

OADBY & WIGSTON BOROUGH COUNCIL

# COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY



Policy Owner: Head of Customer Service and Transformation  
Date of Next Policy Review: September 2021

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## 1.0 Purpose

Oadby & Wigston Borough Council is committed to providing the best possible service to our customers and this is at the heart of everything we do.

The Council is a large and complex organisation and provides a wide range of services to many people. Sometimes we will get things wrong. We encourage feedback so we can learn and make improvements.

We ensure our staff are fully trained on complaints handling and can deal effectively with customer feedback.

This policy ensures that there is a clear process for our customers to follow when making a complaint. It also helps us to put things right when they go wrong and most importantly ensures we learn from our mistakes.

All feedback is important so this policy also covers how we handle compliments and comments from our customers.

## 2.0 Our Approach to Complaints

Our aim is to ensure that complaints are handled in a consistent, fair and appropriate manner. When dealing with complaints we use the following principles:

- It should be easy for customers to make a complaint.
- When a complaint is made, where possible, we will focus on early resolution and try to solve the issue for the customer.
- When a full investigation is needed, we will consider all aspects and contact the complainant for more information when we need to.
- We will deal with complaints in an open-minded and impartial way. The complainant, and if applicable any staff member who is the subject of the complaint, will be given a fair chance to set out their position and comment on any adverse findings before a final decision is made.
- Customers who make a complaint will be treated fairly, and will not be disadvantaged in any way for raising their issue.
- When responding to a complaint, we will explain what happened, admit when things go wrong and do our best to put them right. If a complaint is unjustified we will explain why we believe this to be the case.
- We will regularly monitor all complaints to ensure timescales and satisfaction levels are met.
- We will learn from complaints so that we can improve our services.

## 3.0 What is a Complaint?

A complaint to us is “*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 people.*”

This could, but not exclusively fall into the following categories:

- A complaint about a service.
- A complaint about a member of staff.
- A complaint about a policy.

## 4.0 What is not a Complaint?

There are other subjects which we recognise that customers may feel the need to complain about but do not fit into the definition of a complaint under this policy.

### **Appealing service outcomes/decisions**

Where a customer has a statutory right of appeal against a decision this will not be treated as a complaint. For example, where planning permission has been refused, where you do not agree with the outcome of a Benefit application or when you do not agree with the banding of your property for Council Tax.

### **Insurance claims**

If the person contacting the Council wishes to make an insurance claim for the loss they have incurred, they should be advised to put the full details in writing to our finance team:

Finance Section  
Oadby and Wigston Borough Council  
Station Road  
Wigston  
Leicestershire LE18 2DR

Email: [insurance@oadby-wigston.gov.uk](mailto:insurance@oadby-wigston.gov.uk)

More information can be found on our website: [https://www.oadby-wigston.gov.uk/pages/insurance\\_claims](https://www.oadby-wigston.gov.uk/pages/insurance_claims)

Complaint forms should not be used for insurance claims, as this can slow down the process.

### **Complaining about a Councillor**

If a customer feels it necessary to complain about the conduct of a Councillor there is a separate process for this type of complaint, this can be found on our website.

In these circumstances if you are not sure how to proceed please contact our Customer Service Team on 0116 288 8961 who will be able to advise you of the correct process to follow.

**Members Enquiries**

General enquiries from Members will not be treated as complaints. There is a separate process for these.

**Complaint about a service area outside our responsibility**

The customer should be referred on to the appropriate local authority.

**Complaints about information requested under the Freedom of Information Act or Data Protection Act**

The customer should contact the Information Commissioner at [www.ico.org.uk](http://www.ico.org.uk) or call 0303 1231113.

**Neighbour disputes or anti social behaviour**

Should be reported to the housing team, the Council's Anti Social Behaviour Officer or the Police where appropriate. We would only investigate a complaint that refers to our failure to deal with the disagreement appropriately

**Issues regarding hate crime or domestic violence**

These should be reported to the Police.

