

Customer Feedback and Complaints Policy



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INTRODUCTION

Folkestone & Hythe District Council is committed to delivering high levels of service to all our customers. We welcome and value customer feedback, seeking it in a variety of ways, ranging from consultations, surveys, through to one-off compliments and complaints. The information gathered helps the Council improve services, ensuring they are designed with our customers' expectations in mind, promoting a co-design approach to service delivery wherever possible.

As a result, best practice can be shared across the Council, helping to eliminate poor performance, weak systems and/or processes, ensuring staff training is targeted and effective. The Council will always investigate complaints thoroughly so that lessons learnt are used to effect positive change.

The complaints process is in line with the provisions of the Joint Complaint Handling Code, developed by the Housing Ombudsman and the Local Government and Social Care Ombudsman. The policy aims to support a process that is as straightforward as possible and will be published on the Council's website and a copy provided to customers upon request.

1. CUSTOMER FEEDBACK

- 1.1 Customer feedback is any comment you wish to make based on your experience of using Council services. It enables the Council to understand practices that work well and should be expanded. Regular feedback helps to review service delivery in order to consistently meet expectations and continually strive to exceed them.
- 1.2 Feedback can be provided by customers in the following ways and anonymously if preferred:
- Using the online feedback form via My Account
 - Emailing complaints@folkestone-hythe.gov.uk
 - Telephoning - 01303 853000
 - In writing – Folkestone & Hythe District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY
 - Directly to the staff to which it relates
- 1.3 Feedback can be given directly to the staff to which it relates, but it may not then be shared more widely to enable other teams to learn the same lessons. Feedback may also be made anonymously, but we would not be able to contact you: Appropriate feedback given directly to staff can be a timely way to deal with a situation, whether this is to improve the service or to offer thanks. However, it is also positive to submit feedback through more official channels (as set out above) to ensure the Council can:
- Clarify the points raised in the feedback,
 - Offer thanks for positive feedback and suggested improvements
 - Confirm what has been changed as a direct result of the feedback
- 1.4 Feedback will be acknowledged within 5 working days from the date of receipt (unless anonymous) and each piece of feedback will be allocated a unique reference to track progress and impact.

2. DEFINITION OF A SERVICE REQUEST

- 2.1 A Service Request is separate from a complaint and is defined by the Joint Complaint Handling Code as:

‘A request that the Council provides or improves a service, fixes a problem or reconsiders a decision.’

- 2.2 Service requests are not complaints but may contain expressions of dissatisfaction. A Service Request provides the Council with an opportunity to resolve matters to an individual's satisfaction before it becomes a complaint.
- 2.3 A complaint may be raised when the individual or resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.
- 2.4 Most services already have a reporting method in place to register a request, problem or dissatisfaction with the service. For example, in the event of a missed waste collection it can be reported by email or by logging into My Account and reporting the

missed collection, enabling the service to arrange a one-off collection. There is also an email address and telephone number to report Council housing maintenance and repair issues with the council's contractor.

- 2.5 A record of received Service Requests is kept for monitoring and reporting to assist with service delivery improvements.

3. DEFINITION OF A COMPLAINT

- 3.1 The Council's definition of a complaint, except for complaints about housing matters, is the same as that specified by *the Local Government and Social Care Ombudsman in its Complaint Handling Code*:

"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 an individual or group of individuals."

- 3.2 The Council's definition for a complaint about a housing matter is the same as that specified by the *Housing Ombudsman's Complaint Handling Code*:

"An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the landlord ('the Council'), its own staff, or those acting on its behalf, affecting a resident or group of residents."

- 3.3 A resident/individual does not have to use the word 'complaint' for it to be treated as such. A complaint that is submitted via a third party or representative will still be handled in line with the Council's Complaints Policy.
- 3.4 A record of Complaints is kept for monitoring and reporting to assist the Council in improving its service delivery.
- 3.5 An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where the Council asks for wider feedback about its services, it will also provide details of how residents and individuals can make a complaint.

Who Can Make a Complaint?

