



## **Crawley Borough Council**

### **Complaints Policy**

**Date applicable: 1 April 2024**

**Last revised: September 2025**

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## 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.

A customer does not have to use the word ‘complaint’ for it to be treated as such. Whenever a customer expresses dissatisfaction, we will give them the choice to make a complaint. A complaint that is submitted via a third party or representative is handled in line with this complaints policy.

### 2. What wouldn’t be considered a complaint

The complaints process looks at how we have delivered services or reached decisions. Requests for help with problems in your local area should be directed to the relevant service first. Details of our services are on our [website](#) or contact 01293 438000.

The following are examples of what would be excluded from the complaints process:

- 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.) However, a complaint will be raised if a customer expresses dissatisfaction with the response to a service request, even if the handling of the service request remains ongoing. We will continue to address the service request even when a complaint has been raised.
- Requests for information under the [Freedom of Information Act or the Data Protection Act](#). However, some complaints may contain elements which relate to how a person’s data has been processed alongside other matters. In this case this will be dealt with under the complaints process and on completion of the complaints process the customer will be signposted to the Information Commissioners Office (ICO) and LGSCO.

- Issues raised by elected representatives on behalf of an individual, or the issues affect the wider area they represent or a large number of constituents, will be responded to under the “member enquiry” process.
- The issues giving rise to the complaint occurred over 12 months ago.
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered that has been considered under the complaints process and by the Ombudsman.
- Disagreement with a decision where there is an internal review or appeal process in place.
- 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 legal proceedings have been initiated by a customer through a Claim Form and Particulars of Claim, having been filed at court. These matters will be dealt with by the Council's legal department. However, the issuing of a pre action letter does not constitute the commencement of legal action and it may be in the interests of both parties to resolve the matter through the complaints process, rather than the courts.
- Where someone alleges personal injury and/or loss or damage to property, we will consider the complaint and whether we were at fault in the first instance. However, there may be occasions where dealing with the matter through an insurance claim is more appropriate because the alleged losses are significant. We may decide to signpost you to our insurers in these circumstances and will explain the reasons why.
- Where there is a statutory right of appeal to a tribunal, government minister or court about the matter complained of and it would be reasonable for you to exercise that right of appeal.
- The specific matter complained of has already been subject to an appeal or is currently subject to an appeal with a tribunal, minister or court.
- There is ongoing action being taken either by the council or another party and considering the complaint would prejudice such action.
- Anonymous complaints will not be considered or responded to as, in such situations, it is not possible for the council to assess the impact on the individual raising the complaint. Further, the council will not be able to identify whether there are any conflicts of interest or other ongoing action such as appeals or court action etc. However, if a complaint is submitted anonymously and relates to any of the following, it will be referred to the Council’s Monitoring Officer who will determine an appropriate course of action: -

- Criminal offence
- Unauthorised use of public funds
- Miscarriage of justice
- Risk to health & Safety (including safeguarding)
- Environmental damage

In the event the Council does not accept a complaint we will provide an explanation to the customer setting out the reasons why the matter is not suitable for the complaints process and the right to take this decision to either the Local Government & Social Care Ombudsman or Housing Ombudsman. If the Ombudsman does not agree that the exclusion has been fairly applied, we will take on the complaint.

### **3. Accessibility and awareness**

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 requests for making this complaints policy accessible in other formats such as accessible PDF, large print, easy read, audio recording or braille.

We publish this policy on the council's website, and it is communicated to staff via the complaint handling guidance on the council's intranet. Information about accessing the complaint procedure is easily accessible on the council website.

In the case of tenants and leaseholder's details of how to access the complaint process and of the Housing Ombudsman service will be published through direct communications at least annually including in tenant and leaseholder newsletters, welcome information and on noticeboards where present.

### **4. Complaints about Councillors**

If a complaint is about one or more of our elected councillors, please visit our [Code of Conduct](#) page on our website.

