

# **Draft Corporate complaints policy**

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# 1. Introduction

- 1.1. The council recognises the right of its customers to complain and indeed welcomes complaints as a valuable form of feedback about its services. Portsmouth City Council is committed to using information gained from complaints to help drive forward improvements to services and to better meet the needs of customers.
- 1.2. This policy applies to corporate complaints made to Portsmouth City Council whether written or verbal, but excludes complaints regarding Social Care, the conduct of councillors or complaints made to schools as other policies exist to cover these.
- 1.3. Officers wishing to make a complaint about the council should refer to the Grievance Procedure and the Whistleblowing policy.

## 2. Definition of a complaint

- 2.1 Portsmouth City Council has adopted the following definition of a complaint:

"A complaint is any expression of dissatisfaction about a service provided by the council, a member of staff or someone acting on behalf of the council."

*2.2 A justified complaint is defined as an instance where Portsmouth City Council is at fault because it has failed to do something it should have, or has done something it should not have.*

*2.3 A grievance is defined as an instance where the customer is dissatisfied but the council is not at fault because it is following an agreed policy or procedure.*

## 3. Policy

- 3.1 It is the Policy of the Council to ensure that:

3.1.1 All complaints shall be dealt with promptly, and where possible within the published timescales in 4.3.

3.1.2 All complaints shall be dealt with confidentially.

3.1.3 Advice and assistance shall be offered to help an enquirer frame their complaint. Complaints may be accepted either verbally or in written format. Complaints made verbally will be confirmed in writing; once agreed the complaint will be processed in accordance with this policy.

3.1.4 All complaints are acknowledged, recorded and monitored by the corporate complaints service.

*3.1.5 Where a complaint is made to a councillor(s) they will be referred to the corporate complaints service. The councillor will be copied into any response to the complainant.*

3.1.6 All complainants will be kept informed of the progress of their complaint and of any delays.

3.1.7 All complainants will be advised of their right to question the response and how to request a review.

- 3.1.8 All complainants will be advised of their right, if they remain dissatisfied, to take their complaint to the Local Government Ombudsman once the council process has been completed.
- 3.1.9 *The council aims to handle all complaints fairly and honestly regardless of whoever makes a complaint. The council will treat all members of the community equitably and will not show bias to any particular individual or group.*
- 3.1.10 *The council will only consider a complaint which has been made to the authority or a member of the council within twelve months of the date on which the person framing the complaint first had notice of the matters alleged in the complaint, unless it is reasonable for the council to investigate the complaint outside this timescale.*
- 3.1.11 *The complainant will notify the council within 20 working days if they remain dissatisfied with the handling of their complaint at stage one or two of the corporate complaints process.*
- 3.1.12 *The council will only consider a complaint about an on-going statutory or regulatory process (such as benefit appeals) where the complaint relates to maladministration in its operational or administrative processes.*
- 3.1.13 The council will not consider a complaint about an issue where an alternative statutory remedy for the complainant to pursue their complaint exists (e.g. school admissions, penalty charge notices etc.), or where an alternative remedy such as legal action is also being sought.
- 3.1.14 *The council will not re-address a complaint on broadly the same or similar lines where the issue has already been addressed through the complaint process and has reached a resolution, unless new evidence or information is provided or a completely new issue is raised. Such complaints may be designated persistent or vexatious and be managed in accordance with the persistent complainant's policy.*
- 3.1.15 *The council will not re-consider a complaint where a resolution has already been proposed by the Local Government Ombudsman unless requested to do so by the ombudsman's office following a review.*
- 3.1.16 *The council will not enter into protracted correspondence with the complainant between the individual stages of the complaints process.*
- 3.1.17 *The council will not normally investigate where the complainant is using their enquiry as a way of raising a wider political or community campaign.*
- 3.1.18 *The council will not normally investigate where the complainant is not the person primarily affected and is complaining about a secondary impact on them, rather than acting on behalf of the person directly affected.*
- 3.1.19 *The management of the complaints process shall be regularly audited to ensure compliance with the council's standards and procedures.*
- 3.1.20 *All complaints shall be monitored and performance indicators made available to demonstrate compliance with agreed timescales.*

## 4. Complaints Procedure

- 4.1 Portsmouth City Council has a three-stage complaint process. Following the completion of each stage the customer will have the right to have the complaint escalated to the next stage of the process – subject to a clear explanation as to why they were dissatisfied with the outcome of the investigation at the earlier stage and what more they think the council should do.
- 4.2 *The council will not escalate a complaint simply because the complainant disagrees with the response. Evidence of fault must be provided.*
- 4.3 The customer can complain to the ombudsman direct but the ombudsman will only deal with complaints that have been through Portsmouth City Council's three stage complaint procedure, unless there is an urgent reason for doing so.
- 4.4 The timescales for stages 1, 2 and 3 are:
- **Stage 1**
    - Acknowledgement sent within three working days
    - Investigation carried out by a manager of the service complained about
    - Response sent within 10 working days
  - **Stage 2**
    - *Clear reasons for the escalation of the complaint must be received no later than 20 working days from the date of the stage one reply*
    - Acknowledgement sent within three working days
    - Response sent from the head of service within 15 working days
  - **Stage 3**
    - *Clear explanation for the escalation of the complaint must be received no later than 20 working days from the date of the stage two reply*
    - Acknowledgement sent within three working days
    - Response sent from the chief executive within 20 working days.
- 4.5 The complainant will be kept informed of any delays and when a full response will be expected.
- 4.6 Any complaints made concerning harassment or discrimination by an employee towards a customer will use the same three stage process. The service will deal with these complaints and the equality and diversity team will be available for support and information if required.

## 5. Definition of harassment and discrimination

- 5.1 Harassment - This is unwanted behaviour, which has the purpose or effect of violating the dignity of a person on the grounds of racial or ethnic origin, sex, religion or belief, disability, age or sexual orientation.
- 5.2 Discrimination - Treating an individual or group differently and less favourably than others under comparable circumstances. It may be based on a person's race, ethnic origin, gender, disability, age, religious or other belief, or their sexual orientations. It may be unlawful and can include harassment.

## 6. Subject areas falling outside of the corporate complaints policy

- 6.1 Though designed to be as comprehensive as possible it is recognised that certain types of complaint are not intended to be dealt with by the corporate complaints policy.
- Social care complaints are dealt with under their own procedure.
  - All schools have their own complaints process.
  - Investigation of complaints that a councillor may have breached the code of conduct forms part of the Governance and Audit and Standards Committee role.

## 7. Responsibilities of Portsmouth City Council's contractors

- 7.1 Organisations contracted to provide services on behalf of the council will be required to comply with the policy. This includes responding to council officers with information as requested concerning the complaint and providing assistance in the connection with further investigations as appropriate.
- 7.2 Portsmouth City Council will reply on behalf of the contractor. If the contractor receives a complaint direct they will ensure that it is sent to the relevant service to record and action as appropriate.

## 8. Review

- 8.1 *This policy will be reviewed to respond to any changes and at least every two years.*
- 8.2 *The Community and Communications Service will be responsible for reviewing and maintaining this policy.*