

Complaints Policy and Procedure

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CONTENTS	PAGE
Policy statement	3
The need for a corporate complaints policy	3
Definition of a complaint	3
Formal corporate complaints procedure	3
Stage One – service manager	5
Stage Two – head of service	5
Local Government and Social Care Ombudsman (LGSCO)	6
Housing complaints – landlord services complaints	6
Housing Ombudsman Service	7
Making a formal corporate complaint	7
Anonymous complaints	8
Vexatious and unreasonable complainant behaviour	8
Monitoring, analysing and reporting	8
Confidentiality	8
Appendix 1 – When the formal complaints procedure cannot be used	.9

Useful Definitions:

Working days – days the council is open to the public (not Saturdays, Sundays, Bank holidays and any other closures)

Relevant manager - the manager who oversees the team or service complained about

Ward councillor – the district councillor who is responsible for your area. You can find your councillor(s) on our websites:

www.southoxon.gov.uk/councillors

www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/about-the-council/who-we-are/the-councillors/

Complaints Policy and Procedure

POLICY STATEMENT

1. South Oxfordshire and Vale of White Horse District councils are committed to putting people at the centre of everything we do. We aim to provide a high standard of service and recognise we do not always get it right first time. Customer feedback is important to us, and we want you to tell us when you think we have got something wrong, so we can endeavour to put it right and learn from it.

THE NEED FOR A CORPORATE COMPLAINTS POLICY

2. Having a council-wide procedure for dealing with complaints ensures that:
 - customers know what to do if they have a complaint and understand how we will deal with it
 - staff know what to do when they receive a complaint
 - customers are treated fairly and equally
 - we can improve our services by analysing complaints
3. The complaints policy is intended for the use of customers, residents, businesses and visitors, or their chosen representatives.
4. As stipulated in the Local Government and Social Care Ombudsman (LGSCO) guidance on good practice: the purpose of a complaints system is to put right what has gone wrong, and to learn from it. Where a complainant has a justified grievance, there is a duty to put things right at the earliest opportunity.

DEFINITION OF A COMPLAINT

5. Our definition of a complaint is an expression of dissatisfaction about a council service that requires a response. A complaint can relate to the standard of, or service received, the way a decision has been made, actions or lack of actions by the council, its staff or its partners and contractors.

FORMAL CORPORATE COMPLAINTS PROCEDURE

6. Minor service dissatisfaction or failures, for example a missed bin collection, are dealt with directly by the relevant service team. Some responses may come directly from our suppliers or partners.
7. The service team will aim to achieve an informal resolution to address the concerns you have raised. If you are not sure which team to contact, please email enquiries@southoxon.gov.uk or enquiries@whitehorsedc.gov.uk.

8. Before accepting a formal complaint, the customer service centre will look at whether you have already sought an informal resolution with the service team. Where appropriate, we will allow the service team the opportunity to address your concerns.
9. If you do not feel the matter was satisfactorily resolved by way of informal resolution, then you can ask for it to be reviewed as a formal complaint.
10. We will acknowledge your complaint and let you know if we can progress it under the formal corporate complaints procedure. Please refer to Appendix 1 to understand when our formal complaints procedure cannot be used.
11. There are two stages to our formal complaints procedure, with a third independent stage:
 - **Stage One:** responded to by the relevant service manager
 - **Stage Two:** this is to review the stage one investigation and outcome, which will be carried out by the relevant head of service. It is not an opportunity to raise new issues or further points of representation.
 - **Local Government Ombudsman:** if you are dissatisfied with the outcome of our formal complaints procedure, you can refer your complaint to the Local Government and Social Care Ombudsman (LGSCO)
12. We require you to provide all the information and evidence you have at the point of submitting a complaint. In the unavoidable circumstance that new information or evidence becomes available to you during investigation of your complaint, we would need to consider a revised deadline.
13. When we acknowledge a complaint, we may seek clarity on the information you have provided before the stage one or stage two investigation can begin.
14. If it is not possible for a response to be provided within the deadline set out in our acknowledgement, we will write to you before the deadline to let you know a revised date.
15. On the occasion an individual officer has had previous involvement in a matter, or a complaint is about that member of staff, it may be allocated to an alternative service manager or head of service, at the discretion of the chief executive, deputy chief executive – transformation and operations or head of corporate services.
16. Complaints which involve multiple service areas, will be handled with a co-ordinated approach and a response provided by the service area we consider most relevant.

