



## **Crawley Borough Council**

### **Complaints Policy**

**Date applicable: 1 April 2024**

## Contents

<b>Introduction .....</b>	<b>3</b>
<b>1. What is a complaint? .....</b>	<b>3</b>
<b>2. What wouldn't be considered as a complaint? .....</b>	<b>3</b>
<b>3. Complaints about Councillors.....</b>	<b>4</b>
<b>4. How do I complain? .....</b>	<b>4</b>
<b>5. Time limit for making complaints .....</b>	<b>4</b>
<b>6. Anonymous complaints.....</b>	<b>4</b>
<b>7. The Complaints Handling process .....</b>	<b>4</b>
<b>Stage 1 .....</b>	<b>5</b>
<b>Stage 2.....</b>	<b>6</b>
<b>8. Putting things right .....</b>	<b>7</b>
<b>9. Learning and continuous improvement .....</b>	<b>7</b>
<b>10. I'm still dissatisfied, what can I do?.....</b>	<b>7</b>
<b>11. Unreasonably Persistent or Vexatious Complainants.....</b>	<b>8</b>

## Introduction

We aim to provide excellent services to all of our customers. If we get something wrong, we want to try to put it right quickly and learn from the mistake to help improve our services in the future. This policy sets out our complaints handling approach.

### 1. What is a complaint?

For the purposes of this policy, and in line with the definition provided by the Local Government & Social Care & the Housing Ombudsman Services, a complaint is defined as:

***“an expression of dissatisfaction, however made, about the standard of a service, actions or lack of actions by the council, its own staff, or those acting on its behalf, affecting an individual or group of individuals”***

A complaint may be about:

- Where we, or our contractors acting on our behalf, have failed to deliver a service to an acceptable standard.
- There has been a delay in providing a service, or we have not kept you informed of progress when providing a service.
- We have not rectified or acted upon a request for a service to be provided.
- Our staff or contractors have behaved in an unfair, discourteous, or discriminatory manner.

### 2. What wouldn't be considered as a complaint?

There are some instances where an expression of dissatisfaction will not be treated as a complaint under the council's complaints policy. Examples of these are:

- A request for a service (e.g., a missed waste collection, requesting a repair for the first time, or reporting problems like fly tipping or litter.) These may subsequently be treated as a complaint if we don't deal with the original request.
- Requests for information under the [Freedom of Information Act or the Data Protection Act](#).
- Disagreement with a decision where a right of appeal exists, either within the council or externally (e.g. Benefits tribunal, Planning inquiry and Penalty Charge Notices)
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.
- The issue giving rise to the complaint occurred over 12 months ago.
- Services which are the responsibility of another organisation, e.g. highways / potholes, education and adult social care ([West Sussex County Council](#)), health matters ([NHS](#)), or local bus services ([Metrobus](#)).
- Where we have taken legal action that we have a duty to perform, such as recovery of Council Tax or enforcement action.
- A request for compensation only.
- When there is a formal legal claim against the council or legal dispute.
- When the matter is being dealt with through our insurers.

- Disagreement with a council policy or legislation decision that we are applying when delivering a service.
- A request that the Council provides or improves a service.

### **3. Complaints about Councillors**

If your complaint is about one or more of our elected councillors, please visit our [Code of Conduct](#) page on our website, which will guide you through the process.

### **4. How do I complain?**

Complaints can be submitted using our online [complaints form](#), by telephone on 01293 438000, email [complaints@crawley.gov.uk](mailto:complaints@crawley.gov.uk), visiting the Town Hall, or by writing to us:

Corporate Performance Team, Governance People & Performance Division, The Create Building, The Boulevard, Crawley, West Sussex, RH10 1UZ.

When making your complaint, please tell us:

- Your full name, address, and contact details
- The date and time the incident occurred and what went wrong.
- Who was involved, including the names of officers / departments if known?
- How you would like us to resolve the matter

The complaints policy also covers complaints made via your [local Councillor](#) or Member of Parliament.

The Council is committed to ensuring the way we work does not place people who require assistance at a disadvantage when accessing our services. We will consider each request individually, aiming to agree and provide appropriate reasonable adjustments when they are needed and in compliance with the Equality Act 2010.

### **5. Time limit for making complaints**

Complaints should be made as soon as possible after the incident and no more than 12 months from the event or issue being complained about. Discretion may be applied to accepting complaints made outside this time limit where there are good reasons to do so.

### **6. Anonymous complaints**

Anonymous complaints will be investigated as far as possible, and a record of the complaint kept. If an anonymous complaint makes serious allegations, we will refer it to the relevant Head of Service immediately.

### **7. The Complaints Handling process**

Our complaints policy is based on a two-stage process and includes complaints relating to our contractors who deliver services on our behalf.

