



# FINANCE AND RESOURCES

## Overview and Scrutiny Committee



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<b>Report for:</b>	Finance and Resources Overview and Scrutiny Committee
<b>Title of report:</b>	Complaints Policy
<b>Date:</b>	1/11/2022
<b>Report on behalf of:</b>	Councillor Graeme Elliot, Portfolio Holder for Corporate Services
<b>Part:</b>	I
<b>If Part II, reason:</b>	N/A
<b>Appendices:</b>	Complaints Policy
<b>Background papers:</b>	
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	DBC: Dacorum Borough Council CSU: Customer Service Unit EDI: Equality, Diversity, Inclusion

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<b>Corporate Priorities</b>	Ensuring efficient, effective and modern service delivery
<b>Wards affected</b>	All Wards
<b>Purpose of the report:</b>	To update Members on the new Complaints Policy
<b>Recommendation (s) to the decision maker (s):</b>	That Members note the report, identify areas for further consideration.
<b>Period for post policy/project review:</b>	

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## **1 Introduction:**

1.1 One of the key work-streams within Dacorum Borough Council's Transformation Programme has been the development of our Customer Strategy, which was approved by Cabinet in February 2022. The Customer Strategy outlined how we will engage with our customers to review where we have not met customer expectations, where we may be excluding customers and where we have low areas of customer satisfaction. The strategy set out how we will use the findings from this customer engagement to embed customer focus in everything we do and how we do it in order to achieve the overarching vision:

*"To put the customer at the centre of our services in order to provide a positive and effective customer experience, and to empower our staff so they can deliver consistent and quality Council services."*

1.2 During the development of the Customer Strategy, the project team reviewed the ways the Council engages with our customers. We completed a root-and-branch review of the current complaints process. This review identified several opportunities to improve the complaints workflow, increase communication at key stages of complaints, align the policy to revised Ombudsman guidance, and ensure customer feedback is fed into service improvement activities.

1.3 This review fed into the proposed draft Complaints Policy (Appendix 1). This paper will outline the key changes to the Complaints Policy and the reasoning behind the changes, before setting out how the revised Complaints Policy will be implemented across the organisation.

## **2 New Complaints Policy**

2.1 The new Complaints Policy incorporates changes to:

- Response times
  - The updated response times have been implemented to align to the Housing Ombudsman changes (date of change). The process of a complaint response has been changed. From moment of receipt, the customer will receive an acknowledgement within 5 working days, and receive a Stage One response within 10 working days of receipt (longer in exceptional circumstances, discussed with the customer). If a customer is unhappy with the Stage One response, they have 28 days to respond to DBC requesting a Stage Two response. From moment of receipt for a Stage Two response, the customer will receive such a response within 20 working days (longer in exceptional circumstances, discussed with the customer).
  - Instead of setting out a variety of separate complaint response times for different Ombudsman complaint processes, we have chosen consistency by prioritising the quickest complaint response times as provided by the Housing Ombudsman. The Policy recognises that the Council needs to act quickly to investigate and respond to the customer's complaint.
- Levels of responsibilities for complaint responses
  - The new reporting structure moves responsibility for complaint responses down the corporate hierarchy. The current policy sees Heads of Service and Assistant Directors responding to Stage One and Stage Two complaints respectively. The new policy moves these tasks to Team Leaders (Stage One) and Heads of Service and above (Stage Two). The benefits of this are that staff responding to individual complaints have a closer connection to direct service delivery, and it expands the pool of staff available to provide complaint responses. This will speed up our response times. The Complaints Policy puts trust in Team Leaders across the Council to respond to customers quickly and professionally. This demonstrates corporate behaviours: "We will be honest and act with integrity; we will support each other and work together; we will be accountable to each other to get things done."
- Customer contact
  - The priority of the new Complaints Policy is providing an effective customer experience that swiftly investigates and resolves the basis of their complaint. The Complaints Policy prioritises talking directly to residents over the phone in the first instance by the relevant officer. In every case, the responsible Team

Leader will call the customer to talk directly on the telephone about their issue. If a complaint can be resolved quickly and informally, this should be pursued.

2.2 The customer can challenge a Stage Two response at the Local Government Ombudsman (LGO) or the Housing Ombudsman Service, within 12 months after the customer first complained.

2.3 The previous Stage One complaints process followed a 15 working day target for a response, led by Group Managers. This is considered too slow, and the target has often been missed. If the complainant could demonstrate why the process or outcome of Stage One was unfair, the complaints progressed to Stage Two. This was an independent review, led by an Assistant Director from a different service area, who provided a formal response within 20 working days. Alongside other changes to the Complaints Policy, response times will improve and meet the new 10 day timescale for Stage One responses.

