

Title: Complaints Policy

Lead Officer: Graham Leach, Head of Governance & Deputy Monitoring Officer, 01926 456114 and graham.leach@warwickdc.gov.uk

Portfolio Holder: Councillor Davison

Wards of the District directly affected: None

Approvals required	Date	Name
Portfolio Holder		Ian Davison
Finance		Alex Elston
Legal Services		
Chief Executive		Chris Elliott
Programme Director Climate Change		Dave Barber
Head of Service(s)		Graham Leach
Section 151 Officer		Andrew Rollins
Monitoring Officer		Graham Leach
Leadership Co-ordination Group		
Final decision by this Committee or rec to another Cttee / Council?	Yes	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	Yes Refence 1,381	
Accessibility Checked?	Yes	

Summary

The report brings forward the revised complaints Policy for Warwick District Council. .

Recommendation

- (1) That the Cabinet adopts the revised Complaints Policy for Warwick District Council, as set out at Appendix A to the report, to come into force from 1 April 2024;
 - (2) That delegated authority is given to the Head of Governance & Monitoring Officer in consultation with the Leader and Chair of Overview & Scrutiny Committee to make any revisions to the scheme as a result of the publication of a single Code of Complaint handling by the Local Government & Social Care Ombudsman and Housing Ombudsman
-

1 Reasons for the Recommendation

- 1.1 The Complaints policy was last updated in 2009 and since then the handling of complaints has remained largely consistent even with the introduction of the Housing Ombudsman.
- 1.2 The Complaints by the Council are subject, ultimately, by consideration by one of two Ombudsmen the Council needs to have consideration of this when setting its policy.
- 1.3 The Housing Ombudsman considers complaints about social housing, including councils' role as social landlords all other complaints defer to the Local Government & Social Care Ombudsman. There are some exclusion to the complaints the Ombudsmen will look at and these are detailed on their respective websites.
- 1.4 While the Council has two Ombudsmen to work it is best to provide a single approach and policy for handling of complaints to ensure consistency of approach in responding to complaints, but equally for ease of understanding by officers and customers..
- 1.5 The Policy has been developed to meet the requirements of the Housing Ombudsman Complaint Handling Policy. In addition to this it is designed to meet the ambitions set out within the recent consultation on a single complaint handling code by the Local Government & Social Care Ombudsman and the Housing Ombudsman.
- 1.6 There is an exception, within the Policy, to the proposed Code which is the further extension to stage 1 complaint investigation timeline as set out below:
"If an extension beyond this time is required to enable the Council to respond to the complaint fully, this should be agreed by both parties. In relationship to Housing Landlord complaints where agreement over an extension period cannot be reached, the Council will provide the Housing Ombudsman's contact details so the resident can challenge the plan for responding and/or the proposed timeliness of a response"

It is envisaged that within the final complaint handling ode this provision will be removed ad there will be a maximum of 10 working days plus another 10 working days. However this provision at present is allowed within Complaint Handling code.

- 1.7 The Cabinet need to be aware of the significant changes in investigation timelines for complaints. These have been set in line with the intentions of the draft complaint handling code. These will need to see prioritisation for handling of complaints by officers within the Council and additional support for those investigating complaints. Performance against this will be monitored by officers over coming months to identify both service specific and council wide performance issues or learning.
- 1.8 At present the complaints policy is owned by the Head of Governance who is also responsible for advising and supporting officers on this policy. The Cabinet have approved additional funding for a new role within the Council, as Policy, Performance and Complaints Manager. This new role is part of the response to the recommendations on the Corporate Peer Challenge of investing in the corporate core.
- 1.9 This new role will be responsible for bringing forward the procedures to deliver the new complaints policy but more importantly the performance monitoring of its effectiveness. This will also include close working with colleagues to ensure the action points from investigations are closed and monitoring of themes within complaints across the Council to share with Senior Leadership Team to act on.
- 1.10 The new role of Policy Performance and Complaints Manager will also undertake the investigation of most Stage 2 complaints. This is a change from present where these are undertaken in turn by senior officers at the Council. It is considered that this new approach will improve consistency. It is important to note their role within this is a high level review of the Stage 1 investigation and should not require detailed knowledge of each service and policy.

2 Alternative Options

- 2.1 Consideration was given to not bringing the new complaints policy forward until the complaint handling code has been finalised. However, the timeline for this was unknown at the time of writing and the review of the complaints policy was needed to bring inline with the current Housing Ombudsman Complaint Handling Code.

3 Legal Implications

- 3.1 There are no specific legal implications of the report and the proposals comply with the relevant aspects of legislation.

