



WELWYN HATFIELD

Complaints Policy

Version 2

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Contents

1. Introduction.....	3
2. Aims and Objectives	3
3. What is a complaint?.....	3
4. Anonymous complaints.....	4
5. What is the time limit for making complaints?.....	5
6. How complaints can be made?	5
7. News Articles and social media comments	5
8. Who can make a complaint?	5
9. Our Complaints Process	6
Stage 1 Complaints (Investigation)	6
Stage 2 Complaints (Review).....	7
10. Working with other agencies	8
11. Redress / Compensation.....	8
12. The Ombudsman	8
13. Complaints spanning more than one service area	9
14. Receiving the same complaint from a customer and an MP, Councillor, or other agencies.....	9
15. Dealing with abusive and threatening behaviour	10
16. Vexatious and Persistent Behaviour	10
17. Responsibility.....	10
18. Performance and monitoring	10
19. Review.....	11
20. Getting in touch with us.....	11
21. Data Protection	11
22. Equality Act 2010.....	11
23. Complaint Handling Procedure.....	12

1. Introduction

- 1.1. Welwyn Hatfield Borough Council ('the council') is committed to improving quality of service and the experience of customers using our services across the borough.
- 1.2. Our aim and commitment is always to provide a high-quality service which meets the needs of our customers. Through listening and learning we seek to improve the quality of our service and encourage good practice by our staff.
- 1.3. However, it is acknowledged that, occasionally, customers may have cause to complain. In such instances, we will investigate complaints quickly and effectively. If we have made a mistake we will apologise, put it right if possible, and take steps to prevent it happening again.
- 1.4. We will ensure that any lessons learned are used as part of our continued drive towards service improvement.
- 1.5. This policy provides the framework for ensuring that complaints received across the council are handled consistently, fairly and effectively.
- 1.6. The council recognises and values all of the people who live, work, use council services or spend their leisure time in the Welwyn Hatfield borough. The objective is to break down barriers to making a complaint, to make sure the system is accessible and easily understood by everyone.
- 1.7. The policy is supplemented by clear procedures showing as appendices at the end of the policy document.

2. Aims and Objectives

- 2.1. This policy aims to ensure that our customers can easily provide feedback about their experience.
- 2.2. We will aim to resolve customer concerns at the first point of contact, where possible, but where we cannot achieve this, we will ensure complaints are addressed and responded to in a timely manner.
- 2.3. We will learn from complaints and make improvement to services and ensure we regularly monitor the effectiveness of the complaints process

3. What is a complaint?

- 3.1. A complaint is any expression of dissatisfaction, however made, which requires a response and may be raised by anyone who has been affected by the council's action, lack of action or about the standard of a service affecting an individual, resident or group of residents. This may be services delivered by the council itself or another organisation delivering services or acting on behalf of the council.

What is considered a complaint:

- Incorrect or poor delivery of a service
- Failure to follow a policy, procedure or legislation that affected the outcome for the complainant
- An employee (or any of our contractors or agents) has behaved inappropriately
- Refusal to provide a service

What is NOT considered to be a complaint:

- Initial requests for service or information. For example, the first report of a missed bin is a request for service
- Requests for information
- Reports (complaints) of Anti-Social Behaviour / Hate Crime
- Staff grievances
- Whistleblowing reports
- Matters of law or central government policy (these should be directed to local a local MP)
- Complaints about services provided by other organisations, such as Herts County Council (although we will try to signpost you to someone who can help)
- Issues where you or the council have started legal proceedings
- Issues that have already been decided by a court or independent tribunal
- An attempt to re-open a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- Disagreement with a decision where an appeals process is offered, or a statutory right of appeal exists. Some examples are listed below, although this list is not exhaustive:
 - Planning consent
 - Enforcement decisions
 - Council tax decisions
 - Licensing decisions
 - Parking appeals
 - Housing Benefit appeals
 - Housing application appeals
 - Insurance claims
- Vexatious complainants (***Please refer to section 18***)

3.2. If for any reason we decide not to deal with a complaint under this policy, we will explain why in writing.

4. Anonymous complaints

- 4.1. We would always encourage complaints not to be submitted anonymously so we can ensure a full investigation and response. However, a complaint will not be dismissed if it is submitted anonymously.
- 4.2. A decision will be made on a case by case basis about whether it is possible or appropriate to consider anonymous complaints.

