

1 Introduction

- 1.1. Portsmouth City Council is committed to providing an excellent service for our customers but we know we don't always get it right and we recognise our customers have a right to complain when we fall short.
- 1.2. As well as giving the council the chance to put things right when something has gone wrong, complaints give us valuable feedback on our services that help us improve.
- 1.3. Our complaints policy explains our process for managing complaints.
- 1.4. This policy applies to the majority of complaints made to the council.
- 1.5. This policy does **not** apply to complaints about social care, schools, and the conduct of councillors, which are covered by separate policies. The policy also does not apply to appeals in relation to housing benefit, school admissions, parking tickets and planning applications: all of which are covered by different processes.
- 1.6. **The following links are to processes that are managed outside this policy.**
 - Social care complaints
www.portsmouth.gov.uk/ext/the-council/transparency/making-a-complaint-about-adult-social-care
www.portsmouth.gov.uk/ext/the-council/transparency/how-to-make-a-complaint-about-children-and-families-social-care
 - Conduct of councillors
www.portsmouth.gov.uk/ext/the-council/councillors-and-mps/complaining-about-a-councillor
 - Housing benefit
www.portsmouth.gov.uk/ext/benefits-and-support/benefits/housing-benefit---can-i-appeal
 - School admissions
<https://www.portsmouth.gov.uk/ext/schools/waiting-list-and-appeals-for-a-school-place>
 - Parking tickets
www.portsmouth.gov.uk/ext/parking-travel-and-roads/parking/parking-fines-penalty-charge-notices
 - Planning applications
www.portsmouth.gov.uk/ext/development-and-planning/planning/planning-application-appeals

1.7. This policy does not apply to complaints by council staff, which are covered by the following internal policies: whistleblowing policy, formal action policy, and grievance policy.

2. What is a complaint?

2.1. A complaint is any expression of dissatisfaction about a service provided by the council, one of our staff or someone acting on our behalf.

2.2. A complaint is not a request for service or an enquiry about a service. A request for service may become a complaint if the council fails to meet our service standards after receiving the initial enquiry.

3. Making a complaint

3.1. Who is responsible for corporate complaints at the council?

- A corporate complaints officer manages complaints as part of the customer services team.
- All complaints will be acknowledged, recorded and monitored by customer services.
- If a complaint is made to a Councillor, the customer will be referred to customer services and the complaint will be managed in line with this policy. The Councillor(s) will be provided with a copy of the response to the complaint.

3.2. How we manage complaints?

- All complaints are managed confidentially.
- We will handle all complaints fairly and honestly regardless of who is making a complaint.
- All complaints will be responded to promptly. Where possible we will respond in accordance with the timescales set out in section 4 of this policy but it should be noted that these timescales are a guide and our policy is to respond promptly.
- In line with best practice guidance from the Local Government and Social Care Ombudsman, we will aim to ensure there is no more than 12 weeks from receiving a complaint to providing a final response (assuming the complaint is escalated through all three stages).
- All complainants will be kept informed of the progress of their complaint and of any delays.

3.3. Support for customers who want to make a complaint

- Customers who would like help framing their complaint can get advice and assistance from the corporate complaints officer.

3.5. How can a complaint be made?

- Complaints are accepted orally or in writing.
- In person
- By telephone
- By letter or email
- Online complaint form
- Through a councillor
- Through a representative

3.6. Oral complaints will be confirmed with the person making the complaint. This confirmation may be oral or in writing. Once agreed, complaints will be processed in line with this policy.

3.7. Anonymous complaints will not be processed in line with this policy. They will be forwarded to the relevant service as a comment, to ensure action is taken wherever appropriate and we learn from all our customer feedback.