STAGE ONE – SERVICE MANAGER

17. We will contact you within one working day to acknowledge your complaint, we will provide the:
 - complaint reference number,

- name and title of the service manager who will be responding,
- date you can expect to receive your response, which is within 15 working days from our acknowledgement. For housing complaints we will respond in 10 working days.

18. In a small number of circumstances, we will escalate your complaint straight to stage two. This includes a complaint about the procedure followed during a Code of Conduct complaint, but not for review of the Monitoring Officer's decision.

19. If new information or evidence is provided by you after you have received the stage one complaint response, we will consider whether this demands a new stage one complaint.

STAGE TWO – HEAD OF SERVICE

20. Following the outcome of the stage one complaint, you have a right to ask for your complaint to be reviewed under stage two.

21. At stage two, the role of the head of service is to review the response you were provided at stage one, and whether we have satisfactorily addressed the points you raised in your stage one complaint.

22. You must write to us within six weeks of the date of the stage one response to request your complaint is escalated to stage two, including the following:

- what you feel has not been answered in your stage one response,
- and what outcome you would like to achieve in pursuing a stage two complaint

23. We will contact you within one working day to acknowledge your complaint, we will provide the:

- name and title of the head of service who will be responding,
- date you can expect to receive your response, which is within 15 working days from our acknowledgement

24. If new information or evidence is provided by you after you have received the stage two complaint response, we will consider whether this demands a new stage one complaint.

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (LGSCO)

25. The LGSCO investigates complaints of alleged injustice concerning Local Authorities. Their service is free of charge.

26. If you remain dissatisfied following the outcome of our formal complaints procedure, you can contact the LGSCO at www.lgo.org.uk or telephone 0300 061 0614. The address of the LGSCO is as follows: PO Box 4771, Coventry CV4 0EH.

27. Before the LGSCO will accept your complaint, you must first complete stage one and two of our complaints procedure, as set out in this policy.
28. The law does not allow the LGSCO to accept complaints made by an “authority constituted for the purposes of the public service”. This includes parish and town councils.

HOUSING COMPLAINTS – LANDLORD SERVICES COMPLAINTS

29. A complaint is defined by the Housing Ombudsman Service 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.’
30. A service request is a request from a resident requiring action to be taken to put something right, for example a repair, and will be dealt with by the housing team.
31. Before accepting a formal housing complaint, the customer service centre will look at whether you have already made a service request to the housing team. Where appropriate, we will allow the housing team the opportunity to address your request.
32. There are two stages of our Housing Complaints procedure, with a third independent stage:
- **Stage one:** responded to by the service manager
 - **Stage two:** responded to by the Head of Service
 - **Housing Ombudsman Service:** If you remain dissatisfied with the stage two response, you can refer your complaint to the Housing Ombudsman Service.

STAGE ONE – SERVICE MANAGER

33. We will contact you within five working days to acknowledge receipt of your complaint.
34. Within the complaint acknowledgement, we will set out our understanding of the complaint and the outcomes you would like to achieve. If any aspect of the complaint is unclear, we will ask for clarification and the full definition agreed between both parties.
35. The service manager will respond to the complaint within 10 working days of the complaint being logged.

STAGE TWO – HEAD OF SERVICE

36. Following the outcome of the stage one complaint, you have a right to ask for your complaint to be reviewed under stage two.