2.4 The Complaints Policy has been simplified. Firstly, it addresses complaints only. Previous versions incorporated compliments and comments, which will now be submitted via our website (subject to the same accessibility requirements). Secondly, we reviewed the Policy from a “plain English” point-of-view, to make it easy for customers to understand the process.

### **3 Implementation**

3.1 Implementation of the new policy will require training for staff across the organisation. This is being designed by the project team and will be disseminated accordingly, prior to the launch of the new policy. Areas include:

- Introductions to the new Complaints officers and their responsibilities
- Demonstrations (in-person, Teams classes, and videos) on the new process for all Team Leads and Heads of Service
- Creating the role of a multi-directorate case owner for Ombudsman responses
- Leaver/starter notifications for Team Leaders and above from the HR service
- Staff-facing documents and processes for reference
- Incorporating new requirements into service plans, workflows, and team responsibilities

3.2 We will report and learn from the complaints received. This feedback will help us improve Council services, and should reduce the number of complaints we receive.

3.3 The launch date for the new policy is Thursday 1<sup>st</sup> December 2022.

### **4 Options and alternatives considered**

4.1 One option considered was leaving the Complaints Policy unaltered, restricting change to the response times. However, this would put DBC in contradiction to the Housing Ombudsman which could find against the Council.

### **5 Consultation**

5.1 The external project team (Ignite) is implementing the Customer Strategy, utilising their varied experience from other local authorities.

5.2 Key stakeholders at DBC have been consulted, such as the Customer Service Unit, and the new Complaints team within CSU, as well as services which currently receive higher proportion of complaints from residents, such as Property and Place, Development Management, and Waste.

### **6 Financial and value for money implications:**

6.1 The new reporting structure moves responsibility for Stage One responses to team leaders, which will increase speed of response and efficiency of the process. There is an expectation that minor efficiency savings will be realised, which will contribute to wider benefits realisation from implementing the Customer Strategy.

### **7 Legal Implications**

7.1 No Implications

### **8 Risk implications:**

8.1 No implications

### **9 Equalities, Community Impact and Human Rights:**

9.1 The EDI officer has been involved in the development of the new Complaints Policy. This has led to new information for customers regarding advocacy support and reasonable adjustments.

## **10 Sustainability implications (including climate change, health and wellbeing, community safety)**

10.1 No implications

## **11 Council infrastructure (including Health and Safety, HR/OD, assets and other resources)**

11.1 No implications

## **12 Conclusions:**

12.1 The new Complaints Policy will change how complaints to DBC are dealt with. The focus is on the customer and ensuring their experience of interacting with us is positive whilst we investigate their complaint. No matter the result, the customer must feel assured that we have followed a fair, rigorous, and detailed policy (within reasonable timescales) that is consistent with national guidelines. The Complaints Policy empowers officers to contact customers directly to resolve issues informally, as well as setting out in detail how to conduct a formal complaint response.



## **Complaints Policy & Procedure**

**December 2022**

## 1. Introduction

- 1.1 We always aim to provide good services, but sometimes things go wrong. This policy explains how you can complain about a service, and how we will make sure we deal with your complaint fairly.

## 2. Purpose of this policy

- 2.1 The purpose of this policy is to:

- define what a complaint is
- explain who can make a complaint
- explain how to make a complaint
- explain the process we follow when dealing with a complaint, so you know what to expect

- 2.2 In short, we will:

- show understanding about the issues you raise
- treat all comments and complaints seriously, with an honest and open mind, and do everything we can to deal with them efficiently and effectively
- be as flexible as we can within the limits of the laws and policies we follow
- say sorry if something has gone wrong
- aim to resolve complaints as soon as possible
- keep you informed about the progress of your complaint
- respond to all the points that you raise, provide evidence for our decisions and explain them, using simple language and avoiding jargon

## 3. Complaints Policy

### What is a complaint?

- 3.1 We define a complaint as:

***‘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 resident or group of residents’***

- 3.2 Examples of complaints that we will deal with under this policy are:

- there has been a delay in providing a service
- we have made a mistake in the way we have provided a service
- we have failed to deliver a service - this could relate to quality, standard or service level
- we have not listened properly
- we have not followed our processes or policies
- we have not met our legal, statutory or regulatory requirements
- we have not delivered against a commitment or promise
- our staff have not been helpful or have not conducted themselves correctly

- 3.3 You can complain about any of Dacorum Borough Council services, whether they are delivered by our staff, contractors or other organisations employed by us.

- 3.4 It is helpful if you raise your issue with us as soon as possible, to help us to solve your complaint quickly. We will only accept complaints related to issues that happened more than six months ago in exceptional circumstances.

