



# CORPORATE COMPLAINTS PROCEDURE

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2	Information Governance and Complaints Manager	March 2023	Updates to reflect Housing Ombudsman Complaints Handling Code.
3	Information Governance and Complaints Manager	November 2023	Changing all complaints to a two stage process, update to job titles.
4	Information Governance and Complaints Manager	April 2024	Updates to reflect new Housing Ombudsman Complaint Handling Code and Local Government and Social Care Ombudsman Complaints Handling Code.

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## **1. INTRODUCTION**

- 1.1 New Forest District Council ('the Council') is committed to providing residents, tenants and customers with quality services. However, sometimes things do go wrong. The Council encourages complainants to tell us when this happens so we can put things right, explain what has happened, learn from our mistakes and improve our services.
- 1.2 Our aim is to swiftly investigate all corporate complaints impartially, finding solutions locally whenever possible to the satisfaction of both complainant and the Council.
- 1.3 We want our Corporate Complaints Procedure ('this Procedure') to be:
  - easy to access, taking into account the different needs of complainants;
  - simple to understand and use;
  - clear on what complainants can expect from the Council and when;
  - fair and transparent;
  - confidential; and
  - effective.
- 1.4 This Procedure will be published on the Council's website and hard copies will be made available on request.
- 1.5 This Procedure has been prepared in accordance with the [Local Government and Social Care Ombudsman's Complaint Handling Code](#) and the [Housing Ombudsman's Complaint Handling Code](#)

## **2. BEFORE MAKING A COMPLAINT**

- 2.1 Before making a complaint, complainants are encouraged to get in touch with the relevant Service to let them know about their concern. It may be the problem can be resolved quickly without using this Procedure.
- 2.2 All Services can be contacted through the Council's Customer Services Team:

[Contact us - New Forest District Council](#)

## **3. WHAT IS A CORPORATE COMPLAINT?**

- 3.1 A corporate complaint is '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 a resident or group of residents'. Where the above definition is met, the matter will be dealt with as a corporate complaint, even if the complainant does not refer to the matter themselves as a 'complaint'.

## **4. WHAT IS NOT A CORPORATE COMPLAINT?**

- 4.1 There are certain matters which are not treated as corporate complaints and will not be covered by this Procedure.
- 4.2 Below is a list of these matters. This is not a complete list and, where applicable, complainants will be advised if their issue is not covered and what further action they can take:

- A complaint against an elected councillor.

There is a **separate** complaints procedure regarding Councillors (our elected members). Complaints against elected members can be submitted to this Council's Monitoring Officer. Please see [Complain against a councillor - New Forest District Council](#) for further information regarding this separate procedure.

- Service requests where an individual is requiring the Council to take action to put something right.
  - Such service requests will be recorded, monitored and reviewed regularly.
  - Where an individual expresses dissatisfaction with the response to their service request, a complaint will be raised. Efforts to address the service request will continue.
- A request for action (unless such requests have been dealt with improperly or with undue delay) including:
  - a report of a missed bin collection which can be reported online at [Report a missed collection - New Forest District Council](#);
  - a missed appointment for a repair which can be reported by contacting the Housing Support Hub at [housing.supporthub@nfdc.gov.uk](mailto:housing.supporthub@nfdc.gov.uk) or on 02380 285222; or
  - 'Business as usual complaints' dealt with by the relevant service, such as complaints about anti-social behaviour or noisy neighbours.
- Anonymous complaints.
- An expression of dissatisfaction with services made through a survey or in response to a request for feedback.
  - However, individuals will be given details of how to complain should they wish to.
- Cases where other legal rights of appeal/ review exist, including complaints about:
  - a refusal of planning permission.
  - a Housing Benefit or Council Tax decision.
  - a Penalty Charge Notice (parking ticket) or recovery action taken after the issue of the ticket.
  - a Homeless decision.
- Cases where the Council or the complainant has started legal proceedings or has taken court action, including:
  - where a debt is owed to the Council.
  - where a potential criminal offence is being investigated.

This does not include where a complainant has instructed solicitors to take action or has taken action themselves in accordance with the Pre-Action Protocol for Housing

Conditions Claims or other relevant Pre Action-Protocol under the Civil Procedure Rules.

- When the complaint is over 12 months old, and the complainant was aware of the issue but did not report it to the Council. However, exceptions may be made if there is a good reason for the delay.
- Complaints which have already exhausted this Procedure.

4.3 Where the Council decides that a complaint cannot be dealt with as a corporate complaint in accordance with this Procedure, we will write to the complainant explaining the reasons for this and advising them of their right to take that decision to the relevant Ombudsman. Each complaint will be considered on its own merits. Please see section 11 below.