5. What is the time limit for making complaints?

- 5.1. It is far easier to find out what happened and to put things right if complaints are received at the time the issue happened. As time passes it becomes more difficult to investigate events fairly and fully – people’s memories fade, staff who were closely involved may have left the council, or records may no longer be available.
- 5.2. For these reasons, the council will normally only accept complaints made within **six months** of the incident or circumstances that led to it. However, if there are exceptional circumstances provided by the complainant for the delay in submitting the complaint, the council may make a discretionary decision to consider the matter.
- 5.3. If the council receives a complaint and decides not to accept it because it is out of time, we will advise the customer and explain why.

6. How complaints can be made?

- 6.1. A key priority of the council is to improve the efficiency of communication with our customers and we consider that online systems are useful in helping to achieve this aim. Making complaints online will also allow residents to track the progress of their complaints in real-time. As such, we encourage our customers to create a resident account and submit any feedback via the online form which can be found at: welhat.gov.uk/complaints
- 6.2. Where electronic access is not possible, complaints may be made by telephone or face-to-face, by visiting any council office (during office hours), by email or by post. See section 22.1 for contact details.

7. News Articles and social media comments

- 7.1. Complaints raised through the media, including social media platforms such as Facebook and Twitter, will not be dealt with via our formal complaints process as a direct result of the social media post.
- 7.2. If a complaint is brought to our attention via a social media platform, we will usually reply to the post privately to ensure confidentiality and privacy, asking the complainant to formally lodge the complaint using their preferred channel where then the complaint will then be dealt with in line with this complaints policy.
- 7.3. In some circumstances we may be able to resolve an issue raised via social media, depending on the nature of the complaint or issue, but if the customer wishes the issue to be formally lodged as a complaint in line with this policy, they will be advised to do so online, by email or phone, or in person.

8. Who can make a complaint?

- 8.1. Complaints may be made by anyone who is affected, by the council’s action, lack of action or about the standard of a service affecting an individual, resident or group of residents.
- 8.2. The person affected may choose to ask someone else to complain on their behalf, such as relative, carer or friend. Complaints can also be made through a Councillor, Member of Parliament, or another elected person. In these cases, correspondence from these individuals will be dealt with in keeping with the procedures for handling MP and Councilor enquiries.
- 8.3. Where appropriate, the council will seek consent from the service user for us to correspond with any third party on their behalf. This ensures compliance with data protection requirements and that the service user’s wishes are being fulfilled. If they are not of sufficient age or

understanding the council will determine whether the third party is acting in the service user's best interest.

- 8.4. Vulnerable adults, who do not have the capacity to consent, we will decide how to progress the matter in accordance with the relevant legislation, i.e. Mental Capacity Act 2005.

9. Our Complaints Process

- 9.1. Our priority is to resolve concerns and complaints as soon as they come to our attention. We therefore expect customers to first approach the team or person responsible for delivering the service they are unhappy with so that the matter can be addressed.

- 9.2. Where attempts for resolution with the relevant person or team have been unsuccessful, then the complaint will be handled under the two-stage process.

- 9.3. There are two stages to our formal complaints process:

Stage 1 - Investigation

Stage 2 - Review

- 9.4. To ensure compliance with the Housing Ombudsman's Complaint Handling Code, we will manage complaints about our housing service as per the normal complaint process, but with slight variations. The differences to the complaint process are set out clearly through this policy and procedure.
- 9.5. The complaints policy should be read in conjunction with the procedure set out at Appendix 1.
- 9.6. Refer to Appendix 2 for the flow chart showing the council's corporate complaint handling process.
- 9.7. Refer to Appendix 3 for flow chart showing the council's housing services related complaint handling process.