4 Financial

- 4.1 There are no specific financial implications of the report.

5 Corporate Strategy

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation. The Policy indirectly contributes to all themes within the Corporate Strategy through ensuring good governance by bring forward learning and understanding of complaints. This should allow for issues to be resolved and processes revised to reduce the risk of a repeat.

6 Environmental/Climate Change Implications

- 6.1 There are no direct impact from the Policy on Climate Change.

7 Analysis of the effects on Equality

- 7.1 It is not considered that an equality impact assessment needs to be undertaken for these proposals.

8 Data Protection

- 8.1 There is no change in the handling of personal data as a result of these proposals.

9 Health and Wellbeing

- 9.1 There are no direct impacts on health and wellbeing as a result of these proposals.

10 Risk Assessment

- 10.1 The report presents no significant risks to the Council at this time.

Background papers: None

Supporting documents:

Housing Ombudsman Complaint Handling Code
Local Government & Social Care Ombudsman and Housing Ombudsman Complaint
Initial Proposal for Handling Code



COMPLAINTS POLICY

Version 2.0
December 2023

Warwick District Council is committed to providing the highest standards of services to its customers.

Complaints play a role in maintaining and improving standards and the quality of service provided. When the Council receives a complaint, this is a way of getting an important insight into how services are being delivered. By listening to customers, the Council can look at actions that can be taken to improve procedures and ultimately the services we provide.

This Policy details the way in which complaints are managed, investigated, and acted upon, based on the requirements of the proposed model code for handling complaints from the Local Government & Social Care Ombudsman and Housing Ombudsman.

Aim of the complaints policy

The Council recognises the need to provide a first-class public service, which is responsive to customer views, and this is reflected in our Vision: To make Warwick District a great place to live, work and visit by improving lives and our environment.

The Council is committed to making it easier to provide feedback and for the Council to use feedback to improve services. Through the Complaints Policy, the Council will try to resolve complaints speedily, effectively, and fairly.

In investigating complaints the Council will seek to ensure it has acted within relevant legislation, followed the appropriate policy and procedures and have acted in a fair and reasonable way.

When dealing with complaints, it is the aim of the Council to work with customers to understand the issues and what they would like to happen to resolve them.

The tone of our contact will be open, responsive and avoid jargon. Our written correspondence will use Plain English and will be backed up with agreed positive action to resolve the complaint.

The Council is committed to treating all customers fairly and we take equality and diversity into account in a positive way. The Council will make sure that individual needs are taken into account when applying this policy and that any reasonable adjustments are made as required.

The Council has a Policy, Performance & Complaints Manager who will be responsible for assigned to take responsibility for complaint handling, including liaison with the relevant Ombudsman and ensuring complaints are reported to the Senior Leadership Team and information on performance shared with Councillors.

All customer feedback will be treated equally whether it is by:

Website: www.warwickdc.gov.uk/complaints

Email: information@warwickdc.gov.uk

Phone: who's phone number goes here? Could be 01926 456116 as per the complaints leaflet.

Post: Warwick District Council, Town Hall, Parade, Royal Leamington Spa CV32 4AT or any other form of communication.

Where complaints are received through social media, we will encourage a complainant to provide details through direct messages to maintain confidentiality. This may then

include giving to customers a link to the online complaints reporting form so that all customers can describe the nature of their complaint and submit them

What is a complaint

The Council defines the 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 or group of individuals."

Our staff can resolve most issues of dissatisfaction as part of their job, without the need for a formal complaint to be made. However, there may be cases that require further investigation and the involvement of other officers to find out what went wrong. We will deal with these as complaints under this policy.

What cannot be dealt with under this policy

Not all complaints can be dealt with under this policy. The Council provides a wide range of services and there may be more appropriate ways for some matters to be addressed (See Appendix 1)

If a formal appeal process exists, then this will be used to address these concerns. Appeal processes exist for several areas including, benefit claims and planning applications.

Appendix 2 gives guidance on the correct route to be used for these issues.

Stages of the policy

Upon receipt of the complaint, the relevant service will look at the issues contained within the complaint. We will look at whether we need to start a full investigation or if we could resolve the issue quickly. If we think we can do so, we will contact the customer to discuss and try to resolve the issue informally.

If we cannot, the Council has a two stage complaint process and a complaint will be dealt with in the following way.

Initial investigation (Stage 1)

This is the first formal stage, and we will acknowledge receipt of a complaint within five working days. Our acknowledgement will be made in writing and include:

- confirmation that the complaint has been received and if possible, the name and contact details of the investigating officer, however this may not be possible in all cases.
- date or timeframe by which a response can be expected.