## 5. WHO CAN MAKE A COMPLAINT?

5.1 A corporate complaint may be made by anyone living, working or visiting the New Forest or using Council services. This includes the Council’s tenants living in housing where the Council is their landlord.

5.2 A corporate complaint may also be submitted on behalf of a complainant by a third party such as a family member or representative. However, the Council will seek confirmation from the complainant directly that this third party has authority to act on their behalf and have personal information disclosed to them.

## 6. HOW CAN A COMPLAINT BE MADE?

6.1 Complaints can be made:

By email	<a href="mailto:complaints@nfdc.gov.uk">complaints@nfdc.gov.uk</a>
By web form	<a href="http://newforest.gov.uk">Complaint form (newforest.gov.uk)</a>
By telephone	02380 285000
By post	Information Governance and Complaints Team, New Forest District Council, Appletree Court, Beaulieu Road, Lyndhurst, SO43 7PA
Through social media	 <p>However, we request that personal information is not disclosed on social media. Any complaints received in this way will be dealt with separately to ensure that confidentiality and privacy is maintained.</p>
In person	Through a meeting with a Council officer

6.2 When making a complaint it is helpful if you explain:

- Which Service your complaint is about.
- What your complaint is; and
- What you would like the Council to do to resolve your complaint.

## **7. HELP TO USE THIS PROCEDURE**

7.1 Where possible, this Procedure will be made available in different formats to suit different needs.

7.2 Every reasonable effort will be made to help complainants to make a complaint, in line with their needs and this Procedure may be adjusted to take account of individual circumstances.

7.3 Help may involve assistance to make a complaint if it is needed and as a minimum help will be available to complete the [web form](#) when requested. It may also involve reading the outcome of a complaint to complainants where needed, as they are normally communicated in writing.

7.4 If help is required to use this Procedure, complainants can contact the Council using any of the methods outlined in paragraph 6.1 above.

7.5 Where a complainant requires reasonable adjustments to be made to enable them to use this Procedure in accordance with the Equality Act 2010 we will make these and keep them under review.

## **8. CONFIDENTIALITY**

8.1 All complaints will be dealt with in line with the Data Protection Act 2018, the UK General Data Protection Regulation and the Freedom of Information Act 2000. The identity of a complainant will only be made known to those who need to know in order to consider the complaint. For further information about the handling of personal information in the complaints process, please see our [Privacy Notice](#).

8.2 The Council aims to be open and honest when responding to complaints but sometimes it is necessary to maintain confidentiality and information will generally not be provided about third parties.

## **9. COMPLAINT STAGES AND TIMESCALES**

9.1 The Council operates a 2 stage complaints procedure for all complaints.

9.2 The final, stage 2, response is dealt with by the Council's Monitoring Officer on behalf of the Chief Executive. At this stage, the Monitoring Officer ensures that the Chief Executive is aware of the complaint and the response to it.

9.3 Where it is appropriate, taking into consideration the circumstances of a particular complaint, the Monitoring Officer or the Chief Executive may use their discretion to personally deal with that complaint at stage 2 of this Procedure even if the earlier stage has not been completed. The reasons for this will be explained to the complainant.

- 9.4 In line with good practice all complainants will be reminded at each stage that when they have exhausted this Procedure they are entitled to refer their complaint to the relevant Ombudsman.
- 9.5 Every effort will be made to resolve complaints without undue delay. The Council will aim to meet the timescales set out in this Procedure. However, if an unavoidable delay occurs we will notify the complainant with the reason and provide a revised due date for response. We will aim for any extension to be no more than 10 working days for stage 1 complaints and 20 working days for stage 2 complaints. We will keep the complainant informed including, where appropriate, how often updates will be provided.