Stage 1 Complaints (Investigation)

- 9.8. A new complaint will be recorded as a formal complaint at Stage 1 of the council's complaints procedure. The council will acknowledge the complaint within 3 working days of receipt advising the customer who is dealing with the complaint.
- 9.9. The complaint will be investigated and responded to by an appropriate officer from the service concerned. This would usually be the person who has direct responsibility for the staff involved or the issue complained about. At this point, we may seek to clarify details about the complaint (if appropriate), together with what outcome the complainant is hoping for.
- 9.10. We will send a detailed response within 10 working days from the date the complaint was allocated to the investigating officer.
- 9.11. For housing services related complaints only, the complainant will be given fair opportunity to discuss the stage 1 complaint investigation (if they wish) before a final decision or outcome is issued.
- 9.12. If the complaint requires more than 10 working days, we will respond to the complainant and let them know, providing details of when they can expect a full response.
- 9.13. For complex cases, the 10-day timeframe mentioned may be extended for up to a further 10 working days. Where further information is required from the complainant, we will put on hold the response timeframe until such information has been received. In the absence of such

information, after a reasonable period of time has elapsed the council may decide to close the case. This will only be done after prior notification to the complainant.

- 9.14. If a complainant remains unhappy with the outcome or the way the complaint has been handled, they have the right to request a review of their complaint under the final stage of the procedure.
- 9.15. To escalate their complaint to the final stage the complainant should notify the council **within two months** of the date of the first stage final response, providing details of why they remain dissatisfied and what further remedy they are seeking.
- 9.16. Request to escalate can be made online, by telephone or face-to-face, by visiting any council office (during office hours), by email or by post. See section 22 for details of how to contact the council.
- 9.17. If the complainant wishes to request an extension to the two-month deadline they should write to the council and each request will be considered on a case by case basis.
- 9.18. If a complainant continues to express dissatisfaction but does not provide specific reasons as to why they are not satisfied with the council's first stage response, we will try and agree these reasons with them. Additionally, if there are follow up actions which the council could take to resolve the matter without a final stage review, we will set a timescale for completion and inform the complainant.

Stage 2 Complaints (Review)

- 9.19. If a complainant is not satisfied with the Stage 1 response, they can request that the complaint is reviewed at Stage 2 of the complaint procedure.
- 9.20. The aim of the second stage of the process is to review the handling and outcome of the first stage complaint. As a general rule, the final stage should not reinvestigate the complaint, nor should it consider new complaints or matters that have not been considered at the first stage. Any new complaint will be opened as a new enquiry or stage 1 complaint.
- 9.21. Any complaint proceeding to the second stage will be reviewed by an officer/manager more senior to the person who investigated the first stage complaint or an equivalent level from an independent service to the officer who investigated the complaint.
- 9.22. The council will acknowledge the request to escalate the complaint to the second stage within 3 working days of receipt, advising the customer who will be dealing with the complaint.
- 9.23. The stage 1 complaint investigation will be reviewed, and we will send a detailed response within 10 working days from the date the complaint was allocated to the reviewing officer. For housing services related complaints only, the complainant will be given fair opportunity to discuss the stage 2 complaint review (if they wish) before a final decision or outcome is issued.
- 9.24. If the response will not be completed within the 10 days, the officer will contact the complainant to let them know the reasons why and advise when we aim to respond by.
- 9.25. This response period may be extended up to a further 10 working days and we will give full reasons why. Further extension beyond this will be agreed with the complainant. Where further information is required from the complainant, we will put on hold the response timeframe until such information has been received. In the absence of such information, after a reasonable period of time has elapsed (no less than 10 working days) the council may decide to close the case. This will only be done after prior notification to the complainant.

9.26. The stage 2 response will represent the council's final response and we will advise the complainant of their right to escalate matters to the relevant Ombudsman should they remain dissatisfied.