**Issues where there is another appeals process, e.g. disrepair or housing and homelessness applications**

- The issue giving rise to the complaint occurred over six months ago. Where the problem is a recurring issue, the landlord (who is the Council) should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident. (N.B. it may not be appropriate to rely on this exclusion where complaints concern safeguarding or health and safety issues.)
- Legal proceedings have been started. Landlords (the Council) should take steps to ensure that residents (Council tenants) are not left without a response for lengthy periods of time, for example, where a letter before action has been received or issued but no court proceedings are started or settlement agreement reached.
- Matters that have already been considered under the complaints policy.
- If a landlord (the Council) decides not to accept a complaint a detailed explanation should be provided to the resident setting out the reasons why the matter is not suitable for the complaints process.

If a complaint is not appropriate to deal with under this Policy, staff should sign post the customer to the appropriate organisation. .

## 5.0 Type of Complaints

### **Multi areas of complaints**

Customers sometimes make complaints about more than one section/department, how we handle these will depend on if they are unrelated or linked.

#### Unrelated Complaints

Complaints that do not appear to be linked in any way e.g. an issue with a park and a housing repair, will be separated by the Complaints Monitoring Officer and sent to the departments concerned, separate responses will be sent on each part of the complaint.

#### Linked complaints

With complaints that are linked and involve more than one section or department, the Complaints Monitoring Officer will establish what issue is the main part of the complaint and that section/department will lead on the complaint. Only one response letter will be sent. The lead manager will liaise with the other section/department to coordinate the response.

### **Complaints about our partners**

Any complaint or issue relating to dissatisfaction with services provided on behalf of Oadby & Wigston Borough Council should be directed to the organisation delivering the service in the first instance.

If the organisation delivering the service does not resolve the issue, the customer can bring the matter to the council's attention and it can be considered as a complaint.

### **Complaints about our contractors**

The Council use private contractors for some repairs in council owned homes. Any complaints by a council tenant or leaseholder relating to repairs carried out by contractors should be directed to the Council.

Where a tenant or leaseholder reports a repairs issue the Council will consider whether this should be dealt with as a service request or a complaint. A service request is a contact from a customer that brings a matter to the council's attention for the first time for example reporting a repair. A complaint is where the customer expresses dissatisfaction about the standard of a service, actions, or lack of actions by the council or those carrying out work on behalf of the council and their staff.

### **Anonymous complaints**

We will accept and act on anonymous complaints even though it will not be possible for the complaint to be acknowledged or responded to in this circumstance. Anonymous complaints will be investigated and used to monitor and develop our services.

## 6.0 Making a complaint

All complaints go through our Customers Service Team. Customers can make a complaint by any of the following methods:

- **Online** - by completing our online form [https://www.oadby-wigston.gov.uk/pages/compliments\\_comments\\_and\\_complaints\\_policy\\_and\\_for\\_m](https://www.oadby-wigston.gov.uk/pages/compliments_comments_and_complaints_policy_and_for_m)
- **Email** – by emailing our Customer Service Team [customerservices@oadby-wigston.gov.uk](mailto:customerservices@oadby-wigston.gov.uk)
- **In writing** – by writing to our Customer Service Team at 40 Bell Street, Wigston, Leicestershire LE18 1AD
- **Phone/Face to face**  
Any customers that need help making a complaint can call our Customer Service Team on 0116 288 8961, or visit our Bell Street office and a Customer Service Officer will take the details and assist the customer to make their complaint.

Customers can also make their complaints in person when they meet with a Council Officer, for example during a home visit from a Housing Officer.

- **Social Media**  
By posting a message on our Facebook or Twitter accounts.

Please note - If a complaint is received via social media the Customer Service Team will try to make direct contact with the complainant to gather full details of the complaint. If no more information can be gathered, the relevant service area manager will be made aware of the content of the complaint and will investigate where possible. If the customer does not provide enough information to allow an investigation or is unwilling to engage, this investigation may be limited

- **Via a third party (with permission)**  
This includes advocates, MP's and Councillors.

We will remove barriers which might deter or exclude customers from accessing the complaints process.

We will support customers who require assistance to make a complaint and will make reasonable adjustments where practicable.

### **If a customer makes a complaint they:**

- will not suffer any penalty or discrimination as a result
- will have their complaint acknowledged, taken seriously and investigated
- will receive a reasoned and honest response

## 7.0 Who can make a complaint?

We accept complaints from residents, local businesses, visitors, suppliers of services, community groups and other groups or individuals that use or are affected by our services.

