



**Title of meeting:** Governance and Standards and Audit Committee

**Date of meeting:** 2 October 2024

**Subject:** Complaints Policy Review

**Report by:** Charlotte Smith, Assistant Director of Corporate Services

**Cabinet Member:**

**Wards affected:** All

**Key decision:** No

**Full Council decision:** No

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### 1. Purpose of report

The purpose of this report is to provide Governance and Audit and Standards Committee (G&A&S) with the background and rationale for the updated Complaints Policy and process, and to seek approval for the new policy.

### 2. Recommendation

It is recommended that the new Complaints Policy is approved for implementation from 1 November 2024.

### 3. Background

The current Corporate Complaints Policy was developed in line with best practice guidance from the Local Government and Social Care Ombudsman (LGSCO) and implemented in December 2021. The policy makes provision for biennial reviews to ensure it remains fit-for-purpose in terms of managing complaints in line with our customers' expectations.

The first formal review of the policy was due in December 2023 but was placed on hold pending the outcome of a consultation exercise by the LGSCO and the Housing Ombudsman (HO) on the potential creation of combined statutory code for complaints, with a view to enabling any new requirements from LGSCO and the HO to be incorporated into the policy.



In the meantime, a new policy for local authority landlord services was introduced to meet the requirements of the Social Housing Regulation Act from 1 April 2024, and an update report was brought to this committee on 24 January 2024.

#### **4. Customer consultation**

While waiting for the results of the LGSCO and HO consultations, research was carried out with customers to inform the complaint policy review.

This included using customer feedback forms for residents who have made a complaint to understand their perceptions of the experience and how it could be improved.

We also worked with our customer panel, running a survey and conducting focus groups to seek their views on what they feel makes a good complaints process and experience.

Volunteers from the customer panel also worked with the Digital Customer team to review information about complaints on the council website and to identify changes to make the information easier to navigate.

The key findings from the research were:

- customers want it to be easy to complain; they want to get through to the right person quickly, and they want a range of ways to complain (online and offline)
- customers want to speak to a real person, they want to be listened to, and they want their complaints to be acknowledged
- customers want good communication, including contacting them when we say we will, keeping them up to date, explaining the process and setting clear expectations so they know what is happening and when
- customers like having a single point of contact so they don't have to keep repeating themselves and someone takes responsibility
- the term "corporate complaints" did not resonate with customers, and there was confusion about the meaning of "service request"

The outcomes align with findings from research conducted with our customers between December 2023 and February 2024, about what matters to them about the ways we provide customer service in general, particularly around listening and doing what we say we will.

#### **5. LGSCO Complaint Handling Code**

The LGSCO and HO consultations concluded in early 2024, having had responses from 157 councils including Portsmouth, as well as representations from the LGA.

A [consultation response](#) was published by the LGSCO in late February 2024, alongside an updated [Complaint Handling Code](#) for adoption by Councils in April 2024.

### **5.1. Changes to the LGSCO and HO proposed approach**

In response to the consultation, the LGSCO and HO decided not to create one combined statutory code, recognising there are differences between councils and social landlords that impact on complaint management.

The LGSCO also clarified its own powers and has used new wording that makes it clear councils are not legally obligated to follow the code in relation to complaints under its jurisdiction, and that the code is advice and guidance to support councils in developing policies and processes around complaint management.

As a result, local authority housing (LAH) will maintain a separate policy for complaints relating to the council's role as a social housing landlord to ensure compliance with the Social Housing Regulation Act.

The majority of the rest of the complaints the council receives will be managed through our revised Complaints Policy, which has been updated to ensure it remains in line with the Complaint Handling Code.

## **6. Complaint Handling Code: significant changes**

In response to the consultation, the LGSCO has made some significant changes to the approach it expects to see around complaint management.

These changes have been reflected in the draft revised Complaints Policy attached at appendix A and are summarised in section 7 of this report.

### **6.1. Definition of service requests**

The code provides a new clearer definition of a service request as "*a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision*" recognising the need for councils to manage some issues initially as service requests, even if the customer has expressed dissatisfaction.

