

HAMPSHIRE COUNTY COUNCIL

DECISION REPORT

Date considered:	4 February 2025	Item:
Title:	Revised Corporate Complaints Policy	
Directorate:	People and Organisation	

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Purpose of this Report

1. To present to Cabinet a revised Corporate Complaints Policy, detailing the changes made since its revision, the accompanying new governance arrangements and reasons behind the changes to align with new ombudsman guidance.

Recommendations

Cabinet are asked to:

2. Review and approve the new Corporate Complaints Policy (Appendix 1), which aligns HCC's complaints approach with the new [Local Government and Social Care Ombudsman Complaint Handling Code \(2024\)](#). (see paragraphs 14 to 16).
3. Note the Director of People and Organisation will be appointed as *the suitably senior person to oversee its complaint handling performance* as per the LGSCO Complaint Handling Code (see paragraphs 17 and 18).
4. Note that Cabinet will be assigned as the 'Member' with *lead responsibility for complaints in governance arrangements* as per the new LGSCO Complaint Handling Code (see paragraphs 19 and 20).
5. Note that *an annual complaints performance and service improvement report* will be submitted to Cabinet each autumn, in line with the new LGSCO Complaint Handling Code and the Performance Assurance Framework to be updated to reflect this change (see paragraphs 21 to 22).
6. Approve the addition of the new annual complaints performance and service improvement report to the existing Performance Assurance Framework (see paragraph 23).

7. Delegate authority to the Chief Executive to approve any further revisions to the Performance Assurance Framework to ensure that it aligns with any new and relevant Government performance requirements (see paragraph 24).
8. Note the existing 3 Stage complaints process will be reduced to a 2 Stage complaints process, in line with the new LGSCO Complaint Handling Code and HCC's wider initiative to reduce repeated and unnecessary customer communications (see paragraphs 25 to 31).
9. Note the implementation of a new Unacceptable Actions by Customer Policy, as agreed by the Employment in Hampshire County Council Committee in November 2025 (see paragraphs 33 and 34 and appendix 2).
10. Note the next steps following approval of the policy, including the proposed Communications strategy (paragraphs 36 and 37).

Executive Summary

11. The Local Government and Social Care Ombudsman (LGSCO) released a new Complaint Handling Code in April 2024. In this new code, the LGSCO sets out a number of new requirements of local authority's complaints processes and their governance. It requires of local authorities:
 - To appoint a *suitably senior person to oversee its complaint handling performance*.
 - That a Member (or committee) should be assigned as the *lead responsibility for complaints in governance arrangements*.
 - That organisations should produce *an annual complaints performance and service improvement report*, and
 - that the complaints procedure should be limited to 2 stages (currently HCC complaints policy has 3 stages).
12. In order to be fully compliant with these changes, the Corporate Information Governance (IG) team have drafted a revision to the existing policy, found at appendix 1.
13. To give local authorities the opportunity to adopt the code successfully, the LGSCO is encouraging councils to adopt the code as soon as possible. From April 2026, the LGSCO will enforce the code as part of their processes.

LGSCO Complaint Handling Code.

14. The LGSCO introduced a revised Complaint Handling Code in April 2024 under section 23 (12A) of the Local Government Act 1974. The LGSCO has strongly encouraged Councils to adopt the Code as quickly as possible. It has indicated that it will take enforcement action on the Code from April 2026.

15. The County Council's current Complaints Policy was reviewed against the new Code and a revised Policy is attached to this report at appendix 1.
16. The key changes proposed are the introduction of revised governance and reporting arrangements, the reduction of the Stages that officers review a complaint from 3 to 2 and a clearer outline of what does and does not constitute a complaint within this Policy.

Director of People and Organisation to be appointed as suitably senior person.

17. The Code introduces several governance and reporting requirements. It requires that the County Council appoints "a suitably senior person to oversee its complaints performance". The role is to "assess any themes or trends to identify potential systematic issues, serious risks or policies and procedures that require revision" and is essentially leading the oversight and compliance against the standards outlined in the Policy and presenting an annual report on performance.
18. It is proposed that this role follows the existing management line for the Corporate Information Governance team (as part of the Organisational Resilience service), and that the Director of People and Organisation is appointed as the suitably senior person.

Assignment of a "Member Responsible for Complaints" to lead responsibility for complaints in governance arrangements.

