

## Appendix 1 – Proposed Corporate Complaints Policy

### Introduction

1. Hampshire County Council welcomes feedback about its services and staff. This policy aims to resolve complaints effectively and fairly and give us the chance to learn and improve.
2. We acknowledge that – despite our best intentions – things do sometimes go wrong. When this happens, we want to put things right. We want our customers to be satisfied with our services.
3. Our corporate complaints policy is based on the Complaint Handling Code issued by the Local Government and Social Care Ombudsman

### Aims

4. We aim to deliver a complaints provision that;
  - has a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and directorates
  - takes collective responsibility for any shortfalls identified through complaints, rather than blaming others
  - acts within the professional standards for engaging with complaints as set by any relevant professional body

### Fair access to all

5. We are committed to ensuring that all people in Hampshire enjoy being part of strong, inclusive communities and we believe it is essential that everyone has easy access to our complaints process.
6. We make sure that all staff are aware of the complaints process and know how to pass details of a complaint to the appropriate person. This includes correspondence addressed to a named officer, which, if it is a complaint, we will log as such.
7. We encourage staff to welcome complaints and support customers who make them. No customer should fear that making a complaint may affect the services we provide to them.
8. Where an individual requests a reasonable adjustment, we will adapt this policy to meet their need.
9. Customers can ask a third party to act on their behalf. If it is a friend, relative, or advocate (such as the Citizens Advice Bureau) we require written authorisation from the customer. We will not release any information about the customer, or process the complaint, without appropriate authorisation.

## How to complain

10. Where possible, we prefer customers to log their complaint using our website, because this ensures we collect all the information we need about them, and automatically forwards the complaint to the relevant County Council service.
11. Except where there are special arrangements to investigate certain complaints (as outlined in 22 below), we operate a single complaints process and all complaints will be routed through this process regardless of where an individual may originally address them to, for example complaints raised to senior managers.
12. The County Council will publish details of its complaints Policy on its website, along with information about the Ombudsman and the Complaint Handling Code issued by the Ombudsman.

## Definition of a complaint

13. Our definition of a complaint is that provided by the Local Government and Social Care Ombudsman in their complaint-handling code: **An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by Hampshire County, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.**
14. Examples could include;
  - Delay
  - Incorrect action or failure to act
  - Failure to follow procedures
  - Failure to provide information
  - Inadequate record-keeping
  - Failure to investigate
  - Failure to reply
  - Misleading or inaccurate statements
  - Inadequate liaison
  - Inadequate consultation
  - Broken promises
  - Staff or contractors behaving unprofessionally
  - Other issues causing unfairness
15. A complaint does not need to include the word 'complain'. Although our preferred route is electronic, we may accept complaints from other routes, such as by email, by phone, by post, in person, or by social media, where such adjustments would be reasonable under the Equality Act 2010.

## What is not a complaint?

### Service requests

16. A service request may be defined as: **A request that the County Council provides or improves a service, fixes a problem, or reconsiders a decision.**

A service request may include an expression of dissatisfaction or even mention the word “complaint”, but the County Council must have an opportunity to deal with the request, before treating it as a complaint.

17. We will not consider as a complaint, the first request for a service about which we had no previous knowledge, or where we have had insufficient time to deliver that service according to our service standards.
18. We will not deal with anonymous complaints. However, issues raised relating to vulnerable groups such as children, the elderly, and people with mental health or learning difficulties will be considered and investigated if there are safeguarding concerns, using the County Councils existing relevant referral processes.
19. We will also not consider as a complaint, a general request for information or a service.
20. We record service requests so we can monitor and review them. If a customer expresses dissatisfaction about our response to a service request, we will treat this as a complaint, but we will not stop our efforts to address the service request.

## Exclusions

21. The County Council can only deal with complaints about the services that it and its contractors and partners provide. We expect our contractors and partners to follow our corporate complaints policy, unless a different procedure, or an exclusion, applies.
22. There are special procedures for investigating some complaints. Complaints falling under these procedures cannot be dealt with using the corporate complaint process but will be referred to the relevant County Council processes.
  - Complaints about social care services for children and young people (services delivered within Part III of the Children Act 1989)
  - Complaints about adult social care services
  - Complaints about breach of the UK GDPR or the Data Protection Act 2018 and the Freedom of Information Act 2000
  - Complaints about Councillors
  - Complaints about personnel matters
  - Complaints alleging fraud, by Council employees, and by contractors
  - Complaints about schools
  - Complaints about school admissions
  - Complaints about parking penalty charge notices
  - Complaints about planning decisions where the customer is the planning applicant
23. If a customer makes a complaint which has an alternative right of appeal, we will write to tell them this and explain how to access the appeal process.
24. If, during our investigation of a complaint at any stage, it becomes apparent that the outcome of our complaint investigation depends upon the outcome of a special procedure or an appeal, we will suspend our investigation under the

corporate complaints process. We will write to the customer to let them know. We will keep the customer updated on progress and let them know we are still aware of the complaint and waiting for information. Once we have the outcome of the special procedure or appeal, we will complete our investigation of the complaint within the normal timescales.

