



Hinckley & Bosworth  
Borough Council

## Complaints policy

### 1. What is a complaint?

1.1 Effective complaint handling enables individuals 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.

1.2 A complaint is defined as

*“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the council, its own staff, or those acting on its behalf, affecting an individual or group of individuals”.*

1.3 In relation to complaints about the council as landlord, a complaint is defined as

*“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord, its own staff, or those acting on its behalf, affecting a resident or group of residents”.*

1.4 An individual does not have to use the word “complaint” for it to be treated as such. Whenever an individual expresses dissatisfaction, the council will give them a choice to make a complaint. A complaint that is submitted via a third party or representative will be handled in line with our complaints policy, however we may require consent from the person being represented in accordance with our normal processes. Where third party / representative is a borough councillor or member of parliament who has been approached by the individual, we will deem that to be consent.

1.5 A service request is defined as

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

A service request is not a complaint, but will be recorded, monitored and reviewed regularly.

- 1.6 A complaint will be raised when an individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. The council will not stop its efforts to address the service request if the individual complains.
- 1.7 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, those completing the survey will be made aware of how they can pursue a complaint if they wish to. Where we ask for wider feedback about our services, we will also provide details of how individuals can complain.

## **2. Exclusions**

- 2.1 We will accept a complaint unless there is a valid reason not to do so. We are unlikely to accept a complaint if:
  - The issue giving rise to the complaint occurred over twelve months ago (or the complainant became aware of the issue over twelve months ago)
  - Legal proceedings have started. This is defined as details of the claim, such as the claim form and particulars of claim having been filed at court
  - The issue has previously been considered under the complaints policy.

However, the circumstances of each complaint will be considered and we may exercise discretion to accept complaints even if one of the exclusions applies.

- 2.2 If we decide not to accept a complaint, an explanation will be provided to the complainant setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the relevant Ombudsman.

## **3. Accessibility and awareness**

- 3.1 Individuals may make a complaint in the way most suitable for them. This includes in writing, by email, over the telephone or face to face on appointment. Any member of staff will be able to take a complaint and pass it to the complaints team.
- 3.2 This complaints policy is available on the council's website and can be sent out on request. Information on the Housing Ombudsman and the Local Government and Social Care Ombudsman can also be found on the council's website and can be requested. They will also be sent out in response to a stage 2 complaint and in some circumstances at an earlier stage of the complaints process.

3.3 An individual can have a representative deal with their complaint on their behalf and can be represented or accompanied at any meeting with officers. The complaints manager reserves the right to refuse any person to act as a representative if that person is subject to restrictions in relation to contact with the council via the Persistent and Unreasonable Complainant Policy or if there are any other restrictions on their contact with the council.

#### **4. The complaint handling process**

4.1 Hinckley & Bosworth Borough Council has a two stage complaints process. Where our response is handled by a third party (for example a contractor), it will form part of the two stage process. Third parties will handle complaints in line with this policy.

4.2 When we receive a stage 1 complaint, or a request to escalate a complaint to stage 2, we will acknowledge the complaint, setting out our understanding of the complaint and the outcomes the complainant is seeking. We call this the “complaint definition”. If any aspect of the complaint is unclear, we will ask for clarification.

4.3 If there are some aspects of the complaint that are not the responsibility of the council, we will make that clear in the acknowledgement.

4.4 We will:

- Deal with complaints on their merits, act independently and have an open mind
- Give the complainant a fair chance to set out their position
- Take measures to address any actual or perceived conflict of interest
- Consider all relevant information and evidence carefully.

4.5 Where a response to a complaint will fall outside the timescales set out in this policy, we will agree with the complainant suitable intervals for keeping them informed about their complaint.

4.6 We will make reasonable adjustments for complainants where appropriate under the Equality Act 2010. We will keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a complainant has disclosed. Any agreed reasonable adjustments will be kept under active review.

4.7 We will not refuse to accept a complaint or to escalate a complaint through all stages of the complaints process unless we have valid reasons to do so. These reasons include:

- The issue giving rise to the complaint occurred over twelve months ago (or the complainant became aware of the issue over twelve months ago)
- Legal proceedings have started. This is defined as details of the claim, such as the claim form and particulars of claim having been filed at court
- The issue has previously been considered under the complaints policy.

4.8 A complaint may be remedied at any stage of the complaint process.

4.9 The council reserves the right to escalate a complaint immediately to stage 2 in certain circumstances, for example when the complaint is about a senior officer.

4.10 Unacceptable behaviour from individuals or their representatives will be managed in accordance with the Persistent & Unreasonable Complainant Behaviour Policy. Reasons for applying any restrictions will be evidenced and kept under review in accordance with the policy.

## **5. Complaint stages**

### Stage 1

5.1 Complaints will be acknowledged, defined and logged at stage 1 of the complaints procedure within five working days of the complaint being received.

5.2 The stage 1 complaint will be investigated and responded to by the officer directly responsible for the service area about which the complaint is made, unless they were involved in making the decision in which case their manager or another senior officer or the complaints manager will investigate and respond.

5.3 A full response to stage 1 complaints will be sent within ten working days of the complaint being acknowledged.

5.4 If we decide that, due to the complexity of the complaint, an extension to the timescale is necessary, we will inform the complainant of the expected timescale for a response. An extension will not be more than ten working days without good reason. The reason will be clearly explained to the complainant.

