

ROCHFORD DISTRICT COUNCIL
COMPLAINTS POLICY
November 2024

1. Introduction

Rochford District Council aims to provide excellent services and deliver those services right first time for our customers. Where we fail to do so we expect officers to take ownership and work with customers to resolve any issues. There may be times, however, when customers feel we have let them down and wish to make a complaint.

Rochford District Council recognises the value of customer complaints and welcomes them as an important form of feedback on our services. We will learn from and use the information from complaints to drive forward improvements and respond positively to our customer's needs and expectations. We will put a strong emphasis on making personal contact with complainants and finding out from them what we need to do to put things right. We want to resolve all complaints quickly and effectively, resolving them straight away where possible.

This policy has been developed in line with the Local Government Ombudsman and the Housing Ombudsman's joint [Complaint Handling Code](#). The Code sets out the process which allows us to respond to complaints effectively and fairly. It acts as a guide for individuals, setting out what they may expect when making a complaint.

Where possible, the Council would like to receive complaints in writing via the online complaint form found on our website. This allows the Council to obtain the correct information required to fully investigate and respond accordingly to the complaint. If you require assistance submitting a formal complaint, please contact us using the details below;

- Visit our website – www.rochford.gov.uk and complete an [online form](#)
- Email us at customer.comments@rochford.gov.uk
- Call us on 01702 546366 (a Customer Service Advisor will complete an e-form on the complainants' behalf)
- Write to us at Rochford District Council, Council Offices, South Street, Rochford, Essex, SS4 1BW

2. Our Aims

We believe that all our service users have the right to:

- Have their views heard
- Receive a good quality service
- Expect prompt action when our performance is below standard, balanced by the resources we have available

Our staff and contractors will be:

- Efficient and sensitive to the needs of the service users
- Accessible and clearly identified
- Aware of the day-to-day concerns of our service user

Our procedure will:

- Be easy to access and widely advertised
- Advise service users of the standard of service they should expect, a time limit for replying to their complaint and their right to appeal
- Provide a code of practice for handling complaints
- Ensure we monitor complaints
- Ensure we meet our standards

3. How we handle a complaint

3.1 Definition of a complaint

We define a complaint in the following way:

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

Example 1; a customer has not received a response to an email enquiry that has surpassed our 10-working day response timeframe.

Example 2; a customer is not satisfied that a particular process was followed by a specific staff member or department.

An expression of dissatisfaction made through a survey is not defined as a complaint, however, when the Council request wider feedback about our services, customers will be provided details how to complain.

3.2 Definition of a service request

The word ‘complaint’ does not have to be used for it to be treated as such and whenever dissatisfaction is expressed, customers will be given the choice to make a complaint.

The majority of complaints can be successfully resolved at the point of service delivery. We, therefore, encourage customers to contact the service concerned (raising a service request) before submitting a formal complaint. This may enable the service to quickly put right or resolve an issue for customers who simply want the matter swiftly

resolved. Service complaints will be recorded, monitored and reviewed to ensure these feed learning and improvement in relation to services. Services will continue to address the service request if a formal complaint is submitted.

3.3 Who can make a complaint?

We accept complaints from residents, local businesses, visitors to the district, suppliers of services, community groups and any other groups or individuals that use or are affected by our services. We also accept complaints from people acting on behalf of someone else such as councillors, members of parliament (MPs) and representatives.

3.4 Formal Complaints procedure

A customer can request that their issue is dealt with as a formal complaint by email, letter or by using the on-line form available on the Council website. In order for the Council to deal effectively with a complaint, it is helpful for the complainant to provide information on any initial complaints made to the service. This may include the name of the officer who handled the complaint, copies of correspondence and any other useful background information. After submission, a customer will be sent an acknowledgement within 5 working days confirming that the complaint has been received, the aspects which are to be reviewed, who the matter has been referred to and when a response can be expected. If any aspect of the complaint is unclear, further clarification can be requested.

Stage 1: Resolution

A formal complaint should be resolved as close as possible to where the problem has occurred. A Senior Officer will complete a meaningful and informed investigation and a response will be sent to the complainant within 10 working days. It is not appropriate for an officer who has been named in a complaint to respond to the complaint as it will raise questions regarding impartiality and independence of the complaints process. If complainants raise additional complaints during stage 1, they will be incorporated into the stage 1 response if they are related and the response has not been issued.

