

Appendix A

Draft Complaint Policy

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1. Introduction, scrutiny, learning and continuous improvement

- 1.1. Portsmouth City Council is committed to providing an excellent service for our customers, but we know we don't always get it right and we recognise our customers have a right to complain when they feel we have fallen short.
- 1.2. As well as giving the Council the chance to put things right when something has gone wrong, complaints give us valuable feedback that help us improve our services.
- 1.3. The Council is committed to developing a positive complaint handling culture and recognises complaints as helping us to identify issues and introduce positive changes. The Council's objective in relation to complaints is to ensure complaints are handled in line with the complaints policy, and in a way that is collaborative and that ensures we take collective responsibility for any issues identified.
- 1.4. As set out in the Constitution, the Director of Corporate Services oversees complaint handling performance, and is responsible for ensuring themes and trends are assessed to identify potential systemic issues, serious risks, or policies and procedures that require revision. This function is supported by complaint lead officers in each directorate.
- 1.5. In line with the Constitution, the Council's Governance and Standards and Audit Committee is responsible for maintaining oversight of complaints.
- 1.6. The Council produces an annual complaints performance report for scrutiny and challenge by Governance and Standards and Audit Committee, in addition to regular complaints reports which are also made available to wider stakeholders on our website.
- 1.7. The Council's complaints reports include information about the volume, categories and outcomes of complaints, complaint handling performance, issues and trends arising from complaint handling, and wider learning and improvements made because of complaints.
- 1.8. The Council will carry out an annual self-assessment against the Local Government and Social Care Ombudsman's (LGSCO) Complaint Handling Code to ensure this policy remains in line with the code and aims to carry out a formal review of the policy every two years.

2. Scope of the Complaint Policy

- 2.1. This Complaint Policy explains our process for managing general complaints made to the council. It does not apply to complaints about the following, which are outside the scope of the policy:
 - Adult Social Care
 - Blue Badge appeals

- Children and Families Social Care
 - Conduct of Councillors
 - Fixed Penalty Notices (FPNs)
 - Homelessness decisions
 - Housing Benefit
 - Local Authority Housing landlord complaints
 - Parking tickets (PCNs)
 - Planning applications
 - School admissions
- 2.2. The policy does not apply to complaints by council staff that relate to their employment, which are covered by the following internal policies: whistleblowing policy, formal action policy, and grievance policy.
- 2.3. Complaints that fall within the scope of this policy are managed by the corporate customer service function within Corporate Services.

3. What is a complaint?

- 3.1. A complaint is any expression of dissatisfaction, however made, about a service, actions or lack of action by the Council, our staff or those acting on our behalf affecting a customer or resident, or group of customers or residents.
- 3.2. There is a difference between a complaint and a request for a service or an enquiry about a service, which is usually referred to as a 'service request'.
- 3.3. A service request is defined as:
- "A request that the organisation provides or improves a service, fixes a problem, or reconsiders a decision."
- 3.4. A request for service may become a complaint if the Council fails to meet our service standards after receiving the initial enquiry. Customers will be given the option of making a complaint if they express dissatisfaction with the response to their service request. If a customer makes a complaint that is handled as a 'service requests' that 'service request' will be recorded and monitored and included in complaints reports.
- 3.5. A customer does not need to use the word complaint for it to be treated as such. The Council will seek to ensure staff recognise the difference between a request for a service and a formal complaint and will take steps to resolve issues as quickly as possible.
- 3.6. The Council will accept a complaint unless there is valid reason not to do so.
- 3.7. Valid reasons for not accepting a complaint include:

- the issue is, or has been subject to legal proceedings
 - there is a liability issue that is subject to an insurance claim
 - the complaint has not been raised in a reasonable timeframe (see 4.9)
 - the issue has already been considered as a complaint
- 3.8. If the Council decides not to accept a complaint, we will explain clearly why the matter is not suitable for the complaints process and what happens next.