### **5. How to make a complaint**

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 a 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

Complaints can be raised on behalf of a customer by a member of Crawley BC staff, a friend, relative, health professional, MP or [local Councillor](#) and are covered by this complaints policy.

We will obtain third party consent if details of the complaint and response are to be sent to a customer's chosen representative in line with GDPR requirements.

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

We will accept complaints referred to us within 12 months of the issue occurring, or the individual becoming aware of the issue. We will apply discretion to accept complaints made outside this time limit where there are good reasons to do so.

## **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.

If a customer's complaint includes multiple issues for different parts of the council, we will coordinate to ensure that one formal response will be issued to address the complaints.

If a customer raises additional complaints during the investigation, these will be incorporated into the stage 1 response if they are related and the stage 1 response has not been issued. Where the stage 1 response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues will be logged as a new complaint.

### **Stage 1**

Stage 1 complaints are conducted by an officer within the relevant service team who is not the subject of the complaint:

- We will acknowledge, define and log the complaint within 5 working days of the complaint being received.
- Complaints regarding Crawley Homes will be acknowledged via email or telephone within 5 working days of receiving the complaint to define our understanding of the complaint, the outcome the customer is seeking and the date the response should be issued. We will also include any aspects the council is not responsible for and if any aspects of the complaint are unclear, we will seek clarification.
- 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 contact the customer to explain our rationale for our decision and the expected timescale for a response. This should not exceed a further 10 working days and the customer will be provided with the details of the relevant Ombudsman.
- In the event we have not been able to provide a full response within the extended 10 working days, we will contact the customer and agree suitable intervals to keep them updated on the progress of the complaint.

- 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. The appropriate service team will be responsible for monitoring the progress and completion of actions as well as communicating with you.
- 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 the complainant is not satisfied with the response or all or part of the complaint is not resolved.

## **Stage 2**

Stage 2 complaints are conducted by a more senior council officer (i.e. more senior than the Stage 1 decision maker.) This 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.

A Stage 2 review can be requested using the information provided in the Stage 1 response. A customer is not required to explain the reasons for requesting a Stage 2 review.

- We will acknowledge, define and log the Stage 2 request within 5 working days of the escalation being received.
- Complaint escalations regarding Crawley Homes will be acknowledged via email or telephone within 5 working days of receiving the escalation to define our understanding of the complaint, the outcome the customer is seeking and the date the response should be issued. We will also include any aspects the council is not responsible for and if any aspects of the complaint are unclear, we will seek clarification.
- 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 contact the customer to explain our rationale for our decision and the expected timescale for a response. This should not exceed a further 20 working days and the customer will be provided with the details of the relevant Ombudsman.
- In the event we have not been able to provide a full response within the extended 20 working days, we will contact the customer and agree suitable intervals to keep them updated on the progress of the complaint.

- 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. The appropriate service team will be responsible for monitoring the progress and completion of actions as well as communicating with you.
- 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 the complainant where to take their 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. Referral to the relevant Ombudsman**

If a customer has been through all stages of our complaints process and the issues have still not been resolved or the customer has not received a response to a complaint that's been

raised, they can ask the Local Government and Social Care Ombudsman (LGSCO) or Housing Ombudsman to consider their complaint.

### **Local Government and Social Care Ombudsman**

The Ombudsman has issued a Complaint Handling Code which sets out advice and guidance for councils on how to handle complaints. More information is available on the Ombudsman's website [Complaint Handling Code - Local Government and Social Care Ombudsman](#)

The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service.

The Ombudsman expects complainants to have given the council a chance to deal with their complaint, before being contacted.

The Local Government and Social Care Ombudsman looks at individual complaints about councils and some other organisations providing local public services. There are some [limits on what the Ombudsman can look at](#). For example, the Ombudsman may not consider a complaint if a customer has not been significantly personally affected by the issue being raised, or there is a right of appeal to a court or tribunal.

