



**WELWYN  
HATFIELD**

## Complaints Policy

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<b>Scope:</b>	This policy applies to all employees of the council and customers living within the borough, including tenants and leaseholders.
<b>Effective Date:</b>	June 2024
<b>Review Date:</b>	June 2027 (or sooner if there are changes to guidance and legislation)
<b>Author:</b>	Assistant Director (Customer Services & Transformation)
<b>Policy Owned by:</b>	Executive Director (Finance & Transformation)
<b>Executive Member</b>	Deputy Leader and Executive Member for Leisure and Community
<b>Statute:</b>	Not applicable
<b>National Standards and Guidance</b>	Housing Ombudsman Complaint Handling Code, Guidance and Best Practice Local Government and Social Care Ombudsman Complaint Handling Code, Guidance and Best Practice
<b>Related Policies</b>	Unreasonably Persistent and Abusive Behaviour Policy Equality, Diversity and Inclusion Strategy Vulnerability & Reasonable Adaptations Policy

## **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.
- 1.2 Whilst we aim to ensure that the customer is at the heart of everything we do, we know that on occasion, our customers will have cause to complain.
- 1.3 This policy provides the framework for ensuring that complaints received across the council are handled consistently, fairly and effectively.

## **2 Aims and Objectives**

- 2.1 This policy will deliver the following results:
  - 2.1.1 Enable our customers to easily provide feedback about their experience
  - 2.1.2 Ensure complaints are handled consistently, appropriately and effectively
  - 2.1.3 Resolve customer concerns within the councils' complaints process
  - 2.1.4 Ensure that complaints are addressed and responded to in a timely manner
  - 2.1.5 Remedy failures appropriately and proportionately
  - 2.1.6 Learn from complaints and making improvement to services
  - 2.1.7 Monitor the effectiveness of the complaints process

## **3 What is a Complaint?**

- 3.1 A 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,

### **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 customer
- An employee (or any of our contractors or agents) has behaved inappropriately (including reports of bullying or discrimination)
- Refusal to provide a service

### **What is NOT considered to be a complaint:**

- Issue giving rise to the complaint occurred over twelve months ago
- Initial requests for service or information to put something right. For example, the first report of a missed bin is a request for service
- Requests for information
- Reports of Noise/ 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 (unless new information is available)
- 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
  - Disagreements relating to commercial matters and negotiations.

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. 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. .

5.2 The council will only accept complaints made within **twelve months** of the incident or circumstances that led to it.

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 We aim to make every contact count. Residents can contact us in the following ways to make a complaint:
  - 6.1.1 Self-serve through our website
  - 6.1.2 Via email
  - 6.1.3 Via telephone
  - 6.1.4 Via post
  - 6.1.5 Face to face at our council offices

## **7 News Articles and social media comments**

- 7.1 Complaints raised through the media, including social media platforms such as Facebook and X, 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 customer to contact us using our other communication channels so the complaint can be dealt with in line with our complaints policy.

## **8 Who can make a complaint?**

- 8.1 Complaints may be made by anyone and we will anticipate the needs and reasonable adjustments of our customers as much as possible. .
- 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 Councillor 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 we will determine whether the third party is acting in the service user's best interest.
- 8.4 The Council will decide how to progress the matter in accordance with the relevant legislation, i.e., Mental Capacity Act 2005 for complaints received from customers who do not have the capacity to consent.

## **9 Our Complaints Process**

- 9.1 Our priority is to resolve complaints 'first time right' and as soon as they come to our attention.
- 9.2 There are two stages to our complaints process:

**Stage 1** - Investigation

**Stage 2** – Further Investigation and Review

## **10 Stage 1 Complaints (Investigation)**

- 10.1 A new complaint will be recorded as a 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.
- 10.2 The complaint will be investigated and responded to by an appropriate officer.. This would usually be the person who has direct responsibility for the service, staff involved or the issue complained about. At this point, we may seek to clarify details about the complaint , together with confirming what outcome the customer is hoping for, if they haven't already told us.
- 10.3 The complaint will be investigated, and we will send a detailed response within 10 working days from the date the complaint was acknowledged.
- 10.4 For complex complaints, it is recognised it is good practise to discuss the stage 1 complaint investigation with the customer before our decision or outcome is communicated.
- 10.5 For complex cases, the 10-day timeframe may be extended for up to a further 10 working days, and the customer will be advised of this.
- 10.6 If we extend a timescale for response, we will also provide the customer with the Ombudsman details.
- 10.7 Responses will be provided when the answer to the complaint is known and not when outstanding actions to address the issue are completed.
- 10.8 Where further information is required from the customer, we may need to extend the response period. If we do not receive the information requested, we will respond based on the information we do have within the response timescales.
- 10.9 If a customer raises additional complaints during the Stage 1 investigation, these must be considered and incorporated into the response. If a Stage 1 response has been issued, and the new issues are unrelated or would unreasonably delay the response, a new Stage 1 complaint will be logged.
- 10.10 If a customer 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 Stage 2 of our complaints procedure.
- 10.11 To escalate their complaint to Stage 2, the customer should notify the council within two months of the date of the Stage 1 response, providing details of why they remain dissatisfied and what further remedy they are seeking.
- 10.12 Requests 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.
- 10.13 If the customer 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.