10. Working with other agencies

10.1. Where necessary, we will liaise with other agencies as part of the complaint investigation to ensure that all information relevant to the complaint can be considered as part of the investigation and review.

10.2. Personal data will be managed in line with our Data Protection Guidelines.

11. Redress / Compensation

11.1. Where a complaint is upheld (where we determine that the complaint is justified), we will consider an award of any redress / compensation in line with our statutory obligations relevant to the service area or our redress/compensation scheme.

12. The Ombudsman

12.1. If after going through both stages of the procedure a complainant remains unhappy with the way their complaint has been handled by the council, they have the right to complain to the Ombudsman. For details of which Ombudsman will investigate the complaint, complainants can visit the relevant Ombudsman website, information shown below.

12.2. In most cases, the Ombudsman will normally only consider complaints if the complainant has exhausted the two stages of the council's complaints procedure. However, the Ombudsman has discretion to investigate a complaint prior to the council conducting its own investigation. For example, where the Ombudsman deems the complainant to be vulnerable or the case raises an issue of general concern to the public.

12.3. The role of the Ombudsman is to investigate complaints about 'maladministration' and 'service failure' and whether any 'fault' by the council had an adverse impact on the complainant. The Ombudsman does not question whether a decision by the council is 'right' or 'wrong' simply because the complainant disagrees with it. They only consider whether there was any fault in the way the decision was reached or how the complaint was handled.

12.4. In the case of complaints relating to a council housing tenancy or lease, prior to approaching the Housing Ombudsman the tenant (including leaseholders) has the right under the Localism Act of 2011 to refer the matter to a "Designated Person" which currently is a Councillor or MP.

12.5. The Designated Person may engage with the complainant and the council in trying to resolve the complaint or referring the matter to the Housing Ombudsman after it has been considered at all stages of the council's complaints procedures.

12.6. The Housing Ombudsman has the right to insist on a cooling off period of 8 weeks after the final stage response before accepting the complaint unless the tenant has already referred the matter to a Designated Person.

12.7. Additionally, the Housing Ombudsman may, on occasions assist residents throughout the life of a complaint giving opportunity to engage with the Ombudsman's dispute support advisors.

12.8. The contact details of the relevant Ombudsman's service are shown below.

Local Government & Social Care Ombudsman

PO Box 4771
Coventry CV4 0EH

Telephone: 0300 061 0614

Local Government Ombudsman's website at www.lgo.org.uk

12.9. If you are a council tenant or leaseholder with a housing specific complaint:

Housing Ombudsman Service

Exchange Tower
Harbour Exchange Square
London
E14 9GE

Telephone: 0300 111 3000

Email: info@housing-ombudsman.org.uk

Housing Ombudsman Service website at www.housing-ombudsman.org.uk.

14.8 Where a complainant takes a case to the Ombudsman, we will work with the Ombudsman to seek swift resolution of the complaint ensuring adherence to any requests for information and within the timeframes required.

14.9 Where information requested is either not available or cannot be achieved within the prescribed timeframe, we will provide a detailed explanation as to the reasons why.

13. Complaints spanning more than one service area

13.1. In the event that a complaint involves more than one service area, in most cases we will separate out the issues and send separate responses under separate complaint reference numbers.

13.2. On occasion, it may be more appropriate to send a co-ordinated single response to the complainant. We will advise the complainant of how the matter will be handled when we acknowledge their complaint or during the early part of the investigation.

14. Receiving the same complaint from a customer and an MP, Councillor, or other agencies

14.1. Dealing with the same complaint from different people is time consuming, costly and it can mean that it takes longer to investigate and respond to the issues raised. Welwyn Hatfield Borough Council will only deal with one point of contact for each complaint.

14.2. If we receive a duplicate complaint from a customer and an MP/Councillor or other agency, will we write back to the MP/Councillor or other agency to advise them that we have received the

same complaint from their resident and that we will provide the MP/Councillor or other agency with a copy of the formal response sent to the complaint, with a covering letter.