Stage 2: Review

If your complaint is not resolved your satisfaction, you can request a Stage 2 Review. Requests for reviews must be made within 10 working days of receiving the Stage 1 response.

If any aspect of the why you are not satisfied with the stage 1 response is unclear, further clarification may be requested. You must explain why you are dissatisfied with the outcome of the Stage 1 investigation and what you think the Council can do to put matters right. Your complaint will be reviewed by a Senior Manager who was not involved in the original complaint. The Senior Manager will not reinvestigate the complaint but will focus on understanding the continuing concerns and whether the Stage 1 Resolution process was undertaken fairly and that the conclusions reached were reasonable. We aim to notify you of the outcome of the review within 15 working days.

If the Senior Manager reviews the complaint and decides that nothing further is to be gained from a Stage 2 review, you will be informed and advised of the next options available to you.

Please note: if it is not possible to complete Stage 1 or 2 within the specified timescales, the complainant will be contacted and informed when they should expect a response.

Extensions should be no more than 10 working days for stage 1 and 20 working days for stage 2. This will be dependent on the complexity of the complaint and the reason(s) will be explained to the complainant.

Where a complaint needs to be given priority, for example, where there is a clear and continuing detrimental effect on the complainant, the Council will adjust timescales appropriately.

3.5 What happens if the complainant is still dissatisfied once they have been through our complaints process?

Once the complaint has been through our complaints process, they will be informed of their rights to refer the complaint to the Local Government Ombudsman.

The Local Government Ombudsman deals with complaints with most council services, including planning, housing benefit, environment and waste, transport and highways, council tax and some education matters.

3.6 Is there a time limit for making a complaint?

We will not normally consider a complaint that is made more than twelve months after the individual first became aware of the issue they want to complain about. There are exceptions to this where the Council accepts that such a delay was reasonable.

3.7 How do we learn from complaints?

We learn from complaints by offering timely and effective remedies. This gives us the best outcome in terms of cost effectiveness and customer service. Where a complaint

highlights the need for changes in working practice, systems, staff training or procedure the officer is required to highlight this and other learning points to the complaints team. They will work with the service manager(s) concerned to make sure the necessary actions to bring about the change are carried out.

Lessons learned will be highlighted in quarterly complaints reports so that learning and good practice can be shared across the council.

3.8 What complaints aren't covered by this policy?

There are certain types of complaints that may not be dealt with under this policy. Where complaints fall into one of these categories, complainants will be informed and, where possible, directed to the correct responsible body or entity:

- Matters for which there is a statutory right of appeal, for example, an appeal to a Council Tax tribunal, an ongoing Housing Review decision, or a Planning decision.
- Complaints relating to matters outside of the Council's jurisdiction. These include but are not limited to complaints regarding Essex Highways, adult social care, child services and education (provided by Essex County Council)
- Complaints under the Data Protection and Freedom of Information Act
- Complaints where legal proceedings, court or tribunal action is being taken (although related issues that are not subject to legal proceedings may be considered)
- Employee complaints about terms and conditions of employment, working conditions or personnel issues which come under the employee complaint procedure
- Matters which are subject to an insurance claim
- Complaints that are submitted anonymously (although we may still investigate)
- Complaints against Councillors. Further information can be found on [Standards at Rochford District Council | Rochford Council](#) and within the Council's Constitution document.
- Complaints about a third-party organisation or contractor (these will follow the Council's two stage procedure)
- Complaints that have been previously considered under the Complaints policy

3.9 Complaints Regarding Agreed Council Policies

The Council has a range of adopted policies which prescribe and guide the business of the Council. The Council must ensure that all its policies comply with relevant legislation. Careful consideration is given to how policies impact on staff, residents and groups with protected characteristics. Such policies are approved by Elected Members through the Council's decision-making processes and officers are required to operate in accordance with agreed policies. It is recognised and accepted that policies can have what individuals might perceive as positive or negative impacts for them, based on their circumstances.