19. The Code requires the County Council to "assign lead responsibility for complaints in governance arrangements to support a positive complaints culture" and refer to this as "the Member Responsible for Complaints". The Code states that this role could be assigned to a group or committee. This involves receiving regular updates about the performance of the County Council in terms of complaints from customers, including an annual performance report.
20. This role will include making decisions on the adequacy of the County Council's compliance against the standards outlined in the Code as well as reviewing performance. As Cabinet currently receives and reviews an annual report from the LGSCO as part of the Corporate Performance Framework, the policy proposes that Cabinet fulfil this role as "Member Responsible for Complaints". Also, in line with current arrangements, the policy proposes that the Hampshire 2050, Corporate Services and Resources Select Committee retains a scrutiny function relating to complaints performance.

Annual Complaints performance and service improvement report.

21. Currently an annual report from the Monitoring Officer (MO) is presented to Cabinet on the LGSCO determinations, and this forms part of the County Council's overall Performance Assurance Framework (PAF). This aligns with MO's duty to report to the Council on matters including maladministration or injustice under Section 5 and 5A of the Local Government and Housing Act 1989 (LGHA).

22. The new LGSCO Code requires that the County Council undertakes an annual complaints performance and service improvement report. To meet this requirement, we are proposing expanding the existing arrangements and submitting a separate annual report on LGSCO complaints, to include wider aspects of complaints and lessons learnt. To ensure the MO continues to meet their duty under the LGHA, the proposal would be for this to be a joint report from the Monitoring Officer and the Director of People and Organisation. The timing of the report would move to the Autumn of each year, commencing 2025, in order for us to include details from the LGSCO's annual letter to the County Council that is received during the summer. This approach would see the first report scrutinised by the Select Committee in September 2025, and being considered by Cabinet in October 2025.

23. As the current form of the PAF refers to the LGSCO determinations annual report as a separate part of the wider framework, if this approach is agreed, it will be amended to align a new combined LGSCO and complaints annual report with the other annual reports within the framework – see below.

Performance Assurance Framework

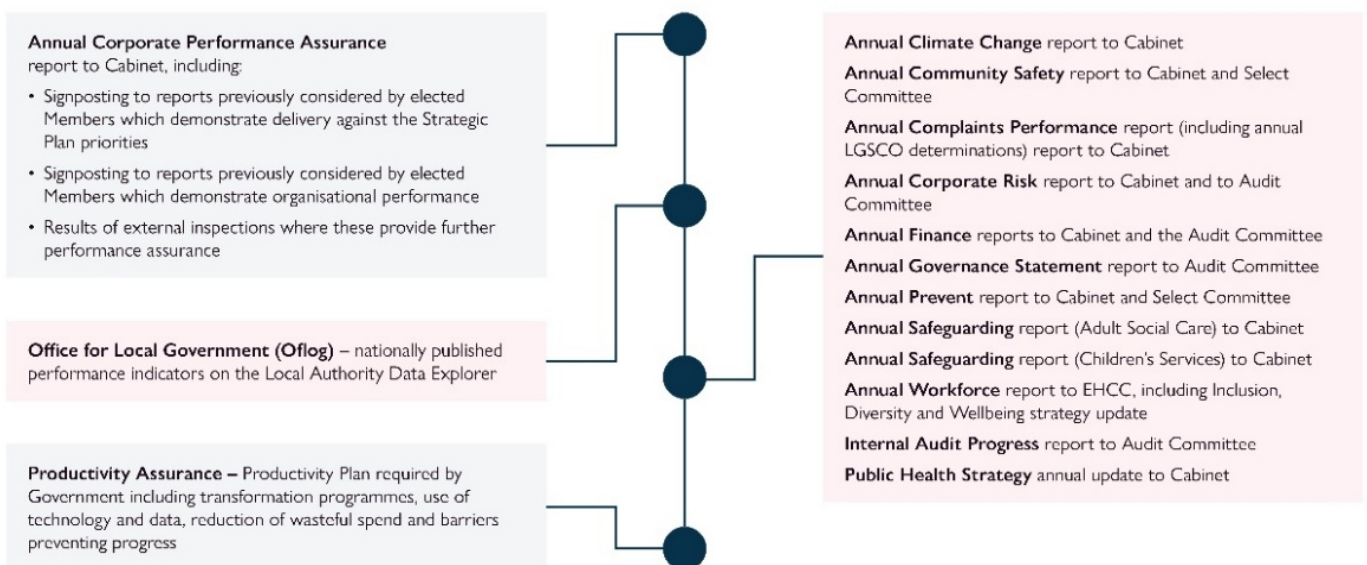


Figure one: Proposed revised Performance Assurance Framework

detail

is known about future requirements relating to this, the PAF will be amended to include these. It is recommended that authority is delegated to the Chief Executive to include these requirements as they are known and as relevant in the Performance Assurance Framework going forward.