3.8. Complaining through a representative

- Everyone has the right to appoint someone else to act on their behalf. A representative can be a parent, a husband, wife, or civil partner, an adult child, a friend, an attorney, advocate, or solicitor, or a local councillor or MP. You can find details of your local councillors and MP by visiting www.portsmouth.gov.uk and searching 'councillors'.
- Regardless of the closeness of the relationship between the complainant and the person acting on their behalf, we must have proper consent before we can correspond with the representative.
- If a complaint is made through a representative, we will need to ensure we have consent from the complainant. This would usually be written consent from the complainant giving the representative permission to act on their behalf.

3.9. When can a complaint be made?

- We will consider complaints made within six months of the issue becoming apparent to the person making the complaint.

- We may still look into a complaint made outside of the timescales if there are exceptional circumstances. However, we will expect to see evidence that the complainant was affected by circumstances that were exceptional, and that those circumstances caused the delay.

4. Complaints procedure

4.1. The council has a clear three stage complaint process.

4.2. Complaints will only be escalated through the complaint process if the person making the complaint is able to:

- explain clearly and specifically why they are not satisfied with the outcome of the previous stage
- explain what more they think the council should do

4.3. We will not escalate a complaint simply because the person making the complaint disagrees with the response.

4.4. Stage one

- Once a complaint has been logged it will be passed to the relevant service manager to investigate and respond.
- We aim to send the complainant an acknowledgement in writing by email, or by post if an email address is not provided, within three working days of logging the complaint.
- We aim to respond to a stage one complaint within ten working days. If we are not able to meet these timescales, we will let the complainant know. Unless there are exceptional circumstances, agreed with the complainant, the stage one complaint process will take no longer than 20 working days.
- If the complainant is unhappy with the response to their stage one complaint and can clearly and specifically explain why they are not satisfied and what more they expect the council to do, then they can ask the council to escalate their complaint for further investigation at stage two.
- A request to escalate a complaint to stage two must be received within ten working days of the date of the stage one response. We will then either investigate and respond to the complaint in fifteen working days or let the complainant know we will not escalate the complaint and explain why.

4.5. Stage two

- If we agree that a complaint should be escalated to stage two, an investigation will be carried out by the relevant senior manager or director for the service that is the subject of the complaint.
- As at 4.4 above, in order for a complaint to be escalated to stage two of the process, the complainant needs to explain clearly and specifically why they are not satisfied with the response received at stage one, and explain what more they think the council needs to do.
- We aim to send the complainant an acknowledgement in writing by email, or through the post if an email address is not provided, within three working days of logging the stage two complaint.
- We aim to respond to a stage two complaint within fifteen working days. If we are not able to meet these timescales, we will let the complainant know.
- If the complainant is unhappy with the response to their stage two complaint and can clearly and specifically explain why they are not satisfied and what more they expect the council to do, then they can ask the council to escalate their complaint for further investigation at stage three.

A request to escalate a complaint to stage three must be received within ten working days of the date of the stage two response. We will either investigate and respond to the complaint in twenty working days, or let the complainant know we will not investigate the complaint and explain why.

4.6. Stage three

- If we agree that a complaint should be escalated to stage three, an investigation will be carried out on behalf of the chief executive.
- As at 4.5 above, in order for a complaint to be escalated to stage three of the process, the complainant needs to explain clearly and specifically why they are not satisfied with the response received at stage two, and explain what more they think the council needs to do.
- We aim to send the complainant an acknowledgement in writing by email, or through the post if an email address is not provided, within three working days of logging the stage three complaint.
- We aim to respond to a stage three complaint within twenty working days. If we are not able to meet these timescales, we will let the complainant know.

5. Local Government and Social Care Ombudsman and Housing Ombudsman Service

- 5.1. If a complainant remains unhappy after following the council's complaints process, they can contact the **Local Government and Social Care Ombudsman**.
- Online complaint form at www.lgo.org.uk
 - Telephone 0300 061 0614
- 5.2. If someone with a housing complaint is still unhappy after following the council's complaints process, they can contact the **Housing Ombudsman Service**.
- Online complaint form at www.housing-ombudsman.org.uk
 - Telephone 0300 111 3000
- 5.3. The ombudsman will not investigate most complaints until they have gone through the council's complaints process.

