



Complaints Policy

July 2024

Tracking

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Service	Customer Services		

Revision History

Revision Date	Revisor	Previous Version	Description of Revision

Document Approvals

Each revision requires the following approvals:

Sponsor Approval	Name	Date

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1. Purpose of this policy.

Epsom & Ewell Borough Council are committed to providing excellent customer service and want to encourage you to be involved in the decisions that we make and in the development of services. Understanding customer feedback is an important part of this involvement and the Council therefore welcomes compliments and complaints from you to help improve Council services.

The council will ensure we monitor performance in dealing with complaints. We will follow our complaints procedure which will allow us to be consistent in how we deal with complaints.

Effective complaint handling enables you to be heard and understood. The starting point for this is a shared understanding of what constitutes a service request and what constitutes a complaint. In most cases the Council should be able to put things right through normal service delivery processes.

Complaint Definition:

A Complaint may be defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.¹

Service Request Definition:

A service request may be defined as a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision.²

2. Complaint Exclusions

The Council will accept a complaint unless there is a valid reason not to do so. If we do not accept a complaint, we will evidence our reasoning for doing so. Each complaint will be dealt with on its own merits.

Examples of when we may not accept a complaint:

- Where there are other rights of appeal, this can include planning decisions, housing benefit or council tax decisions, Penalty Charge Notices and Fixed Penalty Notices, and the Community Trigger Processes.
- Where legal proceedings have started, or court action is being taken.
- When the issue the complaint regards has occurred over 12 months prior to the complaint being raised, (we will use discretion where complaints are made outside of this time limit where there is good reason to do so).

¹ Local Government Ombudsman - Complaint Handling Code v1.0, pg.3 para 1.4
(<https://www.lgo.org.uk/assets/attach/6558/Complaints-Handling-Code-F-form.pdf>)

² Local Government Ombudsman - Complaint Handling Code v1.0, pg.3 para 1.2
(<https://www.lgo.org.uk/assets/attach/6558/Complaints-Handling-Code-F-form.pdf>)

- Complaints involving insurance claims against the council (unless they are about how a service has communicated with you about an insurance claim, for example, if they have delayed sending information).
- Where the council is satisfied that the matter has already been dealt with in previous dealings and where this has been communicated.
- Where the complaint is anonymous and no complainant details are provided.

It is recognised that you may express disappointment, disagreement, or observations about services without necessarily complaining about something specific. Feedback of this nature will be recorded as a comment and forwarded to the relevant service area for consideration and action.

3. Accessibility

The Council has a dedicated email address for complaints³. We are also happy to accept complaints made over the phone, in writing or at our Town Hall Reception, during opening hours of the building. Complaints made through our social media channels will be sent to Customer Services to be logged as a formal complaint.

The Council are aware of our duties under the Equality Act 2010 and are willing to make reasonable adjustments for you if you may need to access the complaint process. Please advise of any reasonable adjustments you may need.

If you would like a suitable representative to deal with your complaint on your behalf, please inform us of this at the earliest possible opportunity. This representative can also represent you or accompany you to any meeting with the Council.

4. Complaint Handling

The Council has a two-stage complaint process. When you, or a group of individuals expresses dissatisfaction that could meet the criteria for a complaint as set out in section 1, and no exclusions apply from section 2, you will be given the opportunity to make a complaint.

When accepting a complaint, the Council will:

- Clarify with you any aspects of the complaint we are unclear about.
- Deal with complaints on their merits, act independently and have an open mind.
- Give you a fair chance to set out your position.
- Take measures to address any actual or perceived conflict of interest
- Consider all relevant information and evidence carefully.
- Give a timescale by which a response will be provided

Where we believe that we will be unable to respond to a complaint within the timescales set out in this policy, we will inform you of when the response will be provided and the reason(s) for the delay.

³ complaints@epsom-ewell.gov.uk

The Council will only refuse to consider a complaint through our complaint process if there are valid reasons to do so, which we will set out clearly. These reasons should align with the exclusions set out in Section 2 of this policy.

We will keep a full record of the complaint and outcomes at each stage. These records will be retained in line with the Council's data retention policy.

We will endeavour to remedy a complaint at any stage of our complaint process and will do so where possible without escalation to stage 2 or the Ombudsman.

The Council has a Managing Unacceptable Customer Behaviour Policy which we may engage where needed.

5. Complaint Stages

Stage 1

Complaints will initially be logged at stage 1 of our complaint process and will be acknowledged within 5 working days of the complaint being received.

The Council will aim to provide a response within 15 working days of the complaint being acknowledged.

The Council will decide whether an extension to this timescale is appropriate when considering the complexity of the complaint and then inform you of the expected timescale for response. Any extension should be no more than 10 working days without good reason, and the reason(s) need to be explained to you.

The Council will provide a complaint response when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly with updates provided to you. If appropriate a partial response will be sent to you.

The Council will address all points raised in the complaint and provide clear reasons for any decisions, referencing any relevant policy, law and good practice where appropriate. We will be clear about which aspect of the complaint we are, and are not, responsible for and we will clarify any areas where this is not clear.

At the conclusion of the Stage 1 complaint, we will provide details of how to escalate the matter to stage 2 if you are not happy with the response.

