

# Local Government Complaints Policy

DRAFT

## Scope

The Council aim to deliver a positive citizen experience by providing high quality services and creating communities that safely and securely meet citizens needs

The Council are committed to listening to citizens and dealing with their feedback, concerns and complaints, in a fair and impartial way. The Council are committed to ensuring fair and equal access to the complaints process for all citizens and to work in compliance to the Local Government Social Care Ombudsman's code of conduct: [Complaint Handling Code - Local Government and Social Care Ombudsman](#)

To achieve this, the Council will:

- View complaints positively
- Treat all citizens fairly
- Apologise when things go wrong
- Take prompt action to investigate and then put things right
- Learn from mistakes
- Commit to making improvements

Anyone can make a complaint about Council services, including anyone working for the Council and commissioned providers. This includes all citizens, their family or carer, social worker, police officer, etc. This is not an exhaustive list.

Citizens can authorise someone else to make a complaint on their behalf. This could be a friend/relative or representative from an external organisation (such as Citizens Advice, MIND for example). As good practice, citizens should be asked if they would like an advocate to act on their behalf or represent them at any meetings with the Council.

If a citizen lacks capacity under the Mental Capacity Act 2005, complaints will be accepted from a representative acting in their best interests and based on relevant consent and authority being provided

## Definition

As set out in the Local Government and Social Care Ombudsman Complaint Handling Code and Guidance a complaint is defined as '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 citizen or group of citizens

A citizen does not have to use the word 'complaint' for it to be treated as such.

Whenever a citizen expresses dissatisfaction, the Council must give them the opportunity to make a complaint.

A complaint that is submitted via a third party must be handled in line with this policy document.

The Local Government and Social Care Ombudsman define a service request as a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision'

Citizens can report and request services (for example repairs to their properties). At this point, the citizen is making a service request, and this differs from raising a concern or making a complaint. When services are requested, the Council follows a system of prioritising the works needed and notifying the citizen of the outcome.

If the service (for example, a repair or refurbishment work) is not carried out within timescales agreed with the citizen, this may be rectified by apologising for the delay, explaining the reason for the delay (which may be outside of the Council's control) and agreeing a further date for completion.

However, if this further date is exceeded, or, the service (for example a repair or refurbishment work is not completed to a satisfactory standard), then the citizen can express dissatisfaction, and this must be recorded as a complaint.

### **Use of Artificial Intelligence (AI) when making a complaint**

The Council recognises that citizens may choose to use Artificial Intelligence (AI) tools to assist in drafting correspondence or complaints. The Council does not restrict the use of such tools and will not refuse to accept a complaint solely because AI has been used. However, all complaints submitted to the Council must remain:

- Accurate
- Relevant to the matter being raised
- Proportionate in length and content

Complaints should clearly describe the citizen's own experience and the impact of the issue on them. Simple and clear explanations of what happened and what outcome is sought assist the Council in investigating and resolving complaints promptly and fairly. Where a complaint appears to have been generated using AI and is excessively lengthy, repetitive, or contains material that does not meaningfully relate to the issues being complained about, the Council reserves the right to:

- Summarise unnecessarily long or repetitive submissions and respond only to the substantive issues raised; and
- Issue concise position statements rather than detailed responses where excessive, irrelevant, or generic commentary prevents a full point-by-point reply.

Where the use of AI results in correspondence that produces excessive volume, repeated submissions, or content that is disproportionate or unreasonable in nature, the Council may manage the complaint in line with its unreasonable behaviour provisions as published on our website, <https://www.oxford.gov.uk/comments-compliments-complaints/procedure-managing-vexatious-customers> where appropriate and proportionate to do so. Citizens are reminded that AI tools are provided by third parties. The Council encourages caution when sharing personal or sensitive information with external AI platforms and advises citizens to ensure any

AI-generated content is checked for accuracy and reflects their own views and circumstances.

