



# **Feedback & Complaints Policy**

February 2022

|  |          |
|--|----------|
| Feedback & Complaints – contents                             | Page     |
| Introduction   | 3        |
| The aim of the Feedback & Complaints Policy                  | 3        |
| What is Feedback?  | 3        |
| What is a Complaint?   | 3        |
| How you can help us  | 4        |
| How your complaint is managed                                | 4        |
| Stage one complaints   | 4        |
| Stage two complaints   | 5        |
| Next steps   | 5        |
| Additional Information                                       | 6        |
| Policy Review  | 7        |
| <b>Appendix 1 What we cannot deal with under this policy</b> | <b>8</b> |

## Introduction

Arun District Council is committed to providing consistent, efficient, and fair standards of services to its customers.

Feedback and complaints play a role in maintaining and improving standards and the quality of service provided. When we receive feedback or a complaint, we see this as a way of getting an important insight into how services are being delivered. By listening to you we can look at actions that can be taken to improve services and help your experience.

This policy details the way in which feedback and complaints will be managed, investigated and acted upon.

## Aim of policy

We recognise the need to provide an efficient professional public service which is responsive to your views and needs.

The aim of this policy is to demonstrate the Council's commitment to delivery of a transparent, clear to understand approach in the management of feedback and complaints based on understanding, speed and fairness.

When dealing with feedback and complaints, it is our aim to work with you so we understand what your issues are and what you would like to happen to resolve it.

We are committed to treating all customers fairly and will make sure that individual needs are taken into account when applying this policy and that any reasonable adjustments are made in line with the Equality Act 2010.

All customer complaints and compliments will be treated equally whether they are:-

- through our [online form](#)
- sent to [infomanagement@arun.gov.uk](mailto:infomanagement@arun.gov.uk),
- by letter (please write to Information Management Team, Arun District Council, Maltravers Road, Littlehampton, West Sussex, BN17 5LF)

## What is feedback?

Feedback is information about your reaction or opinion as a result of actions or behaviour undertaken by the Council. It can be either positive or negative and used as a basis for service improvement. All feedback is recorded and a copy is sent to the relevant service manager to review and feed into their work plans accordingly.

## What is a complaint?

A complaint is an expression of dissatisfaction with a situation – if we have not met your expectations, failed to provide a service or not followed correct procedures.

Not all complaints are to be dealt with under this policy (**see Appendix 1**).

If a formal appeal process exists then this will be used to address your concerns (for example, planning applications, via homeless legislation). To ensure you are using

the correct route for the issues you are raising, please see Appendix 1 for guidance on what we cannot deal with.

### **How you can help us**

We understand that it is frustrating when we do not meet your expectations. We will do everything we can to resolve your complaint. In return we ask that you: -

- Treat our staff with respect
- Do not use abusive language or behaviour when communicating with us
- Engage with all reasonable requests made in an effort to resolve your concerns

### **How your complaint is managed**

Arun District Council has an informal 'service' stage followed by a two-stage policy.

Upon receipt of the complaint, we will look to see to if we can resolve the issue quickly for you at service level. The relevant service may contact you in the hope of resolving your concern.

If we cannot, your complaint will be dealt with in the following way: -

#### **Stage one complaints**

This is the first formal stage and we will acknowledge receipt of your complaint immediately. Subsequently you will receive an update on your complaint including:

- Confirmation your complaint has been received, and in most cases the name and contact details of the investigating officer
- A date or timeframe by which you can expect to receive a response.

The investigating officer may need to ask you for further information to assist with their investigation.

Our policy is to respond in full to you within 10 working days from when we confirm your complaint has been received (please note that Planning complaints have a response period of 25 working days).

If we cannot respond in full within 10 working days, we will provide you with regular updates at least every 10 working days. These will detail the reason for the delay and when you can expect to receive a response.

Our response can be provided by letter, email, face to face or telephone. Where a response is given by telephone or in person, we will offer to provide written confirmation of our discussion.

Our stage one response will advise you of your rights to request a review of the response provided.