The code now says individuals should be given the option of making a complaint when they express dissatisfaction with the response to their service request, rather than that all expressions of dissatisfaction should be treated as complaints in the first instance.

The new code says service requests should be recorded, monitored and reviewed regularly.

### **6.2. Stage one and stage two complaints**

The new code includes a fundamental change to the LGSCO's expectations around the way councils respond to stage one and stage two complaints.



The previous code included a requirement for a formal written response to a stage one complaint, with a prescriptive list of what needed to be included in that response, setting a clear expectation that a robust complaint investigation was required at stage one. The previous code then said the stage two response should be a review of the adequacy of the stage one response.

### **6.2.1. stage one complaints**

The new code changes the focus of stage one to allow councils to respond more flexibly to complaints, removing the reference to the need for an 'investigation' at stage one, as well as removing the requirement for a formal written response and the prescriptive list of what should be included. This change was made in response to concerns raised by councils that the requirement for a prescriptive investigation at stage one meant it would be challenging to provide simple, prompt responses to minor issues. The change is intended to enable councils to respond in ways that are more proportionate to the nature of a complaint.

The new code also clarifies the LGSCO expectations in terms of how councils should manage additional complaints made while the stage one complaint is being considered, explaining that additional related complaints should be incorporated into the stage one response. The code also says if the stage one response has already been provided, or the additional complaints would unreasonably delay the response, or if the matters are not related, a new stage one complaint should be logged.

### **6.2.2. escalation to stage two**

The new code makes it clear that all complaints should be escalated to stage two of the complaints process if all or part of the stage one complaint is not resolved to the individual's satisfaction. It also says that while councils should make reasonable efforts to understand why the individual remains unhappy, individuals should not be required to explain their reasons for asking for their complaint to be escalated. This is a change from the previous code.

The new code does not provide any specific guidance on whether it is acceptable for councils to set a time limit on requests to escalate complaints to stage two. However, the overall code makes it clear that complaint requests should be accepted if they are made within 12 months either of the issue occurring, or the individual becoming aware of the issue.

### **6.2.3. stage two complaints**

In line with the changes to stage one complaints, the new code removes the previous reference to stage two complaints being a review of the stage one response: the expectation is that the council conducts a more detailed investigation at stage two if the individual is dissatisfied with the stage one response.

The level of investigation expected is reflected in the timescales for stage two in comparison to stage one, with councils expected to issue a response to a stage two complaint within 20 working days of the complaint being acknowledged.



The new code also provides a prescriptive list of the content that should be included in a stage two complaint response, which should be communicated to the individual making the complaint, in writing, in clear, plain language.

### **6.3. Social media**

The previous version of the code referred to the need for local authorities to accept complaints made via social media. The LGSCO has recognised that this caused confusion for councils, who expressed concern via the consultation that if every expression of dissatisfaction made via social media needed to be treated as a complaint, this would be impractical and onerous. Noting that this was not the intention of the previous code, the new code has been updated to make it clear that individuals should be able to raise complaints through different channels.

### **6.4. Performance reporting and self-assessment**

The new code includes a section setting out the expectations of the LGSCO in relation to performance reporting and self-assessment. It says organisations should carry out an annual self-assessment and produce an annual performance and service improvement report for scrutiny and challenge. This should be reported through the organisation's governance arrangements and published on the section of the website that relates to complaints.

### **6.5. Scrutiny, learning and continuous improvement**

The new code includes a specific section that sets out the expectations of the LGSCO in relation to scrutiny, learning and continuous improvement. The new code makes it clear the Ombudsman expects councils to approach complaints in a way that looks beyond individual issues raised and uses the intelligence from complaints to inform wider improvements to services.

The code makes it clear that a suitably senior officer should be responsible for overseeing complaints, and that appropriate governance arrangements should be in place. The council's Constitution already assigns responsibility for oversight of complaints to the Director of Corporate Services, and to Governance and Standards and Audit Committee, so this is in place.