- 3.6 The council will accept complaints from the following:
- From individual residents and customers
 - From resident or community groups, for example Tenants and Residents Associations who demonstrate that they have a reasonable authority to act on behalf of others.

- Representatives of individuals or residents, such as family members, carers and advocates as well as those who operate within the General Data Protection Regulations (GDPR).

In investigating complaints thoroughly the Council will work with the complainant or their representative if they have one and they are acting with the complainant's authority.

Anonymous complaints

3.7 Whilst the Council respects the privacy of our residents and customers, anonymous complaints present the following issues:

- Any investigation would be hampered if a different scenario is uncovered through an investigation,
- Because it would be impossible to ask the complainant for further details if required and check the credibility of the complaint, and any allegations made,
- And the Council would be unable to provide an outcome to the complainant if an investigation is undertaken.

The Council will exercise discretion when deciding whether to investigate an anonymous complaint, depending on the circumstances.

4. MATTERS FALLING OUTSIDE THE SCOPE OF THE COMPLAINTS PROCEDURE

4.1 The Council must accept a complaint unless there is a valid reason not to do so. Each complaint will be considered on its own merits and where the Council decides not to accept a complaint it will explain its reasons for why the matter is not suitable for the complaints process. The council will accept complaints referred **within 12 months** of being made aware of the issue or the issue occurring. The policy does operate a series of exemptions that can be found in the following section.

4.2 Matters falling outside the scope of the complaint's procedure are set out below:

- Where the complaint relates to an issue that is **more than 12 months old** unless there is good reason for the delay or if there are safeguarding or health and safety issues.
- Complaints which should instead follow a statutory appeal, review or tribunal process, such as complaints regarding a homelessness, housing or planning decision or a parking penalty charge notice.
- Where legal proceedings have already started. This is defined as details of the claim, such as the Claim Form or Particulars of Claim, have been filed at Court.
- Matters that have already been considered under the Council's Complaints Policy or by the Ombudsman.
- Complaints against the Electoral Registration Officer or Returning Officer
- Complaints relating to Electoral registration
- Complaints which fall outside remit the Council or regarding third parties where the council has no control Matters relating to Insurance claims - If an insurance claim is handled by an external insurer, the Council is not responsible for responding to complaints about the insurer's decision or the claim outcome. However, the Council will consider complaints about its own actions, including decisions to refer matters to the insurer, any failure to provide required information, and any complaints about decisions or claim handling undertaken by the Council's own insurance team.
- The complaint is being pursued in an unreasonable manner (dealt under the vexatious complaints procedure)
- Appeals or disputes regarding decisions made under other FHDC policies, procedures or processes Anti-Social Behaviour – Dealt with under the respective housing and/or enforcement policies. This complaints policy does not cover anti-social behaviour issues addressed under the ASB policy; however, if the resident/individual is unhappy with how the Council handled their ASB case, you can still make a complaint through the Council's complaints process.
- Complaints that a Councillor has failed to comply with the Code of Conduct for Members. There is a separate procedure for these complaints.

- 4.3 Where the Council does not accept a complaint, the resident/individual will be provided with an explanation setting out the reasons why the matter is not suitable for the complaints process and will be advised of their right to take the decision not to accept the complaint to the appropriate Ombudsman. Where the Housing Ombudsman or the Local Government and Social Care Ombudsman (as appropriate) does not agree with the Council's decision not to accept a complaint, the Council may be instructed to accept the complaint.

5. ACCESSIBILITY AND AWARENESS

- 5.1 The Council will provide several different channels through which residents and individuals may make a complaint and in keeping with its duties under the Equality Act 2010 will make reasonable adjustments for those that need to access the complaints process. A record of any reasonable adjustments will be made and the agreed reasonable adjustments will be kept under active review as appropriate. We will consider requests from residents and individuals to provide a copy of the complaints policy in accessible format.
- 5.2 Complaints can be raised with any member of staff. All staff will be made aware of the complaints process and will know how to pass the details of the complaint to the appropriate person or department within the Council.
- 5.3 The Council will give residents and individuals the opportunity to have a representative deal with their complaint on their behalf, and to be represented or accompanied at any meeting with the Council concerning their complaint.
- 5.4 The Complaints Policy and the process for making a complaint will be made available on the Council's website. There is an online form via My Account for making a complaint to the Council that can be used. Further information on the methods for making a complaint can be found in section 6 of this Policy.
- 5.5 The Council's website will contain the contact details for the Housing Ombudsman and the Local Government and Social Care Ombudsman.

