



# COMPLAINTS AND COMPLIMENTS POLICY



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## Document history

Date	Version	Author	Changes made
1 December 2023	1.0	Lynn Smith	Policy updated/refreshed upon introduction of new Portfolio Holder and Strategic Director.
15 February 2024	2.0	Lynn Smith	Policy updated/refreshed in line with The LGSCO Complaint Handling Code - recommendations issued February 2024.

## Approvals

Name	Role/title	Date
Bob Watson	Strategic Director of Finance & Customer Service	1 February 2023
N/A	CMT	7 February 2023 25 April 2023
N/A	Joint Staff Consultative Group	March 2023
N/A	Executive	June 2023
N/A	CMT	14 <sup>th</sup> May 2024



## 1. Introduction

The purpose of the Complaints and Compliments Policy is to provide an authority wide framework which helps us capture and learn from what we do well and resolve dissatisfaction about a service, officer, contractor, policy or procedure.

## 2. Scope

This policy applies to all members of staff , (including fixed term, agency staff and volunteers or work experience students), partners and contractors.

This policy does not apply to the merits and judgment of any decision on a planning or licensing application.

The Council has a Unreasonable, Persistent and Vexatious Communication & Complaints (UPVC) Policy & Procedure a copy of which can be made available to a complainant upon request. In some circumstances if someone is deemed vexatious under this policy the complaint may not be considered. In such circumstances the complainant will be notified as to why they are considered vexatious and why their complaint may not be actioned.

If it is appropriate that a complaint be dealt with under another process (e.g. Legal or Members complaints) then complainants will be notified accordingly.

Complaints received in reference to Information Rights under the Freedom of Information Act 2000 (FOI) and Environmental Information Regulations 2004 (EIR) will be managed by Information Governance under the FOI complaints process which can be found at <https://www.surreyheath.gov.uk/about-council/information-and-data/freedom-information/freedom-information-complaints>

Complaints received in reference to Individuals Rights to personal data held and processed by the Council under the UK GDPR and Data Protection Act 2018 will



be managed by Information Governance, under the Councils Individual Rights Procedures which can be found at <https://www.surreyheath.gov.uk/sites/default/files/2023-06/Individual%20Rights%20Procedures.pdf>

Information Commissioners Officer (ICO) - If you are not satisfied with the outcome of the Councils handling of your complaint in reference to FOI, EIR or UK GDPR requests, you can apply to the regulatory body, the ICO, for a decision on the [ICO website](#).

Local Government and Social Care (LGSCO) Ombudsman - If your complaint is in relation to Council Services or Adult Social Care. Once you have completed all stages of the Councils complaints process, as detailed in this policy, if you are not satisfied with the Councils response you can make a complaint to the LGSCO for an independent investigation on the [LGSCO website](#).

Certain decisions about homeless applications (The Housing Act 1996, Part VII, as amended) and housing register applications (The Housing Act 1996, Part VI, as amended) have legal provisions for an internal review when a resident is unhappy with the initial decision made. In such cases the resident will be advised of their right to review, how to request one and what external support there is for them to challenge the decision. Where an applicant is dissatisfied with a review decision in respect of a homelessness application there is a further right to appeal to the County Court on a point of law. Again, applicants will be advised of this right when issued with the decision. In some cases, certain challenges are also available through judicial review, for example the refusal to provide emergency accommodation or the provisions of the Council's Housing Allocation policy. While the decision in a homelessness or housing register assessment is covered by the review process, applicants can use Council's complaints process if they are unhappy with the administration of their application (e.g. the time taken, or the way information has been assessed).



If a complaint relates to a service that has been provided by a third party (e.g. a contractor) or independent adjudicator at any stage, it should form part of the two stage complaints process set out in this Policy. Individuals should not be expected to go through two complaints processes.

The Council is responsible for ensuring that any third parties acting on behalf of the Council also handle complaints in line with the LGSCO Complaint Handling Code.

### 3. Policy Statement

Surrey Heath Borough Council is committed to consistent, fair and confidential complaint handling and to resolving complaints in an as timely way as possible. We aim to make it simple and unbureaucratic for people to make a complaint if they are dissatisfied and we will treat all customers making a complaint fairly and equally.