## **11 Stage 2 Complaints (Further Investigation and Review)**

- 11.1 If a customer is not satisfied with the Stage 1 reply, they can request that the complaint is reviewed at Stage 2 of the complaint procedure.

- 11.2 The aim of the second stage of the process is to undertake a further investigation of the complaint and review the handling and outcome of the first stage complaint.
- 11.3 A Stage 2 complaint will be reviewed by an officer/manager more senior to the person who investigated the Stage 1 complaint or an equivalent level from an independent service to the officer who investigated the complaint.
- 11.4 We 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.
- 11.5 The Stage 1 complaint investigation will be reviewed, and we will send a detailed response within 20 working days from the date the complaint was acknowledged.
- 11.6 For complex cases, the 20 working day timeframe may be extended for up to a further 20 working days, and the customer will be advised.
- 11.7 If we extend a timescale for response, we will also provide the customer with the Ombudsman details.
- 11.8 Responses will be provided when the answer to the complaint is known and not when outstanding actions to address the issue are completed.
- 11.9 Where further information is required from the customer, we may need to extend the response period. If we do not receive the information requested, we will respond based on the information we do have within the response timescales.
- 11.10 If we extend a timescale for response, we will also provide the customer with the Ombudsman details.
- 11.11 The Stage 2 response is the council's final response and we will advise the customer of their right to escalate matters to the Ombudsman should they remain dissatisfied.

## **12 Resolving Complaints**

- 12.1 We will acknowledge when something has gone wrong and set out the actions we have already taken or intend to take to put things right. This may include:
  - 12.1.1 Apologising
  - 12.1.2 Acknowledging where things have gone wrong
  - 12.1.3 Providing an explanation, assistance or reasons
  - 12.1.4 Taking action if there has been a delay
  - 12.1.5 Reconsidering or changing a decision
  - 12.1.6 Amending a record or adding a correction or addendumstage
  - 12.1.7 Providing a financial remedy
  - 12.1.8 Changing policies, procedures or practices

### **13 Working with other Agencies**

13.1 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.

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

### **14 The Ombudsman**

14.1 The Ombudsman can support our customers in the following ways:

**14.1.1** Investigate complaints that have completed our complaints process and the issue has not been resolved.

14.2 Help if we haven't responded to a complaint or followed our own policy or the Ombudsman's Complaint Handling Codes..

14.3 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](http://www.lgo.org.uk)

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

#### **Housing Ombudsman Service**

PO Box 1484  
Unit D

Preston

PR2 0ET

Telephone: 0300 111 3000

Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Housing Ombudsman Service website at [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk).

14.5 Where a customer 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.

14.6 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.

### **15 Complaints Spanning more than one Service Area**

15.1 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.

- 15.2 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.

## **16 Receiving the same complaint from a Customer, MP, Councillor or other agencies**

- 16.1 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. Wherever possible, we will only deal with one point of contact for each complaint.
- 16.2 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 relevant agency with a copy of the formal response sent to the complaint, with a covering letter.
- 16.3 As appropriate, we will copy the MP/Councillor or other relevant agency into any correspondence sent to the resident in relation to the complaint.

## **17 Meeting our Customer's Needs**

- 17.1 We aim to support vulnerable customers so they can access our services and receive the assistance they need. Reasonable adaptations will be made, where appropriate. For more information, please refer to our Vulnerable Person and Reasonable Adjustment Policy.

## **18 Responding to Unacceptable Behaviour**

- 18.1 Customer behaviour may become unacceptable if it is so demanding or persistent that it places unreasonable demands on the council, impacts the level of service that can be offered others or puts our staff at risk.
- 18.2 For more information, please refer to our Unreasonably Persistent and Abusive Behaviour Policy

## **19 Creating a Positive Complaints Culture**

- 19.1 All staff are responsible for creating a positive complaints culture.
- 19.2 Managers will be responsible for ensuring that teams follow this policy, our customer service standards and driving performance improvement where required.

## **20 Performance Reporting and Self-Assessment**

- 20.1 We will continuously review complaints performance and produce an annual complaints and service improvement report. This will include an annual self-assessment against the Ombudsmans' Complaint Handling Codes.
- 20.2 Complaint performance will be reviewed annually at the council's Overview and Scrutiny Committee.



## **21** Review

- 21.1 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.

## 22 Getting in touch with us

22.1 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](mailto:contact-WHC@welhat.gov.uk)

**Website:** [www.welhat.gov.uk](http://www.welhat.gov.uk)