#### **What is not treated as a complaint under this policy**

##### **Informal complaints**

- 3.5 We encourage our staff to talk to customers and try to resolve problems first so that you do not need to submit a formal complaint.
- 3.6 Often, we can resolve an issue by putting the problem right straight away. We consider these types of cases as informal complaints and will resolve your issue using our established service request processes.
- 3.7 For example, you let us know that our waste collection team has not emptied your bin. If we have missed the bin, we would try to fix this by returning to empty your bin as soon as possible. We would not usually treat this as a formal complaint unless the problem happens repeatedly.

##### **Conduct of a councillor**

- 3.8 There is a separate process if you need to complain about the behaviour of local councillors (also called elected Members). This includes borough councillors and parish and town councillors within the borough of Dacorum. The Code of Conduct for Members describes the standard of behaviour expected of councillors. You can find the Code of Conduct and report an issue on our website:

[www.dacorum.gov.uk/complaints-about-councillors](http://www.dacorum.gov.uk/complaints-about-councillors)

##### **Statutory appeals**

- 3.9 Some services have a separate appeal process if you think the Council has made the wrong decision. For these services, you should follow the appeals process instead of submitting a complaint. These include:

- **Appeal a Housing Benefit decision.** Our website has details on the procedure for appealing

[www.dacorum.gov.uk/benefits-appeal](http://www.dacorum.gov.uk/benefits-appeal)

- **Appeal a Homelessness decision.** Our website has details on the procedure for appealing

[www.dacorum.gov.uk/home/housing/housing-advice-and-options/homeless-or-at-risk](http://www.dacorum.gov.uk/home/housing/housing-advice-and-options/homeless-or-at-risk)

- **Appeal a refusal of planning permission.** Our website has information about the appeals process:

[www.dacorum.gov.uk/planning-appeals](http://www.dacorum.gov.uk/planning-appeals)



- **Appeal a planning enforcement notice.** The government website has details of the appeals process and requirements:

<http://www.gov.uk/appeal-enforcement-notice>

#### **Services not provided by Dacorum Borough Council**

3.10 We cannot deal with a complaint about a service that the council does not provide. For example, Hertfordshire County Council is responsible for:

- Maintenance of roads and street lighting
- Adult Social Care provision
- Children’s services and education

You can read the Hertfordshire County Council’s complaints policy, and find out how to make a complaint on their website:

[www.hertfordshire.gov.uk/complaints](http://www.hertfordshire.gov.uk/complaints)

#### **Complaints about government legislation or policy**

3.11 We will respond to complaints about Dacorum Borough Council policies. We will do our best to explain the policy and the reasons for it. For policy or legislation that is set by central government, we will direct you to your MP for a response.

### **4. Making a complaint**

4.1 The quickest way to complain is by using our online form:

[www.dacorum.gov.uk/complaints-form](http://www.dacorum.gov.uk/complaints-form)

4.2 If you cannot use our online form, you can call us on 01442 228000.

4.3 If you prefer to write to us, send your complaint to: Dacorum Borough Council, The Forum, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1DN

### **5. What happens when a complaint is made?**

5.1 Our complaints process has two stages.

#### **Stage One - Initial Investigation and response**

5.2 If you complain using the online form, we will send you an automatic email to confirm receipt.

5.3 If you complain over the telephone or via letter, we will send you a written acknowledgement within five working days of receipt.

5.4 The Team Leader responsible for your complaint will acknowledge and contact you after reading your complaint, to make sure we understand your concerns and what we could do to put things right. This will be within five days of receipt. If we can agree on a resolution with you at this stage we will close the complaint, subject to the agreed

action being taken.

- 5.5 If we cannot agree on a quick resolution your complaint will be investigated and responded to by the Team Leader within the service responsible.
- 5.6 **We will make a decision within 10 working days of receiving your complaint.**
- 5.7 If your stage 1 complaint is complex or requires a lot of investigation, we may need to extend this time limit. If we think we need more time to investigate, we will contact you to discuss and agree on a new date.
- 5.8 We will reply to you in writing (sent by email if we have your email address) and will clearly explain:
- the stage of the complaint
  - the nature of the complaint made
  - our decision
  - the reasons for our decision
  - actions we will take to put things right
  - how to escalate the matter to stage two if you are not satisfied with the answer
- 5.9 If you are dissatisfied with our response when you receive it, you can escalate your complaint to stage two of the process, either by responding to the email we will send you or writing to us within **28 calendar days from receipt of our response.**

#### **Stage Two - Internal Review**

- 5.10 If you want to proceed to stage two you must explain why you are not satisfied with our response.
- 5.11 If you cannot demonstrate why the process or outcome at stage one was unfair, incorrect or incomplete we can decide not to proceed to stage two. We will write to you to explain our decision and we will give you details of the ombudsman if you want to take the complaint further. An ombudsman is an independent person, not connected with the council, whose job it is to investigate complaints.
- 5.12 If we do accept your stage two complaint, we will appoint a Head of Service, or another appropriate senior officer, to investigate. This person will work in a different service area from those associated with the complaint. **You will receive a formal response within 20 working days, at which point we will consider the complaint closed.**
- 5.13 If your stage 2 complaint is complex or requires a lot of investigation, we may need to extend this time limit. If we think we need more time to investigate, we will contact you to discuss and agree on a new date.