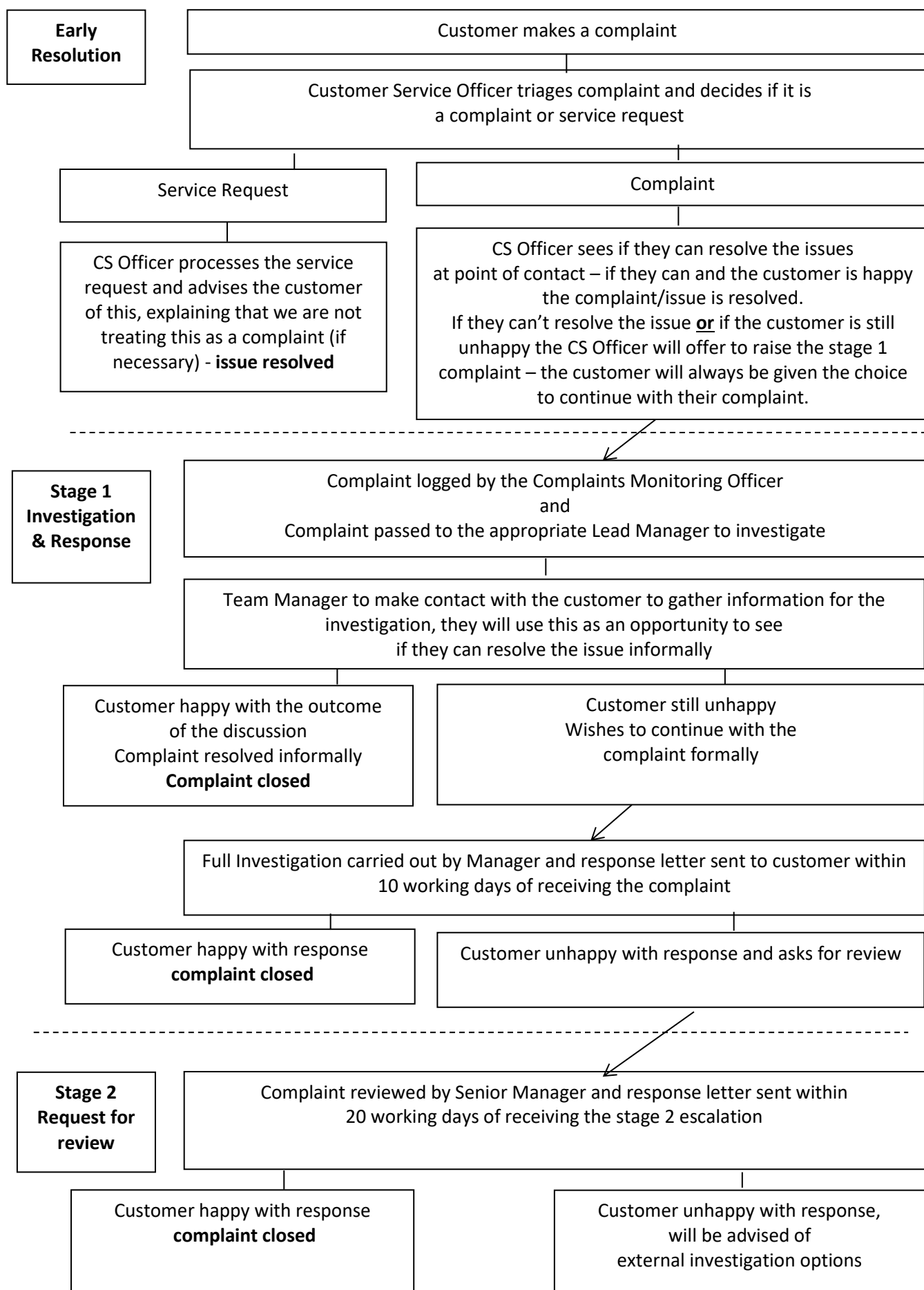
We also accept complaints from people acting on behalf of someone else such as Councillors, Members of Parliament, advocates and support agencies.

Where a complaint is made on behalf of a customer we will require confirmation that the representative has permission to act on their behalf and information can be shared.



## 8.0 Process of making a complaint

This flowchart shows the process for making a complaint and relates to both Housing Complaints (under the new guidance of September 2020) and also all other general complaint.



## External Investigation – General Complaints

The Local Government Ombudsman considers general complaints about local authorities. They investigate complaints about poor service, failure to provide a service and administrative failure.