Where you raise an additional complaint during stage 1, this should be incorporated into the stage 1 response if it is related, and the stage 1 response has not been provided. This may extend or restart the timeline for a response.

Where the stage 1 response has been provided, the new issues are unrelated to the issues already being considered, or it would unreasonably delay the response, the new issues will be logged as a new complaint.

Stage 2

If all or part of the complaint is not resolved to your satisfaction at stage 1, it should be progressed to stage 2. The stage 2 complaint response is the Council's final response.

We would normally expect that if your stage 1 complaint is not resolved to your satisfaction, that the request to progress this to stage 2 takes place within 6 months. Requests to progress to stage 2 after this period of time will be taken at our discretion

Requests for stage 2 complaints should be acknowledged and logged within 5 working days of the escalation request being received.

Within the acknowledgement, we will set out our understanding of any outstanding issues and the outcomes you are seeking. If any aspect of the complaint is unclear, we will ask for clarification.

You should not be required to explain your reasons for requesting a stage 2 consideration of your complaint. We will make reasonable efforts to understand why you remain unhappy as part of our stage 2 response.

If we are unable to understand why you remain unhappy, we may simply consider whether the stage 1 response is appropriate before signposting to the Ombudsman.

The person considering the stage 2 complaint will not be the same person that considered the stage 1 complaint.

The Council will provide a response to the stage 2 complaint within 20 working days of the complaint being acknowledged.

The Council will decide whether an extension to this timescale when considering the complexity of the complaint and then inform you of the expected timescale for response. Any extension should be no more than 20 working days without good reason, and the reason(s) need to be explained to you.

When we inform you about an extension to the stage 2 timescale, we will also provide details of the Local Government and Social Care Ombudsman.

We will confirm the following in writing to you at the completion of the stage 2 complaint in clear and plain language:

- The complaint stage.
- Our understanding of the complaint.
- The decision on the complaint.
- The reasons for any decisions made.
- The details of any remedy offered to put things right.
- Details of any outstanding actions
- Details of how to escalate the matter to the Ombudsman if you remain dissatisfied.

The stage 2 response is our final response and will involve all suitable staff members needed to issue such a response.

6. Putting things right.

Where something has gone wrong, we will acknowledge this and set out the actions we have taken, or intend to take, to put things right. These can include one or more of the following:

- Apologising.
- Acknowledging where things have gone wrong.
- Providing an explanation.
- Acting if there has been a delay.
- Reconsidering or changing a decision
- Amending a record or adding a correction or addendum
- Changing a policy, procedure, or practice.

Any remedy offered will reflect the impact on you as a result of any fault identified. We will clearly set out what will happen and when, all of which will be agreed with you.

If a proposed remedy cannot be delivered you should be informed of the reasons for this, provided with details of an alternative remedy and reminded of your right to complain to the Ombudsman. Requests for financial compensation will only be considered in exceptional circumstances.

7. Performance, scrutiny, and oversight

We will provide to the Audit & Scrutiny Committee, an annual complaint performance report. Details of Audit & Scrutiny meetings can be found on our website.

The Council want to be proactive in ensuring that our complaint handling process supports a culture of continuous improvement to service delivery.

Regular meetings are held between Customer Services and Service Managers to discuss complaints, lessons learned as a result from complaints and how service improvement can be made through analysis of complaints.

8. Exceptional Circumstances

There may be exceptional circumstances, where the relationship between us and you has broken down to a point where a resolution is not possible. In these cases, we may seek to close the case without completing all stages of our complaints policy, or we may expedite the case to a final stage. If this becomes necessary, we will advise you of the reasons for this and the options open to you.

In most cases we will provide details of the Local Government Ombudsman to you and we may ask them to consider a case before it has exhausted our complaints process. It will be entirely at the discretion of the LGO whether they accept the referral, or not.

We will also consider circumstances where there is merit in an independent review or some form of mediation to try to resolve an outstanding dispute.

9. Complaints about Statutory Officers and members of staff

Members of staff

If your complaint is regarding the behaviour of a member of our staff, this may follow different timelines, as in the first instance this will be referred to the staff members Manager to investigate and then an internal HR investigation may be required. You will be kept updated regarding this.

Statutory Officers

The Process for investigating complaints about statutory officers is that as set out within [Schedule 3](#) of The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

The Council's Complaints Policy does not apply to any complaint brought against Statutory Officers. This is supported by an internal Disciplinary Policy. and you will be kept updated at regular intervals regarding this.

The process for investigation of such a complaint begins in accordance with Schedule 3, Regulation 3, when an allegation is made regarding the conduct of any of the Council's Statutory Officers. The Council's Head of HR and OD in consultation with the Chair of the Council's Strategy and Resources Committee and the Monitoring Officer (or Deputy Monitoring Officer where applicable) will convene as a Panel to decide whether the issue falls within the definition of staff discipline.

If the issue falls within the relevant definition, relevant Independent Persons (at least two) will be appointed to the Panel.

The Panel shall screen potential disciplinary/dismissal issues to consider whether they require investigation. If they are of the view that the complaint warrants an investigation, they will recommend the appointment of an independent investigator who will be invited to prepare a report back to the Panel.