

Canterbury City Council

Complaints Policy



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1 Purpose

- 1.1 The purpose of this policy is to ensure the council has a standard and comprehensive approach to managing complaints.
- 1.2 We seek to reduce the incidents that cause dissatisfaction by understanding the reason for complaints and using that understanding to reduce or prevent them in the future.
- 1.3 The feedback from our customers is an important part of our continuous improvement.
- 1.4 Officers work collaboratively across departments to resolve complaints, taking collective responsibility.
- 1.5 This policy sets out our definition of complaints and how we will respond to them.

2 Scope

- 2.1 This policy applies to all services, other than the exceptions listed in section 5.2, that the council provides and applies to all council employees and other organisations outsourced or contracted delivering services for the council.
- 2.2 This policy also covers all forms of complaints, regardless of how they are made, including: those made in person, by phone, by letter, by email, by webform, by social media or by any other means.

3 Responsibilities

- 3.1 Directors and Heads of Service are responsible for the performance of their services.
- 3.2 This includes performance in relation to dealing with complaints.
- 3.3 It is for each Director and Head of Service to ensure their officers are familiar with the complaints process and to identify who will deal with stage 1 and stage 2 complaints.

4 Outsourced services:

- 4.1 We expect organisations providing services on our behalf to manage complaints.
- 4.2 Their responses will form part of CCC's stage 1 and stage 2 complaint responses.
- 4.3 This should be clear in the contractual arrangement for outsourced services.
- 4.4 The council retains responsibility for the provision of outsourced/contracted services.
- 4.5 The council's client officer is expected to maintain general oversight of complaints and to be responsible for any complaints referred to the council by an Ombudsman or other regulator in relation to that service.
- 4.6 Client officers may wish to review the complaints dealt with by the service provider to help manage quality of service.

- 4.7 Please note, the Local Government Ombudsman can, by law¹, treat the council as responsible for the actions of third parties who act on its behalf.

5 What is not a complaint under this policy

5.1 Service requests:

- 5.1.1 Service requests are not complaints but may contain expressions of dissatisfaction.
- 5.1.2 The council will aim to resolve matters to an individual's satisfaction before they become a complaint.
- 5.1.3 As set out in the Local Government and Social Care Ombudsman (LGSCO) Complaint Handling Code a service request may be defined as:

'A request that the council provides or improves a service, fixes a problem or reconsiders a decision.'

- 5.1.4 The Complaint Handling Code for the Housing Ombudsman states:

'A service request is a request from a resident to the landlord requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.'

- 5.1.5 A complaint will be considered as a request for service or an enquiry about a service unless the complainant has already reported it and we have failed to do something about it, or where there is dissatisfaction expressed on how the response to the service request was handled.
- 5.1.6 Service requests include requests for the council to take actions, which are reportable via our website, for example:
- missed bin collection
 - noise nuisance
 - anti-social behaviour
 - graffiti removal
 - grass cutting

5.2 Other exclusions:

- 5.2.1 This complaints policy does not cover circumstances where:
- the issue giving rise to the complaint occurred more than 12 months ago²
 - the issue is a repeated complaint that has previously been investigated and responded to
 - the issue is one which is dealt with by the Monitoring Officer

¹ Local Government Act 1974 s28(6),(7) and (8)

² The council may exercise its discretion to accept complaints made outside this time limit where there are good reasons to do so.

- Complaints about issues covered by the Data Protection Act 2018, Freedom of Information Act 2000 or the Environmental Information Regulations 2004. These requests should be sent to foi@canterbury.gov.uk or registered via our website here: [Make an information request | About your information request – Canterbury City Council](#)
- There is a statutory mechanism for appeal (eg appeals for Planning or Parking)
- The issues are a service request (see 5.1)
- The issues form part of a legal case or legal proceedings have started
- The issues are views expressed as a response to research or consultation

5.2.2 Complaints received via research or consultation that relate to a matter other than the research or consultation itself will be forwarded to the relevant service.

5.2.3 This may introduce delay and the service should mention that in their response. In this instance, it is acceptable to treat the complaint received on the day the service receives it rather than the day the council received it.

5.2.4 Late complaints: we will not investigate late complaints unless we decide there are good reasons.

5.2.5 Late complaints are when someone takes more than 12 months to complain to us about something the council has done.

5.2.6 Late complaints will still be acknowledged and the complainant will be advised that their complaint will not be responded to.

