

Complaints Policy and Procedure

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Useful Definitions:

Working days – days the council is open to the public (not Saturdays, Sundays, Bank holidays and any other closures)

Relevant manager - the manager who oversees the team or service complained about

Ward councillor – the district councillor who is responsible for your area. You can find your councillor(s) on our websites: www.southoxon.gov.uk/councillors
www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/about-the-council/whowe-are/the-councillors/

Complaints Policy and Procedure

POLICY STATEMENT

1. South Oxfordshire and Vale of White Horse District councils are committed to putting people at the centre of everything we do. We aim to provide a high standard of service and recognise we do not always get it right first time. Customer feedback (compliments, comments, and complaints) is important to us, and we want you to tell us when you think we have got something wrong, so we can endeavour to put it right and learn from it how we can improve our services in future.

COMPLIMENTS AND COMMENTS

2. Compliments will be acknowledged within five working days, recorded and shared with the relevant service team(s).
3. Comments about services which are not complaints or compliments may be statements about how things could be improved and will be recorded to enable the councils to use suggestions to review the way our services are provided. People may express disappointment, disagreement, or observations about services without necessarily wanting to complain. Feedback of this nature will be recorded as a comment.

A reply in full will be made, where possible, within 10 working days. If we cannot reply within 10 working days we will respond and say why and when you can expect a full response.

OUR CORPORATE COMPLAINTS POLICY

4. Having a council-wide procedure for dealing with complaints ensures that:
 - customers know what to do if they have a complaint and understand clearly how we will deal with it
 - staff know what to do when they receive a complaint
 - customers are treated fairly and equally
 - we can improve our services by reviewing the outcome of complaints and learning from them
5. The complaints policy is intended for the use of customers, residents, businesses and visitors, or their chosen representatives.

6. This policy covers all complaints made to the councils as set out in the Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) Codes of Practice¹ on effective complaints handling.
7. The councils have a duty to comply with these codes which cover:
 - Housing Ombudsman – all complaints made to the councils as a social landlord e.g. by tenants of properties we own
 - Local Government and Social Care Ombudsman – all complaints made about other council services (except where specific exclusions apply – see Appendix one)

DEFINITION OF A COMPLAINT

8. 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. For service requests we aim to put things right through normal service delivery processes. To do this we use the definition set out in the LGSCO and HO Codes:

A service request is a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision.

This covers minor service dissatisfaction or failures, for example a missed bin collection, are dealt with directly by the relevant service team. Some responses may come directly from our suppliers or partners. If you are not sure which team to contact, please use the general enquiries form on our website or email customer.service@southandvale.gov.uk.

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation/Landlord, its own staff, or those acting on its behalf, affecting an individual/a resident or group of individuals/residents.”

We will consider these in line with the process set out below.

HOW TO MAKE A COMPLAINT

9. Formal complaints can be submitted in a number of ways:
 - via our online complaints form available on our websites at: www.southoxon.gov.uk/complaints, or www.whitehorsedc.gov.uk/complaints,
 - by email to complaints@southandvale.gov.uk

¹Social Housing (Regulation) Act 2023

- by letter to Abbey House Abbey Close Abingdon OX14 3JE
- to any member of council staff or one of our contractors or partners – they will pass your complaint to our complaints team to manage

10. We have a duty to make reasonable adjustments for residents where appropriate, and as a landlord we must keep a record of any reasonable adjustments agreed with our tenants, as well as a record of any disabilities a tenant has disclosed. Please make us aware if you need support to make a service request or formal complaint.

11. If you are unable to use our online complaints form or you have difficulty in putting forward your complaint because of speech, language or other problems, you can contact our customer service centre on 01235 422600 or visit us at our Abbey House offices and a member of the team can complete the online form for you. You may be accompanied at any time by a friend or advocate to represent you.

12. When writing to us please include the following:

- Name, Address and Email address (if you have one)
- Details of complaint: A summary of what has or has not happened
- What do you feel has been the effect of the action or lack of action?
- What do you think the council could do to put it right? And any outcomes you are looking to achieve
- Have you been in contact with anyone in the council about this matter? If so, please advise with who and when
- Evidence for example emails, letters, or photographs
- Any reasonable adjustments or support you need to be able to make use of our complaints process

13. With signed confirmation from you, a complaint can be submitted on your behalf by your chosen representative. When a complaint is submitted by a group (more than one person), we will ask for a signed confirmation from all parties saying they are happy to be considered as a group. We will then agree with you how we will correspond with the group.

14. We will normally expect a complaint to be raised within 12 months of an issue occurring or the complainant becoming aware of the issue; however we will consider complaints after this period if it is appropriate to do so, and will consider each complaint according to its own circumstances. You are able to escalate your issue to a formal complaint at any time, including if the response to a service request is ongoing.