## **Legislation and Regulation**

The Council will adhere to all relevant legislation and requirements as they apply, including but not limited to:

- Localism Act 2011
- Housing Act 1996
- Equality Act 2010
- Building Safety Act 2022

Although the Council is not committed by law to comply with the Local Government and Social Care Ombudsman Guidance, it has decided to apply this voluntarily in the spirit of the Memorandum of Understanding between the Housing Ombudsman and the Local Government and Social Care Ombudsman – the Council is committed to holding policies in line with both the Housing Ombudsman and the Local Government and Social Care Ombudsman's requirements.

## **Complaints Process**

The Local Government and Social Care Ombudsman encourage the early and local resolution of disputes between the Council and Citizens. The Council recognise that citizens may not wish to follow a formal process and just want an issue resolved. These issues can be dealt with as a service request. The Council encourages its staff to take steps to address concerns at the first point of contact. Complaints can be raised via multiple contact channels, by telephone, face to face, in writing or by using the complaints form on our website

Where a complaint is made that cannot be rectified at the service request stage, then the Council will follow a two-stage process for complaints. This ensures citizens can challenge decisions. During the complaint stages, the Council will provide regular updates, even if there is no final resolution, to reassure citizens that their concerns and complaints are being actively dealt with.

When the Council receive a complaint, it will formally acknowledge it in writing within 5 working days and aim to agree on a solution with the complainant within 10 working days from the date of acknowledgment. If the complaint is particularly complex, the Council may occasionally require more than 10 days to resolve it. In these cases, the Council will keep the citizen informed and provide regular updates on the reasons for the delay. If the citizen does not agree to an extension for the Stage 1 response, the Council will provide citizens with the Local Government and Social Care Ombudsman's contact details.

If the citizen is not satisfied with our Stage 1 decision, they can request a review at Stage 2 of the Council's complaints process when a different officer will investigate and manage the case. Upon receipt of the Stage 2 escalation, an acknowledgment will be sent within 5 working days.

A stage 2 complaint investigation will usually focus on:

- Whether all elements of the stage 1 complaint were investigated and considered appropriately
- Whether relevant policies or procedures relating to the service area were followed
- Whether the way in which the complaint was handled was fair and appropriate.
- Whether there is any further information or evidence that is now available, that was not supplied or available at the time of the initial investigation.
- Whether appropriate redress and apology was given, if required.

Following a thorough investigation of the issues raised, a final comprehensive response will be provided within 20 working days from the date of acknowledgement. However, if the complaint is exceptionally complex, it may take longer than 20 days to resolve. In such cases, the Council will keep the citizen informed about the reasons for the delay and provide regular updates. If the citizen disagrees with an extension for the Stage 2 response, the Council will provide the citizen with the contact details for the Local Government and Social Care Ombudsman.

### **Receiving complaints via social media**

Where a complaint is received via social media, whilst it will be acknowledged using that same channel, the Council will contact the citizen and signpost them to the online complaints form. Emergency situations (danger to life, life & limb, injury, safeguarding, health & safety) will be actioned immediately by officers and will be followed up by the complaints process as stipulated in this policy.

At all times the Council will respect the confidentiality and privacy concerns for all citizens. A decision will be made at the time of receiving the complaint if the Council has sufficient details to record a formal complaint and will always explore if the citizen wishes to receive a formal complaint investigation and response. If so, this will be logged and acknowledged, investigated, and responded to in line with this policy.

### **Resolving complaints**

Complaints can be resolved in several ways. The outcome of a formal complaint will be:

- Upheld – this means that the Citizen's reasons for dissatisfaction are justified
- Partially upheld – this means that some of the Citizen's reasons for dissatisfaction are justified but that some of the issues or claims raised by the citizen are unfounded, unreasonable or not the fault of the Council
- Not upheld – this means that none of the Citizen's reasons for dissatisfaction are justified.

Any remedy offered will reflect the impact on the citizen because of any fault or service failing identified.

