

Wealden District Council Complaints Procedure

1. Introduction

This is the Council's corporate complaints procedure for dealing with corporate complaints.

2. What a Complaint is

For the purposes of this complaint's procedure, a complaint is 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

3. Complaints Culture

Through our handling of complaints, we aim to demonstrate transparency and accessibility, and through good complaint handling governance, demonstrate that our residents are core to our service delivery.

To achieve this, we will:

- create a positive complaint handling culture rather than attributing blame
- ensure fairness in our complaint handling with a customer focused process
- take action to 'put things right'
- provide continuous learning and improvement to drive service improvement so that mistakes are not repeated
- demonstrate learning in annual reports

4. What will not be Treated as a Complaint

Each complaint will be considered on its merits. Where a decision has been made not to deal with a complaint through the complaint's procedure, you will be provided with an explanation and advised of your right to take that decision to the relevant Ombudsman. You will also be advised of any alternative options that might be available.

It should be recognised that the following list is a general guide and is not exhaustive. This list does not preclude individual complaints that may fall into one of the above categories being dealt with through the complaints procedure as determined by the Information Governance Manager.

- a decision taken by a committee of elected members of the council, or by Full Council.

¹ For the purposes of the Housing Ombudsman and when dealing with resident complaints, complaints are 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 a resident or group of residents.'

- where the complainant or another person has commenced or intends to commence legal proceedings against the Council.
- where the Council has commenced or intends to commence legal proceedings relating to the matter of complaint.
- matters that involve an insurance claim against the Council.
- matters which are under consideration by another function of the Council e.g. a live planning application.
- complaints where an alternative right of appeal exists, e.g. an appeal against a Housing Benefits/Council Tax Benefit decision, appeal against a planning decision, appeals against Penalty Charge Notices, homelessness decision reviews, matters where there is a right of appeal via Judicial Review, etc
- a matter which has not affected the complainant personally or caused them an injustice.
- complaints about a member of staff that would more properly be dealt with through the Council's disciplinary procedures.
- complaints about the decision of a recruitment process.
- allegations of fraud or corruption that would more appropriately be dealt with by the Council's anti-fraud and corruption policy or whistleblowing procedures or referral to the Monitoring Officer.
- complaints about contractual matters made by commercial suppliers to the Council.
- matters that the complainant knew about more than 12 months before the complaint was made unless there are good reasons for why they have not been raised with the Council sooner.
- those matters already dealt with through appropriate complaint or appeal procedure and where that process has been exhausted. These matters will only be considered again if new relevant evidence comes to light which may impact on the previous outcome.
- complaints about elected and co-opted members of the Council should be referred to the Monitoring Officer.
- matters that have previously been considered under the complaints policy unless there's a material change in circumstances.
- restrictions implemented under the Managed Contact Policy

5. Guidance on Making a Complaint

Complainants are encouraged to take the following guidance into account before making a complaint.

- Review the Complaints procedure, be clear and brief: Read the complaints procedure carefully before submitting a complaint. Cover all the relevant points and consider the use of numbered lists and headings to highlight the important issues. Provide accurate contact information and please let us know if your contact details change.
- Provide evidence: Send copies of relevant documents – but only those that will help the Council understand the complaint or provide evidence to support it.

Complainants are advised to keep any original documents and send copies with any complaint.

- Check your complaint carefully before submitting it
- Explain clearly what you hope to achieve
- Be patient, polite and prepared to listen, we are trying to help (also see section 11)
- Respond appropriately: read any letters and documents that are sent to you and respond to the Information Governance Team if asked to do so.

6. Resolving Complaints Informally – Service Requests

We believe we should be given the opportunity to put things right for you or explain what went wrong through normal service delivery.

Dealing with expressions of dissatisfaction as a service request provides us with the opportunity to put things right before they become a complaint. A service request can be defined as:

“a request that the Council provides or improves a service, fixes a problem or reconsiders a decision.”

A complaint may be registered at Stage 1 of our procedure if you express dissatisfaction with the response to your service request, even if the handling of the service request remains ongoing. We will not stop our efforts to address the service request if you complain.

Service requests are formally recorded and monitored, and teams will be expected to try and address the issues that you have raised. The Information Governance Team will be updated on progress and outcomes so that we can monitor and review and feed into future service delivery.

If it is not possible to resolve expressions of dissatisfaction as a service request and you remain dissatisfied, the matter will be progressed via Stage 1 of our complaint's procedure.

7. The Council's Corporate Complaints Procedure

The Council's Information Governance Team (who are independent of the service your complaint is about) act as a central hub, ensuring that complaints are recorded and dealt with in accordance with this complaint's procedure.

Where a matter meets the definition of a complaint and cannot be resolved informally (see section 6), your expression of dissatisfaction will be treated as a complaint. The Council follows a two stage process.

Stage 1

Problem solving

The aim of the first stage of the complaint's procedure is to resolve problems as quickly and as easily as possible.

All complaints, however they are received, must be referred to the Information Governance Team and registered on the Council's central complaints database and acknowledged.

Acknowledging the complaint

All complaints should be acknowledged in writing within five working days of being received.

Responding to the complaint

We will respond to your complaint in writing and will aim to issue a response within 10 working days of the complaint being acknowledged depending on the complexity of your complaint.