9.6 Stages, responsible officers and timescales:

Stage	Responsible Officer	Steps and Timescales
1	<p>Service Manager (in consultation with Assistant Director/Strategic Director as applicable).</p> <p>The Assistant Director or Strategic Director may personally deal with a complaint at stage 1 at their discretion.</p>	<p>Complaint received.</p> <p>Complaint <b>acknowledged within 5 working days</b> by the Information Governance and Complaints Team. This acknowledgement will set out our understanding of the complaint and the outcome the complainant is seeking. Complainant informed of officer dealing with complaint and expected response date.</p> <p>Complainant requested to clarify complaint and desired outcome if this is not clear.</p> <p>Stage 1 <b>response sent within 10 working days</b> advising the complainant of the right to escalate the complaint by contacting the Information Governance and Complaints Team (<a href="mailto:complaints@nfdc.gov.uk">complaints@nfdc.gov.uk</a>). The response will also advise the complainant of their right to escalate their complaint to the relevant Ombudsman when they have exhausted this Procedure.</p>
2	<p>Monitoring Officer on behalf of the Chief Executive.</p>	<p>Request to escalate complaint received.</p> <p>Escalation request <b>acknowledged within 5 working days</b> by the Information Governance and Complaints Team. This acknowledgement will set out our understanding of the complaint and the outcome the complainant is seeking. Complainant informed of officer dealing with complaint and expected response date.</p> <p>Stage 2 <b>response sent within 20 working days</b>, advising the complainant that they have completed this Procedure and they are entitled to refer their complaint to the Local Government and Social Care Ombudsman or, for Housing Complaints (by Council tenants/ leaseholders about the Council as their landlord), the Housing Ombudsman if they remain dissatisfied.</p>

## 10. OUTCOME OF COMPLAINTS

10.1 All complaint responses will set out:

- 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; and
- details of how to escalate the matter if the complainant is not satisfied with the response.

10.2 The complaint response will advise complainants if their complaint is:

- Upheld
- Partially upheld or
- Not upheld.

10.3 If a complaint has been Upheld or Partially Upheld steps will be taken to try and resolve the complaint. This may include as appropriate to the circumstances:

- acknowledging that things have gone wrong, apologising and explaining why
- taking action where there has been a delay
- changing a decision
- reviewing a policy or procedure
- making a goodwill or time and trouble payment
- providing compensation for a loss

10.4 The guidance issued by the Local Government and Social Care Ombudsman and the Housing Ombudsman, as applicable, on remedies will be considered when resolving complaints:

- Local Government and Social Care Ombudsman – [Guidance on Remedies](#)
- Housing Ombudsman – [Remedies Policy](#)

10.5 Where a complainant has completed this Procedure but there are outstanding actions to address the issue complained about, these will be followed up and suitable updates will be provided to the complainant.

## 11. CONTACTING THE OMBUDSMAN

11.1 If you remain dissatisfied after you have completed this Procedure, you are able to escalate your complaint to the relevant Ombudsman for them to review it as an independent third party.

11.2 You may also refer your complaint to the relevant Ombudsman where the Council has declined to investigate it in accordance with this Procedure, where the Council proposes to extend the time for dealing with your complaint or where you have been classified as an unreasonable complaint in accordance with section 12 below.

11.3 The Local Government and Social Care Ombudsman will investigate complaints about most Council services. Whereas the Housing Ombudsman Service will only investigate complaints from Council tenants/ leaseholders about the Council as their landlord.

11.4 The contact details for the Local Government and Social Care Ombudsman and the Housing Ombudsman Service are below:

### 11.5 Local Government and Social Care Ombudsman

Website	<a href="http://www.lgo.org.uk">www.lgo.org.uk</a>
Online complaint form	<a href="https://complaints.lgo.org.uk/complaint-form/">https://complaints.lgo.org.uk/complaint-form/</a>
Telephone	0300 061 0614
By post	Local Government and Social Care Ombudsman PO Box 4771 Coventry CV4 0EH

### 11.6 Housing Ombudsman Service

Website	<a href="https://www.housing-ombudsman.org.uk/">https://www.housing-ombudsman.org.uk/</a>
Online complaint form	<a href="https://www.housing-ombudsman.org.uk/residents/make-a-complaint/online-form/">https://www.housing-ombudsman.org.uk/residents/make-a-complaint/online-form/</a>

Telephone	0300 111 3000
By post	Housing Ombudsman Service PO Box 152 Liverpool L33 7WQ

## 12. MANAGEMENT OF UNREASONABLE COMPLAINANT BEHAVIOUR

### What is an unreasonable complainant?

- 12.1 In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues for the Council.
- 12.2 This Council defines unreasonable complainants as 'those complainants who, because of the frequency or nature of their contacts with the Council, unreasonably hinder the work of the Council'.
- 12.3 Some complainants may have justified complaints but may pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance, or which have already been investigated and determined.