6. Complaints about Portsmouth City Council contractors

- 6.1. The council contracts organisations to provide services on its behalf. If a complaint is made about a service provided by a contractor, it should be managed in line with this policy. Our contractors are expected to comply with the policy, including providing information to council officers as requested and providing assistance with further investigations as appropriate.
- 6.2. If we receive a complaint that relates to a service provided by one of the council's contractors, we will reply on behalf of the contractor.
- 6.3. A contractor who receives a complaint is expected to notify the council of the complaint via the corporate complaints team. Notifications should be made in line with the timescales in this policy, and the contractor should provide a notification initially, at any escalation stages and at conclusion, so the complaint can be logged and monitored.

7. Persistent complaints and unreasonable behaviour from complainants

- 7.1. We are committed to resolving complaints, and learning from feedback we get from customer complaints to help us to improve.
- 7.2. We expect complaints to be made in a reasonable way so we can investigate. This means communicating with us in a way that is reasonable, both in terms of the nature and frequency of contact.
- 7.3. We recognise that someone with cause to complain may be upset, and this may be reflected in their behaviour towards us. In dealing with complaints, we will understand and empathise with customers who are upset.

- 7.4. We recognise that someone making a complaint is justified in making reasonable attempts to follow-up their complaint to make sure it is being dealt with.
- 7.5. However, in a small minority of cases, there is a point at which the behaviour of complainants becomes unreasonable and makes it more difficult for us to resolve complaints, either because they impede the investigation or because they take up a significant amount of time without due cause.
- 7.6. This unreasonable behaviour can originate in isolated incidents, or can come from a build-up of issues over a longer period of time.
- 7.7. If complainants become persistent, or otherwise unreasonable in their behaviour towards us, we will take steps to manage this and protect our staff and their associates from harassment and abuse.
- 7.8. Wherever possible, we will try to manage persistent or unreasonable behaviour in a way that enables a complaint to progress through the process.

7.9. Persistent complaints

- Making persistent complaints means contacting the council unreasonably frequently about one or more complaints. This takes up staff time and makes it harder to investigate and resolve complaints, both for the complainant and for other customers who have complaints.
- If a complainant's persistence is such that it affects our ability to provide a service to other customers, we may need to manage this by restricting contact. The process for restricting contact is set-out in section 8 below.
- If repeated complaints are made by the same complainant about subjects that are the same or very similar, we will not log or process the complaints.

7.10. Unreasonable behaviour from complainants

- Unreasonable behaviour from complainants makes it more difficult for us to investigate and resolve complaints. Unreasonable behaviour includes, but is not limited to, refusing to cooperate with our investigation of your complaint, changing the basis of your complaint, or retracting information, when an investigation is already in progress, and harassing or abusing our staff.

7.11. Refusal, includes:

- Refusing to meet with staff, refusing to accept offers of assistance, or refusing to provide information to progress the complaint.

- Refusing to accept evidenced decisions or outcomes, including submitting repeat complaints with minor alterations as new complaints.
- Refusing to accept the limitations of the corporate complaints policy.

7.12. Changing the basis of your complaint, includes:

- Retracting statements once the complaint is in progress.
- Introducing new questions or providing new information unrelated to the complaint.

7.13. Harassment and abuse, includes:

- Making abusive or threatening comments.
- Repeatedly contacting or harassing staff connected with the complaint, and/or repeatedly contacting or harassing their colleagues, family, friends or any other associates.
- Making unjustified complaints about staff involved in investigating the complaint.

7.14. How will we respond to persistent or unreasonable behaviour from complainants?

- In responding to unreasonable behaviour, we will take action that is proportionate and, wherever possible, enables the complaint to continue to process through the process.

7.15. How will we respond to refusal to cooperate?

- If a complainant refuses to meet or accept our offers of assistance, or refuses to provide the additional information we need to investigate the complaint, we will stop the investigation, and let the complainant know their complaint will be closed unless they cooperate to enable the investigation to continue. If the complainant continues to refuse to cooperate, the complaint will be closed and the complainant will be notified.
- Once they have been informed in writing, if a complainant refuses to accept a decision and continues to correspond once a complaint has been closed or a decision has been taken not to investigate or escalate through the complaint stages, that correspondence will be read and placed on file but a written acknowledgment will not be sent.

7.16. How will we respond if the complainant changes the basis of their complaint?

- If a complainant changes the basis of their complaint, we will close the original complaint and communicate that to the complainant. A new complaint will be logged on the new basis, if requested by the complainant.

- If a complainant provides information or asks questions that are unrelated to their original complaint, this correspondence will be read and placed on file. A written acknowledgement of this correspondence will not be sent unless the complaints officer believes there is a new complaint that should be responded to: in this case the complaints officer will advise the customer to log a new complaint.

7.17. How will we respond to abuse and harassment?

- We will not tolerate abuse or harassment of our staff.
- Any abuse or harassment will be documented, recorded and reported appropriately.
- If a complainant abuses or harasses our staff, we will apply restrictions to their contact with us: this could include restricting who the complainant talks to and when, and could include ensuring meetings are witnessed.

8. Restricting complainant contact

- 8.1. If a complainant's persistence affects our ability to do our work and provide a service to others, we may take steps to manage unreasonable behaviour.
- 8.2. Any steps we take will be proportionate and, wherever possible, we will apply restrictions in a way that allows the investigation and resolution of the complaint in line with the policy.
- 8.3. Restrictions could include placing limits on contact with the complainant, including (but not limited to) restricting the complainant to one method of contact, restricting the number of contacts, such as phone calls, that will be accepted, or by restricting contact to one named employee.
- 8.4. In cases where we believe the complainant has committed a criminal offence, or where the complainant refuses repeated requests to leave council premises, we will involve the police.

8.5. What will happen before we make a decision to restrict contact?

- 8.6. Before making a decision to restrict contact, we will let the complainant know their behaviour is considered unreasonable and explain what the unreasonable behaviour is, and we will let the complainant know that if the unreasonable behaviour continues, we will apply restrictions as per section 8.3 above.
- 8.7. Before a decision is taken to restrict contact as a result of unreasonable behaviour from the complainant, the following actions will be considered and taken where appropriate:
- offering a meeting with an officer of appropriate seniority to talk about how the complaint could be resolved and to explain why the behaviour is unreasonable

- providing the complainant with a copy of the corporate complaints policy
- helping the complainant to find a suitable advocate: particularly if the complainant needs additional help or support

8.8. Who is responsible for making the decision to restrict contact?

- Decisions to restrict contact are taken by the Director Community and Communications, in consultation with the corporate complaints team.
- In making a decision, the director will consult with the corporate complaints team and will consider whether the complainant is raising legitimate concerns, whether the complaint has been properly investigated and communications have been adequate. The director will also review whether circumstances that relate the complainant's mental health, age, sex, sexual orientation, belief or disability have been considered.

8.9. What happens when a decision to restrict contact is taken?

- If a decision to restrict contact is taken, we will contact the complainant in writing, provide a copy of the policy and explain why the decision has been taken, detail the restricted contact arrangements, including how long the arrangements will be in place for, and explain what the complainant can do to get the decision reviewed.

8.10. How long will restrictions apply for?

- The length of time restrictions will be in place for will vary depending on the circumstances. We will explain how long restrictions will be in place for and why.
- We will either review the situation at the end of the period of restricted contact, or after six months if restrictions have been imposed for a longer period. Unless there are good reasons to extend, the restrictions will be lifted, we will go back to normal contact arrangements and we will let the complainant know.
- If there are grounds to continue to restrict contact following the review, we will contact the complainant in writing to explain and to say how long restrictions will be extended for.

9. Review

- This policy is the responsibility of the Community and Communications directorate. The policy will undergo regular review to respond to any changes.