Where something has gone wrong, the Council will acknowledge this and set out the

actions we have already taken, or intend to take, to put things right. These can include:

- Apologising
- Acknowledging where things have gone wrong
- Providing an explanation, assistance, or reasons
- Taking action, if there has been delays
- Reconsidering or changing a decision
- Amending a record or adding a correction or addendum
- Providing a financial remedy
- Changing policies, procedures, or practices

The Council will seek and value feedback as a tool for learning from its mistakes. If a complaint leads to changes in policy or service, the Council will document this and update the citizen.

### **Financial redress**

Remedial payments are classed as symbolic payments under the Local Government and Social Care Ombudsman. These fall into quantifiable payments and non-quantifiable payments.

Remedial action is for injustice, not compensation, punishment or fines.

The Council abides by the Local Government and Social Care Ombudsman guidance on remedies. [Guidance on remedies - Local Government and Social Care Ombudsman](#)

### **Complaints received via elected members for the council or parliament**

When we receive a complaint from an elected member or MP, we will direct our response directly to the citizen who originated the complaint

### **Complaints received by the Chief Executive**

Complaints received by the Council's Chief Executive will be passed to the Complaints Team who will follow the process set out in this policy and ensure that the citizen who originated the complaint is responded to

### **Sensitive complaints**

Sensitive complaints, such as those relating to staff members, or to people who have disclosed sensitive personal information as part of their complaint will be flagged as 'sensitive' when the complaint is logged, to ensure additional confidentiality. All complaints will be handled in accordance with the principles of the Data Protection Act.

## **Anonymous complaints**

It may not be possible to fully investigate a complaint without disclosing the identity of the complainant, but the complaint will still be shared with the relevant service area for them to review its content and take any appropriate action.

## **External Escalation**

If all steps outlined in this Complaints policy have been exhausted and the complainant remains dissatisfied with the outcome, the complainant can request further escalation externally. In these instances, the complainant has the option to contact the Local Government and Social Care Ombudsman. The Ombudsman will advise on the complainant exhausting the organisation's Complaints Policy first. The Ombudsman will assess if the complaint falls within their scope.

The Local Government and Social Care Ombudsman contact details are as follows:

Local Government and Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH  
Online Form: [www.lgo.org.uk/contact-us](http://www.lgo.org.uk/contact-us)  
Tel. 0300 061 0614  
More information can be found at <https://www.lgo.org.uk/>

Any complaints regarding the safety of a building can be directed to the Building Safety Regulator

## **Exclusions**

The Council will follow the Local Government and Social Care Ombudsman's guidance detailed below which outlines cases which are not to be treated as complaints:

- The person complaining (or their representative) has already commenced legal action about the matter
- The person complaining (or their representative) has a statutory right of appeal to a tribunal, a government minister or court about the matter complained of and it would be reasonable to expect them to exercise that right of appeal
- The complaint has already been subject to an appeal or is currently subject to an appeal with a tribunal, minister or court, even if the person complaining or their representative is not the appellant
- The person complaining (or their representative) can appeal or ask for a review of the organisation's actions through an internal appeal or review process
- Where the person complaining is being monitored under the Councils vexatious policy each complaint will be reviewed on its own merit

- Complaints solely about Data Protection (Data Protection Act 201 and General Data Protection Regulations (EU) 2016/879)
- The person complaining (or their representative) has previously had a complaint about the same matter considered under the organisation's complaints policy or by the Ombudsman.
- There is ongoing action being taken either by the organisation or another party and considering the complaint would prejudice such action
- The complaint relates to personnel matters, including recruitment, pay, grievances, removals, discipline and pensions.

The Council will consider complaints about communication in respect of service charges, the level of service delivery or the process in respect of service charge setting.

### **Monitoring**

Complaints performance will be reviewed on a regular basis by the Corporate Leadership Team:

- The nature of the complaints received
- Customer feedback
- Response performance
- Quality of complaint handling
- How complaints have been used to improve services

### **Equalities Assessment**

An Equality Impact Assessment (EQIA) has been carried out to determine whether the policy would have an impact on any member of staff, tenants, or contractor workforce, which unfairly discriminates or disadvantages them in the context of the Equality Act 2010.

The EQIA has identified that there are no groups who will be unlawfully disadvantaged by this policy.