If after going through both formal stages of the Council's complaint procedure, the complainant remains unhappy with the way their complaint has been handled, they have the right to complain to the Ombudsman.

Contact details for Local Government Ombudsman
Local Government Ombudsman PO Box 4771 Coventry CV4 0EH  Tel: 0300 061 0614 or 0845 602 1983 Website: <a href="http://www.lgo.org.uk">www.lgo.org.uk</a>

## External Investigation – Housing Complaints

The Housing Ombudsman considers housing related complaints. Before contacting the Housing Ombudsman, the tenant has the option to contact a designated person first to help find a solution.

A designated person can be either a local Councillor or an MP. Their role is to help resolve disputes between tenants and their landlords which they can do in whatever way they think is most likely to work. If the designated person cannot help they can refer a complaint to the Housing Ombudsman.

Tenants can also choose to go directly to the Housing Ombudsman and bypass the designated person, but they have to wait for eight weeks from the response to their stage two complaint before they do so.

The point of contact for the Housing Ombudsman will be the Housing Services Manager.

## Help and Advice from the Housing Ombudsman

Residents have the right to access the Housing Ombudsman Service, not only at the point they have exhausted the landlord's complaints process, but at any stage in the complaints process. The Housing Ombudsman dispute support advisors can offer residents support and advice at any point during the complaint process

N.B. The Housing Ombudsman does not deal with complaints about housing allocations, homelessness applications, Housing Benefit, sale or disposal of land on housing estates, planning and building control at council houses owned by the Council.

Contact details for the Housing Ombudsman
Housing Ombudsman Service PO Box 152 Liverpool L33 7WQ  Telephone: 0300 111 3000 Website: <a href="https://www.housing-ombudsman.org.uk/">https://www.housing-ombudsman.org.uk/</a>

### **Meeting the Housing Regulator's Consumer Standards**

If a complaint concerns an issue that may result in serious detriment, such as a health and safety issue, this must be escalated to the Housing Service Manager and HRA Programme Manager to deal with.

The Housing Regulator requires social landlords to meet specific statutory requirements on gas, fire, asbestos and electrical safety as well as the Health and Safety at Work Act 1974. Failure to comply with the Regulator's Home Standard can have significant implications for the safety of the Council's tenants and leaseholders.

Examples include:

- Gas safety checks
- Electrical safety checks
- Fire Safety checks
- Asbestos surveys
- Water safety checks

## **9.0 Timescales**

We will always try to resolve any issue that is raised with us early on. If we are unable to do this informally, customers can invoke the formal process. There are 2 stages to our formal complaints process.

### Stage 1

The initial complaint - Response time for this complaint is 10 working days.

### Stage 2

Complainant is unhappy with the response that they have received to their initial complaint so they are asking for their complaint to be reviewed. Response time for this complaint is 20 working days.

If it is not possible to resolve a complaint within the stated timescales, the customer will be kept up to date with the progress of the complaint and informed when they should expect a response.

All complaints will be acknowledged within 5 working days of receipt of the complaint.

If the Complainant remains dissatisfied with the outcome at stage 2 they can take their complaint to the Local Government Ombudsman or the Housing Ombudsman as outlined above.

### **Timescales in which to make a complaint**

Normally, a complaint must be made within 12 months of the event you want to complain about, or finding out that you have a reason to complain. In certain circumstances, we may accept your complaint after the 12 month time limit.

## 10.0 Monitoring and Reporting

Complaints and service failures will be monitored, analysed and reported on by the Head of Customer Services and Transformation.

The Head of Customer Service and Transformation will chair a quarterly complaints review meeting to ensure that we are effective at handling complaints and to highlight areas for improvement.

Reviewing complaints is invaluable in allowing teams to identify any specific strengths and weaknesses within their service area, measuring customer satisfaction with services and most importantly using feedback to improve customer focus and deliver better services.

### **The Role of the Complaints Monitoring Officer**

Our Complaints Monitoring Officer has several roles to play within the complaints procedure:

- To record all complaints.
- To acknowledge all complaints.
- To ensure that complaints are administered in a timely manner.
- To ensure that information on complaints is recorded for monitoring and reporting purposes.
- To provide feedback to the Head of Customer Services and Transformation, Heads of Service and Team Managers on the processing of complaints handling within departments.
- To provide guidance and advice to those handling complaints.