5.2.7 If a decision is taken not to accept the complaint the complainant will be provided with an explanation setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman

6 Definition of a complaint

6.1 As set out in the Local Government and Social Care Ombudsman Complaint Handling Code, we define a 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.’

6.2 Specifically for complaints relating to our Tenant and Leaseholder Service, the Housing Ombudsman, Complaint Handling Code defines a complaint as:

‘An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff or those acting on its behalf, affecting a resident or group of residents.’

6.3 It is not a customer’s satisfaction level, or use of the term “complaint” or “formal complaint” that decides if their interaction is a complaint, instead it is what they want the outcome of their interaction to be.

6.4 According to the LGSCO’s guidance, if a customer simply wants a service request met/remedied then it is not a complaint.

6.5 The key difference is an expectation of a response about the matter, rather than just resolving the matter.

6.6 Identifiers common to complaints can be when the customer wants the council to:

- formally acknowledge the dissatisfaction (as opposed to just remedy the service issue)
- formally acknowledge any fault
- investigate and explain how the situation occurred
- consider if it could have done anything different to avoid the situation happening
- consider if there is any learning it can benefit from
- provide additional remedy for something that has gone wrong

6.7 Complaints may arise through comments via social media. Where such complaints are raised, it is necessary to take the complaints out of the social media environment and address them through the complaints process.

7 Premature complaints (referred to the council by Ombudsman)

7.1 Occasionally the Ombudsman will review a complaint from a customer and decide they cannot investigate as the customer has not been through the council's own procedure.

7.2 The Ombudsman refers these to the council with an outcome of Premature Complaint.

7.3 If we receive such a case, we should proactively open a complaint record and contact the customer, this may be a stage 1 or stage 2 depending if and how far the matter has progressed already.

7.4 If we consider it would be impossible for the council to resolve the complaint through its own procedures, the council's Ombudsman link officer will respond to the Ombudsman allowing them to consider taking on the case.

8 Complaints made by a third party:

8.1 Complaints raised by councillors and Members of Parliament

8.1.1 Sometimes, customers will ask their councillor or MP to represent them, or they will make a complaint to the councillor or MP about our services.

8.1.2 These complaints should be dealt with as though they were normal complaints and the council will also need to be mindful of any time taken and how that can impact on the councillor's/MP's own resources.

8.1.3 At stage 1 and stage 2 there is a balance between prioritising these complaints to help the councillor/MP and inappropriately prioritising this customer over other customers because they have involved a councillor/MP.

8.1.4 Councillors/MPs may be provided with an update and reassurance the council will be responding to the complainant directly, or where explicit consent has been provided to respond to the councillor/MP directly by the complainant these wishes will be followed.

8.1.5 If the customer has already exhausted the councils complaints process in respect of the complaint:

- remind the customer of their rights to go to the relevant Ombudsman
- try to take this opportunity presented by the councillor/MP to resolve the complaint

- use the opportunity to develop relationships with the councillor/MP

8.2 Other advocates and third parties:

- 8.2.1 Complainants can have a number of reasons to require the support of a third party. This could be a family member, friend or a formal advocate acting on their behalf.
- 8.2.2 General issues of concern will only be accepted from a third party providing that the issues and the response will not breach any Data Protection regulations.
- 8.2.3 Where the issues of concern are of a personal or sensitive matter, the council requires specific written consent for the council to engage with or respond to a nominated third party instead of directly to the complainant.

8.3 Anonymous complaints:

- 8.3.1 We will not usually investigate anonymous complaints as it is not possible to respond to them.
- 8.3.2 The decision will be made on a case-by-case basis as to whether a complaint made in this way should be investigated.

9 Unreasonable, unreasonably persistent or vexatious complaints

- 9.1 The council has a [Customer Behaviour Incident policy](#) that set outs how we define and manage vexatious complaints.
- 9.2 We define unreasonable and unreasonably persistent or vexatious complaints as those which, because of the nature or frequency of the complainant's contacts with the council, hinder our consideration of their or other people's complaints are made in order to cause aggravation or annoyance rather than to genuinely seek to resolve a grievance.
- 9.3 It also details examples of customer behaviours that we consider unreasonable, unreasonably persistent or vexatious including behaviour which is abusive, offensive or threatening towards officers.
- 9.4 The council reserves the right to manage the methods of contact used where we consider that a customer's behaviour is unreasonable. These should be documented and explained to the complainant.