- 14.3. As appropriate, we will copy the MP/Councillor or other agency into any correspondence sent to the resident in relation to the complaint.

15. Dealing with abusive and threatening behaviour

- 15.1. Our officers accept that people under stress or who are feeling angry or upset may react in an abusive or aggressive way to the person with whom they are dealing. However, a balance must be drawn between the ability and desire to assist a complainant and what can reasonably be achieved in the circumstances.
- 15.2. We understand that people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint. As a council we do not view behaviour as unacceptable just because a claimant is forceful or determined, however the actions of complainants who are angry, abusive or threatening, may result in action against an individual where they demonstrate unacceptable behaviour towards the council's staff.
- 15.3. For more information on how the council manages abusive and threatening behaviour, please refer to the councils Staff Protection Policy 2018 for more information.

16. Vexatious and Persistent Behaviour

- 16.1. We define unreasonably persistent and vexatious complaints as those that, because of the frequency or nature of a complainant's contact with our officers, hinder our consideration of their (or other people's) complaints.
- 16.2. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complaint.
- 16.3. We have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints"
- 16.4. For more information on how the council manage vexatious and persistent behaviour, please refer to the council's Vexatious and Persistent Behaviour Policy for more information.

17. Responsibility

- 17.1. Each Head of Service will be responsible for ensuring that teams adhere to this policy, our customer service standards and for driving performance improvement where required.

18. Performance and monitoring

- 18.1. The monitoring and review of complaints give valuable information about customer perception and service performance and identify areas of organisational learning from complaints to drive service improvement.
- 18.2. The council will collect information on the total number of complaints received across each stage of the process, number of complaints answered within timescales and their outcomes. We will also use information from lessons learned from complaints to review services where appropriate.
- 18.3. To assist with the council's approach to service improvement, we may, where appropriate, contact individuals who have made complaints to seek their views on their experience of the process.

19. Review

19.1. This policy will be subject to review every three years, with interim revisions to be made on an exceptional basis in light of any legislative or regulatory changes, or in line with best practice.

20. Getting in touch with us

20.1. The Council can be contacted in a variety of ways using the details below:

Welwyn Hatfield Borough Council
Council Offices
The Campus
Welwyn Garden City
Herts, AL8 6AE

Telephone: 01707 357000

Email: contact-WHC@welhat.gov.uk

Website: www.welhat.gov.uk

Our opening hours are: 8.45am to 5.15pm Monday to Thursday, 8.45am to 4.45pm Friday

21. Data Protection

21.1. When you make a complaint, we will log information about your complaint and your name and contact details. Information will only be collected and stored for the purposes of dealing with your complaint and improving our services. Your complaint and details will be treated confidentially.

21.2. All complaints are treated confidentially, notwithstanding the freedom of information Act 2000. Please refer to the council Data Protection guidelines: <http://www.welhat.gov.uk/Data-Protection>.

22. Equality Act 2010

22.1. The Equality Act ensures that an individual should not be discriminated against on any of the following grounds: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

22.2. For more information on this policy, please visit: <http://www.welhat.gov.uk/equality>

23. Complaint Handling Procedure

APPENDIX 1

Responses to Complaints – Our Two Stage Process

1. The two stages to our formal complaints process are:

Stage 1 - Investigation

Stage 2 - Review

2. All responses to complaints at both stages will:

- Be acknowledged, advising the complainant of the stage of the complaint and who is dealing with the complaint
- Be responded to in plain language, giving the decision or outcome and the reasons
- State whether we acknowledge we have been at fault in some way
- Give details of how the customer can pursue their complaint if they are not satisfied with the outcome, or with the way their complaint has been handled
- What we will do to put things right, where appropriate
- Details of any outstanding actions, where appropriate

3. When our complaints investigation has been completed, we will write to the customer with a detailed response. In some cases, it may be more appropriate to first respond verbally (via telephone or face-to-face), followed by a written confirmation of the conversation and outcome.