Contact:

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

Telephone: 0300 061 0614

### **Housing Ombudsman Service**

The Housing Ombudsman is an independent, impartial, and free service for social housing residents. A tenant can bring a complaint to the Housing Ombudsman for investigation if they have completed our complaint process and the issues have not been resolved.

The Ombudsman has a Complaint Handling Code which sets out advice and guidance for landlords on how to handle complaints. Tenants can find more information about this on the Ombudsman's website [The Complaint Handling Code | Housing Ombudsman Service \(housing-ombudsman.org.uk\)](#)

The Ombudsman cannot consider every complaint they receive and what they can and cannot consider is set out in the [Ombudsman's jurisdiction](#).

Contact:

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

Telephone: 0300 111 3000

## 11. Unreasonable Complainant Behaviour

### Introduction

The Council is committed to dealing with all customers fairly and impartially and to provide high quality services at all times. This includes those who wish to complain, offer comments or provide us with feedback.

The Council delivers a wide range of public services. We welcome all kinds of feedback about our services, but we also recognise that a very small number of people can act in a way that is inappropriately challenging.

Normally, people who wish to complain are allowed full access to the Council and all of its services as required. However, there are a small number of complainants who, because of their behaviour and the way they approach officers in the Council in relation to their complaint, may need to have their contact restricted. They may behave unacceptably or be unreasonably persistent in their contact and communications. This can impede the investigation of their complaint(s) as well as other people's complaints. It can have significant resource implications. These actions can occur either while the complaint is being investigated, or once the Council has finished the complaint investigation.

The policy covers 'unreasonable complainant behaviour' which may include one or more isolated incidents, as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents or behaviour over a longer period. The policy follows the guidance published by the Local Government & Social Care Ombudsman on [Guidance note on management of unreasonable complainant behaviour](#).

It is important to identify between people who make a number of complaints because they really think things have gone wrong, and people who are unreasonably persistent in making their complaints.

It is crucial that the Council and staff do not discriminate against any complainant and ensures that this procedure is not used to restrict customers from accessing the complaints process who are not displaying unreasonable complainant behaviour. Vigilance and appropriate management of the process is essential. No one person should make a decision to invoke the process. Managers should routinely monitor use of the process and ensure that complainants are still receiving an acceptable service.

### Principles

The approach set out in this policy is based on the clear understanding that the Council will:

- Deal fairly, respectfully and consistently with all members of the public that contact the Council. This includes customers whose behaviour during or after making a complaint is considered unreasonable.
- Provide accessible services for all customers. However, we retain the right to manage a person's contact with our services where we conclude that their behaviour in relation to their complaint is unreasonable.

- Support staff to be able to manage unreasonable complainant behaviour and to ensure that people who act in an unreasonable manner do not impact the physical or mental well-being of staff, other customers or themselves.
- Take the customers circumstances into account. Staff should consider and take into account health issues (including mental health concerns), language / comprehension difficulties or services that they may be receiving as these may impact on their behaviour. Reasonable adjustments will be offered in these circumstances.
- Take care when classifying behaviour as aggressive or abusive. This should not include general rudeness or raised voices.
- Put the customer conduct into context (i.e. is a customer's behaviour drawn from reasonable distress to a loss or wrong they have experienced).

### **Definition of unreasonable complainant behaviour**

Unreasonable behaviour is exhibited by individuals who, because of the frequency, persistency or the manner in which an individual makes contact with the Council, whether intentionally or unintentionally, hindering consideration of their own, or other people's complaints.

It should be noted that an individual can be persistent on an entirely reasonable basis. Sometimes persistence is not only justified but necessary. Unreasonable behaviour, however, is unacceptable. Individuals may have justifiable cause for concern but may be pursuing it in inappropriate ways, or they may be simply intent on pursuing matters which appear to have no substance, or which have already been addressed and determined. Their contact with the Council might be placing very heavy demands on staff time, or the individual may be very emotionally charged creating a distressing situation for all those involved.

