

Report to: Scrutiny Committee

Date: 15 July 2024

Title: Complaints Management Policy

Report of: Robert Cottrill, Chief Executive

Cabinet member: Councillor Stephen Holt, Leader of the Council and Cabinet member for Community Strategy, Local Strategic Partnership, the Corporate Plan, Performance and Staff

Ward(s): All

Purpose of report: For Cabinet to agree a corporate complaints policy.

Decision type: Key

Recommendations to the Scrutiny Committee Officer recommendations to the Cabinet: (1) To note the report.
(1) To agree the draft Complaints Management Policy as set out at appendix 1.
(2) To agree to a period of consultation being undertaken on the draft policy with residents, tenants and other stakeholders.
(3) To give delegated authority to the Assistant Director for Customer Service and Delivery, in conjunction with the Cabinet Member, to undertake any final minor amendments to the Policy in light of the consultation.

Reasons for recommendations: To enable the public to have a clear understanding of the way complaints are dealt with by the council.

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1 Introduction

1.1 Complaints can be a useful barometer of external opinion and provide an early warning of problems that might otherwise stay unseen. Beyond this, they can

provide critical feedback to enable learning, reflection, and improvement for the organisation. For this reason, the council places considerable importance on the handling of complaints, to ensure that all are dealt with fairly, seriously and in a timely fashion.

- 1.2 In line with best practice from the Local Government and Social Care Ombudsman and also the Housing Ombudsman, the council has prepared a new Complaints Management Policy (see appendix). The policy provides a clear description for the public of how to make a complaint and how that complaint will be dealt with by the council.
- 1.3 Two national frameworks exist for the handling of complaints at the highest level. One being the Local Government and Social Care Ombudsman (LGSCO) and the other being the Housing Ombudsman (HO). In putting the new policy together, the council has been mindful of the requirements of both of these national bodies. Attempts have also been made nationally to align the requirements of both Ombudsman bodies, which have assisted this process.
- 1.4 Good complaint handling requires effective procedures and well-trained staff alongside a positive complaints culture that enables those procedures to achieve maximum impact. To this end, there are a series of more detailed, technical documents for staff that sit alongside this policy. Those supporting documents provide advice and guidance about how to respond to a complainant appropriately.
- 1.5 All complaints follow the same basic process. If they cannot be resolved informally with the complainant, then the first stage is an investigation by a first stage officer, with a written response, including any the actioning of any relevant remedy. The council has 10 days to address the first stage. If the complainant is not satisfied with this, then there is a second stage, which will be responded to by a more senior officer within 20 days. The final stage, should the complainant still be dissatisfied, lies with either the LGSCO or the HO, depending on the nature of the complaint.

2 Implementing the policy

- 2.1 It is important that the new policy is properly implemented. A recent internal audit investigation demonstrated the need for the adoption of this formal policy. Alongside this, the audit made recommendations for other improvements in relation to complaints handling. One of the main recommendations was that complaints training should be made mandatory for all staff.
- 2.2 An online training programme (delivered through the council's online training portal) has already been established, but as a result of the audit recommendation, this will now become mandatory for all staff when they start with the organisation and bi-annually thereafter. More in depth training for those regularly involved in responding to complaints as part of their job will be provided by the LGSCO and/or HO periodically.

3 Outcome expected and performance management

- 3.1 Cabinet will be aware that, as part of the quarterly performance report received by the Committee, a regular update is provided on the number of complaints received by the council. The proportion of those complaints dealt with within the target response time is also reported. One of the reasons for producing this new policy and carrying out the associated training is to bring about improvements in this area of the council's work.
- 3.2 By responding to complaints in a more timely manner, and ensuring good quality, full responses in all cases will have a number of benefits. It will;
- reduce the number of complaints being escalated to stage 2
 - reduce the likelihood of complainants also choosing to approach their councillor or MP about the same issue
 - reduce the amount of time being spent dealing with complaints and
 - increase the capacity for problems and issues to be addressed before a complaint is received.

4 Consultation

- 4.1 Following consideration by Cabinet, formal consultation will be undertaken with residents, tenants and other stakeholders to ensure the Policy is fully supported by those who may choose to make complaints to the council in the future.

5 Corporate plan and council policies

- 5.1 The council's corporate plan for 2024 – 2028 states that the council will "*Continue to embed a culture of continuous improvement, where we constantly re-evaluate our quality of service*". This Policy helps us to achieve that objective.

6 Financial appraisal

- 6.1 Whilst there are no financial implications related to the specific officer recommendations within this report, it should be noted that there is an inherent financial cost by not dealing with complaints in a timely manner in respect of officer time, resources and the increased risk of financial penalties being imposed on the Council.

7 Legal implications

- 7.1 The policy has been reviewed in line with best practice from the Local Government and Social Care Ombudsman.

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8 Risk management implications

- 8.1 Should the council not deal with the complaints it receives, or deal with them inadequately, there is a reputational risk that residents will feel less confident of the council's ability to address their issues in the future. There are also financial

risks related to the level of compensation that the Ombudsman may require the council to pay to a complainant in the case of their complaint being upheld.

9 Equality analysis

- 9.1 An Equality and Fairness Analysis was undertaken in 2019, when the joint arrangements between EBC and LDC were established. Following this there have been no substantive changes to the complaints processes as set out in the attached policy. Therefore, there is no requirement for a new analysis to be undertaken.

10 Environmental sustainability implications

- 10.1 There are no direct environmental sustainability implications arising from this report.

11 Appendices

- Appendix 1 - Complaints Management Policy

12 Background papers

The background papers used in compiling this report were as follows:

- [Customer Complaints Procedure \(lewes-eastbourne.gov.uk\)](https://www.lewes-eastbourne.gov.uk)
- [Joint Unreasonable customer behavoiur policy.pdf \(lewes-eastbourne.gov.uk\)](#)
- [Unreasonable and Unreasonably Persistent Complainant Procedure.pdf \(lewes-eastbourne.gov.uk\)](#)