## **7. Proposed changes to the complaints policy in line with the code**

Overall, some textual amendments have been made to the policy to ensure the language used reflects the LGSCO's new code, or to provide a greater level of detail in line with the code.

The following sections are intended to cover the material changes made to the policy in response to the new code.



### **7.1. service requests**

In response to the new code, a clause has been added at section 3.3 of the draft complaint policy to incorporate the definition of a service request, and at 3.4 to incorporate a point of clarification stating that customers will have the option of making a complaint if they express dissatisfaction with the response to their service request.

### **7.2. Identifying and accepting a complaint**

In clause 3.8 of the draft policy, a section has been added to provide clarification around communication with the individual making the complaint if a complaint is not valid, explaining that in such circumstances we will contact the customer to explain why the complaint is not valid and what will happen next.

### **7.3. stage one**

In response to the fundamental changes to the code in relation to stage one complaints set out in 6.2 above, the section of the policy (now at section 8) on stage one complaints has been completely revised.

The section includes an explanation of a new step in the process, where the complaint function will review the complaint initially to consider factors including the complexity of the complaint and the needs of the individual making the complaint and will then make an assessment as to whether the complaint can be responded to promptly within 10 working days, or whether a more detailed investigation is required and therefore an extension to the timeline will be needed.

The section explains that the assessment of the complaint, and the required timescale for responding, will be communicated to the manager handling the complaint.

Section 8.4 makes it clear that the complaint response will be proportionate to the issue raised following an assessment of the complaint by the complaint function.

Overall, section 8 makes it clear most stage one complaints will be responded to within 10 working days, which is a change from the current 15 working day timescale for stage one complaints in our existing policy.

The section also explains that where complaints are complex or there are other factors to consider such as the needs of the individual making the complaint, the length of time allowed for the stage one response may be extended at the outset. The extension will not be more than an additional ten working days without good reason. If an extension of more than ten working days is required, this will be exceptional, and the reasons will be communicated to the individual making the complaint.

In line with the new code, the draft policy (section 8.12) says that complaint responses will not be delayed while actions required to address the issue are completed. Where there are outstanding actions, these will be dealt with promptly and tracked by the Directorate responsible, and the individual making the complaint will be provided with updates where appropriate.



Finally, section 8 makes it clear that the format of the response will depend on the nature of the complaint and the needs of the individual, but in all cases a full response should be provided covering all the points raised in the complaint, and offers an explanation, apology or resolution. In all cases, complaint responses will be recorded on the council's complaint management system.

#### **7.4. additional complaints**

An additional clause has been added to the draft policy at section 8.18 to explain how the council will manage additional complaints, in line with the new code.

This explains that related complaints will be incorporated into the original complaint response, unless the response has already been provided or if doing so would unreasonably delay the original response.

#### **7.5. escalation to stage two**

The sections of the draft policy (9.7 and 9.8) on escalation to stage two of the complaint process has been significantly amended to remove the reference to individuals making complaints needing to explain why they are dissatisfied with the stage one response, in line with the new code.

The policy has also been amended to remove the reference to the council's complaint function reviewing the stage one response and deciding whether there is justification to escalate the complaint to stage two, as the assumption is complaints will be automatically escalated to stage two, in line with the new code. The reference to timescales around making a request to escalate a complaint have also been amended, in line with the overall code.

#### **7.6. stage two**

In line with the new code, section 9 of the draft policy on stage two complaints has been redrafted to reflect the shift in emphasis between stage one and stage two complaints.

The new section sets out the steps the council will take around a stage two complaint, including the expectation that there will be an investigation that is appropriate to the nature of the complaint, and the timescales for responding. The section also sets out who is responsible for stage two complaints, and what stage two complaint responses should include.

#### **7.7. social media**

In line with the new code and the recognition of the potential for confusion around the need to respond to expressions of dissatisfaction on social media as complaints, the specific section on making complaints via social media has been removed from section 3 of the draft policy.



## **7.8. performance reporting and self-assessment**

Section one of the draft policy has been updated to better reflect the new code around complaints reporting, and to include the annual self-assessment.