Reduce Complaints Process to 2 stages in line with LGSCO guidance.

25. The current complaints process contains a 3-stage escalation process. Stage 1 which is a response from the service, Stage 2 a review and response at Directorate level and Stage 3, a formal review by the Corporate Complaints team. Should the complainant remain dissatisfied they can escalate their case to the LGSCO.
26. The new LGSCO code recommends local authorities provide a 2-stage complaints process before escalation to the ombudsman. The new policy therefore reduces our current 3-stage process to 2-stages, removing the formal review from the Corporate Complaints team and aligning the Council with the LGSCO code.
27. Prior to the publication of the LGSCO code in April, the Corporate Information Governance team were already trialling what impact the removal of the third stage would have on the complaints process. In January, a pilot project was undertaken in SEN complaints in CSD.
28. Our evaluation of the pilot has been that it has resulted in a faster and more comprehensive response for the customer and better results from a service perspective.
29. In addition, this approach has led to less intervention from the LGSCO, with the LGSCO stating on several cases that they were not going to investigate cases because they did not think that they could add to the County Councils Stage 2 response. Therefore, as well as to align the Complaints Process to the new ombudsman code, we can also demonstrate through previous trials that such a reduction in stages can have a positive impact on the quality and timeliness of the Council's responses, further supporting our recommendation to reduce to a 2-stage process.
30. We have also taken the opportunity, within the scope of the Code, to remove any superfluous tasks from the existing process and to provide the maximum flexibility for directorates to reflect the nature of their services when responding to complaints, as well as tightening the definition of what can (and importantly what cannot) be considered within the complaints process.
31. Reducing the stages of our complaints process is also in line with HCC's wider initiative to reduce repeated and unnecessary customer interactions and make better and more effective use of staff resources.

Reviews

32. The draft revised Corporate Complaints Policy has been circulated to all directorate complaints teams with amendments made following feedback and consultation. It has also had amendments made after being reviewed by the Council's Corporate Management Team (CMT).

Unacceptable Actions by Customers Policy

33. In addition to the new complaints policy, and as part of wider initiatives to strengthen the County Councils Zero Tolerance Framework and review how we interact with our customers, a new Unacceptable Actions by Customers Policy (appendix 2) was implemented in December.

34. The intention to launch this new policy was shared with the [Employment in Hampshire County Council Committee \(EHCC\)](#) in November 2024 as part of a broader update on the County Councils Zero Tolerance Statement and supporting framework. The new policy provides greater clarity on how the County Council will manage customer contacts in a fair and positive way, defining what constitutes unacceptable behaviours by customers and outlining the actions/systems the council has in place to address them.

Approval of the new Complaints Policy

35. As the new Complaints Policy will form an important aspect of the County Councils future performance assurance framework, strategy and organisational policies, the proposed policy has been reviewed with the Hampshire 2050, Corporate Services and Resources Select Committee ahead of this being considered by Cabinet for approval prior to its implementation.

Next Steps

36. Following approval of the new Complaints Policy, this will be implemented with immediate effect. Any complaints in the system prior to this point that have already reached stage 3 or where the Council has committed to a third stage will continue to be reviewed by the Corporate Complaints Team. All other complaints will move to the new policy and only be reviewed up to stage 1 or 2 where appropriate.

37. Implementation and launch of the new Complaints Policy will include the following communications strategy:

- Updating the existing public information on Hants.gov.uk
- Raising awareness across the organisation through the upcoming monthly Corporate Organisation Messages Pack.

- Further briefing to Directorate complaints co-ordinators on changes (to confirm the changes to the policy they have already been consulted on).
- Publication of updated pre-prepared template acknowledgement and response letters on SharePoint.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	YES
People in Hampshire live safe, healthy and independent lives:	YES
People in Hampshire enjoy a rich and diverse environment:	YES
People in Hampshire enjoy being part of strong, inclusive communities:	YES

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> N/A	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u> N/A	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

The County Council has a programme of work in place to advance inclusion and diversity in line with its corporate Equality Objectives. This includes undertaking both internal and external assessment of its performance to identify areas of strength and for improvement. This report reviews past performance - the activities and services that are described were subject to appropriate equality impact assessment in accordance with this programme.