

Communities and Environment Scrutiny Select Committee

05 February 2025

Part 1 - Public

Matters for Cabinet - Non-key Decision



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Cabinet Member	Des Keers, Cabinet Member for Community Services
Responsible Officer	Adrian Stanfield, Director of Central Services & Deputy Chief Executive
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Corporate Complaints Policy Review

1 Summary and Purpose of Report

- 1.1 To propose the adoption of the new Corporate Complaints Policy which has been brought into line with the changes to the recommended handling complaints by the Local Government & Social Care Ombudsman (LGSCO).

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Adopting a new policy in line with the recommendations of the LGSCO will ensure that the Council is able to respond efficiently to the needs of local residents.

3 Recommendations

- 3.1 Adopt the new Corporate Complaints Policy as set out at **Annex 3**.

4 Introduction and Background

- 4.1 On 8 February 2024 the Local Government and Social Care Ombudsman (LGSCO) launched their new Complaint Handling Code ('the Code'). A copy of the Code is attached as **Annex 1**. In the accompanying press release, the LGSCO stated that the Code sets out a process for organisations that will allow them to respond to complaints effectively and fairly.
- 4.2 The purpose of the Code is to enable organisations to resolve complaints raised by individuals promptly, and to use the data and learning from complaints to drive service improvements. It will also help to create a positive complaint handling culture amongst staff and individuals. The Code will act as a guide for individuals setting out what they may expect from an organisation when they make a

complaint. Organisations should seek feedback from individuals in relation to their complaint handling as part of the drive to encourage a positive complaint and learning culture.

- 4.3 Organisations should have a single policy for dealing with complaints covered by the Code. The principles, process and timescales in this Code are aligned with the Complaint Handling Code issued by the Housing Ombudsman. This means that organisations who fall under the jurisdiction of both Ombudsmen should be able to provide a co-ordinated complaint handling process across services covered by both Codes.
- 4.4 The publication of the Code provides a good opportunity to revisit our complaints handling and to consider aligning our process with the recommendations of the LGSCO.
- 4.5 There are some key differences between the Code and the existing TMBC complaints process (attached as **Annex 2**). For example, we currently operate a 3-stage complaint process, with each stage being handled by a Head of Service, Director and Chief Executive respectively. The Code proposes a 2-stage process. In the FAQs, the LGSCO explains their approach to this as follows:-

'We believe a two-stage complaint process provides a prompt process for responding to complaints. It allows councils to carry out a final check on how complaints have been considered and responded to before they come to the Ombudsman.'

'If a council decides to operate a one or three stage complaints process we would expect it to have good reasons for doing so supported by evidence and for those reasons to be clearly recorded in a timely manner.'

- 4.6 The timescales for responding to complaints are also different in the Code. At each stage of our existing complaints process, we aim to reply within 10 working days with a full written response. The Code proposes different response times for each stage:-

Stage 1 – acknowledged and logged within 5 working days of complaint being received. Organisations should provide a full response to stage 1 complaints within 10 working days of the complaint being acknowledged.

Stage 2 - acknowledged and logged within 5 working days of escalation request being received. Organisations should provide a full response to stage 2 complaints within 20 working days of the complaint being acknowledged.

- 4.7 In order to bring our complaints policy in line with the Code, a revised draft complaints policy is attached as **Annex 3**.
- 4.8 Members are asked to note the following:-

- Customers may make their complaint in a variety of ways, including online, via email/ telephone, by post or in person.
- Some complaints fall outside of the policy e.g, appeals against parking fines, appeals against planning application decisions, matters that are the subject of ongoing legal proceedings.
- To facilitate quicker resolution than the formal complaints process, service requests (see paragraph 3 of the policy at Annex 2) will be treated as part of the Council's normal business rather than a formal complaint. Examples of such requests are detailed in the policy and include such matters as missed bins and graffiti removal.
- We will not normally consider a complaint that is made more than twelve months after the issue occurring or the individual first became aware of the issue they would like to complain about. This is in line with good practice as operated by the LGSCO.
- Stage 1 complaints will continue to be handled by the appropriate Head of Service, with Stage 2 complaints being dealt with by one of the Council's Management Team.
- The revised policy will not apply to complaints against Councillors (for which there is a separate process under the Code of Conduct), nor to requests for information e.g., under the Freedom of Information Act (for which there is a separate review procedure).

5 Proposal

- 5.1 Adoption of the new policy and implement at a date to be agreed by the Director of Central Services & Deputy Chief Executive following appropriate Officer training. Training is scheduled to be delivered during April and May 2025 so an implementation date of 1 June 2025 is therefore proposed.

6 Other Options

- 6.1 The LGSCO states that

We believe a two-stage complaint process provides a prompt process for responding to complaints. It allows councils to carry out a final check on how complaints have been considered and responded to before they come to the Ombudsman.

If a council decides to operate a one or three stage complaints process we would expect it to have good reasons for doing so supported by evidence and for those reasons to be clearly recorded in a timely manner.'

- 6.2 With the above taken into consideration it is felt that there are no other options but to adopt the 2 Stage process.

7 Financial and Value for Money Considerations

- 7.1 There are no detrimental financial considerations to implementing this recommendation and Policy change. In line with the recommendations and working practices identified by the LGSCO improvement to our current processes and satisfaction rating would be key outcomes.

8 Risk Assessment

- 8.1 A decision is required now to proceed with the ongoing work involved in moving to a 2 stage process, including suitable online complaints notification and workflow requirements.

9 Legal Implications

- 9.1 The LGSCO has the power to issue 'advice and guidance about good administrative practice' to organisations it deals with under section 23(12A) of the Local Government Act 1974. The LGSCO has issued the Code under this statutory power following consultation with local councils, the public and other relevant bodies and organisations. It expects local councils to consider the Code when developing policies and procedures in relation to complaint handling as well as when considering individual complaints. The LGSCO has made it clear that local councils should follow the Code unless there are good reasons not to.
- 9.2 The LGSCO may make a finding of maladministration where local councils' policies and procedures depart from the Code without sufficient explanation. The LGSCO may also make a finding of maladministration where a local council, without good reason, does not meet the standards in the Code when responding to an individual complaint.

10 Consultation and Communications

- 10.1 In bringing forward this proposal, officers within the authority have been consulted and assisted with areas of the new Policy along with the support and direction of Directors and the Chief Executive.

11 Implementation

- 11.1 Appropriate training is scheduled to be delivered during April and May 2025. Subject to completion of the training it is proposed to implement the policy on 1 June 2025.

12 Cross Cutting Issues

- 12.1 Climate Change and Biodiversity

12.1.1 Limited or low impact on emissions and environment.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 Equalities and Diversity

12.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

12.2.2 The ability for our residents / visitors to make a complaint through various channels remains in place.

12.3 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1- Complaints Handling Code LGSCO Annex 2 – Existing TMBC Complaints policy Annex 3- TMBC Complaints Policy 2025