The Council will deal with complaints through its normal complaint procedure that allege that relevant council policy has not been complied with or alleging the policy does not comply with relevant legislation. The Council will also investigate complaints where it is alleged that actions have been taken in the absence of a policy or where an individual believes a Council policy should exist but is absent.

Where a complaint relates to how a person has been affected as a result of a Council policy, there is very limited scope to investigate that complaint, however, feedback and comments on the impact of policies will be taken into account (as appropriate) and considered as part of future reviews of the policy. Residents are also encouraged to provide feedback to their Ward Councillors (details of which can be found at www.rochford.gov.uk) who has options to make representations regarding the appropriateness of the policy through the decision-making process.

3.10 Managing vexatious or unreasonable complainants

The majority of individuals who contact the Council communicate in a polite and reasonable manner. The Unacceptable Behaviour Policy outlines how we manage the relatively few individuals whose actions we consider unreasonable. The Council may not progress complaints or comments from customers managed under this policy.

3.11 Maintaining confidentiality

The Data Protection Act 2018 regulates the way in which organisations can use personal information. The Council will maintain the confidentiality of all personal information and not disclose it outside of the Council without your permission unless the Council is legally obliged to do so. More information on how Rochford District Council protects personal data can be found at www.rochford.gov.uk/data-protection.

4. Complaints resolution

Rochford District Council aims to resolve complaints by putting things right where there has been a failure in service. Our approach will be fair and consistent across all the complaints we uphold and the guidance issued by the Ombudsman is taken into account when deciding on appropriate remedies

4.1 What we will do when answering a complaint

When answering a complaint, we will:

- Address the issues raised and the outcome of the investigation or review
- Explain the basic policy/procedure or level of service we provide
- Say what we have done to address the matter (if the Council is found to be at fault)
- Give a clear outcome as to whether we uphold the complaint
- Provide details of what the complainant should do if they are not satisfied with the outcome of the complaint.

Where our service has not met our standards, we will:

- Apologise for the failure in service
- Explain what went wrong
- Say what we have done to put things right
- Where appropriate, say how we have learned from the complaint

5. Putting things right

There are a number of actions we can take to put things right.

Providing the service

Where we have failed to provide a service that we agree a customer is entitled to, we should ensure that the service is provided in line with an agreed timetable, explaining any delay.

Backdating the service

Where we have not provided a service that we should have, it may be appropriate to backdate the service to when it should have been provided in the first instance. For example, a benefits application that needs to be backdated to the original claim date.

Stopping enforcement action

Where the complainant disputes the reasons for the enforcement action it may be appropriate to stop the action or postpone the action pending further investigation.

6. Financial Compensation

Our first priority is to resolve failures and put them right. Unless we agree that the Council is liable for material loss, we will usually only consider compensation when we review if the complaint has been adequately resolved.

Compensation should be appropriate and proportionate. It is not automatic payment when the Council makes a mistake. Compensation should only be considered where the complaint investigation has identified maladministration (a mistake or delay that has caused a customer to suffer injustice) and the Council, or those working on behalf of the Council are wholly or partially at fault.

6.1 Under what circumstances will financial compensation be considered?

If we cannot put a complainant back in the position that they would have been in but for our mistake/delay then we would consider financial compensation as a substitute.

This may be because of the passage of time or the nature of events.

We will not consider financial compensation in the following circumstances:

- Any matter settled via an insurance claim
- Any settlement agreed via court proceedings
- Where there is a specific statutory process of remedy open to the complainant, such as parking appeals process

Exceptions to these circumstances:

- We may pay compensation to settle a complaint where it is cost effective for the Council to do so

7. Further information

For details on the levels of compensation and who has the authority to authorise payments see the appendix to this document.

This policy is the overall responsibility of the relevant Director for Customer Services and will be reviewed every three years.

For further information on complaints, you can:

Visit our website: www.rochford.gov.uk

Email: customer.comments@rochford.gov.uk

Telephone: 01702 546366

Contact details for the Local Government Ombudsman are as follows:

Website: www.lgo.org.uk

[Complaint handling code: Complaint Handling Code](#)

Telephone: 0300 061 0614