37. You must write to us within six weeks of the date of the stage one response to request your complaint is escalated to stage two, including the following:

- what you feel has not been answered in your stage one response,
- and what outcome you would like to achieve in pursuing a stage two complaint

38. We will respond to the stage two complaint within 20 working days of the complaint being escalated.

HOUSING OMBUDSMAN SERVICE

39. If you remain dissatisfied with the stage two response, you can refer your complaint to the Housing Ombudsman Service, and they may be able to investigate how we dealt with the matter. The contact details for the Housing Ombudsman Service are:

Online complaint form: www.housing-ombudsman.org.uk/residents/make-a-complaint/

Phone: 0300 111 3000

Email: info@housing-ombudsman.org.uk

Postal address: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

HOW TO MAKE A COMPLAINT

40. Formal complaints can be submitted in a number of ways:

- our online complaints form available on our website at: www.southoxon.gov.uk/complaints or www.whitehorsedc.gov.uk/complaint,
- by email to complaints@southandvale.gov.uk,
- or by letter to Abbey House Abbey Close Abingdon OX14 3JE

41. If you are unable to use our online complaints form, when writing to us please include the following:

- Name, Address and Email address (if you have one)
- Details of complaint: A summary of what has or has not happened
- What do you feel has been the effect of the action or lack of action?
- What do you think the council could do to put it right? And any outcomes you are looking to achieve
- Have you been in contact with anyone in the council about this matter? If so, please advise with who and when
- Evidence for example emails, letters or photographs

42. With signed confirmation from you, a complaint can be submitted on your behalf by your chosen representative.
43. Our customer service centre is available on 01235 422600. If you are unable to put your complaint in writing, they will complete the online complaints form on your behalf, with you on the phone. Please note all telephone calls are recorded and saved for 6 months before they are deleted.
44. If you have difficulty in putting forward your complaint because of speech, language or other problems, you will be offered assistance.
45. If you visit our office in order to make a complaint, you will be asked to complete the online complaint form and if help is required with this, a customer service advisor can assist you. You may be accompanied at any time by a friend or advocate.
46. If a complaint is sent to an individual officer or councillor, you may then be asked to complete our online complaint form. Alternatively, the officer may forward your correspondence to the customer service centre for it to be dealt with in line with the complaints policy and procedure.
47. When a complaint is submitted by a group (more than one person), we will ask for a signed confirmation from all parties saying they are happy to be considered as a group. We will then agree with you how we will correspond with the group.

ANONYMOUS COMPLAINTS

48. Generally, we do not investigate anonymous complaints. Anonymous complaints will only be dealt with if they involve individual or public safety, corruption, waste or other impropriety and where there is sufficient information to allow an investigation to proceed.

VEXATIOUS AND UNREASONABLE COMPLAINANT BEHAVIOUR

49. In a minority of cases, complainants pursue matters in a way that can impede the investigation of their complaint or have significant resource issues for us.
50. We have a separate policy for dealing with vexatious and unreasonable behaviour, which can be found at: www.southoxon.gov.uk/complaints and www.whitehorsedc.gov.uk/complaint

MONITORING, ANALYSIS AND REPORTING

51. An annual complaints report is submitted to the councils' Joint Audit and Governance Committee (JAGC). As part of the requirements of the Housing Ombudsman we complete an annual self-assessment of housing complaints which will be reported to JAGC.

CONFIDENTIALITY

52. The identity of a complainant will only be revealed to those who need to consider it; their identity will not be made known to anyone else, nor will it be made public.

53. Files that contain confidential information may be subject to data subject access requests under the Data Protection Act 2018. Consideration of what can be released will be decided by the Data Protection Officer, who will take into account the complainant's own rights and expectation of confidentiality.
54. Where there is an explicit request by you to do so and your consent has been given, your complaint and associated documentation/correspondence will be sent to your ward councillors.