## **Stage two complaints**

If you are dissatisfied with the stage one response, you can ask for your complaint to be reviewed by a senior officer.

You will have 28 days from the date of the stage one response to request a review, unless there are exceptional circumstances.

At this point we will ask you to tell us why you are dissatisfied with the stage one response.

We will appoint a senior officer to review your complaint. Whenever possible this officer will be from another service to deliver an independent view. The complaint will be acknowledged within two working days. Subsequently you will receive an update on your complaint including:

- Confirmation your complaint has been received, and in most cases the name and contact details of the investigating officer.
- A date or timeframe by which you can expect to receive a response.

In the review, we will look at how we dealt with your original complaint and we will also respond to any further related issues you have raised (although not new complaints).

All complaints relating to Landlord/Tenant services will follow the [Housing Ombudsman Complaint Handling Code](#).

All complaints relating to Corporate matters will follow the advice of the [Local Government & Social Care Ombudsman](#).

Our aim is to respond in full to you within 25 working days of receipt of your request for review wherever possible (20 days for Landlord/Tenant complaints). If we cannot respond in full within this timeframe, we will provide you with regular updates at least every 10 working days. This will detail the reason for the delay and when you can expect to receive a response.

If the issue your complaint is about is subject to the attention of any formal Council meetings, then your response may be delayed enabling the relevant debate/decision-making process to be achieved. You will be kept advised of when you should expect a response.

## **Next steps**

There is no further right of appeal to the council following completion of a review at stage two of this policy unless your complaint is related to Landlord/Tenant services. If this is the case, you are entitled to request that the matter be escalated to a Designated Person for review. The Designated Person will be your Ward Councillor or local MP.

Within our final response, we will inform you of your right to take your complaint further if you remain dissatisfied. This will be to either the Local Government and Social Care Ombudsman or the Housing Ombudsman as appropriate.

For Landlord/Tenant complaints you can approach the Housing Ombudsman. The Housing Ombudsman will investigate complaints about housing management, repairs, leaseholder complaints, transfers, and mutual exchanges. If you go directly to the Housing Ombudsman, complaints will only be considered eight weeks after the date that your stage two complaint was closed.

Housing Ombudsman – [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk) Tel 0300 111 3000

## **Additional Information**

### **Complaints of discrimination and harassment**

These issues will be dealt with sensitively, considering the nature of the issues raised when appointing an investigator. In cases of harassment, we will consider the characteristics of the investigating officer, and if appropriate, discuss this with you before appointing an investigator. We will use appropriate information to assess overall levels of discrimination and harassment amongst different groups and will feed into the appropriate corporate policy review mechanisms to improve policy and practice.

### **Complaints received via third party**

When we receive a complaint from you via an elected member, advocate, or other third party we will direct our response to you and the third party unless you instruct us otherwise.

### **Complaints received by the Chief Executive**

Complaints received by the council's Chief Executive will be passed to Information Management who will ensure that you are responded to appropriately. Service level queries will be directed to the relevant service.

### **Complaints relating to more than one council service**

Where a complaint includes issues for more than one part of the council, we will aim to provide you with a single response whenever possible.

### **Complaints against members of staff**

If you have an issue about a member of staff, we will investigate and take appropriate action in accordance with our internal procedures.

### **Anonymous complaints**

Anonymous complaints will be investigated as far as possible, and a record of the complaint kept.

### **Dealing with complainant's unreasonable behaviour**

There are a small number of customers whose behaviour we feel is unreasonable in pursuing the resolution of their complaint. An Unreasonable Behaviour Policy exists to deal with these instances and explains our approach.

## **Continuous Development**

Performance statistics and complaint outcomes will be shared with our Corporate Management Team on a quarterly basis to promote continuous development and service improvements.

For Landlord & Tenant complaints – anonymised case studies may additionally be shared with Your Voice (resident engagement group).

## **Policy Review**

This policy was adopted by the Audit & Governance and will be reviewed after one year by the Group Head of Law & Governance.