### 4. Principles and Aims

A priority within the Council's Strategy 2024-2028 "Delivering for you and a fairer society", is our Campaign for Residents and to listen to and engage with residents; this puts customer service at the heart of everything we do by maintaining an open and transparent approach. The aim of the complaints and compliments system is to provide a framework which helps resolve dissatisfaction about a service or lack of service or records user feedback on services that have performed well. This provides an opportunity to learn from the process and recognise what we do well.

### 5. Definition of a Service Request and Complaint

Effective complaint handling enables individuals to be heard and understood. The starting point for this is a shared understanding of what constitutes a service



request and what constitutes a complaint. In most cases, organisations should be able to put things right through normal service delivery processes.

A service request may be defined as:

*A request that the organisation provides or improves a service, fixes a problem or reconsiders a decision.*

A complaint may be 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.*

An individual should not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative should still be handled in line with the organisation's complaints policy.

## 6. Stages

The complaints system is split into two stages;

Stage One Service Management response required.

Stage Two Review by an independent Senior Manager.

It excludes requests for a service or for an explanation of a decision.

To ensure the Council's policies are as accessible as possible to all. A complaint can be made in any of the following ways:

- In person
- By phone
- In writing
- By email [contactcentre@surreyheath.gov.uk](mailto:contactcentre@surreyheath.gov.uk)



- By using our online feedback form (Hard copy also available)
- By a representative

## 7. Stage One

Consideration should be given to which complaints can be responded to as early as possible, and which require further consideration. In addition, the Council should consider factors such as the complexity of the complaint and whether the individual is vulnerable or 'at risk'. Most Stage One complaints can be resolved promptly, and an explanation, apology or resolution provided to the individual.

If all or part of the complaint is not resolved to the individual's satisfaction at Stage One, it should be progressed to Stage Two of the organisation's procedure. Stage Two will be the Council's final response.

## 8. Stage Two

The stage two complaints procedure applies:

- where a complainant remains dissatisfied with the outcome of a Stage One complaint, or
- where the complainant alleges improper conduct or maladministration, or
- where the matter is complex or serious enough to be handled by a senior member of staff.

Requests for Stage Two should be acknowledged and logged at Stage Two of the complaints procedure within five working days of the escalation request being received. Within the acknowledgement, organisations should set out their understanding of any outstanding issues and the outcomes the individual is seeking.

Although Individuals should not be required to explain their reasons for requesting a Stage Two consideration, if any aspect of the complaint is unclear, the



individual should be asked for clarification. Where possible, new or additional information, not contained within the initial complaint should be encouraged.

Organisations should make reasonable efforts to understand why an individual remains unhappy as part of its Stage Two response.

Ideally, a Stage Two complaint should not be raised just because the complainant does not agree with the decision, but should be because they feel that all the evidence was not presented (and should supply this) or that key facts were not considered (and these should be stated). Alternatively it may be contested that the responding officer at Stage One, has made a material error and this should be highlighted.

Complaints must be made by:

- the complainant, or
- someone acting on the complainant's behalf, or
- a member of staff, where the person with a complaint needs help.

The response to the Stage Two complaint should be the final response and should involve all suitable staff members needed to issue such a response.

All formal complaints Stage Two complaints will be investigated by a senior member of staff, a member of the Corporate Management Team (CMT) or a Strategic Director, or designated deputy (i.e. a senior manager of the Council).

The person considering the complaint at Stage Two should not be the same person that provided the response to the complaint at Stage One.

As part of the Stage 2 investigation the senior officer may wish to ask further questions as part of the process. In some circumstances it may be necessary to hold a direct meeting with the complainant. If this is the case the complainant must be given the opportunity to have a suitable representative accompany them to the meeting and or deal with their complaint on their behalf.





The senior management officer will provide a written decision, together with the reasons for the decision and any follow-up action required. To include:

- the complaint stage
- the understanding of the complaint
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions and
- details of how to escalate the matter to the Ombudsman if the individual remains dissatisfied.

Where a complaint relates to more than one Service, the response will be coordinated in consultation with the Customer Relations Manager. The Customer Relations Manager should clarify the nature of a multiple complaint and if further clarity is needed, contact the complainant to ascertain the nature of each complaint. The complaint will then be sent in its individual components to the relevant service. Coordination will be retained by the Customer Relations Manager.