Our policy is to respond in full within 10 working days of receipt of a complaint, wherever possible with an ideal maximum of a further 10 working days to complete.

If an extension beyond this time is required to enable the Council to respond to the complaint fully, this should be agreed by both parties. In relationship to Housing Landlord complaints where agreement over an extension period cannot be reached,

the Council will provide the Housing Ombudsman's contact details so the resident can challenge the plan for responding and/or the proposed timeliness of a response.

If the Council cannot respond in full within the acknowledged timescale, it will provide regular updates every week. These will detail the reason for the delay and when a response can be expected.

The investigating officer may need to ask for further information to assist with their investigation.

The response can be provided by letter, email, face to face or by telephone. Where a response is given by telephone or in person, the Council will provide a written confirmation of the response.

As part of the response, the Council will advise on how a complaint can be taken to a further stage should the customer wish to do so.

Review (Stage 2)

If the customer remains dissatisfied following the initial investigation, they can ask for the complaint to be considered by the Policy, Performance & Complaints Manager.

This should be done within a reasonable timescale, normally within a calendar month of a Stage 1 response, however, this can be longer in exceptional circumstances.

The Policy, Performance & Complaints Manager will undertake the review (Stage 2) of the complaint. In some circumstances, they may ask another officer to undertake this role. The complaint will be acknowledged within three working days of the request being received to escalate.

In the review, at Stage 2, consideration will be given to the adequacy of the Stage 1 response, as well as any new and relevant information not previously considered. It will not be a detailed investigation of the complaint as this detailed investigation will have occurred at Stage 1.

Our policy is to respond in full within 20 working days of receipt of the complaint, wherever possible.

If we cannot respond in full within the acknowledged timescale, we will provide regular updates every week. These will detail the reason for the delay and when a response can be expected, which should be no more than a further 20 working days.

Next steps

There is no further right of appeal to the Council following completion of a review at Stage 2 of this policy.

Within the final response, Council will inform the customer of their right to take their complaint further if they remain dissatisfied. There are two ombudsman's offices: Local Government and Social Care Ombudsman and the Housing Ombudsman. The response will contain the contact details for the appropriate ombudsman's office.

Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman look at individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing public services.

PO Box 4771
Coventry
CV4 0EH
Phone: 0300 061 0614
Website: www.lgo.org.uk[external link](#)

Housing Ombudsman Service

The Housing Ombudsman Service look at complaints about housing organisations and looks to resolve disputes involving the tenants and leaseholders of social landlords. Residents and landlords can contact the Ombudsman at any time for support in helping to resolve a dispute

Housing Ombudsman Service
PO Box 152
Liverpool
L33 7WQ
Phone: 0300 111 3000
Website: Housing Ombudsman website[external link](#)
Email: info@housing-ombudsman.org.uk

Complaints of discrimination and harassment

The council has developed an approach for dealing with incidents of reported harassment or discrimination.

These issues will be dealt with sensitively, considering the nature of the issues raised when appointing an investigator who will liaise with the Council's Equalities, Diversity & Inclusion Business Partner. In cases of harassment, the Council will consider the characteristics of the investigating officer, and if appropriate, discuss this with the customer before appointing an investigator.

Complaints received via Councillors or Members of Parliament

When the Council receives a complaint via an elected representative, it will direct the response directly back to the customer, but will ask the customer if they wish the Council to provide a copy to the elected representative who originally passed it on.

Complaints relating to more than one council service

Where a complaint includes issues for more than one part of the council, the investigation will be led by the person who has responsibility for the major part of the complaint. We will aim to provide a single response whenever possible.

Complaints against members of staff

If an issue about a member of staff is raised (this includes people who volunteer with the Council), the Council will investigate and take appropriate action, in accordance with this Policy.

If during the investigation we find that staff have acted in a way that requires disciplinary action, then internal policies will apply. It will not be possible to share the outcome of any management actions.

Anonymous complaints

Anonymous complaints will be investigated as far as possible, and a record of the complaint kept.

Reasonable adjustments

The Council are committed to understanding the impact of a complaint on a customer, taking their individual circumstances into account. To assist in this, where reasonable adjustments are required concerning how complaints are made, considered, or responded to, it will accommodate requests where possible. In the first instance to discuss any reasonable adjustments with the Policy Performance & Complaints Manager

Dealing with unreasonable behaviour

There are a small number of customers whose behaviour in pursuing the resolution of their complaint or behaviour in general is unreasonable. A separate policy exists to deal with these instances and explains our approach. A copy of this is at Appendix 2.

This is supported by the Council's Violence and Aggression at Work Policy.