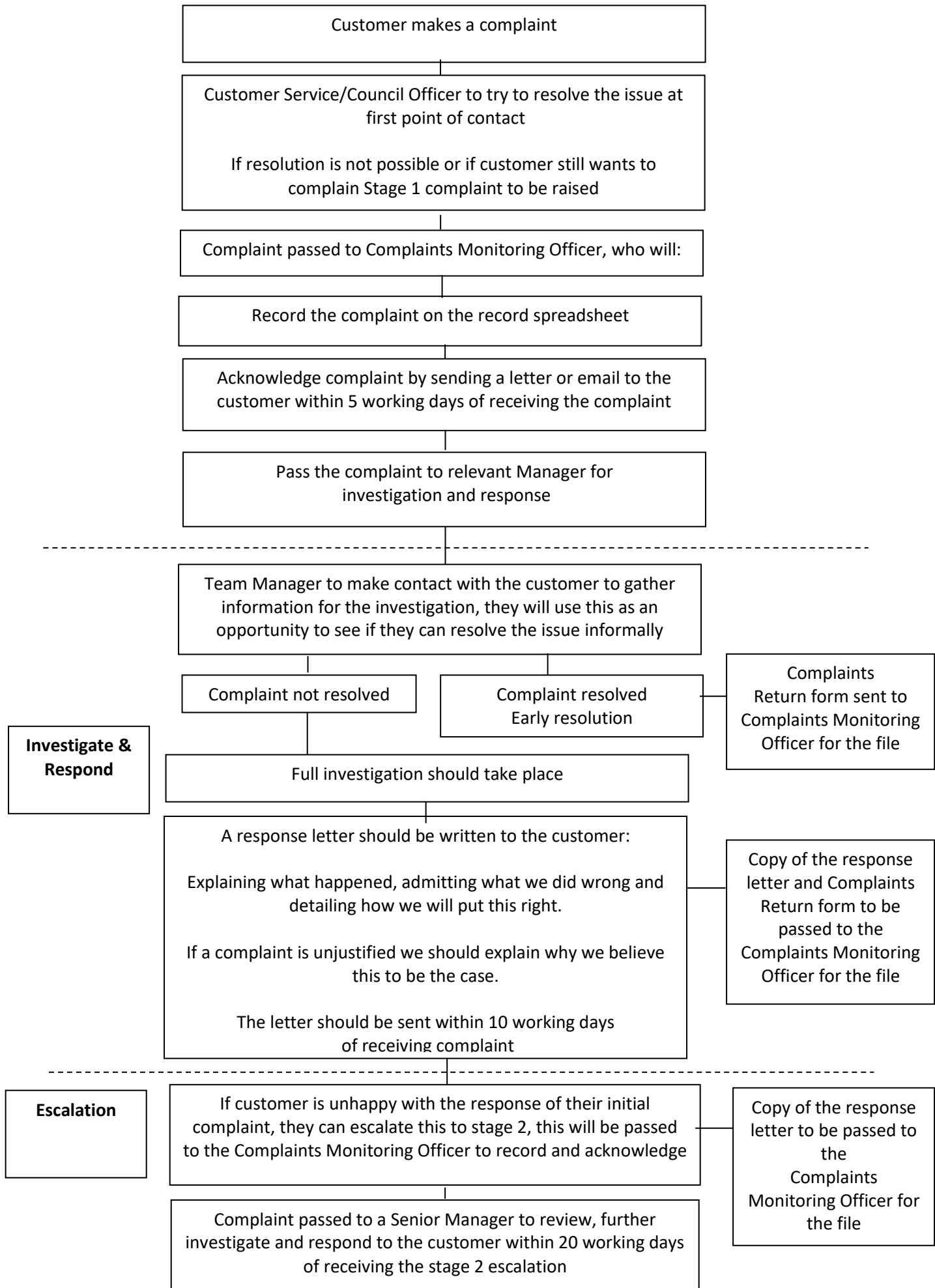
### **Role of the investigating Manager**

- To conduct a thorough investigation of any complaints received for their service area
- To try and resolve issues as soon as possible
- To respond to the customer within response timeframes
- To provide a copy of the response letter and summary of the complaints investigation (complaints return form) to the Complaints Monitoring Officer
- To implement any actions needed as a result of the complaint

### **Role of the Senior Review Manager**

- To review the initial complaint investigation
- To review all the evidence and consider the complaint again
- To respond to the customer with their findings
- To ensure lessons are learned if appropriate

## 11.0 Process of handling complaints



## 12.0 Dealing with vexatious complaints

In a small number of cases, people pursue their complaints in a way that is unreasonable. In most instances when we consider someone's behaviour is unreasonable we will explain why and ask them to change it.