4. The way we manage complaints

- 4.1. The Council has a two-stage complaint process. The process for managing complaints is set out in sections 7-11 below.
- 4.2. All complaints are managed confidentially.
- 4.3. We will handle all complaints fairly and honestly regardless of who is making a complaint.
- 4.4. All complaints will be responded to promptly, and in accordance with the timescales set out in this policy wherever possible.
- 4.5. Where we are unable to meet the timescales set out in the policy, we will let the customer know there has been a delay.
- 4.6. Customers will be kept informed of the progress of their complaint and of any delays.
- 4.7. If a complaint is made to a Councillor(s), the customer will be referred to the complaint function and the complaint will be managed in line with this policy. The Councillor(s) will be provided with a copy of the response to the complaint.
- 4.8. Where complaints involve multiple service areas, the service with the most significant involvement in the complaint will coordinate the response, and the manager or Director responding to the complaint will provide a single point of contact for the customer.
- 4.9. We will consider stage one and stage two complaints made within 12 months of the issue occurring or becoming apparent to the person making the complaint. We may still consider a complaint made outside of the timescales if there are exceptional circumstances.

5. Support for customers who make a complaint

- 5.1. We are committed to making sure the way we handle complaints does not place anyone, irrespective of disabilities or other characteristics, at a disadvantage. We will make reasonable adjustments if the way we handle complaints would otherwise place a person with disabilities or other characteristics at a substantial disadvantage.

- 5.2. Customers who would like the Council to make a reasonable adjustment to enable them to make a complaint should make a request to the complaints function. A request for a reasonable adjustment can be made through any channel, or via a representative.

6. Ways to make a complaint

- 6.1. The Council will accept complaints made verbally or in writing, and via any of its customer service channels, including:
- In person
 - By telephone
 - By letter or email
 - Through our online complaint form
 - Through social media channels
 - Through a councillor
 - Through a representative
- 6.2. Verbal complaints will be confirmed with the person making the complaint. If we confirm the complaint verbally, we will follow up with a written confirmation where appropriate. Once agreed, complaints will be processed in line with this policy.
- 6.3. Anonymous complaints will not be processed in line with this policy. They will be forwarded to the relevant service as a suggestion, to ensure action is taken wherever appropriate and we learn from all our customer feedback.
- 6.4. Everyone has the right to appoint a representative, that is someone else to act on their behalf. A representative can be, for example, a parent, a husband, wife, or civil partner, an adult child, a friend, an attorney, advocate, or solicitor, or a local councillor or MP. You can search for [details of your local Councillor](#) online.
- 6.5. If a complaint is made through a representative, we will need to ensure we have consent from the customer. This would usually be written consent from the customer giving the representative permission to act on their behalf, or other evidence, for example evidence of lasting power of attorney.

Regardless of the closeness of the relationship between the customer and the person acting on their behalf, we must have consent from the customer before we can correspond with the representative.

7. How we identify and accept a complaint

- 7.1. No matter how complaints are received into the Council, complaints that fall within the scope of this policy are referred to the complaint function in the first instance.

- 7.2. The complaint function will review all complaints, considering:
- whether the complaint falls within the complaint definition at section 3.1 of this policy, or whether it is a service request in line with the definition at section 3.3
 - whether the complaint should be accepted, with reference to the reasons a complaint cannot be considered set out at section 3.7
 - whether the complaint should be considered under the complaints policy, or whether it falls under a different policy in line with the policy exclusions set out at section 2.1.
- 7.3. If a complaint is valid, it will be logged by the complaints function as a stage one complaint **within five working days of the complaint being received**. If the issues will not be managed as a complaint, the complaint function will communicate with the individual raising the matter and explain what will happen next.
- 7.4. If the complaint is unclear, the complaint function will seek clarification from the customer before the complaint is logged.

8. Stage one complaints

- 8.1. Once a complaint has been logged, the complaint function will consider a range of factors including the complexity of the complaint and the specific needs of the individual customer.
- 8.2. The complaint function will make an assessment as to whether the complaint can be responded to promptly, and within ten working days, or whether a more detailed response is necessary and an extension to the ten working day timeline will be required.
- 8.3. The complaint will then be passed to the relevant manager to respond, in line with the assessment of the complaint and in line with the timescale appropriate to the complaint.
- 8.4. The Council will respond to stage one complaints in a way that is proportionate to the issue raised, following an assessment of the complaint by the complaint function.
- 8.5. Where complaints involve more than one Council service, the manager responding to the complaint should act as the single point of contact for the customer making the complaint (in line with 4.8).
- 8.6. The Council will aim to respond to straightforward complaints promptly and **within 10 working days of the complaint** being acknowledged.
- 8.7. If a complaint is complex and requires more detailed investigation, the length of time allowed for the complaint response will be extended at the outset and communicated to the customer as part of the complaint acknowledgment.
- 8.8. The timescales for more complex complaints will be determined on a case-by-case basis but will not exceed **20 working days**, without good reason.