4. The response will clearly state what decision has been reached regarding the complaint and explain the reasons why.

5. Where the complaint has been upheld or partially upheld at any stage of the process, we will:

- Provide a summary of the complaint and the outcome of the investigation.
- Provide background information relevant to the complaint.
- Acknowledge the fault, apologise and provide an explanation or reason.
- Advise what actions we will take in response to the complaint, (lessons learned) including but not limited to, any adjustments to policy or procedure, deliver staff training to prevent the same things happening again, or dates for works or services to be completed.
- Set out clear timescale within which the action/s will be taken to put things right.
- Provide the name of the officer responsible for taking the action/s and their contact details.
- Consider any other reasonable remedies that the complainant thinks appropriate in line with council policies.

6. Where the complaint is not upheld the response will, as a minimum:

- Provide a summary of the complaint and outcome of the investigation.
- Provide background information relevant to the complaint.
- Provide an explanation of the decision.

Housing Services Related Complaints Only

7. To ensure compliance with the Housing Ombudsman's Complaint Handling Code, we will manage complaints about our housing service as set out in section 9 of the policy above, but with the following variations:
- For housing services related complaints, at all stages we will give details of how the customer can pursue their complaint if they are not satisfied with the outcome, decision or with the way their complaint has been handled, including details of the Ombudsman service relevant to the complaint.
 - When our complaints investigation or review has been completed, at all stages the complainant will be given fair opportunity to discuss the complaint (if they wish) before a final decision or outcome is issued.
 - This will primarily be done verbally (via telephone or face-to-face), followed by a written confirmation of the conversation and decision or outcome.
 - Where telephone or face-to-face is not possible, an interim draft response will be sent using the complainants preferred contact method within 5 working days of the complaint being allocated to the investigating / reviewing officer. The interim response will invite the complainant to make contact to discuss their complaint or respond in writing with any feedback or comments they may have.
 - Complainants will have 5 working days from the date the draft response is issued to respond. After this time has lapsed, we will issue a final decision or outcome within 5 working days after that date.
 - Only after we have considered any responses to the draft response (if received) will we issue a final decision or outcome.
 - The final response target is 10 working days inclusive of giving the tenant opportunity to discuss the complaint.

APPENDIX 2 Welwyn Hatfield Borough Council – Complaint Handling Process (Non-Housing Service Related Complaints)

Complaint Received

**STAGE 1
(INVESTIGATION)**

Acknowledgement
Send within three working days

**Stage 1
(Investigation)**
Complaint investigated and response sent

Is the complainant satisfied with the complaint outcome or how it was handled?

YES

Complaint closed

Complaint outcome form completed to record lessons learned and any actions implemented as a result.

NO

**STAGE 2
(REVIEW)**

Acknowledgement
Send within three working days

**Stage 2
(Review)**
Review carried out and response on the complaint sent
Advise of escalation to Ombudsman after stage 2.

Is the complainant satisfied with the complaint oncome or how it was handled?