10 Complaints process

- 10.1.1 The council operates a two stage formal complaints process. At each stage of the complaints process, officers responding to the complaint should:
- deal with the complaint on their merits, act independently and have an open mind
 - give the complainant a chance to explain their position
 - address any actual or perceived conflict of interest
 - consider all relevant information and evidence carefully

- 10.1.2 During a complaint investigation, it is possible that new issues will be raised. If the relevant stage response has not yet been issued, the council will include these in the stage 1 response unless doing so would delay the overall response.
- 10.1.3 Where new unrelated issues are raised during the course of a complaint investigation, they will be logged as a new complaint.

10.2 Stage 1

- 10.2.1 The council's aim is to resolve as many of our complaints as possible at stage 1 of the complaint's procedure.
- 10.2.2 Upon receipt of a complaint an acknowledgement must be sent. This must be done within 5 working days.
- 10.2.3 The acknowledgement must explain the council's understanding of the complaint and the complaints process.
- 10.2.4 It is important the customer understands the complaints process to set their expectations appropriately and to prevent them inappropriately contacting the Ombudsman.
- 10.2.5 A stage 1 complaint will be investigated by an officer with an appropriate appreciation of the issue and independence from the issue.
- 10.2.6 Statutory complaint response timeframe provides for 10 working days from the date of the acknowledgement.
- 10.2.7 If the complexity of the complaint means that an extension to this timescale is needed then we should inform the complainant of the expected timescale for response.
- 10.2.8 Any extension should be no more than 10 working days without good reason and the reason(s) should be clearly explained to the individual as well as providing the complainant with the option of contacting the relevant Ombudsman directly as the result of the extension request.
- 10.2.9 Officers are encouraged to telephone or visit complainants as part of resolving the complaint.
- 10.2.10 The stage 1 complaint response must include the following:
- complaint stage
 - complaint definition
 - decision on the complaint (upheld or not upheld)
 - the reasons for any decisions made
 - the details of any remedy offered to put things right
 - details of any outstanding actions
 - details of how to escalate the matter to stage two if the complainant remains dissatisfied
- 10.2.11 The formal stage 1 complaint response must be kept on the customer's file in event of escalation to the next stage of the complaints process.

10.2.12 If the customer is not satisfied with the response at stage 1 they can ask for a further review of their complaint which is the start of stage 2 of the process.

10.3 Stage 2:

10.3.1 Stage 2 is the council's final response to the complaint.

10.3.2 Upon receipt of a request for a stage 2 review an acknowledgement must be sent. This must be done within five working days.

10.3.3 In the stage 2 acknowledgement we need to set out our understanding of any outstanding issues and the outcomes the individual is seeking.

10.3.4 If any aspect of the complaint is unclear, the individual should be contacted and asked for clarification.

10.3.5 The complaint must then be reviewed by an officer not involved in the stage 1 response.

10.3.6 The investigating officer may also be independent and therefore from another service area.

10.3.7 We should respond within 20 working days from the acknowledgement.

10.3.8 If the complexity of the complaint means that an extension to this timescale is required then the complainant will be informed and advised of the expected timescale for the response. The response will set out the reason for an extension being applied and will include the details of the relevant Ombudsman.

10.3.9 Any extension should be no more than 20 working days, and the reason(s) should be clearly explained to the individual, as well as providing the complainant with the option of contacting the relevant Ombudsman directly as the result of the extension request.

10.3.10 The stage 2 officer does not have to be a Head of Service or above, but it must be someone with the independence and authority to ask questions, get at the facts and recommend changes in response to complaints (eg Team Leader, Manager).

10.3.11 The response to the complaint is issued by the officer and must include:

- complaint stage
- complaint definition
- decision on the complaint (upheld or not upheld)
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions / lessons learned
- details of how to escalate the matter to stage two if the complainant remains dissatisfied

10.4 Exceptions:

10.4.1 Depending on the level of investigating officer and depth of the investigation into the complaint, the first response can be deemed to be stage 2.

- 10.4.2 This ensures the customer shall not be required to go through stage 1. This is only applied with the agreement of the Head of Service or above.
- 10.4.3 If a complaint is about an officer's behaviour - as opposed to a decision they have made, or their approach to a decision - that complaint must be initially investigated by an officer who is senior to the officer that is the subject of the complaint.
- 10.4.4 If the council applies a reasonable adjustment for an individual to access the complaints process under the Equality Act 2010, the record of the adjustments will be made and kept under review.