The following are examples of behaviour that the Council considers to be unreasonable:

### **Unreasonable Behaviour**

- Refusing to specify the grounds of a complaint, despite offers of assistance.
- Refusing to cooperate with the Council's processes for handling complaints while still wishing their issue to be resolved.
- Adopting false identities or forging documents.
- Refusing to accept that issues are not within the remit of the Council despite having been provided with information about their powers and responsibilities.
- Insisting on a complaint being dealt with in ways which are incompatible with the complaints policy, relevant legislation, or statutory guidance.
- Making what appear to be groundless complaints about the staff dealing with the issue(s) and seeking to have them replaced.
- Changing the basis of a complaint as the matter proceeds and/or denying statements made at an earlier stage.
- Introducing trivial or irrelevant new information which the individual expects to be taken into account and commented on or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Making inflammatory statements and unsubstantiated allegations.

- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a ‘scattergun’ approach: pursuing an issue with the Council and at the same time with others such as with the Member of Parliament and local councillors.
- Making unreasonably excessive demands on the time and resources of staff while an issue is being looked into, for example by excessive telephoning or sending emails to numerous people, writing lengthy complex letters every few days and demanding immediate responses.

### **Unreasonable Demands**

- Insisting a complaint is dealt with outside of the Council’s Complaints Policy.
- Demanding responses within an unreasonable timeframe.
- Persistently demanding to see or speak to a particular member of staff.
- Continuing to raise issues that fall outside the remit of the Council and refusing to accept this once notified.
- Continual phone calls, letters or other customer contact including via Social Media channels.
- Demanding unreasonable compensation. This includes demands disproportionate to the complaint or demands for compensation from the Council without a legal basis.

### **Unreasonably Persistent Behaviour**

- Actions that are obsessive, persistent, harassing, prolific, repetitious and/or otherwise unreasonable.
- An insistence on pursuing unjustifiable complaints or other matters and/or unrealistic outcomes; beyond reason.
- An insistence on pursuing justifiable complaints or other matters in an unreasonable manner or being uncooperative with those trying to resolve them.
- Persistent refusal to accept a decision or accept an explanation made by the Council.
- Continuing to pursue a concern without presenting any additional information.
- Repeatedly making the same complaint, sometimes with minor differences and insisting this is a new issue that requires consideration.
- Adopting an excessive “scattergun” approach by submitting the same complaint to the Council and other external stakeholders at the same time or by persistently communicating with and pursuing complaints and issues through different Council departments at the same time.
- Continuing to pursue a complaint that relates to an issue based on a historic case.
- Excessive demands on the Council’s resources including lengthy phone calls, multiple emails, or insistence on face-to-face contact.

### **Wholly Unacceptable Behaviour**

- Swearing, threatening and abusive words or behaviour
- Racial, religious, or sexual abuse
- Making personal derogatory comments about the individual
- Shouting at or seeking to intimidate

- The making of threats.
- The making of threats of physical violence, abuse, derogatory remarks and/or rudeness, in writing or spoken
- Threats, harassment, and other attempts to intimidate, which would include, but is not limited to, the posting of material on all and any social media platforms
- Unsubstantiated allegations including unjustified complaints about staff who are trying to deal with the issues

Staff members have the right to terminate telephone calls where they consider that the caller is being aggressive, abusive, or offensive, after telling the caller that their behaviour is unacceptable and/or is placing unreasonable demands on the organisation. In this event a note will be made of the action taken.

Staff members who directly experience aggressive, offensive, abusive or unreasonable behaviour from an individual have the right to deal immediately with this behaviour either by removing themselves from the situation or asking the individual to leave the premises.

## **Managing unreasonable behaviour**

### **Warnings**

In most instances before any action is taken under this policy we will explain to the complainant in writing what aspects of their behaviour has given cause for concern and ask them to change it. The relevant service manager in consultation with their Head of Service will agree if a warning is appropriate based on information relevant to the case. The complainant will be warned that if the behaviour persists, their case may be considered under the Unreasonable Complainant Behaviour Policy. A copy of the policy will be included with the warning letter.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of an employee, we will report the matter to the police and/or consider taking legal action. In such cases, we may not issue a warning letter.

