

UPDATES TO THE COUNCIL'S CORPORATE COMPLAINTS POLICY

Cabinet Member(s)	Councillor Douglas Mills
Cabinet Portfolio(s)	Corporate Services
Officer Contact(s)	Ian Anderson – Digital and Intelligence
Papers with report	Appendix A – Revised Corporate Complaints Policy

HEADLINES

Summary	This report to Cabinet seeks approvals to update the Council's Corporate complaints policy and procedure following changes requested by the Ombudsman.
Putting our Residents First Delivering on the Council Strategy 2022-2026	This report supports our ambition for residents / the Council of: An efficient, well-run, digital-enabled council working with partners to deliver services to improve the lives of all our residents A Digital-Enabled, Modern, Well-Run Council
Financial Cost	Compensation payments to complainants will be met from existing service area budgets.
Relevant Select Committee	Corporate Resources & Infrastructure Select Committee
Relevant Ward(s)	All

RECOMMENDATIONS

That the Cabinet

- 1) Agree the updated Corporate Complaints Policy as set out in Appendix A.
- 2) Request Full Council considers updating the Terms of Reference of the Corporate Resources & Infrastructure Select Committee to formally recognise it as the "Member Responsible for Complaints" as per the Ombudsman's updated Codes.

Reasons for recommendation

To comply with changes to guidance requested by The Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS). These are the independent statutory bodies that investigate complaints about the services the Council provides and failure to implement the changes would result in reputational damage, adverse decisions against this

Council, payment of compensation for failure to comply with complaint handling procedures and adverse publicity.

Alternative options considered / risk management

The Council could choose not to implement all or some of the changes recommended in the Complaint Handling Codes but the changes required of us are relatively minor and in many cases to our benefit. The risk of not implement all or some elements of the codes are that there would be findings of maladministration for non-compliance by the Ombudsman.

Democratic compliance / previous authority

Cabinet is the body to authorise changes to key corporate policies and full Council the body to authorise any changes to the Terms of Reference of a Select Committee.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

1. Complaints are part of every organisation in the world, and in local authorities the volumes and complexity of them are a result of the nature and volume of our public facing services. Key to this is how we improve the services we deliver for our residents, as well as ensuring that the information we give out gives clarity to what our service standards are and what you can expect from us. We are committed to continually improving our services, and using the information from the complaints we receive to do this, as well as learning how we communicate better and resolve queries first time.
2. The Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman Service (HOS) carried out a consultation of their users in late 2023 in which they set out their proposed joint Complaint Handling Codes. The outcome of their consultation was published in February 2024 in which they issued new and revised Complaint Handling Codes, requesting that all Local Authorities/social housing landlords begin to comply with the guidance issued from 1 April 2024. The guidance is set out in the background papers to this report.
3. The main changes required of us are relatively minor and are straight forward for the Council to apply, namely:

a. reduce the number of formal complaint stages from 3 to 2;

Whilst we had a 3 Stage Corporate complaint procedure, in practice we have only used Stage 3 (Appeal to the Chief Executive) once in the past 5 years. The change recommended is helpful and ensures that where a complainant is dissatisfied with the response(s) they had received they can now raise the matter much earlier with the Ombudsman for independent review.

b. remove “Informal complaints” as a category and replace it with “Service Requests”;

The LGSCO and HOS have requested that all Local Authorities no longer use the informal complaint step in our complaint process but that this is replaced with “Service Request”. The removal of the “Informal complaints” stage and replacing it with “Service Request” will be challenging to implement. This is because officers are exceptional at resolving complaints informally by way of a telephone call, email, or face to face contact and by doing so keep the number of formal complaints down. The approach of the Ombudsman will result in more formal complaints being registered and this will require more structured responses to be sent which will take up more officer time. The view of the Ombudsmen is that a low number of formal complaints suggests that we are preventing residents from complaining. Whilst this is not the case, we will be applying the LGSCO definition of a Service Request, namely: “*Service requests are not complaints but may contain expressions of dissatisfaction. Organisations should have the opportunity to deal with a service request before a complaint is made*”. Which should help to limit the impact on services and the need to register formal complaints.

c. the timeline for acknowledging receipt of a complaint is now set at 5 working days from the date the complaint is received (previously 3 working days);

The timelines set for acknowledging receipt of a complaint is welcomed as it gives officers in the complaint team additional time to process complaints.

d. the timeline for response at Stage 1 at 10 working days (no change) and at Stage 2 as 20 working days (previously 10 working days); and

The timeline for responding to a Stage 1 complaint remains unchanged at 10 working days but the timeline set for Stage 2 complaints has been changed to 20 working days. These changes are welcomed as is the Ombudsman decision that the timeline set for responding to a Stage 1 and 2 complaints begins from the date of the acknowledgment. This will ensure that officers in the various departments will have the full quota of days to investigate and respond to complaints.

e. the Member Responsible for Complaints role is performed by the Finance and Corporate Services Select Committee.