HOW WE WILL RESPOND TO YOUR COMPLAINT

15. We will acknowledge your complaint within five working days, and let you know if we can progress it under the formal corporate complaints procedure. If we are not able to progress your complaint under our formal complaints procedure we will explain the reasons for this. Before refusing to do so we will consider the individual circumstances of each complaint. Please refer to Appendix 1 for examples of when our formal complaints procedure cannot be used.
16. There are two stages to our formal complaints procedure, with a third independent stage:
- **Stage One:** will be investigated and responded to by the relevant service manager with input from our contractor or partner where relevant
 - **Stage Two:** this is to review the way in which the stage one investigation was conducted and will be carried out by the relevant head of service. It is not an opportunity to raise new issues or further points of representation.
 - **LGSCO or HO:** if you are dissatisfied with the outcome of our formal complaints procedure, you can refer your complaint to the relevant Ombudsman.
17. When we acknowledge your complaint, we will check to make sure that we have understood the complaint fully and may seek clarity on the information you have provided, or extra information before the stage one or stage two investigation can begin.
18. On the occasion an individual officer has had previous involvement in a matter, or a complaint is about that member of staff, it may be allocated to an alternative service manager or head of service, at the discretion of the head of corporate services.
19. Complaints which involve multiple service areas, will be handled with a coordinated approach and a response provided by the service area we consider most relevant.

STAGE ONE – SERVICE MANAGER

20. We will contact you within five working days to acknowledge your complaint and advise the name and job role of the service manager who will be responding and the date you can expect a response by. We will respond to your complaint within 10 working days of our acknowledgement.
21. If it is not possible for a response to be provided within the deadline set out in our acknowledgement, we will write to you before the deadline to let you know a revised date – any extension will be limited to 10 working days after the original due date.

- 22. In a small number of circumstances, we will escalate your complaint straight to stage two. This includes a complaint about the procedure followed during a Code of Conduct complaint, but not for review of the Monitoring Officer’s decision.
- 23. Should additional complaints be raised during stage one, and a stage one response has not been provided, these will be incorporated into a single stage one response if they are related. Where the stage one response has been provided, or the new issues are unrelated to the issues already being considered, or it would unreasonably delay the response, the new issues will be logged as a new complaint.

STAGE TWO – HEAD OF SERVICE

- 24. Following the outcome of the stage one complaint, you have a right to ask for your complaint to be reviewed under stage two.
- 25. At stage two, the role of the head of service is to review the response you were provided at stage one, and whether we have satisfactorily addressed the points you raised in your stage one complaint.
- 26. You must write to us within six weeks of the date of the stage one response to request your complaint is escalated to stage two.
- 27. We will contact you within five working days to acknowledge your complaint and clarify our understanding of outstanding issues and the outcomes you are seeking; and advise the name and job role of the head of service who will be responding and the date you can expect a response by. We will respond to your stage two complaint within 20 working days.
- 28. If it is not possible for a response to be provided within the deadline set out in our acknowledgement, we will write to you before the deadline to let you know a revised date – any extension will be limited to 20 working days after the original due date.

THE ROLE OF THE OMBUDSMEN

- 29. The LGSCO/HO investigate complaints of alleged injustice concerning local authorities. Their service is free of charge.
- 30. If you remain dissatisfied following the outcome of our formal complaints procedure, you can contact the Ombudsman as follows:

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN	HOUSING OMBUDSMAN
www.lgo.org.uk	www.housing-ombudsman.org.uk/residents/make-a-complaint/
telephone 0300 061 0614	telephone 0300 111 3000
PO Box 4771, Coventry CV4 0EH	Email info@housing-ombudsman.org.uk
	PO Box 152, Liverpool L33 7WQ

31. Before the LGSCO/HO will accept your complaint, you must first complete stages one and two of our complaints procedure, as set out in this policy.

Note: the law does not allow the Ombudsman to accept complaints made by an “authority constituted for the purposes of the public service”. This includes parish and town councils.

THE OUTCOME OF YOUR COMPLAINT

32. Where as a result of our investigation, any part of your complaint is upheld we will acknowledge this and set out in our response, the actions we have taken or intend to take. These could include:

- an apology
- providing an explanation, assistance or reasons why the error occurred
- taking action if there has been delay
- reconsidering or changing a decision
- amending a record or adding a correction or addendum
- providing a financial remedy where appropriate
- changing policies, procedures or practices, or providing training to ensure it doesn't happen again

33. We will set out clearly what will happen and by when, in agreement with yourself where appropriate; and we will ensure that these actions are completed.

ANONYMOUS COMPLAINTS

34. Generally, we do not investigate anonymous complaints. Anonymous complaints will only be dealt with if they involve individual or public safety, corruption, waste or other impropriety and where there is sufficient information to allow an investigation to proceed.

VEXATIOUS AND UNREASONABLE COMPLAINANT BEHAVIOUR

35. In a minority of cases, complainants pursue matters in a way that can impede the investigation of their complaint or have significant resource issues for us.