## **What we cannot deal with under this policy**

### **Requests for service or information**

As an example, if you request a repair to a council property or witness flytipping – these are alerting us to work that needs to be done. These requests may however become a complaint if we do not deal with them appropriately.

### **Appeals procedures**

If an appeals procedure applies to your complaint, we will refer you to this and notify you of our actions at the outset.

Appeals procedures must be completed before we can investigate any other issues you raise with us. If this is the case, we will let you know.

The following are examples of complaints where there is an appeals process and so we will not deal with them under this policy: -

- Issuing of penalty charges – eg parking tickets and the recovery process
- A decision on a planning application
- Housing allocation scheme (Housing Register)
- An eviction decision
- Review of homelessness decision
- Entitlement to housing benefit
- A decision about council tax support
- An enforcement notice
- A decision to refuse to issue a licence

### **Current enforcement action in place**

Where a live enforcement case is ongoing and under investigation, the enforcement case must be brought to conclusion before any complaint can be submitted.

### **Complaints regarding issues that occurred over 12 months ago**

We would not normally investigate complaints about something that happened more than a year ago, unless there are exceptional circumstances.

### **Complaints about Councillors**

To make a complaint about a Councillor, please refer to our [website](#) for further advice.

### **Complaints against the Monitoring Officer, Data Protection Officer, or Section 151 Officer**

Any concerns relating to the above roles are not appropriate to manage through the Complaints process and will be managed on an individual basis.

### **Allegations of fraud, theft or corruption by a member of our staff**



We are committed to being open and accountable for our staff. Please refer to our [website](#) for further advice.

### **Where legal proceedings are involved**

When a legal challenge is being made regarding whether a decision, action or lack of action is lawful. This is a separate process to the Ombudsman so will not be considered under the complaint policy.

### **Employment issues**

Complaints made by our employees concerning their employment with us, or from job applicants who wish to complain about our recruitment and selection process will be dealt with by the relevant recruiting manager or HR as applicable. Policies that may be applicable here are [Dignity at Work](#) and Grievance.

### **Complaints about Freedom of Information (FOI) requests (Internal Review)**

These complaints will be handled by the Information Governance Manager. In cases where we decided not to provide the information to you, the Manager must consider advice from the information management service. The Manager will notify you of the outcome of our investigation within 20 working days of receipt of your complaint.

If we cannot respond in full within this timeframe, we will advise you why we need more time. Under legislation, we must ensure that we respond fully to you within 40 working days from receipt of your complaint.

There is no further right of appeal to the council following this investigation. Within our response we will inform you of your right to take your complaint further if you remain dissatisfied. Our response will contain the contact details for the Information Commissioner [www.ico.gov.uk](http://www.ico.gov.uk).

### **Complaints about Environmental Information Regulations (EIR) requests (Internal Review).**

Under the EIR 2004, you can ask us to reconsider an information request. You can make representations to us in writing about this no later than 40 working days after the date you think we have failed to comply with the EIR.

These complaints will be handled by the Information Governance Manager. We have to consider your representations and any supporting evidence produced by you and decide if we have complied with the EIR requirements.

The Manager must consider advice from the information management service. The Manager will notify you of the outcome of our investigation as soon as possible, and no later than 40 working days after receipt of your complaint.

There is no further right of appeal to the council following this investigation. Within our response we will inform you of your right to take your complaint further if you remain dissatisfied. Our response will contain the contact details for the Information Commissioner, as above.

## **Complaints about Data Protection (GDPR and DPA 2018)**

In relation to individual rights' requests under the GDPR the council has 1 month in which to respond although this can be extended by a further 2 months if the request is complex or we have received a number of requests from the requester. Whilst there is no statutory requirement to investigate complaints about how the council has responded to such a request, we are committed to trying to resolve all such complaints. Any such complaints will be handed by a senior officer and advice must be sought from the information management service.

There is no further right of appeal to the council following this investigation. You are entitled to complain to the Information Commissioner if you consider that there has been an infringement of data protection legislation.