The Ombudsman request that a ‘Member Responsible for Complaints’ (MRC) be appointed to undertake the role of scrutiny and oversight of the handling of complaints within this Council. The MRC can be a Cabinet Member or, for example, collectively through a Select Committee who are to be provided with regular updates on the volumes of complaints, categories, trends and outcomes of complaints. For many years it has been a well-established activity for the Council’s Select Committees to monitor and scrutinise the Council’s complaints performance annually, with the annual complaint’s report being most recently presented to the former Finance and Corporate Services Select Committee in 2023/24. Going forward, it is suggested that this role continues to be performed by a select committee, and in this case the successor Corporate Resources & Infrastructure Select Committee, subject to full Council approval and a change the Constitution in this regard.

4. The Complaint Handling Codes has very minor impact on the statutory Children and Adult Social Care complaint procedures namely that the timeline for acknowledging receipt of a complaint is now set at 5 working days (previously 3 working days).

Cabinet is requested to agree to an updated Corporate Complaints Policy incorporating these changes in paragraphs 1-3 above, as set out in Appendix A.

Learning from complaints

Learning from complaints is important to the Council. The receipt of any complaint provides Hillingdon with valuable feedback, an opportunity to learn from what has happened and make adjustments so that it does not happen again and by doing so improve the service we provide our residents. To this end, we have paid for a bespoke training course, run by the Local Government and Social Care Ombudsman expert, on investigating complaints, the processes to follow, appropriate redress to offer but also mechanisms they use to identify issues and make recommendations for change/service improvement. Officers found this course extremely helpful.

Since July 2023, we have been using the GOSS complaint portal to process and manage complaints. The new portal has provided us with the opportunity to better understand feedback we are receiving from our residents through the "Report It" data we receive, complaints, compliments and Members Enquiries. Through analysis we will be able, in the future, to better understand the specific issues that residents are raising through these mediums and identify trends which in turn will help us to address systemic problems at an early stage, without the need to escalate to the formal complaint stages or to Members. It is envisaged that this analysis could be used to identify gaps in staff knowledge, skills or processes and then develop training programs that could be tailored to meet a specific need.

Going forward, a Customer Experience Contact report covering both service request and complaint analysis will be developed, with the aim of identifying issues before they escalate into complaints and by doing so reduce the burden on our resources and a culture where service improvement is seen as the norm.

Financial Implications

Finance has reviewed this report and confirms there are no direct financial implications associated with the proposed changes to the complaints procedure.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities?

The Complaint Handling Code changes are there to ensure transparency, accessibility and a consistent complaint handling governance structure which ensures that our residents are at the heart of our service delivery. The changes will help to enhance our existing complaint handling culture and it clearly sets out what our residents can expect from us when they are dissatisfied with the service they have received. For our staff, it sets out clear procedures that they need to follow when processing, investigating and responding to complaints.

Consultation carried out or required

No consultations were carried out or required as the Council is implementing changes that the Local Government and Social Care Ombudsman and Housing Ombudsman Service require of social landlords and Local Authorities.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed this report and confirms there are no direct financial implications associated with the proposed changes to the complaints procedure.

Legal

Legal Services confirm that the legal implications are included in the body of the report.

BACKGROUND PAPERS

- 1) Housing Ombudsman Service Complaint Handling Code
- 2) Local Government and Social Care Ombudsman Complaint Handling Code

These can be found on the Council's website here: [Complaints - Hillingdon Council](#)

Appendix A - Revised Corporate Complaints Policy & Procedure

1. Our complaint policy

Scope of our policy

This policy and procedure applies to all Council employees and to employees and organisations who deliver services on behalf of this Local Authority.

Introduction

The Council is committed to putting people at the centre of everything we do and aims to provide the best possible service to residents. However, sometimes things can go wrong and if you are not happy with the service you have received from the Council then please tell us so that we can, where possible, sort out the problem.

We will carry out enquiries fairly, deal with your complaint as quickly and effectively as we can while maintaining confidentiality and keeping you informed of progress. We want to reassure you that the service you get will not be affected if you raise concerns or make a complaint.

The policy and procedure:

- allows managers to address issues of unsatisfactory service and seek improvements in service delivery;
- ensures that customers are treated fairly and consistently;
- ensures that a proper and adequate investigation takes place before any action is taken;
- requests for reasonable adjustments will be considered in line with the Equality Act 2010 and appropriate training is provided for staff; and
- safeguards the integrity and good reputation of the Council.

Whenever you contact us, we will:

- be polite and treat you with respect;
- give you honest and clear advice;
- make it clear what we can and cannot do;
- listen to your views; and
- admit when things go wrong and do our best to put them right.

What we ask you to do:

- treat us politely and with respect; and
- tell us when things go wrong so that we can put them right.

What is a complaint?

In general terms a complaint can be considered as: “*an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the council, its own staff, or those acting on its behalf, affecting an individual or group of individuals.*”

How can people complain?

Complaints can be made quickly and easily 24 hours a day, seven days a week via our website at www.hillingdon.gov.uk/complaints.