Review

To ensure that the Policy remains relevant it will be reviewed every 2 years.

This Policy will next be reviewed in April 2026 by the Head of Governance & Monitoring Officer.

Limitation of this Policy**Requests for service or information**

As an example, if a request for a repair to a council property is raised, this is alerting us to work that needs to be done.

These requests may however become a complaint if we do not deal with them appropriately.

Appeals procedures

If an appeals procedure applies to the complaint, we will refer the customer to this, and notify them of the actions at the outset.

Appeals procedures must be completed before we can investigate any other issues raised with us. If this is the case, we will let the customer know.

The following are examples of complaints where there is an appeals process and so we will not deal with them under this policy:

- issuing of penalty charges, for example parking tickets and the recovery process
- a decision on a planning application or planning enforcement matter
- a re-housing decision
- an eviction decision
- an offer of council accommodation
- entitlement to housing benefit or universal credit
- a decision about council tax support
- a ban from or restriction on entering council premises
- homelessness

Existing right of objection

This is where there is a more appropriate individual or organisation to deal with a complaint such as a tribunal, ombudsman or court.

Complaints regarding issues that occurred over 12 months ago

We would not normally investigate complaints about something that happened more than a year ago, unless there are exceptional circumstances.

Complaints about Conduct of councillors

Any complaint regarding a councillor must be submitted to the Head of Governance & Monitoring Officer

Details of how to complete this can be found on the Council's website

<https://www.warwickdc.gov.uk/standardscommittee>

Allegations of fraud, or corruption

If you have concerns about possible fraud or corruption involving Warwick District Council, details of how to raise these concerns can be found on the Council's [website](#).

Where legal proceedings are involved

When a legal challenge is being made regarding whether a decision, action (or lack of action) is lawful. This is a separate process to the ombudsman so will not be considered under the complaint policy.

Employment Issues

Complaints made by employees concerning their employment will be referred to Human Resources to be considered in line with internal HR procedures.

Complaints made by job applicants who wish to complain about the recruitment and selection process will be dealt with by the relevant recruitment manager.

Warwick District Council

Managing Unreasonable Customer Behaviour Policy

Warwick District Council is committed to providing a quality service to all its customers. In return, the Council expects everyone who comes into contact with employees to treat them with respect.

Most of customers are satisfied with services provided. But the Council recognises that sometimes this isn't always the case. To carry out its work the Council need to make sure we are using our resources in the best way. To do this our decisions about are made in line with our appropriate policies and procedures. This might mean we can't respond to every issue in a way an individual may want if it means using a disproportionate amount of time and resource on a single case.

We understand that, in times of trouble or distress, people may act out of character, and, in a very small number of cases, may behave in an unacceptable way despite our best efforts to help.

This makes it difficult for us to deal with queries or complaints effectively. We also have a duty to protect the welfare and safety of our staff. They should be able to come to work without fear of violence, abuse, harassment, or discrimination.

Purpose of this policy

This policy means we can manage unacceptable customer behaviour consistently and fairly. It sets out clearly what we consider to be unacceptable and the steps we may take to deal with such behaviour. It applies to everyone who accesses our services to help us protect staff from abuse and harm.

You can expect that our employees will always:

- provide a fair, open, proportionate, and accessible service
- listen and understand
- treat everyone who contacts us with respect, empathy, and dignity
- behave in line with the Employee Code of Conduct

We expect people accessing our services to:

- be courteous
- engage with us in a way that does not hamper our ability to carry out our work effectively and efficiently for the benefit of all

Safeguarding and disclosures

If, in the course of Council work, an individual threatens to harm themselves or others, it will consider disclosing this to a relevant health professional. The Council may also contact the police if others are threatened with harm.

Definition of unacceptable behaviour

Unacceptable behaviour means acting in a way that is unreasonable, regardless of the level of someone's stress, frustration or anger. It may involve acts, words or physical gestures that could cause another person distress or discomfort.

Aggressive or abusive behaviour

Warwick District Council supports a zero-tolerance approach to abusive or aggressive behaviour towards its staff. Staff have a right to assist clients without fear of being attacked or abused. Any incidents of this nature will be considered under the Council's Violence and Aggression at Work Policy.

Unreasonable demands and vexatious complaints

Customers might make requests that we cannot reasonably accommodate. This may include but is not limited to:

- the amount of information they seek
- the nature and scale of service they expect
- the volume of correspondence they generate
- a remedy or outcome that cannot be achieved

The Council accepts that someone who is persistent is not necessarily guilty of unacceptable behaviour. What is seen as an unreasonable demand will depend on the circumstances of each case. The Council will always consider each complaint on its own merits.