6. THE COMPLAINT HANDLING PROCESS

- 6.1 All complaints will be dealt with in accordance with the Council's adopted Complaints Policy.
- 6.2 In responding to a complaint, the Council will:
- (a) Clarify with the resident/individual (or their representative) any aspects of the complaint that it is unclear about;
 - (b) Deal with complaints on their merits, act independently, and have an open mind;
 - (c) Give the resident/individual (or their representative) a fair chance to set out their position.
 - (d) Make any reasonable adjustments for individuals where appropriate under the Equality Act 2010. The Council must keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a resident/individual has disclosed. Any agreed reasonable adjustments will be kept under active review.

- (e) Take measures to address any actual or perceived conflicts of interest; and
 - (f) Consider all relevant information and evidence carefully.
- 6.3 A complaint should be resolved at the earliest possible opportunity, having assessed what evidence is needed to fully consider the issues, what outcome would resolve the matter for the customer and whether there are any urgent actions required. Complaints will be formally logged at Stage 1, even if the issue can be resolved quickly. The Stage 1 response will explain the resident/individual's right to escalate their complaint if they remain dissatisfied.
- 6.4 The officer responding to the complaint will be expected to manage the resident/individual's expectations and be clear as to whether the desired outcome is unreasonable or unrealistic.
- 6.5 The Council will deal with the resident/individual's representative provided the resident/individual provides their authority that the representative can act on their behalf.
- 6.6 Where a response to a complaint will fall outside of the timescale set out in the Complaints Policy, the resident/individual will be informed of when the response will be provided and the reason(s) for the delay.
- 6.7 The response to the complaint must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
- 6.8 Where the complaint relates to a recurring issue, the response should consider any older reports as part of the background to the complaint if this will help to resolve the issue for the resident/individual.
- 6.9 Where the resident/individual (or their representative) raises additional issues during the investigation, these should be incorporated into the investigation and response if they are relevant, if the response has not yet been finalised/issued. Where the response has been issued, or it would unreasonably delay the response, the additional issues should be logged as a new Service Request or Stage 1 complaint.
- 6.10 The Council will not refuse to escalate a complaint through all stages of the complaints process unless there are valid reasons to do so. Where the Council does refuse to escalate a complaint through all stages the reason(s) for this will be clearly set out in the response. See Section 4 (Matters Falling Outside the Scope of the Complaints Procedure) for further information.
- 6.11 At completion of each stage, the Council must confirm the following in writing to the resident/individual (or their representative):
- Details of any remedies
 - Details of any outstanding actions
 - Details of how to escalate the complaint if the customer is not satisfied with the answer

7. THE COMPLAINTS PROCEDURE

- 7.1 When an individual/resident contacts the Council the member of staff should do all they can to resolve the issue. If further enquiries are needed to resolve the matter, or if the resident/individual requests it, the issue must be logged as a complaint with the

Complaints team.

7.2 Complaints about a Council service can be made:

- Using the on-line complaint form via My Account
- In writing (letter or email via complaints@folkestone-hythe.gov.uk)
- Via the telephone (through the Council's Customer Support Team)
- In person at the Council Customer Access Point (CAP) by appointment.

7.3 The Council has a two-stage complaints procedure in line with Ombudsman guidance. These are referred to as Stage 1 and Stage 2 in this Policy.

7.4 Complaints about the behaviour of a member of staff or a councillor are dealt with under different arrangements outside the scope of this policy.

8. STAGE 1 OF THE COMPLAINT HANDLING PROCESS

Acknowledging a Complaint

8.1 The Council will acknowledge, define and log complaints **WITHIN 5 WORKING DAYS** of the complaint being received. The resident/individual will be advised of the process involved

8.2 Within the acknowledgement, the Council will set out its understanding of the resident/individual's complaint, the outcomes they are seeking and which aspects of the complaint the Council is responsible for and which aspects its not responsible for.