- 8.9. If an extension of more than 10 working days is required, this will be exceptional, and the reason will be clearly communicated to the customer.
- 8.10. The quality of stage one complaint responses is the responsibility of complaint lead officers in directorates.
- 8.11. We will aim to send the customer an acknowledgement in writing by email, or by post if an email address is not provided, **within five working days** of logging the complaint.

In acknowledging the complaint, we will briefly confirm:

- our understanding of the complaint and the outcomes being sought
- what will happen next
- when the customer can expect a response
- who will be responding and how they can be contacted

If the Council is not responsible for any aspect of the complaint, this will be clearly explained in the complaint acknowledgement.

- 8.12. In acknowledging the complaint, we will offer the customer the opportunity to discuss their complaint, so we can make sure our understanding of the complaint and the outcome being sought is clear.
- 8.13. Complaint responses will be provided when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. If there are outstanding actions, these should be explained in the complaint response, actioned promptly and tracked by the service responsible for the complaint response, and where appropriate the customer will be provided with updates.
- 8.14. The format of stage one complaint responses will depend on the nature of the complaint and the needs of the customer. Responses to stage one complaints can be written or verbal.
- 8.15. In all cases, a full response to the complaint should be made and an explanation, apology or other resolution will be provided to the customer.
- 8.16. In all cases, the complaint response should cover all the points made by the customer and provide clear reasons for any decisions, referencing the relevant policy, law or good practice where appropriate.
- 8.17. The stage one complaint response should include details of how to escalate the matter to stage two of the complaint process if the customer is not satisfied with the response.
- 8.18. The complaint response will be recorded on the Council's complaint management system.

- 8.19. If the customer making the complaint wants to raise additional issues related to the complaint, we will aim to incorporate the additional issues into the stage one response. Where the new matters are not related, the stage one response has already been provided, or addressing the additional issues would unreasonably delay the response to the original complaint, a new stage one complaint will be logged.

9. Stage two complaints

- 9.1. If the customer is unhappy with the response to their stage one complaint, then they should ask the Council to escalate their complaint to stage two.
- 9.2. As with stage one complaints, a request to escalate a complaint to stage two should be made within 12 months either of the issue occurring, or of the customer becoming aware of the issue, in line with stage one complaints.
- 9.3. If a complaint is escalated to stage two, we will carry out an investigation that is appropriate to the nature of the complaint. The complaint function will assess the stage two complaint, considering factors including complexity and the individual circumstances.
- 9.4. We aim to respond to stage two complaints **within 20 working days** of the complaint being acknowledged.
- 9.5. If we think a response will take longer due to the complexity of the complaint, we will inform the customer of the length of time we expect the response to take at the outset.
- 9.6. Any extension will not be more than an **additional 20 working days** without good reason. If an extension of more than 20 working days is required, this will be exceptional, the reasons will be clearly communicated to the individual making the complaint and they will be provided with the details for the Local Government and Social Care Ombudsman (LGSCO).
- 9.7. When we receive a stage two complaint, we will review the complaint and send the customer an acknowledgement in writing by email, or by post if an email address is not provided, **within five working days** of the escalation request being received.
- 9.8. If in making a request to escalate a complaint to stage two, the customer does not explain their reasons for the request, we will make reasonable efforts to try and understand why the customer remains dissatisfied.
- 9.9. In acknowledging the stage two complaint, we will briefly confirm:
- our understanding of the complaint and the outcomes being sought
 - what will happen next
 - when the customer can expect a response
 - who will be responding and how they can be contacted