25. In addition to those matters which fall within a different complaint or appeal process, we will not consider the following matters using the corporate complaint process:

- An explanation of, or challenge to, a County Council policy or procedure; although we can look at how that policy or procedure has been applied, and check that it complies with the law and statutory guidance.
- A challenge to a County Council decision, although we can look at how that decision was reached.
- A complaint about another resident, as part of a neighbour dispute for example.
- Complaints where legal proceedings have started, with details of the claim having been filed at court. However, if a solicitor is acting as an advocate for a customer, we will log this as a complaint and deal with it in the usual way.
- Complaints made by or for public bodies or where the impact complained of affects the wider community of Hampshire rather than the individual making the complaint.
- Complaints that involve insurance claims or civil action against the County Council.
- Matters which have previously been considered under this policy.
- A comment, personal opinion or belief, remark or suggestion made by a customer.
- Where we have previously responded to a customer enquiry and clearly stated the County Council's position.

26. This is not an exhaustive list, and we will consider the individual circumstances of each complaint when deciding whether to accept it.

27. If we decide not to accept a complaint, for any reason, we will write to the complainant and explain why. We will provide details of the appropriate ombudsman so they can challenge our decision.

28. We will also keep a record of all rejected complaints and the reason for the decision to reject each one.

## Who can Complain

- Any person or organisation receiving or looking to receive a service from the County Council.
- Any person acting on behalf of an individual, provided they have written consent to do so; (this includes Members, MPs, Advice Agencies and other advocacy groups).

29. In relation to a complaint relating to a child the County Council may require confirmation that the individual has Parental Responsibility or is considered to have sufficient interest in a child. In some circumstances we may require the young person's consent. It may not be possible to deal with your concerns unless the child's parent, guardian or carer has given their consent for someone to act on their behalf.

## When can a complaint be made?

30. We expect customers to make a complaint as soon as possible after they think that something has gone wrong, as this gives us the best chance to find out what happened. The more time passes, the harder it is to recollect the exact events; officers who were involved might have left the County Council; and on occasions records might not be available.

31. For these reasons, the County Council will normally only investigate a complaint about things that have happened within the last 12 months, unless they were previously brought to its attention.

32. There will be exceptions to this, such as when:

- Something might have prevented the customer from reporting the complaint earlier.
- The customer was not aware of the issue.
- The complaint concerns ongoing safeguarding or health and safety issues.
- The complaint is about continuing delay.

33. Because of this, we will not apply a blanket 12-month rule. We will treat each situation on its own merits.

## Our corporate complaints process

34. The County Council has two stages to its corporate complaints process. A different person will investigate the complaint at each stage.

35. Where a customer is complaining about an issue for the first time, we will normally investigate their complaint at stage 1 of the process. We will let the complainant know if we are going to deal with the complaint in a different way.

## Timescales

Stage	Investigated by	Acknowledgement	Response
Stage 1	Service manager	Within 5 working days of receipt	Within a further 10 working days from acknowledgement
Stage 2	Head of Service (corporate complaints)	Within 5 working days of receipt of escalation request	Within a further 20 working days from

	team for multi-faceted complaints)		acknowledgement of Stage 2 escalation
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36. It may take us longer to respond, for example if the complaint is a complex one. The officer investigating the complaint will tell the customer:
- That there is a delay
  - The reason for the delay or extension
  - The proposed new date for the response. The extension will not normally be more than an additional 10 working days at stage 1, or 20 working days at stage 2.
  - Any extension beyond the periods above will only be applied in exceptional circumstances and with good reason.

37. We normally expect customers to escalate their complaint within 1 month of receiving our stage 1 response. But we may allow longer if circumstances require this.

## Multi-faceted complaints

38. Where a complaint is about how multiple County Council services across directorates have interacted, we call this a multi-faceted complaint, and our corporate complaints team will handle the complaint.
39. Where a complaint is about more than one County Council directorate, and we can separate out the different issues, we will raise a complaint against each of the services involved. This ensures we collect accurate data about the number of complaints made about each service.
40. Each service will provide its own response to the resident, without commenting on the other issues in the complaint.