However, the Council reserves the right to refuse escalation of a complaint through all stages only where this is good reason to do so on a case-by-case basis. We will provide a full explanation for the reason in these cases and refer you to either the Local Government & Social Care Ombudsman or Housing Ombudsman.

We will make reasonable adjustments for individuals where appropriate under the Equality Act 2010 and keep a record of any reasonable adjustments agreed.

If the complaint includes issues for more than one part of the council, the investigation will be led by the person who has responsibility for the major part of the complaint. We will aim to provide you with a single response whenever possible.

If more information or additional complaints are raised during the complaint investigation and is relevant to the original issue and a response has not been provided, we will include these in our response. If, however the Stage 1 response has been issued, or the new issues are unrelated we will log it as a new complaint.

### **Stage 1**

Stage 1 complaints are conducted by the relevant service Manager.

- We will acknowledge and log the complaint within five working days of the complaint being received.
- Our acknowledgement will be made in writing (email or post) and will confirm our understanding of the complaint, the outcome you are seeking and the date you can expect to receive a response.
- We will issue a full response to Stage 1 complaints within 10 working days of the complaint being acknowledged.
- In the event an extension is required due to the complexity of the complaint, we will inform you of the expected timescale for the response. This should not exceed a further 10 working days and you will be provided with the details of the relevant Ombudsman.
- The complaint response will be provided when the answer to the complaint is known, not when the outstanding actions required to address the issues are completed. Outstanding actions will be tracked and actioned promptly, with appropriate updates provided.
- We will address all points raised in the complaint and provide clear reasons for any decisions, relevant policy, law and good practice where appropriate.
- Our response will set out the following in plain language:
  - the complaint stage and complaint definition
  - the decision on the complaint and the reasons for any decisions made
  - the details of any remedy offered to put things right

- details of any outstanding actions and
  - details of how to escalate the matter to Stage 2 if you are not satisfied with the response.
- There may be occasions when we consider the matter has been exhausted at Stage 1 and any further investigation would not change the outcome or decision. If this is the case, the decision to conclude the Council's complaints process at Stage 1 will be taken by the relevant Head of Service. We will clearly state the reasons for not escalating the complaint and you will have the right to refer the matter to the [Local Government and Social Care Ombudsman](#) or [Housing Ombudsman](#) for their consideration.

## Stage 2

Stage 2 complaints are conducted by the relevant Head of Service and is the final stage of the council's complaints process. This review will ensure that all matters raised in the original complaint have been fully and accurately addressed, and if not, to ensure that this is rectified.

- We will acknowledge and log the complaint within five working days of the escalation being received.
- Our acknowledgement will be made in writing (email or post) and will confirm our understanding of any outstanding issues of the complaint, the outcome you are seeking and the date you can expect to receive a response.
- We will issue a full response to Stage 2 complaints within 20 working days of the complaint being acknowledged.
- In the event an extension is required due to the complexity of the complaint, we will inform you of the expected timescale for the response. This should not exceed a further 20 working days and you will be provided with the details of the relevant Ombudsman.
- The complaint response will be provided when the answer to the complaint is known, not when the outstanding actions required to address the issues are completed. Outstanding actions will be tracked and actioned.
- We will address all points raised in the complaint and provide clear reasons for any decisions, relevant policy, law and good practice where appropriate.
- Our response will set out the following in plain language:
  - the complaint stage and complaint definition
  - the decision on the complaint and the reasons for any decisions made
  - the details of any remedy offered to put things right
  - details of any outstanding actions

- details of how to escalate the matter to the Ombudsman Service if you remain dissatisfied. If the matter sits outside their jurisdiction, we will advise you where you can take your complaint.
- This concludes the Council's complaints process.

## **8. Putting things right**

Where something has gone wrong, we will acknowledge this and set out the actions already taken, or we will be taking 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 a delay.
- Reconsidering or changing a decision.
- Amending a record or adding a correction or addendum.
- Providing a financial remedy.
- Changing policies, procedures or practices.

## **9. Learning and continuous improvement**

As a council we take complaints seriously and as such the reporting of complaints and lessons learned are an integral part of our performance management framework. This is vital to ensure we are delivering the best services for our customers. This data is monitored regularly by our Senior Management Team and councillors.

We also self-assess our Complaints Policy against the LGSCO and Housing Ombudsman Code to ensure compliance, which is published on the council's website.

## **10. I'm still dissatisfied, what can I do?**

If you are unhappy with the way the council has dealt with the issues of your complaint at any stage of the complaints process, you have the right to access the Local Government and Social Care Ombudsman (LGSCO) or Housing Ombudsman. The Ombudsman Service is a free service and will investigate complaints in a fair and independent way.