11 The Ombudsman

- 11.1 If a customer is not satisfied with the response at stage 2 the customer can raise the matter with either the Local Government or Housing Ombudsman as appropriate.
- 11.2 The complainant can raise a complaint directly with the Ombudsman if the council has failed to meet our complaint timeframes.
- 11.3 Complaints referred to an Ombudsman are the responsibility of a Director/Head of Service, or in the case of an outsourced service, the client officer.
- 11.4 These officers may involve other officers to help deal with the matter, but they remain responsible for the matter.
- 11.5 Complaints from either Ombudsman are received centrally, and responses are passed back to the Ombudsman by the council's link officer.

11.6 Local Government and Social Care Ombudsman

- 11.6.1 If the complainant is not happy with the result of this process, they may wish to contact the [Local Government and Social Care Ombudsman](#).
- 11.6.2 A copy of the LGSCO Complaint Handling Code can be found [here](#)

11.7 Housing Ombudsman

- 11.7.1 If the complainant is a council tenant or leaseholder and the complaint is about the Tenant and Leaseholder Service and the complainant is not happy with the response, they can contact the [Housing Ombudsman](#).
- 11.7.2 A copy of the Housing Ombudsman Service Complaint Handling Code can be found [here](#).

12 Summary of complaints process timescales:

- 12.1 Timescales relating to complaints are measured in working days:
- complaint acknowledgement within five working days
 - stage 1 response within 10 working days of the acknowledgement

- stage 1 extension request up to an additional 10 working days (explain reason and signpost to ombudsman)
- Stage 2 escalation request acknowledgement within five working days
- Stage 2 response within 20 working days
- Stage 2 extension request up to an additional 20 working days

12.2 A complaint is deemed to be received the date it is delivered to the organisation if it is received within normal working hours, if it is received outside normal working hours the clock starts on the next working day.

12.3 A working day is considered Monday to Friday, 9am to 5pm excluding Bank Holidays.

13 Discrimination

13.1 When a customer claims discrimination at either stage one or stage two the investigating officer must involve the council's Equalities Officer (the Head of Corporate Governance) in any investigation.

14 Monitoring and management

14.1 The following information must be recorded:

- the stage of the complaint (stage one or stage two)
- date of receipt
- customer claiming discrimination
- complaint type (standard list, choose the most appropriate)
- date of response
- outcome of investigation (upheld and not upheld)
- remedy/learning

14.2 Services must record and be prepared to present to the performance board:

- number of stage one and stage two complaints received between selected dates
- number that claimed discrimination
- number closed that month and number within time
- number upheld or partially upheld

15 Reporting and transparency

15.1 An annual complaints report is presented to Audit Committee and includes:

- self-assessment against the Ombudsman's complaint handling Codes (LGSCO and HO) to ensure the complaints handling policy remains in line with the Codes
- qualitative and quantitative analysis of complaint handling performance
- findings of non-compliance against the Codes
- service improvements made as a result of learning from complaints
- the annual letter from the Local Government and Social Care Ombudsman
- the annual letter from the Housing Ombudsman

15.2 The council will publish this complaints policy on its website

- 15.3 The council will publish the self-assessment against the Housing Ombudsman's complaint handling code on its website.
- 15.4 The council will publish the annual complaints report and the response to the report from the audit committee on its website.
- 15.5 The council will publicise this policy through a combination of engagement activities including tenant surveys and newsletters.

16 Complaints co-ordinators group

- 16.1 The complaints co-ordinators group includes officers with direct responsibility for administering the complaints process and the link officer for the Ombudsman.
- 16.2 The purpose of the group is to:
- consider if the complaints policy remains robust and fit for purpose
 - to identify opportunities for learning and improvement
 - to identify trends and issues for escalation to senior management
 - to record changes to policy or process brought about by a complaint
 - to refine and improve the council's approach to complaint management in line with the Ombudsman code of practice.

17 Templates

- 17.1 The council uses templates to ensure that officers responding to complaints are guided to include the details required by both the Local Government and Social Care Ombudsman and the Housing Ombudsman.

Owner	Corporate Governance
Last Review Date	15 May 2025 v6