APPENDIX 1 - WHEN OUR FORMAL COMPLAINTS PROCEDURE CANNOT BE USED

1. For matters that have already exhausted our complaints procedure and/ or have been investigated by the relevant Ombudsman.
2. Complaints about parish or town councils should be sent directly to the relevant town or parish council using the contact information on their website.

3. **Benefits:**

If you disagree with the way we have calculated your benefit entitlement, you can ask us to send their appeal to the Tribunal Service for review by an independent tribunal. To do this you should contact us within one calendar month of our decision by email to:

sodc.benefits@secure.capita.co.uk or
vowh.benefits@secure.capita.co.uk

or by writing to:

South Oxfordshire District Council	or	Vale of White Horse District Council
PO Box 870		PO Box 880
Erith		Erith
DA8 1UN		DA8 1UN
Tel: 0345 302 2313		Tel: 0345 302 2315

4. **Licensing:**

To appeal against a decision regarding licensing (premises, personal or taxi licences) you must lodge that appeal with the appropriate court within 21 days of the date of our decision. The written decision notice will give details of the relevant rights of appeal. For taxi penalty points, the route of appeal is detailed within the letter issuing points.

5. **Planning Application and Enforcement Decisions:**

When a planning application is refused, an applicant has a legal right to appeal to the Planning Inspectorate.

The formal complaints procedure can only be used to investigate the procedures followed in determining an application, and not the decision itself. We will not investigate complaints from objectors who are simply unhappy that we have granted planning permission for a particular development, as we only have powers to revoke such a decision in exceptional circumstances.

Similarly, our corporate complaints procedure cannot be used if you are not happy with a planning enforcement triage or formal investigation decision. We can only accept a complaint if you think we have not followed due process, as set out in the council's Planning Enforcement Statement.

6. Excess charge notices (parking fines):

If you want to dispute an excess charge notice (parking fine), you must do so in writing, preferably within the reduced payment period of the excess charge notice, either by email to carparks.southandvale.uk@sabagroup.com

or by writing to:

Car parks team
Saba Park Services Ltd.
For and on behalf of South Oxfordshire and Vale of White Horse District Councils
Abbey House
Abbey Close
Abingdon
OX14 3JE

7. Complaints about Elected Members:

If the complaint is about the conduct of a district councillor, a member of one of the town or parish councils or a co-opted committee member, the complaint should be considered under the Code of Conduct complaints procedure by the Monitoring Officer. Please visit the Councillors' code of conduct page on our website for further information:

www.southoxon.gov.uk/south-oxfordshire-district-council/local-democracy-and-elections/council-meetings-and-decision-making/councillors/councillors-code-of-conduct/

www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/local-democracy-and-elections/councillors-committees-and-meetings/councillors/councillors-code-of-conduct/

8. Complaints about responses issued under the Freedom of Information Act 2000 (FOIA), Environmental Information Regulations 2004 (EIR) or the Data Protection Act 2018 and UKGDPR

These are managed in accordance with the specific legislation and escalated to the Information Commissioner's Office (ICO) if unresolved. The response you have received should explain what to do if you are not happy and you can contact our Information Governance Team about FOI and EIR responses using either foi@southoxon.gov.uk for SODC or foi@whitehorsedc.gov.uk for VWHDC and using data.protection@southandvale.gov.uk for data protection queries.

9. What is not a Housing complaint:

- Anti-Social Behaviour reporting
- Complaints that are going through a court, tribunal or are within a legal process
- Dissatisfied with a Housing Allocations decision
- A query

- A first request for service (this is when a resident has initially raised an issue with the service requiring action from the landlord to put something right. The resident should allow for the Housing service to deal with their request initially, before raising with the Customer Care Team. A complaint can be raised when the resident is dissatisfied with the response to their service request)
- If the issue giving rise to the complaint occurred over 6 months ago. However, these will be considered on a case-by-case basis where safeguarding or health and safety are concerned
- If the resident has already been through the complaints process for the issue and has been provided with an in-depth formal response