If it is not possible to fully reply within this timeframe, you will be advised together with an explanation as to why the response requires a longer timeframe and when you can expect a response.

Our Stage 1 decision letters will clearly explain:

- the stage of your complaint
- our understanding of your complaint
- the steps we have taken to investigate your complaint
- the information and evidence we have taken into account
- our decision and our reasons for reaching that decision
- where something has gone wrong, when and how we will put it right, giving consideration to the guidance on remedies issued by the Housing Ombudsman Service and Local Government & Social Care Ombudsman
- where appropriate, any changes we will make to processes and policies
- how you can escalate the matter to stage 2 if you are not satisfied with the response

Stage 2

If all or part of your complaint is not resolved to your satisfaction at Stage 1, you can ask us to progress your complaint to stage 2 of our process.

Requests for Stage 2 investigations should be submitted in writing to the Information Governance Team by you or your representative within one month of the Stage 1 response. It would be helpful to explain why you are unhappy with the response at Stage 1 and what outcome you are seeking.

The Information Governance Team will assess the request and acknowledge the request within five working days of receipt.

Investigations will focus on the administrative process and whether the Council has acted in accordance with the appropriate policies, processes, and legislation. The complaints procedure cannot consider the merits of a decision or the professional judgement of officers. The review will consider if the service team has acted fairly, proportionately, and reasonably and, if a remedy was considered appropriate, whether that remedy adequately reflected the impact on the resident as a result of any fault identified.

On completion of the review, the Information Governance Team will reply to you setting out the findings of the review.

We aim to issue a final response to all stage 2 investigations within twenty working days of the complaint being acknowledged. Where this is not possible, in the case of particularly complex investigations for example, the Information Governance Team will ensure that you are kept informed of any extension and provided with the contact details of the relevant Ombudsman.

Our Stage 2 decision letters will clearly explain:

- the stage of your complaint
- our understanding of your complaint
- the steps we have taken to investigate your complaint
- the information and evidence we have taken into account
- our decision and our reasons for reaching that decision
- where something has gone wrong, when and how we will put it right, giving consideration to the guidance on remedies issued by the Housing Ombudsman Service and Local Government & Social Care Ombudsman
- where appropriate, any changes we will make to processes and policies
- how you can escalate the matter to the relevant Ombudsman if you remain dissatisfied.

8. Learning from Complaints

A key function of the complaints procedure is to facilitate continuous improvement and ensure that the Council learns from complaints and uses them to improve services.

Each complaint dealt with at stage 1 and 2 of our procedure will be analysed for learning points. A summary of outcomes and recommendations from complaints, including progress on implementing them, will be reported to the Council's Senior Leadership Team and annually to Members within the Annual Customer Insights Report.

9. Recompense

The Council has a Remedies Policy in place to ensure a fair and consistent approach when considering whether redress is appropriate. This policy is applied on a case-by-case basis and takes into account the individual circumstances of the complaint, including the impact on the complainant, any distress or inconvenience caused, and whether service failure has occurred.

Compensation is not automatic but may be awarded where it is considered a suitable remedy to acknowledge the impact of the issue and support learning and service improvement.

10. Compliments

Compliments are also a valuable way of learning about what we are doing right, what works well and what our customers really value. We pride ourselves on providing services of the highest quality and it is encouraging to hear good news about our services. You can help shape our services by letting us know your thoughts. If you have a compliment or suggestion about any of our services, please let us know.

11. Ombudsman Complaints

Any member of the public can complain to an Ombudsman at any time, but the Ombudsman would normally expect to see that the Council's own complaints procedure has been exhausted first.

The Information Governance Team will oversee all Ombudsman complaints and act as the link between the Ombudsman and relevant service teams to request and collate any required information. The Information Governance Manager will prepare written responses on behalf of the Council and liaise with the Ombudsman pending resolution of cases.

In producing this Complaints Procedure, the Council has had regard to the Housing Ombudsman and the Local Government and Social Care Ombudsman Complaint Handling Codes.

12. Equalities and Access to the Complaints Procedure

It is helpful for complaints, particularly more serious and detailed matters, to be put in writing. If you require additional support in submitting a complaint, please contact our Customer Services Team who can facilitate or arrange assistance. Adjustments can be made in accordance with our [Reasonable Adjustments Policy for customers](#).

13. Managed Contact

There will inevitably be some complainants who will either continue to complain after their complaint has dealt with via our complaints procedure or whose behaviour is unreasonable and concerning.

Continual correspondence about complaints which have been completed is unhelpful, reduces the Council's efficiency and can cause a considerable amount of stress to members of staff.

You have the right to have your complaint dealt with but equally our members of staff have the right to be treated with respect. The Council recognises that it has a duty of care towards staff and that duty of care involves having a safe working space. Staff experiencing this behaviour are advised to liaise with the Information Governance and Human Resource Teams to consider if any safeguards need to be put in place.

Further details on how we manage such behaviour can be found within our [Managed Contact Policy](#).

14. Further Information

Further information on our complaints procedure is available from the Information Governance Team. You can use our online form to start your complaint.

We will publicise details of our complaints procedure, including information about the Housing Ombudsman and the Local Government and Social Care Ombudsman and their respective Complaint Handling Codes on our website and in relevant publications.