5.5 When we inform a complainant about an extension to the timescale for a response, we will provide the complainant with contact details for the relevant ombudsman.

5.6 A complaint response will be provided to the complainant when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will still be tracked and actioned promptly with updates provided to the complainant.

- 5.7 All points raised in the complaint definition will be addressed and clear reasons for any decisions provided, with reference to the relevant policy, law or good practice where appropriate.
- 5.8 Where the complainant raises additional complaints during the investigation, these will be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues will be logged as a new complaint.
- 5.9 We will confirm the following to the resident at the completion of stage 1:
- The complaint stage
  - The complaint definition
  - 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 stage 2 if the individual is not satisfied with the response.

## Stage 2

- 5.10 If all or part of the complaint is not resolved to the individual's satisfaction at stage 1, it will be progressed to stage 2 of the complaints process. Stage 2 will be our final response.
- 5.11 Requests for a stage 2 will be acknowledged, defined and logged at stage 2 of the complaints process within five working days of the escalation request being received.
- 5.12 Complainants will not be required to explain their reasons for requesting a stage 2 consideration. We will, however, make reasonable efforts to understand why the complainant remains unhappy.
- 5.13 The person who will respond at stage 2 will not be the same person who considered the complaint at stage 1. The manager of the officer who responded to the stage 1 complaint, another senior officer or the complaints manager will investigate and respond at stage 2.
- 5.14 A final response to the stage 2 complaint will be issued within 20 working days of the complaint being acknowledged.
- 5.15 If we decide that, due to the complexity of the complaint, an extension to the timescale is necessary, we will inform the complainant of the expected

timescale for a response. An extension will not be more than 20 working days without good reason. The reason will be clearly explained to the complainant.

- 5.16 When we inform a complainant about an extension to the timescale for a response, we will provide the contact details of the relevant ombudsman.
- 5.17 A complaint response will be provided to the resident 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 appropriate updates provided to the complainant.
- 5.18 We will address all points raised in the stage 2 complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 5.19 We will confirm the following at the completion of stage 2:
- The complaint stage
  - The complaint definition
  - 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 relevant ombudsman if the individual remains dissatisfied.
- 5.20 Stage 2 is our final response.
- 5.21 If a complainant remains dissatisfied following the conclusion of our complaints process, they may escalate their complaint to the relevant ombudsman. For complaints about the council as landlord, the relevant ombudsman is the Housing Ombudsman. For all other complaints, the relevant ombudsman is the Local Government & Social Care Ombudsman.
- 5.22 The Housing Ombudsman can be contacted in the following ways:
- By completing the [online complaint form](#)
  - By emailing [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)
  - By telephoning 0300 111 3000
  - By writing to  
Housing Ombudsman Service  
PO Box 1484  
Unit D  
Preston  
PR2 0ET

5.23 The Local Government & Social Care Ombudsman can be contacted in the following ways:

- By completing the [online complaint form](#) (you can read the [step by step process for making a complaint](#) on their website prior to making a complaint)
- By telephoning 0300 061 0614
- By writing to  
Local Government & Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

5.24 Details of how to contact the relevant ombudsman will be provided as part of the stage 2 response.

## **6. Self-assessment, reporting and compliance**

6.1 We will produce an annual complaints performance and service improvement report which will include:

- The annual self-assessment against the Housing Ombudsman and Local Government & Social Care Ombudsman's complaint handling codes
- A qualitative and quantitative analysis of our complaint handling performance. This will also include a summary of the types of complaints we have refused to accept
- Any findings of non-compliance with the complaint handling code by the relevant ombudsman
- The service improvements made as a result of the learning from complaints
- Any annual report about our performance from the relevant ombudsman
- Any other relevant report or publication produced by the ombudsman in relation to our work.

6.2 The annual complaints performance and service improvement report will be reported to the Ethical Governance & Personnel Committee and will be published on the complaints section of the council's website. The Ethical Governance & Personnel Committee's response to the report will also be published alongside this.

6.3 If we are unable to comply with the complaint handling codes due to exceptional circumstances, we will inform the relevant ombudsman, provide information to complainants who may be affected and publish it on our website. We will also provide a timescale for returning to compliance with the codes.

## **7. Scrutiny and oversight**

- 7.1 Hinckley & Bosworth Borough Council has a positive complaint handling culture which is integral to the effectiveness with which we resolve disputes. We use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.
- 7.2 The Democratic Services Manager is the council's complaints manager and is responsible for the council's complaint handling.
- 7.3 The council will appoint a councillor as the Member Responsible for Complaints (MRC). The MRC will ensure that the Ethical Governance & Personnel Committee receive regular information on complaints which provide an insight into our complaint handling performance. The MRC has direct access to suitable information and staff to be able to perform their role and report on their findings.
- 7.4 The MRC and Ethical Governance & Personnel Committee must receive:
- Regular updates on the volume, categories and outcomes of complaints, alongside complaint handling performance
  - Regular reviews of issues and trends arising from complaint handling
  - Regular updates on the outcomes of the ombudsman's investigations and progress made in complying with orders related to severe maladministration findings
  - The annual complaints performance and service improvement report.

May 2024