## Complaint-handlers

41. We require all County Council staff handling complaints to:
- Use relevant guidance and templates
  - Maintain a full record of the complaint investigation
  - Clarify with the individual any aspects of the complaint they are unclear about
  - Keep the individual informed of any delay to the complaint response
  - Deal with complaints on their merits, act independently, and have an open mind
  - Give the individual a fair chance to set out their position
  - Take measures to address any actual or perceived conflict of interest, and
  - Consider all relevant information and evidence carefully.
42. Complaint-handlers are authorised, in consultation with any relevant budget holder, to appropriately remedy any complaint at the earliest possible point. They should still provide a written complaint response which conforms to this policy.

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But the customer should not have to wait for the written response, in cases where it is clear what has gone wrong and what should be done to put it right.

## Stage 1

43. The complaint will be logged on receipt.
44. If the complaint is about the service manager, their line manager will investigate and respond to the complaint.
45. The County Council will contact the customer to clarify any aspect of the complaint which is unclear.
46. The County Council will, within 5 working days of receipt of the complaint, send the customer a written acknowledgement.
47. An individual will be appointed to investigate the complaint and write to the customer within 10 working days of the acknowledgement, advising them of the outcome of their investigation. The stage 1 complaint response will be sent even if the County Council has not yet completed all the actions to address the complaint.
48. The stage 1 complaint response will explain to the customer:
  - The complaint stage
  - Any aspects of the complaint for which the Council is not responsible
  - The evidence considered (including law and guidance where relevant)
  - The decision on the complaint
  - The reasons for this decision
  - The details of any remedy offered to put things right
  - Any action that the Council will take as a result of the complaint
  - How the customer can escalate their complaint if they are unhappy with the decision.
49. A written response to the Stage 1 complaint will be sent, including escalation information, in all cases, including those where the County Council has already successfully remedied the complaint.
50. County Council will also make arrangements to track any outstanding actions required to resolve the complaint and provide progress updates to the customer. If the County Council cannot deliver the remedy it has proposed, the stage 1 complaint-handler will write to the customer explaining why, providing details of any alternative remedy as well as the contact details for the Local Government and Social Care Ombudsman.

## Stage 2

51. If all or part of the complaint is not resolved to the individual's satisfaction at stage 1, it can be progressed to stage 2 of the County Councils procedure. Stage 2 is the County Council's final response.



52. The County Council may refuse to escalate a complaint to stage 2 of the corporate complaint process for the reasons set out in the exclusions section above. We do not require a customer to provide a reason for escalating their complaint.
53. The Director or head of service is responsible for reviewing a complaint at stage 2. This may involve a more detailed investigation, or it may be a review of the investigation already carried out at stage 1, depending on the circumstances of the complaint. The corporate complaints team is responsible for carrying out stage 2 reviews and investigations of multi-faceted complaints about 2 or more service areas.
54. The County Council will, within 5 working days of receipt of the complaint, send the customer a written acknowledgement. This will include:
- Our understanding of the unresolved issues and the outcomes the customer is seeking
  - A request for clarification on any aspects of the complaint that are unclear
  - Confirmation of any reasonable adjustments
  - The date by which the Council will issue its written response.
55. The County Council will write to the customer within 20 working days of acknowledging the complaint. The stage 2 complaint response will be sent even if the County Council has not yet completed all the actions to address the complaint.
56. The complaint response will explain:
- The complaint stage
  - The complaint summary
  - The evidence considered (including law and guidance where relevant)
  - The decision on the complaint
  - The reasons for this decision
  - The details of any remedy offered to put things right
  - Any action that the County Council will take as a result of the complaint
  - Contact details for the Local Government and Social Care Ombudsman.
57. The County Council will send a written response, including escalation information, in all cases, including those where the County Council has already successfully remedied the complaint.
58. The stage 2 response is the County Council's final response to the complaint. Any outstanding actions required to resolve the complaint should be tracked by the service concerned and any necessary progress updates provided to the customer.
59. The County Council will not undertake any further contact with the individual in relation to the complaint once the stage 2 complaints response has been provided, but it will provide the contact details for the Local Government and Social Care Ombudsman.



## Remedying and learning from complaints

60. Where the County Council finds it was at fault, it will remedy any injustice caused using the guidance on remedies published by the Local Government and Social Care Ombudsman.

Possible remedies could include:

- Apologising
- Acknowledging where 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 a correction or addendum
- Providing a financial remedy, based on the Ombudsman's guidance
- Changing policies, procedures or practices.