YES

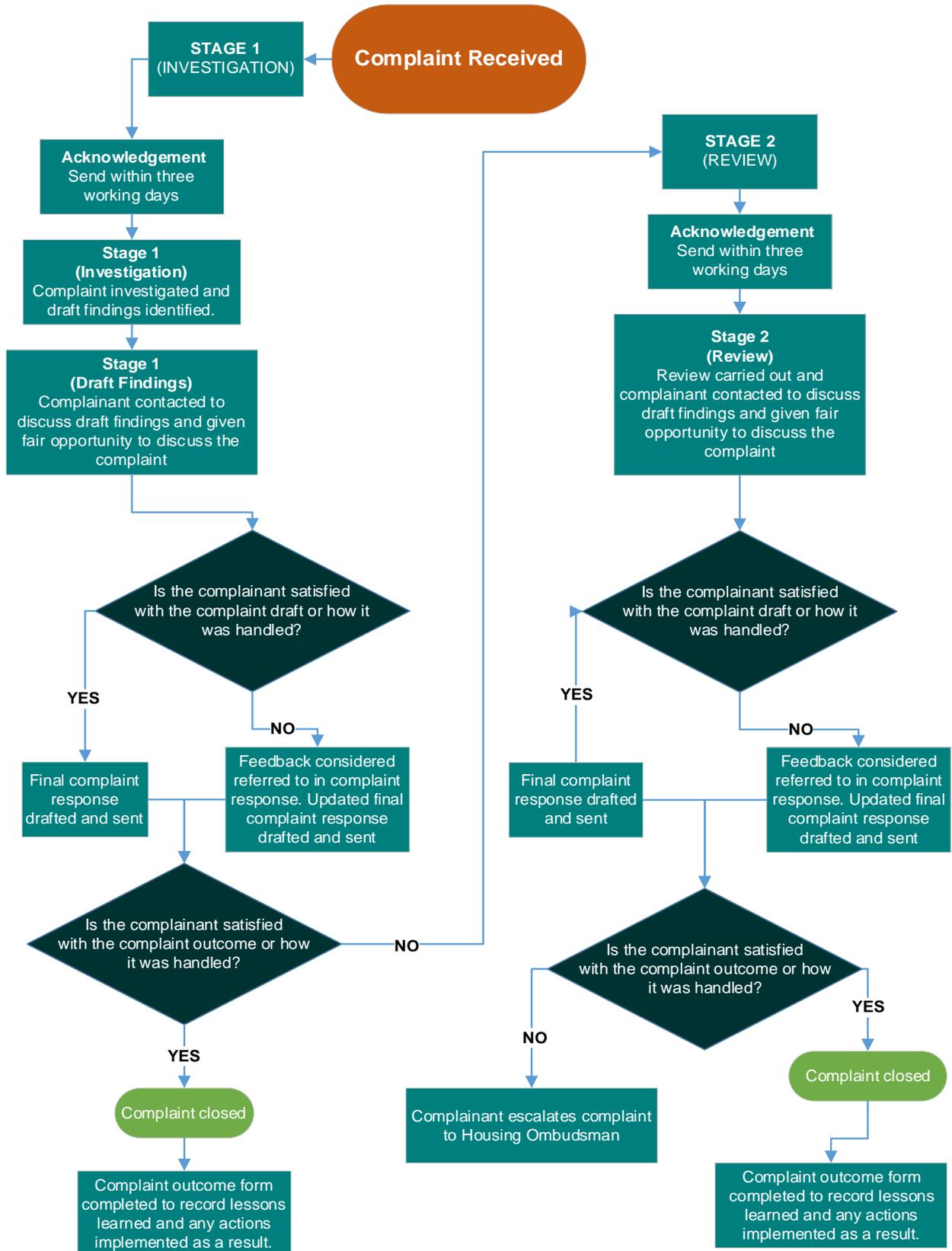
Complaint closed

NO

Complainant escalates complaint to Local Government and Social Care Ombudsman

APPENDIX 3

**Welwyn Hatfield Borough Council – Complaint Handling Process
(Housing Services Related Complaints)**



Related Documents

Document	Link
Connected Policies:	Vexatious and Persistent Behaviour Policy Equality Policy Data Protection Guidelines Staff Protection Policy 2018
Forms and Letters:	Making a Complaint
Leaflets:	Making a Complaint

Version history

Version no.	2	Date effective:	February 2021
Full / partial review?	Partial Policy		
Brief summary of changes:	<p>To ensure compliance with the Housing Ombudsman's new Complaint Handling Code to mitigate the risk of the council being issued with a 'handling failure order'.</p> <p>Reformatting</p> <p>Process separated out in policy.</p> <p>Updated process flow charts.</p>		
Staff consultation (teams):	ECMT, Council's Leadership Network		
Resident consultation:	Tenant and Resident Panel Members, Borough Panel Members – January 2021		
Signed off by:	CMT – February 2021		
Author:	Updates by Head of Housing Operations		