#### **Escalation to the Ombudsman**

- 5.14 Once a complaint has been through the Stage One and Stage Two complaints process, if you are still unhappy with our response, you can choose to contact the relevant Ombudsman. The Ombudsman will accept complaints for up to 12 months after you first

complained to us.

- 5.15 **For complaints about our duties as a social landlord**, please contact the Housing Ombudsman. You can visit their website for more information on the process of escalating the complaint:

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

- 5.16 **For all other matters**, please contact the Local Government and Social Care Ombudsman. You can visit their website for more information on the process of escalating the complaint:

[www.lgo.org.uk](http://www.lgo.org.uk)

### **Involving a councillor, MP or another person in a complaint**

- 5.17 Sometimes customers ask their local councillor, MP or another person to complain on their behalf. If you do this, we will follow our normal process and respond directly to that person.
- 5.18 If you have raised a complaint with us first and then asked your councillor, MP or someone else to get involved, we will continue to respond to you. We will also provide a response to the councillor MP where they are involved.

## **6. Unreasonable behaviour towards our staff**

- 6.1 We will do our best to resolve complaints and you will be treated with respect throughout the process. We also expect our staff to be treated with respect and we do not accept any form of abuse or intimidation towards staff at any time, including the use of offensive language. Any abuse of staff will be dealt with robustly and the Council may report any incident to the Police or use the tools available to us to prevent further incidents occurring.

## **7. Reporting and learning from complaints**

- 7.1 We are committed to learning from complaints and using complaints information to improve our services. We will look at:

- the type of complaint
- the complaint outcome
- the timescales agreed
- whether timescales were met
- equality information about complainants

We will then:

- publish (anonymised) a summary of complaints and their outcomes on the Council's website, including:
  - information on the complaint outcomes
  - lessons learnt and what we have done to make sure this doesn't happen again and how we have improved services because of the complaints we have received

## **8. Data Protection**

- 8.1 When you make a complaint, we will log information about your complaint and your name and contact details. To investigate a complaint, certain customer information (like your name, contact details and details of the complaint) may be shared with other Council departments so that a response can be given. We may also use this information to improve our services. Information may also be shared with the relevant Ombudsman if they have received a complaint. All personal data will be held securely and retained in line with the relevant legislation. More information on how we use your information can be found here:

[Retention Guidelines for DBC \(dacorum.gov.uk\)](https://dacorum.gov.uk)

- 8.2 All complaints will be dealt with in line with the UK GDPR and Data Protection Act 2018. The identity of the person making a complaint will only be made known to some or all of the parties stated above in order to consider the complaint.
- 8.3 The council aims to be transparent when responding to complaints but sometimes it is necessary to maintain confidentiality. Information will generally not be provided about third parties in line with the Data Protection Act unless asked to do so by a Regulator or Ombudsman.

## **9. Equalities and accessibility**

- 9.1 We will ensure our complaints process is easily accessible to all customers.

### **Accessibility**

- 9.2 If a customer is unable to access the internet, and therefore cannot view the online version of the Complaints Policy and connected webpages (see list below), the Complaints Officer will share physical copies of the necessary documents with the customer. These will be shared by post or at an appointment.

The connected webpages include:

- Complaints about a councillor
- Statutory appeals pages (Housing Benefit, Homelessness Decision, Refusal of Planning Permission, Planning Enforcement Notice)
- Data retention guidelines
- Hertfordshire County Council complaints
- Housing Ombudsman
- Local Government Ombudsman

- 9.3 We are committed to equality and diversity in employment practice and service delivery. We aim to ensure that all our customers are confident of receiving fair treatment and equality of opportunity. This is irrespective of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, sexual orientation, race, sex, and religion or belief.
- 9.4 Our aim is to have an inclusive environment for everyone, identifying and removing barriers in

our practices. Completing the Equality Monitoring Form will help us achieve this and will also help us meet our obligations under the Equality Act 2010.

- 9.5 While it is voluntary to disclose this information, it will allow us to identify current and future needs, potential inequalities, including problems with accessing or using services and information.
- 9.6 Your responses will be treated with the utmost confidentiality and will not be included as part of your complaint.

Appendix 1