Examples of unreasonable behaviour are:

- Using abusive or foul language
- Sending multiple emails
- Leaving multiple voicemails
- Making repeated telephone calls
- Multiple attendance to the Customer Service Centre about the same subject matter

If they continue to behave unacceptably, or be unreasonably persistent in their contacts, we will investigate the complaint but it may be necessary to address unacceptable behaviour by restricting contact with the Council.

Examples of a vexatious complaint include:

- Insufficient or no grounds for the complaint or the complaint is motivated by malice
- Refusal to specify the grounds of the complaint
- Refusal to cooperate with the complaints process while still wishing the complaint to be resolved
- Changing the substance or nature of the complaint without reasonable justification
- Denying statements he or she made at an earlier stage in the complaint
- Refusal to accept the outcome of a complaint after its conclusion, repeatedly arguing the point, complaining about the outcome and denying an adequate response has been given

Where complaints are made in what is deemed to be an aggressive, abusive and/or vexatious, or in an unreasonably persistent manner and the Council is satisfied that:

- The complaint has been investigated properly
- Any decision reached is the right one
- Communications with the complainant have been adequate, and the complainant is not now providing any significant new information that might affect the Council's view on the complaint

A letter will be sent by the Head of Service responsible for the service area from where the complaint originates to inform the complainant that their behaviour is considered unacceptable and that no further correspondence in respect of the complaint will be entered into.

Where the behaviour is so serious it threatens the safety and wellbeing of others the matter may be subject to legal action. If the customer is a council tenant or leaseholder the matter should be referred to the Head of Built Environment or the Housing Manager for action under potential breach of the conditions of their tenancy or lease.

## 13.0 Compliments and Comments

### Compliments

Compliments help us understand what we are doing well and what our customers really value. It's good for our staff to know that people appreciate their work. It also enables us to identify areas of best practice and share them across the Council.

When we receive a compliment we will:

- Acknowledge the compliment where possible
- Pass details of the compliment and the comment on to the Complaints Monitoring Officer so that this can be recorded for reporting purposes.
- Pass the compliment to the relevant service managers for their information and so they can share it with their team

### Comments

A comment is a suggestion, idea or observation about an area of our service. Comments give us ideas about improving our services and providing value for money.

Some comments do not require a response, but all comments will be recorded and shared with the relevant service area for continuous improvement.

Customers can make a Compliment or Comment by any of the following methods:

- **Online** - by completing our online form [https://www.oadby-wigston.gov.uk/pages/compliments\\_comments\\_and\\_complaints\\_policy\\_and\\_for\\_m](https://www.oadby-wigston.gov.uk/pages/compliments_comments_and_complaints_policy_and_for_m)
- **Email** – by emailing our Customer Service Team [customerservices@oadby-wigston.gov.uk](mailto:customerservices@oadby-wigston.gov.uk)
- **In writing** – by writing to our Customer Service Team at 40 Bell Street, Wigston, Leicestershire LE18 1AD
- **Phone/Face to face**  
Any customers that need help making a complaint can call our Customer Service Team on 0116 288 8961, or visit our Bell Street office and a Customer Service Officer will take the details and assist the customer to make their complaint.
- **Social Media**  
By posting a message on our Facebook or Twitter accounts

## 14.0 Relevant Legislation

All complaints will be handled in accordance with the General Data Protection Regulation and the Data Protection Act 2018. The handling and storage of personal data will be processed in accordance with data protection legislation at all times and in accordance with the Council's Privacy Policy

All complaints received will be dealt with in accordance with the requirements of the Equality Act 2010. We will, when necessary adapt normal policies, procedures, or processes to accommodate any individual's needs such as providing documents in large print or Braille, arranging meetings in person or undertaking home visits where appropriate.

In implementing this Policy the Council will comply with the Regulator for Social Housing's Regulatory Framework for Social Housing in England and the Housing Ombudsman's Complaint Handling Code (July 2020).