- 9.10. In acknowledging the complaint, we will offer the customer the opportunity to discuss their complaint, so we can make sure our understanding of the complaint and the outcome being sought is clear.
- 9.11. If the complaint is unclear, we will seek clarification from the customer before the complaint is logged.
- 9.12. Stage two complaints will be investigated by:
- by the appropriate Director, or
 - by an appropriate senior manager and reviewed by the Director
- 9.13. As with stage one, where complaints involve more than one Council service, the director or senior manager responding to the complaint should act as the single point of contact for the customer making the complaint (refer to 4.8).
- 9.14. When we respond to a stage two complaint, our response will be confirmed in writing, in clear, plain language. The response will include:
- the complaint stage
 - our understanding of the complaint, in line with the complaint acknowledgment
 - the decision on the complaint
 - the reasons for any decisions made
 - details of any remedies offered to put things right, in line with section 11 below
 - details of any outstanding actions, if applicable
 - details of how to escalate the matter to the LGSCO if the individual remains dissatisfied
- 9.15. Stage two is the final stage of the Council's complaints process.

10. Local Government and Social Care Ombudsman

- 10.1. If a customer remains unhappy having exhausted the council's complaints process, they can contact the Local Government and Social Care Ombudsman (LGSCO):
- Online complaint form at www.lgo.org.uk
 - Telephone 0300 061 0614
- 10.2. The LGSCO will not investigate most complaints until they have gone through the council's complaints process.

11. Remedies

- 11.1. Where something has gone wrong, we will acknowledge this and set out the action that has already been taken or that we will take to put things right.
- 11.2. We will aim to ensure remedies offered reflect the impact on the customer of any fault identified.

- 11.3. When making a remedy offer, we will clearly set out what will happen and by when, in agreement with the customer where appropriate, and we will ensure the remedy is delivered within a reasonable timescale.
- 11.4. If we are not able to deliver a remedy, we will inform the customer, explain why, provide details of an alternative remedy if possible and appropriate, and remind them of their right to complaint to the LGSCO.
- 11.5. Remedies include:
- apologising
 - acknowledging when things have gone wrong
 - providing an explanation, assistance or reasons
 - taking action if there has been a delay
 - reconsidering or changing a decision
 - amending a record, or adding an addendum or correction
 - changing policies, procedures or practices
 - providing a financial remedy
- 11.6. Any issues identified as a result of complaints will be put right as quickly as possible: we will not wait until the complaints process is concluded.
- 11.7. When responding to complaints we will consider whether the customer needs support to understand the outcome and will offer alternatives, including meetings to discuss, where appropriate.

12. Complaints about contractors

- 12.1. The Council contracts organisations to provide services on its behalf. If a complaint is made about a service provided by a contractor directly to the contractor, it should be managed in line with this policy.
- 12.2. Our contractors are expected to comply with the policy, including providing information to council officers as requested and providing assistance with further investigations as appropriate.
- 12.3. A contractor who receives a complaint is expected to notify the Council of the complaint via the Council's complaints function. Notifications should be made in line with the timescales in the policy, and at all stages in the process so the complaint can be logged and monitored.
- 12.4. If the Council receives a complaint that relates to a service provided by one of the council's contractors, the Council will provide a response.

- 12.5. Complaints relating to contractors/third-party providers working on behalf of the council acting in its capacity as a landlord will be dealt with in accordance with the local authority housing landlord services complaints policy and process.

13. Unreasonable customer behaviour

- 13.1. We recognise that someone with cause to complain may be upset, and this may be reflected in their behaviour towards us. In dealing with complaints, we will understand and empathise with customers who are upset.
- 13.2. We also recognise that someone making a complaint is justified in making reasonable attempts to follow up their complaint to make sure it is being dealt with.
- 13.3. However, we expect complaints to be made in a reasonable way so we can investigate. This means communicating with us in a way that is reasonable, both in terms of the nature and frequency of contact.
- 13.4. However, in a small minority of cases, there is a point at which a customer's behaviour becomes unreasonable and makes it more difficult for us to resolve complaints, either because it impedes the investigation or because it takes up a significant amount of time without due cause.
- 13.5. In these cases, the Council will follow its [unreasonable customer behaviour policy](#).

14. Review

- 14.1. This policy is the responsibility of the Director of Corporate Services
- 14.2. This policy will undergo regular review, once every two years, or as required in response to regulatory changes.