The Council will only restrict contact with the complainant if they have informed them that their behaviour is unreasonable and have asked them to modify their behaviour. The Council will explain what action will be taken if the warning is ignored. If they do not modify their behaviour, the Council will take steps to restrict contact with the complainant.

However, if the complainant's behaviour falls under the "wholly unacceptable behaviour" definition no warning will be given, and we will consider placing restrictions set out below.

### **Decision to restrict contact with the Council**

The decision to restrict contact with the complainant will be taken by the Head of Law and Governance (Monitoring Officer).

The decision to invoke this policy will be made on the basis of documented evidence that demonstrates that a complainant's unreasonable behaviour has taken place. Evidence such

as contact logs, file notes, emails, social media, screen shots, visits etc, can be used to demonstrate the unreasonable behaviour on the part of the complainant.

The following is a non-exhaustive list of restrictions which the Council may apply:

- Placing time limits on telephone conversations and personal contacts
- Restricting the manner and form of communications with the complainant.
- 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.), considering reasonable adjustments.
- Requiring the complaint to communicate only with one named member of staff (single point of contact)
- Requiring any personal contacts to take place in the presence of a witness
- Refusing to register and process further complaints about the same matter.
- Advising the complainant that a designated member of staff will read all future correspondence and place it on file but not acknowledged, unless it contains relevant new information.

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.

### **Notifying and recording the decision**

When the decision has been taken to apply this policy, the Head of Law & Governance (Monitoring Officer) 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 individual to contact the Local Government Ombudsman or Housing Ombudsman if they remain dissatisfied.
- Right of appeal on the decision to restrict contact

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

All incidents of unreasonable behaviour will be documented in an Unreasonable Behaviour Log which is managed and maintained by the Corporate Performance Team within the Governance, People & Performance Division. This log will include the following:

- The name and address of the individual who the unreasonable behaviour policy has been applied to
- When the restriction came into force and when it ends
- What the restrictions are
- When the individual, Council departments and any other service were advised of the restrictions.

The decision to restrict contact will be reviewed at the end of the time period within which the council said it would monitor future actions. The time period will depend on the actions of the individual and any previous decisions to restrict contact. However, restrictions will be reviewed at least every 12 months.

On completion of the review of the restrictions placed on an individual, we will write to them to advise them of our decision. If restrictions are to remain in place, we will explain the reasons for this and review them again within 12 months. If restrictions are to be lifted, we will warn the individual about their future conduct.

Where restrictions are lifted, and an individual exhibits similar behaviour which resulted in the restrictions being applied, the relevant service dealing with the individual will consult the Head of Law and Governance (Monitoring Officer) to consider restricting contact again without an informal warning being applied.

### **Right to review the decision**

Individuals have a right to request a review of our decision regarding the restrictions to be applied under this policy. Requests should be made to the Head of Law and Governance (Monitoring Officer) within 10 working days of their decision. Your request will be forwarded to the Deputy Chief Executive who will undertake the review of the decision. The review will determine whether the decision was right to invoke the policy and whether the restrictions applied were justified. The review and outcome will be concluded within 20 working days.

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

Relations between the council and complainants sometimes break down badly while complaints are under investigation, and there is little prospect of achieving a satisfactory outcome. In such circumstances there may be nothing to gain from following through all stages of the council's complaints procedure. The Council may approach the Local Government & Social Care Ombudsman or Housing Ombudsman to establish whether they will consider a complaint before the complaint's procedure has been finished.

A complainant also has the right to approach the LGSCO or Housing Ombudsman if they are not happy with how the Council has managed and applied the 'unreasonable complainant behaviour status'.

## **Equalities**

In applying this policy, we will have due regard to our Public Sector Equality Duty and the provisions of the Equality Act 2010. We will consider an individual's support needs and any relevant protected characteristics as part of any decision made under this policy.