However, the behaviour of someone who persistently contacts the Council about the same issue, when that issue has been dealt with in line with the Council's usual processes, can, in some circumstances, amount to unreasonable demand.

Such behaviour takes up a disproportionate amount of our time and resources and can affect our ability to provide a service to others.

Examples of behaviour which we consider as unreasonable demands and vexatious complaints include but are not limited to:

- refusing to follow our complaints procedure
- persistently pursuing a complaint where the Commission's complaints procedure has been fully and properly implemented and exhausted, but no appeal has been made to either the Housing Ombudsman or Local Government & Social Care Ombudsman.
- after the Ombudsman has considered and concluded the case, making a further complaint on the same issue
- contacting us repeatedly and frequently without giving us enough time to respond to previous correspondence
- insisting on seeing or speaking to a particular member of staff when a suitable alternative has been offered
- visiting our offices without an appointment *and insisting on meeting an individual*
- focusing disproportionately on a matter in relation to its significance and continuing to focus on this point despite receiving proportionate responses addressing the matter
- adopting a 'scatter gun' approach: pursuing parallel complaints about the same issue with different members of staff
- threatening or using actual physical violence towards staff or their associates
- being personally abusive or verbally aggressive towards staff dealing with their issue or their associates
- recording meetings or conversations (whether face-to-face or on the telephone) without the prior knowledge or consent of other people involved

How we will respond to incidents of unacceptable behaviour

The Council does not expect its employees to tolerate unacceptable behaviour when communicating with its customers. When this happens, its employees have the right to:

- place callers on hold
- end the call
- not reply to an abusive email or letter - we will only review these communications to ensure no new issues have been raised

Before taking such action, officers will always warn customers that they are behaving in an unacceptable way to give them the chance to change their behaviour.

However, a warning will not be given in extreme cases to protect our staff, for example, when a physical threat is made.

Where these circumstances arise, we will take the following steps:

- we will ask customers to modify their behaviour and explain why
- if the behaviour continues to be unacceptable, our employees will remove themselves from the situation. If the communication is by telephone, the caller will be told that the call will be ended
- the employee will inform their manager who will keep a record of the incident. In all cases a manager will investigate the situation and decide what action to take. This could include limiting a customer's contact with us
- we will refer the matter to the police where a criminal offence has been threatened or committed

Communication restrictions

If customers continue to behave unacceptably, a Head of Services after consultation with the Policy Performance and Complaints Manager can put in place restriction on a customer. If the Council decides to do this, it will tell the customer that it is doing, setting out:

- why it consider their behaviour unacceptable
- what action it is taking and the time limit on the restrictions

If it decides to limit communication, will make a note of the limitation and inform relevant officers, Ward Councillors and Portfolio Holders.

Communication might be:

- limited to being conducted in writing
- limited to a specific individual
- removed from Council's social media and be blocked from our accounts
- limited to a specific email address or telephone number
- placed on file without a further response if the issued raised in the correspondence has previously been considered
- limited in other ways which we consider appropriate in the circumstances, in line with this policy

In addition, we reserve the right to:

- limit telephone contact to set times on set days
- restrict contact to a nominated employee who will deal with all future calls or correspondence
- restrict the issues on which we will correspond
- block emails or telephone numbers if the number and length of communications sent is excessive

- refuse to consider a complaint or any further contact in exceptional circumstances
- take any other action which we consider necessary or appropriate to make this policy effective.

Where circumstances are serious enough to warrant further restrictions, the Council may take legal action to prevent further contact/unacceptable behaviour.

In making any decision to take legal action in such cases, we may consider:

- how legal action may affect our staff
- how legal action may affect the individual (including their personal circumstances and any reasonable adjustments)
- the extent to which we can engage or assist
- the extent to which the process or subject matter has been exhausted

Equality Act 2010

The Council will make sure that it meets the requirements of the Equality Act 2010 and the Public Sector Equality Duty. This includes making sure we consider adjustments for people with protected characteristics.

Some people may have difficulty expressing themselves or communicating clearly and/or appropriately. We will always consider the needs and circumstances that we have been made aware of, before deciding how best to manage the situation. This will include making reasonable adjustments.

However, this does not mean we will tolerate abusive language, shouting, or other unacceptable behaviour or actions.

If an individual with a protected characteristic becomes the subject of a restriction under this policy, we will consider whether the restriction may affect them more than someone without that characteristic. If this is the case, we may make different arrangements so they can still access the service.

Review

Any decision to restrict communications will include a time period for review and when appropriate we may lift some or all restrictions.