## **7.9. Scrutiny, continuous learning and improvement**

The introduction to the policy (section 1) has also been updated to better reflect the expectations of the LGSCO in relation to scrutiny, continuous learning and improvement.

# **8. Proposed changes to reflect customer feedback**

## **8.1. policy changes**

Overall, the draft complaints policy already sets out a process that is reflective of the things our customers told us were important to them about how we manage complaints, including clear expectations around communications and timescales.

In addition to making changes to the policy to reflect the updated code, we have made some extra policy changes to reflect the feedback from our customer research, including removing the word "corporate" as we found it wasn't meaningful to our customers and causes confusion. We have also added a definition of "service request" but have retained the term in the policy, as it reflects the Ombudsman's new code.

We have also added a clause into the policy at section 8.5 to make sure it is clear the manager responding to the complaint should act as the single point of contact for the customer, including when complaints involve multiple service areas.

## **8.3. changes to supporting information**

In addition to making policy changes, the feedback from our customers about how they want us to manage complaints will be reflected in the supporting information that we provide for managers who respond to complaints, particularly the complaints guide for managers.

An updated complaints guide for managers will be produced to reflect the updated policy, in line with the code, and will emphasise the importance of listening to our customers, keeping them informed, and providing a single point of contact.

The updated guide for managers will be in place in time for the new policy to be implemented from 1 November 2024.

Reflecting feedback from our customers on the need to make the complaints process easier to understand, a new simple guide to the complaints policy and process will be produced for customers.





## 9. Additional changes

In addition to the changes above, the scope of the complaints policy has been updated to make it clear there are separate processes for customers to use if they want to make an appeal about decisions around Blue Badge applications, and if they wish to contest a Fixed Penalty Notice issued by the council.

Section 13 of the policy now refers to the Council's [unreasonable customer behaviour policy](#), rather than setting out a separate approach to managing unreasonable behaviour in relation to complaints.

## 10. Implications for complaints management and reporting

The changes to the policy will have implications for complaint management and reporting.

The clarification of the definition of service request may mean that more complaints can be handled initially as service requests, which could result in a reduction in the overall number of complaints, albeit recognising that customers will still be able to make a complaint if they are unhappy with the Council's response to a service request.

The change in emphasis between stage one and stage two complaints, and the presumption of automatic escalation to a more detailed response at stage two if that is requested by the customer, is very likely to lead to an increase in the number of stage two complaints. To mitigate this and to ensure our customers are receiving responses to their complaints at stage one that meet their expectations, the complaint function will continue to work with directorates to ensure stage one complaint responses are appropriate and proportionate to the complaint.

In terms of reporting, the complaint function will report on the number of straightforward stage one complaints managed within the ten working day timescale and will report separately on the number of complex stage one complaints managed within the extended timescales set out at the outset of the complaint.

The complaint function will also report on the number of stage two complaints managed within the 20 working day timescale, and will report separately on the number of stage two complaints responded to within the extended timescales set out at the outset of the complaint.

Complaint performance data is included in the Overview of Portsmouth City Council complaints, including Local Government and Social Care Ombudsman Complaints 2023/2024, report to this committee.

## 11. Implementation

Subject to approval, the revised policy will be uploaded to the council website and implemented for new complaints from 1 November 2024 to allow time for the supporting information to be updated and rolled out internally.



Any complaints logged before 1 November 2024 will be managed in line with the existing policy.

**12. Integrated impact assessment**

The integrated impact assessment is attached.

**13. Legal implications**

There are no direct implications associated with the changes to the complaint policy.

**14. Director of Finance's comments**

There are no direct financial implications associated with the changes to the complaint policy.

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Signed by:

**Appendices:**

Appendix A: Draft Complaint Policy

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
LGSCO Complaint Handling Code	<a href="#">Complaint Handling Code - Local Government and Social Care Ombudsman</a>
LGSCO Complaint Handling Code consultation response	<a href="#">Complaint Handling Code - Consultation responses (lgo.org.uk)</a>

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by: