) Any further action or lessons learnt will be followed through and monitored as part of the service's performance management arrangements.
- g) In the response letter, you will be made aware that you can escalate the matter to the next stage of the complaints process if you remain dissatisfied.

#### 9.5 Stage 2 – formal investigation

You can ask for your complaint to be dealt with under Stage 2 in the following circumstances:

- i. Where a service department has had adequate opportunity to address your complaint, but has not provided you with a response within the timescale set out in paragraph 9.4(d) or any longer period agreed with you.
- ii. If you do not consider that your complaint has received adequate or proper consideration or you have received a response and you remain dissatisfied.

9.6 We can immediately escalate the complaint to Stage 2 if it is obvious that there is no prospect of informal resolution.

9.7 If you would like to take your complaint to Stage 2, you will need to tell us why you remain dissatisfied and give us reasons why you believe that the issues were not addressed at Stage 1. You will also need to tell us what you would like as an outcome from the complaint.

9.8 At this stage, the Complaints Manager, who is independent of the service concerned, will deal with the complaint, jointly with a Senior Officer from the relevant service. The process is as follows:

- a) The Complaints Manager will acknowledge your complaint within 3 working days, and record details of the complaint on the case management system.

- b) If necessary, we will contact you to clarify and agree the issues you would like to be investigated.
- c) The Complaints Manager will then consider your complaint by way of a review; this can involve a number of methods including:
  - interviewing relevant members of staff;
  - reviewing relevant documents, policies and procedures;
  - carrying out site visits;
  - seeking specialist advice; and
  - consulting and seeking advice from Heads of Service and Strategic Directors.
- d) In most cases, we will provide a substantive response to your complaint within 10 working days, but complaints at this stage often take longer to consider and, if the response time cannot be met, we will tell you how long it will take to conclude.
- e) You will receive a decision letter or email, which will advise you whether or not their complaint has been upheld and letting you know whether any action will be taken in respect of the issues raised.
- f) The Stage 2 outcome letter will advise you of your rights if you remain dissatisfied.

9.9 If you are still unhappy with the outcome, you are able to take your complaint further, but your options depend on whether your complaint relates to a housing issue. We will set out below what you need to do in order to progress your complaint.

## **10.0 Non-housing cases**

10.1 When you have exhausted the internal process, you are able to refer your complaint to the **Local Government & Social Care Ombudsman (LGSCO)**. The LGO prefers complaints to be referred electronically to the following address:

<https://www.lgo.org.uk/complaint-form>

Alternatively, you are able to make a complaint by telephone on 0300 061 0614

## **11.0 Housing cases**

11.1 When you have exhausted the internal process, you are able to refer your complaint to the **Housing Ombudsman**, but you are not able to do this until 8 weeks have passed since you received the Stage 2 letter from us. You are able to submit a complaint online at the following address:

<https://www.housing-ombudsman.org.uk/residents/make-a-complaint/online-form/>

Alternatively you can write to the Ombudsman at:

Housing Ombudsman Service  
PO Box 152  
Liverpool L33 7WQ

- 11.2 You are able to choose to get help from a designated person after our final response to you and within the 8 week period before making a complaint to the Housing Ombudsman. A designated person can be an MP, local councillor or a recognised tenant panel. The Housing Ombudsman has provided a fact sheet regarding designated persons which can be accessed here:

<https://www.housing-ombudsman.org.uk/useful-tools/fact-sheets/3123-2/>

- 11.3 Designated persons will try to resolve the matter locally, but if this is not possible, they are able to refer it to the Housing Ombudsman within the 8 week period. This stage is optional, you can choose to just take your complaint to the Housing Ombudsman 8 weeks from our final response.

## **12.0 Complaints dealt with under other procedures**

Some complaints are dealt with through separate procedures within the Council, which are laid down by statute. The Council may also receive complaints, which it cannot deal with. When such a complaint is received, the complainant will be informed of the relevant complaints procedure this will be addressed under, or if it needs to be redirected to a different service or outside body.

### **12.1 Staff & HR**

Any complaint about a member of staff will be dealt with under this policy. Staff members wishing to raise complaints about HR issues e.g. recruitment, harassment etc., should be referred to the appropriate line manager / Human Resources and dealt with under the relevant policy.

### **12.2 Complaints about Members**

Stroud District Council expects all Members to meet the high ethical standards set out in the Nolan Principles and our Code of Conduct. Any complaints relating to alleged breaches of the Code of Conduct should be referred to the Monitoring Officer.

### 12.3 Member / MP Enquiries

Elected Members and MPs may request information or make a complaint on behalf of a constituent. The MP or elected member should make it clear whether a complaint is being made. If a Member / MP raises a complaint, it should be dealt with under the appropriate complaints process within the normal timescale and recorded on the case management system.

### 13.0 **Equality & Diversity**

13.1 The Council is committed to giving an equal service to all residents and members of our community. We treat all residents with respect and dignity irrespective of their colour, race, nationality, ethnic group, age, marital status, disability, religious belief, sexuality, gender identity, or socio-economic status. English is the principal language we use; however, we will provide information in other formats and languages on request.

### 14.0 **Complaints documentation retention policy**

14.1 In the absence of any particular statutory requirements for particular documents, it is the Council's policy to retain complaints documentation for up to 24 months only from the date of the complaint being closed.

### 15.0 **Our commitment to good practice**

15.1 All staff members who deal with complaints are required to undertake complaint handling training. This ensures that they have the necessary skills to investigate complaints and helps to provide a consistent standard of service to complainants.

15.2 Good communication and managing expectations are key aspects of good customer service. When dealing with complaints, we advise complainants how their complaints will be handled and the stages involved in the complaints process. We aim to be polite, courteous and speak to the complainant if we are unsure of the issues they would like investigated. We aim to keep complainants updated regarding the progress of the investigation and explain how long the complaint will take to resolve if there are delays in the process.

15.3 Complaints data should be analysed on a quarterly basis and included in corporate performance reports. Trends identified will be shared with the relevant service concerned to ensure lessons are learnt and service improvements are planned.

### 16.0 **Complaints about our partners**

16.1 Complaints about our partners made directly to us will be passed to the relevant organisation to deal with via their own complaints policies. However, if the complaints relate to a service provided by a partner on the Council's behalf, these will be dealt with under the terms of this policy unless they fall within the exceptions set out in paragraph 1.3. When such complaints are received, we will work with the relevant parties to ensure the complaint is dealt with expeditiously, which may involve a joint response being provided to the complainant.

## **17.0 Learning from complaints**

17.1 The decision letter / email will clearly identify the issues that were investigated along with the outcome in respect of each issue. We aim to ensure that our letters and emails are clear, succinct and avoid jargon or technical language where appropriate. We will apologise where mistakes have been made and inform you of the remedial action we have taken to try to ensure that mistakes are not repeated. We recognise that learning from complaints is a powerful way of helping to develop and improve the services we provide and to increase trust among the people who use our services. We have systems to:

- record, analyse and report on the outcomes of complaints and remedies;
- apply the information to improve services to our residents.

## **18.0 Remedies**

18.1 If something has gone wrong and you have suffered as a result, we will consider the action to be taken. The general principle the Local Government & Social Care Ombudsman promotes is that the complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong. The investigation should establish with the complainant what they consider to be a reasonable and fair outcome of the complaint.

18.2 In housing cases there is a requirement of the regulator for social housing to have a compensation policy which can be [accessed here](#)