Responding to a Complaint – Timescales

8.3 The Council will provide a full written response to the Stage 1 complaint **WITHIN 10 WORKING DAYS** of the complaint being acknowledged by the complaints team.

8.4 A working day excludes weekends, public holidays and any days that the Council Offices are closed.

8.5 The Council may occasionally decide that an extension to this timescale is needed when considering the complexity of the complaint. In such cases the resident/individual will be informed of the expected new timescale for response. Any extension should be no more than 10 working days for Stage 1 complaints and 20 working days for Stage 2 complaints, however we will agree with resident/individual on suitable intervals for providing updates to their complaint. and explain the reason for the delay should any further extensions be required. When extensions are applied the resident/individual will also be provided with contacts details of the relevant ombudsman. For clarity and consistency of approach, this should use the agreed form of words set by the Council's Complaints Team.

8.6 A good reason in this situation could include, but is not limited to, where information is required from third parties, where a matter is particularly complex, or where further time is required to complete the investigation.

8.7 When a resident/individual is informed of the need for an extension to the timescale for a response, they should also be provided with the details of the relevant Ombudsman.

Responding to a Complaint – Stage 1 Response

- 8.8 Most Stage 1 complaints can be resolved promptly, and an explanation, apology or resolution provided to the resident/individual.
- 8.9 Stage 1 complaints are responded to by the relevant service as they are best placed to resolve the matter. However, in some instances, one of the Council's contractors may respond on the Council's behalf. Where a third party, such as a contractor responds on the Council's behalf at Stage 1, the Council will ensure that the complaint is handled in accordance with the provisions of the Complaints Policy. The third parties which will answer Stage 1 complaints on behalf of the Council are as follows:

- *Mears – Maintenance and repairs to the council's own social housing stock*
- *T Brown Group – Gas and heating repairs to the council's own social housing stock*

When a complaint is made about a third party, the resident/individual should submit their complaint to the Council's complaint team in the first instance, who will then forward this on to the appropriate third party and confirm to the resident/individual who will be issuing the acknowledgement.

If all or part of the complaint is not resolved to the resident/individual's satisfaction at Stage 1 by the third party (such as a contractor), it must be progressed to Stage 2 of the complaint procedure for the Council to respond, the stage 1 response issued will set out how to escalate this. This ensures a resident/individual will not have to go through two separate complaints processes.

- 8.10 The response to the complaint should be provided to the resident/individual (and/or their representative) when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions should still be tracked and actioned promptly, with appropriate updates provided to the resident/individual (or their representative). It is the responsibility of the officer responding to the Stage 1 complaint to ensure that any outstanding actions are resolved as promised in the Stage 1 response.
- 8.11 Where the resident/individual raises additional complaints during Stage 1, these should be incorporated into the Stage 1 response if they are related, and the Stage 1 response has not yet been provided. Where the Stage 1 response has been provided, the new issues are unrelated to the issues already being considered, or it would unreasonably delay the response, the new issues should be logged as a new complaint.
- 8.12 As a Stage 1 complaint is a formal complaint it must be responded to in writing, even if it is to confirm what has been advised/agreed verbally to the resident/individual as part of the investigative process. A written response for this purpose can be considered to be an email or a letter.
- 8.13 The Stage 1 response will:
- Deal with complaints on their merits.
 - Address all points raised with an open mind.
 - Take measures to address any actual or perceived conflict of interest.

- Consider all information and evidence carefully.
 - Set out the Council's understanding of the complaint and the outcomes the resident/individual is seeking as part of the complaint. If any aspect of the complaint is unclear, the resident/individual must be asked for clarification.
 - Provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.
 - Be clear about those aspects of the complaint which are, and are not, the responsibility of the Council and clarify any areas where this is not clear.
 - Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.
 - Provide details of how to escalate the matter to Stage 2 of the complaints process if the resident/individual is not satisfied with the Stage 1 response. For clarity and consistency of approach, this should use the agreed form of words set by the Council's Complaints team.
- 8.14 In responding to a Stage 1 complaint, consideration should be given to factors such as the complexity of the complaint and whether the resident/individual is vulnerable or at risk. Under the Equality Act 2010, the council will make reasonable adjustments for a resident/individual when investigating and responding to their complaint.