The LGSCO provides impartial advice during and after our complaints process has been completed. They investigate complaints about Councils including housing allocations, planning issues, environment, regulation and waste services and can be contacted as follows:

Local Government & Social Care Ombudsman

PO Box 4771

Coventry

CV4 0EH

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

Telephone: 0300 061 0614

The Housing Ombudsman provides impartial advice for social housing residents only during and after our complaints process has been completed. They investigate complaints about housing management, repairs, leaseholder complaints, transfers and mutual exchanges, and can be contacted as follows:

Housing Ombudsman Service

PO Box 152

Liverpool

L33 7WQ

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

Telephone: 0300 111 3000

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

## **11. Unreasonably Persistent or Vexatious Complainants**

There are a small number of customers whose behaviour we feel is unreasonable in pursuing the resolution of their complaint. This policy exists to deal with these instances and explains our approach.

The Local Government and Social Care Ombudsman defines unreasonable and unreasonably persistent complainants as:

***“those complainants who, because of their nature or frequency of their contacts with an organisation, hinder the organisations consideration of their, or other people’s complaints”***

### **Unreasonably persistent behaviour**

These are some of the actions and behaviours by complainants which may be described as unreasonably persistent. We will not tolerate behaviours such as:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaint’s investigation process.
- Refusing to accept that certain issues are not within the scope of a complaint’s procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the Council’s complaints policy or with good practice.



- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising numerous detailed but unimportant questions, and insisting they are all answered.
- Covertly recording meetings and conversations
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision.
- Repeatedly arguing points with no new evidence.

### **Vexatious behaviour**

The Council recognises that customers who feel dissatisfied with the service they have received may feel angry about their treatment. However, the Council has a duty of care to its staff and will take necessary steps to ensure the safety and wellbeing of its employees.

Examples of unacceptable or vexatious behaviour includes that which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone
- Using abusive or foul language face to face
- Any form of intimidating or threatening behaviour

We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

## **How we will respond**

When we believe a complainant to be unreasonably persistent or vexatious, we will use this policy to consider the appropriate and proportionate action based on evidence.

The decision to restrict access will be taken by the Head of Governance, People & Performance in consultation with the relevant Head of Service. The options we are most likely to consider are:

- Placing time limits on telephone conversations and personal contacts
- Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week).
- Limiting the complainant to one medium of contact (telephone, letter, email etc.) and/or requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness.
- Refusing to register and process further complaints about the same matter.
- Where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters or emails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence.

Before confirming the action that will be taken, we will consider the following:

- The complaint is being or has been investigated properly.
- Any decision reached on it is the right one.
- Limiting contact whilst the complaint is still open will not be at the detriment to reaching a conclusion on our decision.
- Communications with the complainant have been adequate.
- The complainant is not now providing any significant new information that might affect the council's view on the complaint.

## **Informing the customer of the decision**

When the decision has been taken to apply this policy to a complainant, the Head of Service will contact the complainant in writing to explain:

- Why the council has taken the decision.
- What action the council is taking and what this means for their contacts with the Council
- The duration of that action
- The right of the complainant to contact the Local Government Ombudsman about the fact that their complaint has been treated as a vexatious/persistent.
- Right of appeal on the decision

A copy of this policy will be enclosed with the notification, and a copy of the correspondence and review date for the decision will be recorded centrally.

In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

If the complainant has no contact with the Council within this period, we will review the position and a decision will be taken on whether any restrictions placed on the complainant's contacts should be cancelled. If the restrictions are cancelled, urgent consideration should be given to re-introducing the restrictions if the behaviour which led to the original decision recommences.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant about the matter. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint, we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

The council will keep a record of the following information:

- The name and address of the complainant who is treated as abusive, vexatious or persistent.
- When the restriction comes into force and ends
- What the restrictions are and when the complainant and departments were advised.

### **Right to appeal the decision**

The complainant has the right to challenge the decision on any restrictions to be applied under this policy and they should request for this review to take place within 10 working days of the initial notification. Such requests will be forwarded to the Deputy Chief Executive who will undertake the review of the decision.

The review will determine whether:

- A decision was right to invoke the policy and/or
- Any particular restrictions applied are justified.

### **Referral to the Local Government & Social Care Ombudsman or Housing Ombudsman**

In some cases, relations between authorities and unreasonable and unreasonably persistent complainants break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there is often little purpose in following through all stages of the council's complaints procedure and where this

occurs the Ombudsman may be prepared to consider complaints before complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures.

A complainant who has been identified as an unreasonably persistent complainant may make a complaint to the Ombudsman about the way in which he or she has been treated. The Ombudsman is unlikely to be critical of the council's action if it can show that its policy has been operated properly and fairly.