

# STRONGER together



Lewes District Council



Working in partnership with **Eastbourne Homes**

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# Introduction

We are committed to providing high quality services, with our customers at the heart of everything we do. We do our best to make sure your contact with us is professional, courteous and goes beyond our customers' expectations. However, we do accept that sometimes things can go wrong and at these times we need to listen to our customers' views and put things back on the right track.

This complaints management policy is designed to ensure that all complaints are dealt with in a consistent way and to a high standard.

This policy has been drafted in line with the complaint handling code 2024 developed by The Housing Ombudsman Service and The Local Government and Social Care Ombudsman

## Making a complaint

Not all problems raised by customers are complaints. When an officer first receives information from a customer which is indicating dissatisfaction the first response should always be to try to resolve the issue. If further enquires are needed to resolve the issues, or if the customer requests it, the issue will be logged as a complaint.

### How we define a complaint

A complaint is defined 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. Each complaint will be judged on its own merit.

Complaints fall into 4 categories;

1. Poor service standards - if the quality of a service provided by Lewes District Council or Eastbourne Borough Council does not meet a customer's expectations. For council housing tenants, disrepair claims are included within this category.
2. Repeated service failures - When a service delivered by Lewes District Council or Eastbourne Borough Council has not done what it was expected to on more than one occasion.
3. Equality breaches - If the customer believes that they have been discriminated against due to their age, disability, gender, marriage, civil

partnership, pregnancy, maternity, race, religion or belief (including lack of belief) or sexual orientation.

4. Staff/contractor complaint - If you are dissatisfied with the actions, outcomes, service or behaviour of a contractor or person delivering a service for Lewes District Council or Eastbourne Borough Council

A complaint submitted by a third party or a customer's representative will be handled in the same way as a complaint made directly by the customer. Appropriate authority must be provided to act on the customers behalf before any enquiries are carried out.

## **What is NOT a complaint**

The following may be perceived to be a complaint by the customer but would not be dealt with under the complaints procedure because the council has another process for dealing with the issue or has not yet had the chance to put things right. Customers are advised of these differences on the council's website<sup>1</sup>. The types of issues NOT dealt with as complaints include;

1. Reporting a problem. The customer can report a problem on the relevant page on the website, or contact the customer contact team, should they have one of the following problems to report;
  - a. Report a missed bin collection
  - b. Request a repair or adaptations for a council property
  - c. Report food premises
  - d. Report street cleanliness issues such as fly tipping, litter, dog fouling, dead animals and vandalism
  - e. Report a planning breach
  - f. Report a noise nuisance or anti social behaviour
  - g. A service request, which is defined as a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision
  - h. Or any other issue the council is not yet aware of
2. Appealing service outcomes/decisions. As a Local Authority we make decisions that customers are sometimes unhappy about or feel that the council has got wrong. Ordinarily these should not be dealt with through the Complaints Procedure, but as appeals. Such decisions include;
  - a. Housing Benefit claim outcome or entitlement decision
  - b. Council Tax calculation
  - c. Homeless Decision
  - d. banding on the Housing Register

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<sup>1</sup> [Make a complaint - Lewes and Eastbourne Councils \(lewes-eastbourne.gov.uk\)](https://www.lewes-eastbourne.gov.uk)

- e. Housing register application decision
  - f. Parking ticket appeal
  - g. Planning application decision
  - h. Freedom of Information request
  - i. Leasehold charges
3. Complaints about a councillor. Complaints about the conduct of a councillor, either from the district council, or from one of the parish or towns within the district, follow a separate process. Details of this can be found on the council's website<sup>2</sup>.
4. Feedback about a policy. If a customer does not agree with one of the councils' policies, again, we cannot consider this as a corporate complaint, however we will review the feedback received. In this situation they can provide feedback or suggest an amendment. This should be done by the customer going to the 'contact us' page on the council website or by giving the feedback via the customer contact team.

If we are unable to accept the customer complaint, we will advise the customer of this, provide evidence as to why we have reached this conclusion, and refer them to the relevant Ombudsman.

## **Timescales and exceptions**

The council is committed to investigating complaints that have occurred within 12 months of the customer becoming aware of the issue or the issue occurring. Complaints made outside of this time limit, where there are good reasons to do so, the council will apply discretion and the complaint may still be accepted. However, as a general rule the council will not accept a complaint if:

1. The issue is more than 12 months old.
2. The issue did not affect the complainant personally.
3. The issue affects most/all people in an area (i.e. not specific to the complainant or a specific sub-group in an area),
4. Is something which has already been subject to appeal or legal action, where an appeal is in progress, or the complainant could reasonably have made an appeal, or taken legal action, but has chosen not to do so. In this situation, the council will decline to investigate, stating the reasons why in their response to the complainant, as indicated above, and explain the right for the customer to take that decision to the Ombudsman.
5. Matters that have previously been considered under the complaints policy. (unless new evidence is presented), or which has previously been determined by a court, tribunal, or Ombudsman.

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<sup>2</sup> [Complaints against councillors - Lewes and Eastbourne Councils \(lewes-eastbourne.gov.uk\)](https://www.lewes-eastbourne.gov.uk)

## How the customer makes a complaint

An individual should be able to raise their complaint in any way and with any member of staff. The options are;

- a) To use the complaints form on the website<sup>3</sup>.
- b) To email the complaint to the council<sup>4</sup> to [customerfirst@lewes-eastbourne.gov.uk](mailto:customerfirst@lewes-eastbourne.gov.uk).
- c) To complain over the telephone, social media or face to face to our Customer Contact Team.
- d) Send a letter either to Lewes District Council, 6 High Street, Lewes, BN7 2AD or Eastbourne Borough Council, Town Hall, Eastbourne, BN21 4UG
- e) Explain the nature of the complaint verbally, with a council officer documenting this as a formal complaint.