9. STAGE 2 OF THE COMPLAINT HANDLING PROCESS

- 9.1 If all or part of the complaint is not resolved to the resident/individual's satisfaction at Stage 1, it must be progressed to Stage 2 of the complaint procedure. Stage 2 is the Council's final response.

Acknowledging a Complaint

- 9.2 Requests for stage 2 must be acknowledged and logged at Stage 2 of the complaint's procedure **WITHIN 5 WORKING DAYS** of the escalation request being received.
- 9.3 Within the acknowledgement, the Council will set out its understanding of the resident/individual's complaint, the outcomes they are seeking and which aspects of the complaint the Council is responsible for and which aspects it's not responsible for.
- 9.4 There is no requirement for the resident/individual to explain their reason for requesting their complaint to be considered at Stage 2. However, if any aspect of the complaint is unclear, the Council will ask for clarification to support its investigation.

Responding to a Complaint

- 9.5 The person considering the complaint at Stage 2 will not be the same person that considered the complaint at Stage 1. The Council's Complaints Team will escalate the complaint to the relevant manager for response.
- 9.6 The Council will issue a final response to the stage 2 complaint **WITHIN 20 WORKING DAYS** of the complaint being acknowledged.
- 9.7 The response to the complaint should be provided to the resident/individual (and/or their representative) when the answer to the complaint is known, not when the

outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly, with appropriate updates provided to the resident/individual (or their representative). It is the responsibility of the officer responding to the Stage 2 complaint to ensure that any outstanding actions are resolved as promised in the Stage 2 response.

- 9.8 The Council will decide whether an extension to this timescale is needed when considering the complexity of the complaint and then inform the resident/individual of the expected timescale for response. Any extension should be no more than 20 working days without good reason, and the reason(s) should be clearly explained to the resident/individual. We will also agree with resident/individual in writing on suitable intervals for providing updates to their complaint and explain the reason for the delay should any further extensions be required. When extensions are applied the resident/individual will also be provided with contacts details of the relevant ombudsman. For clarity and consistency of approach, this should use the agreed form of words set by the Council's Complaints Team.
- 9.9 The Council should confirm in writing to the resident/individual at the completion of stage 2 in clear, plain language the following:
- a) the complaint stage;
 - b) the Council's understanding of the complaint;
 - c) the decision on the complaint;
 - d) the reasons for any decisions made;
 - e) the details of any remedy offered to put things right;
 - f) the details of any outstanding actions; and
 - g) the details of how to escalate the matter to the Ombudsman if the resident/individual remains dissatisfied. This should use the agreed form of words set by the Council's Complaints Team

The Stage 2 response will be the Council's final response and this will be made clear to the complainant.

10. PUTTING THINGS RIGHT

- 10.1 Where something has gone wrong the Council should acknowledge this and set out the actions it has already taken, or intends to take, to put things right.
- 10.2 These can include:
- A written apology;
 - Acknowledging where things have gone wrong;
 - Providing an explanation, assistance or reasons;
 - Taking action if there has been delay;
 - Reconsidering or changing a decision (where it is possible to do so);
 - Amending a record or adding a correction or addendum;
 - Providing a financial remedy;
 - Providing additional training for staff;

- Changing policies, procedures or practices; and/or
 - Taking some other form of action.
- 10.3 Any remedy offered should reflect the impact on the individual or resident as a result of any fault identified.
- 10.4 The remedy offer must clearly set out what will happen and by when, in agreement with the resident/individual where appropriate. Any remedy proposed must be followed through to completion.