61. If a proposed remedy cannot be delivered, we will explain the reasons for this, provide details on any alternative remedy and the complainants right to complain to the Ombudsman.

62. The County Council will also consider what service improvements can be made because of the complaint and regularly share information about lessons learned from complaints to all relevant parts of the organisation.

## What happens if the customer remains unhappy?

63. If, after exhausting the County Council's complaints process, the customer remains dissatisfied, they can ask the Local Government and Social Care Ombudsman to investigate their case.

64. The Local Government and Social Care Ombudsman contact information can be found at [www.lgo.org.uk](http://www.lgo.org.uk).

65. The Local Government and Social Care Ombudsman will let us know if they decide to investigate the complaint. We will provide promptly any evidence they request and implement their recommendations without delay.

## Unacceptable Actions

66. In most cases, we can deal with complaints quickly and efficiently. But the behaviour of a minority of customers can make investigating and resolving a complaint difficult. These customers can also take up a lot of officer time, so there is less time to help other people. The Council has a separate Policy on Unacceptable Actions by Customers, which is available on its website.

67. People may act in ways which are out of character when they are in trouble or distressed. There may have been upsetting circumstances in the lead up to an issue coming to us. We do not view behaviour as unacceptable just because a customer is forceful or determined.

68. On occasion, behaviour is difficult for an individual member of staff to deal with because it doesn't conform to the standards they expect or the values they hold. An action is not necessarily unacceptable because a member of staff finds it personally difficult.
69. The County Council endeavours to prevent unacceptable actions from occurring by ensuring that individuals feel that they have been listened to, understood, treated fairly and communicated with appropriately.
70. Customers may behave unacceptably in various ways, for example, but not limited to, in person, by telephone, text or social media.
71. Unacceptable actions are grouped under the four headings with details below:
- aggressive or abusive behaviour: anger which escalates into aggression, threatening behaviour, written or verbal abuse, or unsubstantiated allegations.
  - unreasonable demands: a demand is unreasonable when complying with it would impact substantially on our work or on the services provided to other customers.
  - unreasonable levels of contact: when the amount of time spent dealing with a complaint impacts on our ability to deal with it or with other people's complaints; this is not the same as persistence which can be a positive advantage when pursuing a complaint.
  - unreasonable use of the complaints process: when the effect of the repeated complaints is to harass, or to prevent us from pursuing a legitimate aim or from implementing a legitimate decision.
72. We understand that many complainants are angry about the issues they have raised to the County Council. If that anger escalates into aggression towards County Council staff, we consider that an unacceptable action and operate a zero-tolerance approach to incidents of harassment, discrimination, bullying and abuse.

## Confidentiality

73. Anyone involved in handling a complaint, at any level, has a duty to comply with this procedure and to ensure information on the complaint is always kept confidential.
74. All officers and managers are required to handle complaints according to the rules of data protection.
75. Sharing personal information (including that which would normally be kept confidential) for the purposes of a complaint investigation is lawful processing of data under the Data Protection Act 2018.

## Monitoring

76. The Director People and Organisation oversees the Council's complaint-handling performance, assessing any themes or trends to identify potential systemic

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issues, serious risks, or policies and procedures that require revision.

77. In order to meet its responsibilities under the LGSCO Complaint Handling Code for a “Member Responsible for Complaints”, HCC will assign Cabinet to undertake this function. The code states this ‘member’ may be assigned to a committee. Cabinet will receive regular updates about the performance of the County Council in terms of complaints from customers, including an annual performance report.
78. To provide further scrutiny, the Hampshire 2050 and Corporate Services Select Committee will also review the Council’s performance in relation to Complaints.
79. The Council will produce an annual complaints report as part of our Performance Assurance Framework, for members to scrutinise and challenge, and for publication on its website. The annual complaints report will include:
  - An annual self-assessment against the Local Government and Social Care Ombudsman’s Complaint-handling Code, to ensure this policy remains in line with the Code’s requirements.
  - A qualitative and quantitative analysis of our complaint-handling performance. This will include a summary of the types of complaints we have refused to accept.
  - Any findings of non-compliance with the Local Government and Social Care Ombudsman’s Complaint-handling Code.
  - The service improvements made as a result of the learning from complaints.
  - The annual letter from the Local Government and Social Care Ombudsman about the Council’s performance.
  - Any other relevant reports or publications produced by the Ombudsmen in relation to our work.
80. Alongside the annual complaints report, we will publish Members’ response to it, in the form of the minutes of the meeting within which the annual report is presented.