36. We have a separate policy for dealing with vexatious and unreasonable behaviour, which can be found at: www.southoxon.gov.uk/complaints and www.whitehorsedc.gov.uk/complaint

MONITORING AND REPORTING COMPLAINTS DATA

37. Under the LGSCO and HO Codes of Practice we are required to publish details of our complaint handling regularly to key councillors (a Cabinet member has responsibility for complaints at each council), the appropriate council meeting and on our website. This includes:

- an annual self-assessment against the requirements of the Ombudsmen Codes
- an analysis of our complaint handling performance
- any findings of non-compliance with this Codes
- the service improvements made as a result of the learning from complaints
- the annual letter about our performance from the Ombudsman

38. We produce a report for our Joint Audit and Governance Committee each year, and their role is to provide oversight and scrutiny of how we handle complaints and compliance with the codes.

CONFIDENTIALITY

39. The identity of a complainant will only be revealed to those who need to consider it; their identity will not be made known to anyone else, nor will it be made public.

40. Files that contain confidential information may be subject to data subject access requests under the Data Protection Act 2018. Consideration of what can be released will be decided by the Data Protection Officer, who will take into account the complainant's own rights and expectation of confidentiality.

41. Where there is an explicit request by you to do so and your consent has been given, your complaint and associated documentation/correspondence will be copied to your local district councillor(s).

APPENDIX 1 - WHEN OUR FORMAL COMPLAINTS PROCEDURE CANNOT BE USED

1. For matters that have already exhausted our complaints procedure and/ or have been investigated by the relevant Ombudsman.
2. Complaints about parish or town councils should be sent directly to the relevant town or parish council using the contact information on their website.

3. **Benefits:**

If you disagree with the way we have calculated your benefit entitlement, you can ask us to send their appeal to the Tribunal Service for review by an independent tribunal. To do this you should contact us within one calendar month of our decision by email to:

sodc.benefits@secure.capita.co.uk or
vowh.benefits@secure.capita.co.uk

or by writing to:

South Oxfordshire District Council	or Vale of White Horse District Council
PO Box 870	PO Box 880
Erith	Erith
DA8 1UN	DA8 1UN
Tel: 0345 302 2313	Tel: 0345 302 2315

4. **Licensing:**

To appeal against a decision regarding licensing (premises, personal or taxi licences) you must lodge that appeal with the appropriate court within 21 days of the date of our decision. The written decision notice will give details of the relevant rights of appeal. For taxi penalty points, the route of appeal is detailed within the letter issuing points.

5. **Planning Application and Enforcement Decisions:**

When a planning application is refused, an applicant has a legal right to appeal to the Planning Inspectorate.

The formal complaints procedure can only be used to investigate the procedures followed in determining an application, and not the decision itself. We will not investigate complaints from objectors who are simply unhappy that we have granted planning permission for a particular development, as we only have powers to revoke such a decision in exceptional circumstances.

Similarly, our corporate complaints procedure cannot be used if you are not happy with a planning enforcement triage or formal investigation decision. We can only accept a complaint if you think we have not followed due process, as set out in the council's Planning Enforcement Statement.

6. **Excess charge notices (parking fines):**

If you want to dispute an excess charge notice (parking fine), you must do so in writing, preferably within the reduced payment period of the excess charge notice, either by email to carparks.southandvale.uk@sabagroup.com

or by writing to:

Car parks team
Saba Park Services Ltd.
For and on behalf of South Oxfordshire and Vale of White Horse District Councils
Abbey House
Abbey Close
Abingdon
OX14 3JE

7. Complaints about Elected Members:

If the complaint is about the conduct of a district councillor, a member of one of the town or parish councils or a co-opted committee member, the complaint should be considered under the Code of Conduct complaints procedure by the Monitoring Officer. Please visit the Councillors' code of conduct page on our website for further information: www.southoxon.gov.uk/south-oxfordshire-district-council/local-democracyand-elections/council-meetings-and-decision-making/councillors/councillorscode-of-conduct/

www.whitehorsedc.gov.uk/vale-of-white-horse-district-council/localdemocracy-and-elections/councillors-committees-andmeetings/councillors/councillors-code-of-conduct/

8. Complaints about responses issued under the Freedom of Information Act 2000 (FOIA), Environmental Information Regulations 2004 (EIR) or the Data Protection Act 2018 and UKGDPR

These are managed in accordance with the specific legislation and escalated to the Information Commissioner's Office (ICO) if unresolved. The response you have received should explain what to do if you are not happy and you can contact our Information Governance Team about FOI and EIR responses using either foi@southoxon.gov.uk for SODC or foi@whitehorsedc.gov.uk for VWHDC and using data.protection@southandvale.gov.uk for data protection queries.

9. What cannot be considered as a Housing complaint:

- Anti-Social Behaviour reporting
- Complaints that are going through a court, tribunal or are within a legal process
- Dissatisfaction with a Housing Allocations decision
- If the issue giving rise to the complaint occurred over 12 months ago. However, these will be considered on a case-by-case basis and may be extended where safeguarding or health and safety issues are involved
- If the complainant has already been through the complaints process and has been provided with an in-depth formal response on the same issue