The senior management officer will provide a written decision, together with the reasons for the decision and any follow-up action required.

A complaint record will be kept of all formal complaints, clearly summarising:

- what the complainant feels went wrong
- what, in the complainant's view, should be done to put things right
- the action taken, and
- the complainant's response (if any).



## 9. Summary of timetable for response

Stage	Responsible Officer	Service Standard for Response
<b>Stage One</b>	Team leader or Service Manager (WMT)	<p>Acknowledged and logged within five working days of the complaint being received.</p> <p>Full response to be made within ten working days.</p> <p>If this is not possible then holding response to be made by the investigating officer to complainant and complaints administration. Any extension should be no more than 10 working days without good reason and the reason(s) should be clearly explained to the individual.</p>



Stage	Responsible Officer	Service Standard for Response
<b>Stage Two</b>	Corporate Service Manager (CMT) or Strategic Director, or designated deputy (i.e. a senior manager of the Council).	<p>Requests for Stage Two should be acknowledged and logged at Stage Two of the complaints procedure within five working days of the escalation request being received.</p> <p>A final response to the Stage Two within 20 working days of the complaint being acknowledged.</p> <p>If an extension to this timescale is needed when considering the complexity of the complaint. The investigating officer will notify the complainant and complaints administration and inform both of the expected timescale for response. Any extension should be no more than 20 working days without good reason, and the reason(s) should be clearly explained to the individual.</p>

Each complaint will receive a unique reference number and will be held on a Complaints Register within the Customer Service team.

A copy of the Complaints and Compliments policy can be found on the Surrey Heath Borough Council website

<https://www.surreyheath.gov.uk/about-council/strategy-policy-and-management/policies-and-procedures/complaints-and-compliments-policy>



## 10. Local Government Ombudsman

Complainants, who are still dissatisfied with the way the Council has dealt with their complaint after going through Stage One and Two of the complaints process, can elect to take the matter to the Local Government and Social Care Ombudsman (LG&SCO) who is independent of the Council. Their address is:

Local Government and Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH  
Phone: 03000 610614  
Web: [www.lgo.org.uk](http://www.lgo.org.uk)

The Local Government and Social Care Ombudsman (LGSCO) publish annually, details of the complaints they have investigated and resolved on their [Local Government Complaint Review webpage](#).

Details of the Local Government and Social Care Ombudsman Complaint Handling Code can be found on their [Complaint Handling Code webpage](#).

## 11. Confidentiality

The identity of the person making a complaint shall be made known only to those who need to consider/administer the complaint (including third parties where allegations involving them are made by the complainant) and shall not be made public.



## 12. Rights of Appeal

At the conclusion of a Stage One complaint, complainants shall be told how they can pursue the complaint to Stage Two of the process and ultimately for external review to the Ombudsman.

## 13. Putting Things Right

The purpose of the complaints system is to put things right if they have gone wrong. More importantly to learn from any mistakes made and continue to strive to improve service provision going forward.

Where the investigating officer feels that they do not have the authority to agree a particular remedy, the matter should be referred to the appropriate senior officer.

## 14. Complaints Not Upheld

The Council recognise that most complaints come from people who have a genuine sense of grievance and any communication setting out the reasons for not upholding a complaint shall give a clear, full and sympathetic explanation.

## 15. Responsibility for the System

The Performance and Finance Scrutiny Committee will receive an annual report that analyses all complaints received by number, subject, outcome and also identify any lessons learned. The Committee also receive and consider the annual report from the Local Government Ombudsman. The Committee will make recommendations as necessary to the Executive.

## 16. Compliments

Compliments enable us to:



- Recognise that our service is being provided to the customers' satisfaction
- Provide positive feedback to our staff
- Influence our organisational and service development
- Learn and grow from the results of the compliments and complaints process

## 17. Recording compliments

Any verbal or written compliments will be recorded at the time the compliment is given, or as soon as possible afterwards. If appropriate the member of staff, line manager and Strategic Director will be made aware that a compliment has been received.

The customer will be notified of any action(s) taken/recommendations made in response to the compliment.

## 18. Review

A review of this policy will take place every two years or following a change in legislation or guidance.