Apology

- 10.5 In some circumstances an apology is all that is required. An apology can be made in person but ideally should be in writing, so the Council has a record of how the matter was dealt with. An apology should:
- acknowledge the error or service failure
 - accept responsibility for it
 - explain clearly why it happened
 - express sincere regret

Other Action

- 10.6 The Council will also consider if there are some practical actions which would provide all, or part of a suitable remedy.
- 10.7 For example, Council could:
- perform or not perform any of the contractual or other obligations existing between the Council and the resident/individual
 - exercise or not exercise any of the rights existing between the Council and the resident/individual
 - undertake or refrain from undertaking works for example to repair a property
 - take such other reasonable steps to put things right as are within the Council's legal powers, for example review or change a decision on the service given to the resident/individual or do something else to make things better for the resident/individual.
- 10.8 The remedy offer will clearly set out what will happen and by when, in agreement with the resident/individual where appropriate. Any remedy proposed should be followed through to completion.
- 10.9 If a proposed remedy cannot be delivered, the resident/individual should be informed of the reasons for this, provided with details of any alternative remedy and reminded of their right to complain to the Ombudsman.
- 10.10 The Council will take account of the good practice guides issued by the relevant Ombudsman when deciding on appropriate remedies.

11. UNREASONABLE BEHAVIOUR AND VEXATIOUS COMPLAINTS

- 11.1 While the Council welcomes complaints and will deal with them fairly in accordance with the Council's Complaints Policy, some individuals may act in a manner towards the Council and its staff that it considers to be unreasonable.
- 11.2 The Council has procedures in place for managing unacceptable behaviour from individuals and/or their representatives. Where the Council puts any restrictions in place the reasons for this will be recorded and the restrictions will be kept under regular review.
- 11.3 Any restrictions placed on an individual's contact with the Council due to unacceptable behaviour should be proportionate and demonstrate regard for the provisions of the Equality Act 2010.

12. PERFORMANCE REPORTING

- 12.1 The Council will produce an annual complaints performance and service improvement report. This will include:
 - (a) An annual self-assessment against the Joint Complaint Handling Code to ensure the Council's complaint handling policy remains in line with the Code's requirements.
 - (b) A qualitative and quantitative analysis of the organisation's complaint handling performance. This will also include a summary of the types of complaints the organisation has refused to accept.
 - (c) Any findings of non-compliance with the Joint Complaint Handling Code.
 - (d) The service improvements made as a result of the learning from complaints.
 - (e) The annual letter about the organisation's performance from the Ombudsman.
 - (f) Any other relevant reports or publications produced by the Ombudsman in relation to the work of the Council.
- 12.2 The annual complaints report will be published on the section of the Council's website relating to complaints. The response from the Council will be published alongside this.
- 12.3 If the Council is unable to comply with the requirements of the Housing Ombudsman's Complaint Handling Code due to exceptional circumstances, such as a cyber incident, it must inform the Ombudsman, provide information to residents who may be affected, and, if possible, publish this on its website. The Council must provide a timescale for returning to compliance with the Housing Ombudsman's Complaint Handling Code.

13. PRIVACY

- 13.1 Any information provided will only be used for the purposes of investigating the complaint. All personal data will be held securely and in line with the relevant legislation. In order to investigate a complaint, certain customer information (like their name, contact details and details of the complaint) may be shared with other council services so that a response can be given. Information may also be shared with the relevant Ombudsman if they have received a complaint.

- 13.2 All complaints will be dealt with in line the Data Protection Act 2018 and the Freedom of Information Act 2000. The identity of the person making a complaint will only be made known to those who need to know in order to consider the complaint. The council aims to be open and honest when responding to complaints but sometimes it is necessary to maintain confidentiality and information will generally not be provided about third parties.

14. OMBUDSMAN DETAILS

- 14.1 The contact details for the two Ombudsmen are listed below. You should complain to the Council in the first instance to give us a chance to sort out your problem.

Local Government and Social Care Ombudsman

Website: <https://www.lgo.org.uk/>

Telephone: 0300 061 0614

Postal Address:

Local Government & Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH

Housing Ombudsman

Website: <https://www.housing-ombudsman.org.uk/>

Telephone: 0300 111 3000

Postal Address:

Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

A Summary of the complaints process:

