

Corporate complaints policy

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Portsmouth City Council

Suggestions, compliments and complaints

Civic Offices,
Guildhall Square,
Portsmouth,
PO1 2ZX

Email ccc@portsmouthcc.gov.uk

Local Government and Social Care Ombudsman ("LGSCO")

Online complaint form at www.lgo.org.uk

Telephone **0300 061 0614**

Housing Ombudsman Service

Online complaint form at www.housing-ombudsman.org.uk

Telephone **0300 111 3000**

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 they feel we have fallen 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. Regular reports on complaints are provided to the council's chief executive, monitoring officer and section 151 officer, to directors and to the council's Governance and Standards and Audit Committee, and multiple complaints relating to the same or similar issues are highlighted appropriately.
- 1.4. This Corporate Complaints Policy explains our process for managing complaints. It applies to the majority of complaints made to the Council but it does not apply to complaints about the following, which are outside the scope of the Policy;
 - Adult Social Care complaints: www.portsmouth.gov.uk/ext/the-council/transparency/making-a-complaint-about-adult-social-care
 - Children's Social Care complaints: 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
 - Homeless decisions: www.portsmouth.gov.uk/wp-content/uploads/2020/05/hou-requesting-a-review-of-an-application-for-a-housing-decision-july-2019.pdf
 - Housing benefit appeals: www.portsmouth.gov.uk/ext/benefits-and-support/benefits/housing-benefit---can-i-appeal
 - Parking tickets: www.portsmouth.gov.uk/ext/parking-travel-and-roads/parking/parking-fines-penalty-charge-notice
 - Planning applications: www.portsmouth.gov.uk/ext/development-and-planning/planning/planning-application-appeals
 - School admissions: www.portsmouth.gov.uk/ext/schools/waiting-list-and-appeals-for-a-school-place
- 1.5. The policy does not apply to complaints by council staff that relate to their employment, which are covered by the following internal policies: whistleblowing policy, formal action policy, and grievance policy.
- 1.6. The Corporate Complaints Officer manages complaints as part of the Customer Services Team. All complaints will be acknowledged, recorded and monitored by Customer Services.

2. **What is a complaint?**

- 2.1. A complaint is any expression of dissatisfaction, however made, about a service, actions or lack of action by the Council, our staff or those acting on our behalf affecting a customer or resident, or group of customers or residents.
- 2.2. A complaint is not a request for service or an enquiry about a service.
- 2.3. A request for service may become a complaint if the council fails to meet our service standards after receiving the initial enquiry.
- 2.4. A customer does not need to use the word complaint for it to be treated as such. The council will seek to ensure its officers recognise the difference between a request for a service and a formal complaint, and will take steps to resolve issues as quickly as possible.
- 2.5. The council will accept a complaint unless there is valid reason not to do so.
- 2.6. Valid reasons for not accepting a complaint include
 - the issue is, or has been subject to legal proceedings
 - there is a liability issue that is subject to an insurance claim
 - the complaint has not been raised in a reasonable timeframe (see 3.8)
 - the issue has already been considered as a complaint
- 2.7. If the council decides not to accept a complaint, we will explain clearly why the matter is not suitable for the complaints process.

3. **Making a complaint**

- 3.1. **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, and in accordance with the timescales set out in section 4 of this policy wherever possible. Where we are unable to meet the timescales set out in the policy, we will let the customer know there has been a delay.
 - In line with guidance from the Local Government and Social Care Ombudsman (LGSCO), we will ensure there is no more than 12 weeks from receiving a complaint to providing a final response (assuming the complaint is escalated through both stages). This 12-week period excludes any time taken for the customer to ask for their complaint to be escalated.

- Customers will be kept informed of the progress of their complaint and of any delays.
- If a complaint is made to a Councillor(s), the customer will be referred to corporate complaints 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. **Support for customers who want to make a complaint**

- We are committed to making sure the way we handle complaints does not place anyone, irrespective of disabilities or other characteristics, at a disadvantage, and we will make reasonable adjustments if the way we handle complaints would otherwise place a person with disabilities or other characteristics at a substantial disadvantage.
- Customers who would like the council to make a reasonable adjustment to enable them to make a complaint should make a request to the corporate complaints officer. A request for a reasonable adjustment can be made through any channel, or via a representative.

3.3. **How can a complaint be made?**

The council will accept complaints made verbally or in writing, and via any of its customer service channels, including:

- In person
- By telephone
- By letter or email
- Through our online complaint form
- Through social media channels
- Through a councillor
- Through a representative

3.4. **Complaints made via social media**

If customers make complaints via social media channels, the complaints will be referred to the corporate complaints team to manage offline to ensure the customer's privacy and confidentiality are maintained.

3.5. **Verbal complaints**

Verbal complaints will be confirmed with the person making the complaint. If we confirm the complaint verbally, we will follow-up with a written confirmation. Once agreed, complaints will be processed in line with this policy.

3.6. **Anonymous complaints**

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

3.7. **Complaining through a representative**

- Everyone has the right to appoint someone else to act on their behalf. A representative can be, for example, 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 customer and the person acting on their behalf, we must have consent from the customer 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 customer. This would usually be written consent from the customer giving the representative permission to act on their behalf, or other evidence, for example evidence of lasting power of attorney.

3.8. **When can a complaint be made?**

- We will consider complaints made within 12 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.

3.9. **Identifying and accepting a complaint**

- No matter how complaints are received into the council, complaints are referred to corporate complaints in the first instance
- Corporate complaints will review all complaints, considering
 - whether the complaint is a complaint within the complaint definition at 2.1, or whether it is an enquiry or service request
 - whether the complaint should be accepted, with reference to the reasons a complaint cannot be considered set out at 2.6
 - whether the complaint should be considered under the corporate complaints policy, or whether it falls under a different policy
 - If a complaint is valid, it will be logged by corporate complaints as a Stage One complaint

4. Complaints procedure

4.1. The Council has a two stage complaint process.

4.2. **Stage One**

- Once a complaint has been logged it will be passed to the relevant service manager to investigate and respond. The quality of investigations and responses will be ensured by corporate complaint lead officers in directorates.
- We aim to send the customer an acknowledgement in writing by email, or by post if an email address is not provided, within five working days of logging the complaint.
- In acknowledging the complaint, we will briefly confirm:
 - our understanding of the complaint and the outcomes being sought
 - what will happen next
 - when the customer can expect a response
 - who is undertaking the investigation and how they can be contacted
- In acknowledging the complaint, we will offer the customer the opportunity to discuss their complaint, so we can make sure our understanding of the complaint and the outcome being sought is clear
- If the complaint is unclear, we will seek clarification from the customer before the complaint is logged.

4.3. **Investigating a complaint**

- Once we have defined the complaint, we will need to gather information and evidence to be able to reach a decision. We will use this information to decide two things:
 - What happened?
 - What should have happened?
- We will investigate the issue, taking into account the available facts and evidence. We will then make a decision on the matter.
- It is not always possible for the council to make decisions 'beyond all reasonable doubts'. We will therefore make decisions 'on the balance of probabilities', that is whether something was more likely to have occurred than not.
- If we believe we were at fault, we will further consider:
 - how the fault disadvantage the customer
 - what we need to do to put things right (see section 7)
- We aim to respond to a Stage One complaint within 15 working days.
- If we are not able to meet these timescales, we will let the customer know.

4.4. **Escalation to Stage Two**

- Complaints will be escalated from Stage One to Stage Two of the complaint process if the person making the complaint is able to explain why they are not satisfied with the outcome of their stage one complaint and what more they would like the council to do.
- If the customer is unhappy with the response to their Stage One complaint, then they should ask the council to escalate their complaint to Stage Two.
- A request to escalate a complaint to Stage Two should be made within 30 working days but we may consider requests outside this timescale if there are exceptional circumstances.
- In making a request to escalate a complaint to Stage Two, the customer should explain clearly why they are not satisfied with the response to their Stage One complaint and explain what more they would like the council to do.
- The corporate complaints team will review the request to escalate and consider whether there is any merit in further consideration of the complaint, considering why the customer is unhappy with the Stage One response and what more the customer would like the council to do. If they decide there is merit in further consideration, they will escalate the complaint to Stage Two (below). If they decide there is no merit in further consideration of the complaint, they will let the customer know the council has reached its final decision on the matter and provide details for the appropriate Ombudsman (see sections 5 and 6)
- We will send the customer an acknowledgement in writing by email, or by post if an email address is not provided, within five working days of logging the Stage Two escalation request

4.5. **Stage Two**

- The complaint will be further considered either
 - (a) by the appropriate director, or
 - (b) by an appropriate senior manager and reviewed by the director.
- We aim to respond to a Stage Two complaint within 20 working days of logging the Stage Two complaint. If we are not able to meet these timescales, we will let the complainant know.

5. **Local Government and Social Care Ombudsman**

- 5.1. If a customer remains unhappy having exhausted the council's complaints process, they can contact the Local Government and Social Care Ombudsman ("LGSCO").

- Online complaint form at www.lgo.org.uk
- Telephone 0300 061 0614

5.2. The LGSCO will not investigate most complaints until they have gone through the Council's complaints process.

6. Housing Ombudsman

6.1. If a customer 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

6.2. This policy is in line with the Housing Ombudsman's Complaint Handling Code, which can be found here: www.housing-ombudsman.org.uk/wp-content/uploads/2020/11/Complaint-Handling-Code.pdf

7. Communicating a decision and putting things right

7.1. We will respond to complaints in writing. Our decision letters will clearly explain:

- our understanding of the complaint, agreed at the beginning of the process
- the steps we have taken to investigate the 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, considering the possible resolutions at 7.2
- where appropriate, any changes we will make to processes and policies following the complaint
- how the customer can challenge our decision if they disagree

7.2. Complaints can be resolved in a number of ways. The council will seek to ensure remedies offered reflects the extent of any and all service failures, and the level of detriment caused to the customer as a result. Remedies include:

- acknowledging when things have gone wrong
- providing an explanation, assistance or reasons

- apologising
- taking action if there has been a delay
- reconsidering or changing a decision
- amending a record
- changing policies, procedures or practices
- providing a financial remedy

7.3. Any issues identified as a result of complaints will be put right as quickly as possible: we will not wait until the complaints process is concluded.

7.4. When responding to complaints we will consider whether the customer needs support to understand the outcome and will offer alternatives, including meetings to discuss, where appropriate.

8. **Complaints about Portsmouth City Council contractors**

8.1. 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.

8.2. If the council receives a complaint that relates to a service provided by one of the council's contractors, we will provide a response.

8.3. 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 the policy, and the contractor should provide a notification initially, at any escalation stage and at conclusion, so the complaint can be logged and monitored.

9. **Persistent complaints and unreasonable behaviour from customers making complaints**

9.1. We are committed to resolving complaints, and learning from feedback we get from customer complaints to help us to improve.

9.2. 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.

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- 9.3. 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.
 - 9.4. 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.
 - 9.5. 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.
 - 9.6. This unreasonable behaviour can originate in isolated incidents, or can come from a build-up of issues over a longer period of time.
 - 9.7. If customers 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.
 - 9.8. Wherever possible, we will try to manage persistent or unreasonable behaviour in a way that enables a complaint to progress through the process.

10. **Persistent complaints**

- 10.1. 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 customer concerned and for other customers who have complaints.
- 10.2. If a customer'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 12 below.
- 10.3. If repeated complaints are made by the same customer about subjects that are the same or very similar, we will not log or process the complaints.

11. **Unreasonable behaviour from customers making complaints**

- 11.1. Unreasonable behaviour from customers making complaints makes it more difficult for us to investigate and resolve complaints.
- 11.2. 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.

11.3. **Refusal to cooperate with our investigation of your complaint, includes:**

- refusing to meet with staff
- refusing to accept offers of assistance
- 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

11.4. **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.

11.5. **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.

11.6. **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.

11.7. **How will we respond to refusal to cooperate?**

- If a customer making a complaint 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 customer know their complaint will be closed unless they cooperate to enable the investigation to continue. If the customer continues to refuse to cooperate, the complaint will be closed and the customer will be notified.
- Once they have been informed in writing, if a customer 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.

11.8. **How will we respond if the customer changes the basis of their complaint?**

- If a customer making a complaint changes the basis of their complaint, we will close the original complaint and communicate that to them.
- A new complaint will be logged on the new basis if the customer asks us to do this.
- If a customer 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 Corporate Complaints Officer believes there is a new complaint that should be responded to: in this case the Corporate Complaints Officer will advise the customer to log a new complaint.

11.9. **How will we respond to abuse and harassment?**

- We have a zero tolerance policy around abuse or harassment of our staff.
- Any abuse or harassment will be documented, recorded and reported appropriately.
- If a customer abuses or harasses our staff, we will apply restrictions to their contact with us: this could include restricting who the customer talks to and when, and could include ensuring meetings are witnessed.

12. **Restricting contact**

- 12.1. 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.
- 12.2. Restrictions could include placing limits on contact with the customer making the complaint, including (but not limited to) restricting the customer 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.
- 12.3. In cases where we believe the customer has committed a criminal offence, or where the customer refuses repeated requests to leave council premises, we will involve the police.
- 12.4. **What will happen before we make a decision to restrict contact?**
Before making a decision to restrict contact, we will let the customer know their behaviour is considered unreasonable and explain what the unreasonable

behaviour is, and we will let the customer know that if the unreasonable behaviour continues, we will apply restrictions as per section 12.2 above.

- 12.5. Before a decision is taken to restrict contact as a result of unreasonable behaviour from the customer, 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 customer with a copy of the corporate complaints policy
 - Helping the customer to find a suitable advocate: particularly if the customer needs additional help or support

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

Decisions to restrict contact are taken by the Director of Corporate Services, on advice from corporate complaints.

In making a decision, the director will consult with the corporate complaints officer and will consider whether the customer 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 to the customer's mental health, age, sex, sexual orientation, religion or religious belief or disability have been considered.

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

If a decision to restrict contact is taken, we will contact the customer 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 customer can do to get the decision reviewed. We will also explain how we will record and hold records relating to the details of the restricted contact arrangements and who will be made aware that restricted contact arrangements are in place.

12.8. **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 customer know.

If there are grounds to continue to restrict contact following the review, we will contact the customer in writing to explain and to say how long restrictions will be extended for.

13. **Review**

- 13.1. This policy is the responsibility of the Corporate Services directorate. The policy will undergo regular review, at least once every two years, or as required in response to regulatory changes.



You can get this information in large print, Braille, audio or in another language by calling 023 9283 4702