If the customer asks to make a verbal complaint, they may do so to any council officer, and if this approach is taken, the officer should record the complaint on the council's complaint form and ensure it then follows the same procedure as if the customer had completed the complaint themselves. In some instances the Customer Contact Team may resolve the complaint immediately and advise the customer of the outcome.

If the customer requires any reasonable adjustment to be made in line with the Equality Act, then this will be recorded as part of the complaint and kept under review throughout the process. Examples may include translation and interpretation services, large print and assistance to record the complaint.

## Stages of considering a complaint

Once a customer has made a complaint, the council will follow a standard procedure. The details of this procedure are set out in staff guidance<sup>5</sup> A full record of all stages of every complaint will be held centrally for reporting, monitoring and improvement purposes.

Initially the complaint should be discussed informally with the customer. If resolution cannot be achieved this way, then the complaint should be moved to an investigation stage. Complaints resolved immediately by the Customer Contact Team will be recorded as a stage one response.

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<sup>3</sup> [Customer complaints - Lewes and Eastbourne Councils \(lewes-eastbourne.gov.uk\)](https://www.lewes-eastbourne.gov.uk)

<sup>4</sup> [customerfirst@lewes-eastbourne.gov.uk](mailto:customerfirst@lewes-eastbourne.gov.uk)

<sup>5</sup> [Policies - Staff Guidance on Complaint Handling Feb 2019 Final.pdf - All Documents \(sharepoint.com\)](#).

## **Stage 1 Complaint**

A stage 1 complaint will be acknowledged within 5 days of receipt and responded to within 10 working days of the acknowledgement. The investigation should be undertaken by the Investigating Officer (IO). The investigating officer should be someone who has knowledge of the service area, but if the complaint is against an individual, that person should not undertake the investigation. An IO should have received complaints training before investigating the complaint.

If an additional issue, clearly related to the original complaint, is raised during the investigating period then the response should address this new issue alongside the original complaint. If a new issue is identified which is not related to the original complaint, or the stage 1 response has already been completed, then it should be addressed as a new complaint.

## **Stage 2 Complaint**

If a customer is not satisfied with the investigation that has been carried out at stage 1 they may ask for it to be escalated to stage 2. A stage 2 complaint will be acknowledged within 5 days of receipt of the request to escalate and responded to within 20 working days of the acknowledgement. The IO for stage 2 should be different to the IO for stage 1. When the stage 2 response is made to the customer it will include explanation of the role of the ombudsman, and the process for asking the ombudsman to consider the complaint further.

The council will accept any escalation of a complaint to stage 2 unless there is a valid reason not to do so. If this is the case, the reason will be clearly explained to the customer.

## **Responding to complaints**

When responding to a complaint the IO should normally include;

- a) The complaint stage
- b) The complaint definition
- c) The decision on the complaint
- d) The reasons for the decision
- e) The details of any remedy offered to put things right
- f) Details of any outstanding actions
- g) Details of how to escalate the matter to the next stage, if not satisfied
- h) Details of the relevant Ombudsman at every stage of the complaint process including response extension times



## Extensions

In exceptional circumstances an extension of a further 10 days is allowable, with the justification for this extension being clearly explained to the customer. If 10 days is not sufficient the Council will agree a new response timeline with the customer

The Council will advise the customer and the relevant Ombudsman, if appropriate, if an extension is proposed or agreed.

## Stage 3 Complaint

If the customer remains dissatisfied with the complaint outcome after stage two is complete, they may escalate their complaint to the relevant Ombudsman. All complaints must go through both stages of the council's complaints procedure first, except in exceptional circumstances.

The Housing Ombudsman would be the suitable body for housing complaints made by tenants about the council when acting as their landlord. All other complaints would be handled by the Local Government and Social Care Ombudsman.

## Upholding or not upholding a complaint

If a customer makes a complaint, the council has the option to either;

- a) Uphold the complaint – which means to agree with the complainant that the council has done something wrong. The expectation is that the council will then take remedial action, or
- b) Partially uphold the complaint – which means to agree that some part of what is being complained about is correct and requires a remedy, or
- c) Not uphold the complaint – which means the council does not agree that it has done anything wrong.

## Remedial action

If the council upholds the complaint in full or part, it is expected that remedial action will be taken. This could include one or more of the following:

- a) Apology – the council says sorry for what has happened. Acknowledging where things have gone wrong; Providing an explanation, assistance, or reasons.
- b) Action – the council puts right what was wrong for the customer, if this is possible. This may also be accompanied by a commitment

on the part of the council to instigate change in policy, procedure, or training for staff, to ensure the same thing does not happen again.

c) Providing a financial remedy

## Learning from complaints

The council is committed to publishing data on its handling and learning from complaints. The lead Cabinet Member for complaints will work with the relevant Council officers to implement improvements and performance will be presented to the relevant committees.

This includes:

- Analysing our complaints performance
- Assessing themes or trends
- Developing action plans for improvement
- Policies and procedures that may require revision

This can be found on our website alongside the complaints management policy.

## Unreasonable and unreasonably persistent complainants

When the persistence of a complainant goes beyond all reasonableness and continues even when a complaint or request has been addressed appropriately, then the council will consider it to be unreasonable. A Unreasonable and Unreasonably Persistent Complainant Procedure<sup>6</sup> has been developed to address these situations.

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<sup>6</sup> [Unreasonable and Unreasonably Persistent Complainant Procedure.pdf \(lewes-eastbourne.gov.uk\)](https://www.lewes-eastbourne.gov.uk)