If you need an adjustment to be made, please call the complaint team. It is somewhat difficult to investigate a complaint submitted anonymously but where we have sufficient information to allow an investigation to begin, we will do so. Where possible, we will also respect a complainant's reasonable request for anonymity.

Who can complain?

Anyone who uses our services and is dissatisfied with the standard of service we have provided or our lack of action. The Council will also accept complaints by an advocate on behalf of a resident, with appropriate consent. However, any complaint should be made within 12 months of the issue/incident complained of.

What can people complain about?

People can complain about any **services** that the Council provides or contracts out. However, please note that:

- although a complaint can be submitted against Council **policy**, please be aware that Council policy cannot be overturned through the complaint process as this can only be done through the statutory decision making procedure;
- we will not deal with issues through the complaint procedure where a claim has been made in a court such as a disrepair claim; and
- issues relating to employment or application for employment with the Council cannot be addressed through the complaint procedure.

Remedies for redress

The purpose of redress is to remedy the injustice or hardship suffered and where possible to return a complainant to the position they would have been before the situation went wrong.

Types of redress include:

- an apology;
- providing the service that should have been received at first;
- taking action or making a decision that should have been done before;
- reconsidering an incorrect decision;
- improving procedures so that similar problems do not occur again; and
- if after an investigation by Council staff or the Ombudsman, it is concluded that as a result of maladministration there is no practical action that would provide a full and appropriate remedy or if the complainant has sustained loss or suffering, financial compensation may be the most appropriate approach.

Unreasonable or Unreasonably Persistent complaints

If we consider that a complainant is unreasonable or unreasonably persistent, we will refer the matter to a senior manager, who will consider whether restrictions should be placed on their contact with the Council.

The Corporate Complaints Procedure

Our complaints procedure is designed to support the effective management of complaints and is set out below.

SERVICE REQUESTS

We will always try to resolve enquiries/concerns by way of 'service requests' by talking through problems with you, without the need to go through our formal complaints procedure. We will acknowledge receipt within 5 working days, aim to put things right and give you a timescale when we will respond to you, detailing the action we have or will be taking.

If you are dissatisfied with the outcome, we will tell you how to proceed within the formal complaint procedure, which is outlined below.

FORMAL STAGE 1

A complaint will be registered under Stage 1 of our formal complaint's procedure when:

- we cannot resolve the problem by way of a "Service Request"
- you tell us that you want to make a formal complaint
- we believe it is necessary to use the formal procedure to resolve or respond to the complaint

Complaints at Stage 1 will be investigated by a Head of Service or the appropriate manager, from the service you have complained about, who was not directly involved in the reason for your complaint.

Prior to that, we will acknowledge receipt of the complaint within 5 working days of receipt and tell you who is looking into it. We aim to give you a response to your complaint at Stage 1 within

10 working days of our acknowledgment. If this is not possible, we will write to you and let you know if more time is needed and the estimated time it will take to provide a full response. If you are not happy with the response you receive, the full response will tell you:

- how to escalate your complaint to Stage 2; or
- that you may escalate your complaint direct from Stage 1 to the Housing Ombudsman Service or to the Local Government and Social Care Ombudsman if we feel that the decision cannot be overturned through the complaint process.

FORMAL STAGE 2 (Review)

You can ask us to review your complaint at Stage 2 if:

- you are unhappy with how your complaint was handled at Stage 1
- you are unhappy with the response you have received

In your appeal please do say why you are dissatisfied with the response and what further action you expect.

Complaints at Stage 2 will be investigated by a Director or Corporate Director, who will review how your complaint was dealt with originally to decide if:

- the complaint was investigated thoroughly and objectively
- the conclusions reached are based on evidence
- the response was reasonable, appropriate and tried to achieve a resolution

We will acknowledge your request for an investigation at Stage 2 of the Corporate complaints procedure within 5 working days of the escalation request being received and tell you who is looking into it. We will aim to give you a full response to your complaint at Stage 2 within 20 working days of the complaint being acknowledged and if we cannot finish our investigation in time, we will let you know and tell you when you can expect our response.

If you are unhappy with the response you receive, the full response will tell you how to escalate your complaint to the Housing Ombudsman Service or the Local Government and Social Care Ombudsman for independent review.

TAKING YOUR COMPLAINT FURTHER

If your complaint is about Housing management matters, (but not Lettings/Housing allocations) your complaint will be considered by the Housing Ombudsman Service.

A. Housing Ombudsman Service

The Housing Ombudsman Service is set up by law to look at complaints about registered providers of social housing and their service is free, independent and impartial. The contact details of the Housing Ombudsman are:

Housing Ombudsman Service
P O Box 152
Liverpool
L33 7WQ
Telephone 0300 111 3000
Email info@housing-ombudsman.org.uk

B. Local Government and Social Care Ombudsman (LGO)

If your complaint is about any other Council service, your complaint will be considered by the LGO. The contact details of the LGO are:

Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH
Telephone: 0300 061 0614
Website contact: www.lgo.org.uk/contact-us