### Examples of unreasonable actions and behaviours

- 12.4 Some examples of what could be defined as unreasonable are listed below:

- Unreasonable demands
  - Asking for responses within a short space of time.
  - Refusing to speak to an employee or insisting on speaking with another.
  - Refusing to specify the complaint despite offers by the Council to help.
  - Refusing to co-operate with the investigation while expecting the complaint to be resolved.
  - Making groundless complaints about employees and demanding they are replaced.
  - Refusing to accept that certain issues are not within the scope of this Procedure.
  - Recording conversations with officers without prior notification.
- Unreasonable persistence
  - Refusing to accept the answer that has been provided.
  - Continuing to raise the same subject matter without providing any new evidence, continuously adding to or changing the subject matter of the complaint.
- Verbal abuse, aggression, violence
  - This is not just limited to actual physical or verbal abuse but can include derogatory remarks, abusive language, rudeness, inflammatory allegations and threats of violence.
- Overload of communication: letters, calls, emails or contact via social media

- This could include the frequency of contact as well as the volume of correspondence received and length of telephone calls.
- Adopting a 'scattergun' approach, i.e., either submitting a complaint to a number of different people at the Council (such as the service involved, the complaints team, the Chief Executive, Leader or Chairman) or pursuing a complaint with the Council while complaining to others (MP's, Ombudsman, Police, Courts etc).

How will a complainant be classified as unreasonable?

- 12.5 All complaints will be considered thoroughly and fully. However, if an officer feels that a complainant is acting in an unreasonable manner, guidance should be sought from the Monitoring Officer.
- 12.6 The Monitoring Officer will decide if a complainant should be regarded as unreasonable in accordance with this Procedure.
- 12.7 Unless it is inappropriate to do so, before being classified as unreasonable a complainant will be referred to the 'Management of Unreasonable Complainant Behaviour' section of this Procedure, warned about their behaviour and requested to modify it.

What restrictions may be imposed on an unreasonable complainant?

- 12.8 The Monitoring Officer may take any necessary proportionate action to prevent the misuse of public resources on the part of the unreasonable complainant taking into account the nature and frequency of the complainant's contacts with the Council.
- 12.9 The objective is to manage the complainant's unreasonable behaviour.
- 12.10 Restrictions that may be imposed include:
- Naming a single point of contact that the complainant may use to correspond with the Council.
  - Limiting contact to a single form i.e., to writing, email or telephone only.
  - Limiting contact to certain times or to a limited number of times per week or month.
  - Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
  - Declining to give any further consideration to an issue unless any additional evidence or information is provided.
  - Where a decision on the complaint has been made, advising that further correspondence received about the issue will be read and placed on file but not acknowledged.
  - Only considering a certain number of issues in a specific period.
  - In exceptional circumstances, where an investigation into a complaint is ongoing, (and the complainant's behaviour is such to warrant it) the investigation may cease and the complainant be referred to the relevant Ombudsman. This will include a breakdown in the relationship between the Council and the complainant where it is considered there may be nothing to gain from following through both stages of this Procedure.

- 12.11 The above list is not exhaustive, and the Monitoring Officer will decide, at their discretion, the most suitable way to manage each individual's behaviour.

#### Reasonable adjustments

- 12.12 We understand that some complainants may find it difficult for them to express themselves or communicate clearly, especially when they are anxious or upset. We ask that complainants explain what adjustments they're looking for and how this will ensure they can make a complaint to us in a reasonable way.
- 12.13 However, this 'Management of Unreasonable Complainant Behaviour' section of this Procedure may still be applied if there are actions or behaviours which are having a negative effect on our staff or our work even where a reasonable adjustment has been made. Restrictions imposed will also be appropriate to a complainants' needs and reasonable adjustments can be made where required.

#### Reviews

- 12.14 The decision to classify an individual as an unreasonable complainant and the restrictions imposed on them will be reviewed at specified intervals by the Monitoring Officer.
- 12.15 On review, restrictions will be lifted, and relationships returned to normal unless there are good grounds to extend the restrictions.
- 12.16 The Council will inform the complainant of the outcome of the review. If restrictions are to continue, we will explain the reasons why and state the date on which the restrictions will next be reviewed.
- 12.17 Reviews will be carried out every 6 months or for those who are repeatedly deemed to be an 'unreasonable complainant' over a long period of time, the review period will be every 9 months.

#### How will the complainant be notified that they have been classified as unreasonable?

- 12.18 Where the decision is made to classify a complainant as unreasonable, the Monitoring Officer will write to the complainant enclosing a copy of this Procedure:
- Explaining that they have been classified as an unreasonable complainant and the reasons for this decision.
  - Informing the complainant what, if any, restrictions have been imposed on their contact with the Council.
  - The complainant will be advised that the decision to classify them as unreasonable will be reviewed in accordance with this Procedure and the review date.
  - The complainant will be advised that they may ask the relevant Ombudsman to review the Council's decision to classify them as an unreasonable complainant.

### **13. REVIEW**

- 13.1 This Procedure will be reviewed and updated from time to time by the Information Governance and Complaints Manager in consultation with the Monitoring Officer.