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| Agenda Item No: | 6 |  |
| Committee: | Cabinet | |
| Date: | 24 March 2025 | |
| Report Title: | Update of the council's corporate complaints policy (3C's) and associated procedures. | |

Cover sheet:

1 Purpose / Summary

- 1.1 The Ombudsman for Local Government and Social Care (LGSCO) revised the Complaint Handling Code in 2024. This has resulted in Fenland District Council's 3C's policy being reviewed and updated to reflect guidance within the Code.
- 1.2 The council has a good track record in responding to LGSCO cases and we want to keep our policy in line with the revised Complaint Handling Code in order to maintain this.

2 Key Issues

- 2.1 The Complaint handling Code sets out processes for organisations that allows us to respond to complaints effectively and fairly.
- 2.2 The LGSCO are recommending the changes as laid out in the revised Code. By adopting these changes we be streamlining our process which will ensure that customer complaints are dealt with and resolved in an even more timely way. This will also save officer time.
- 2.3 The revised policy updates the definition of both a complaint and service request as per the Complaint Handling Code.
- 2.4 The revised policy amends the Council's current three stage process to a two stage process.
- 2.5 The two stage process is designed to provide a full response at stage one of the process giving a prompt explanation, apology or resolution within 10 working days. Stage two of the process is our final opportunity to respond directly to an individual. A stage two response will capture the council's overall position on the matter raised and will be responded to in 20 working days

3 Recommendations

- 3.1 Recommendation to approve the proposed changes to the policy in line with the complaint handling Code published by the LGSCO.

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| Wards Affected | <i>All</i> |
| Forward Plan Reference | <i>[Insert Reference No. From Forward Plan. (It is a legal requirement to include key executive decisions on the forward plan for 28 days before the decision requested in this report is taken).]</i> |
| Portfolio Holder(s) | Councillor Steve Tierney – Portfolio Holder for Communications, Transformation, Climate Change and Strategic Refuse |
| Report Originator(s) | <p>Peter Catchpole – Corporate Director and Section 151 Officer</p> <p>Sam Anthony – Head of HR (Human Resources), OD and Customer Service</p> <p>Claire Wright – My Fenland and Customer Engagement Manager</p> <p>Aimee Markillie – My Fenland team Supervisor</p> |
| Contact Officer(s) | <p>Peter Catchpole – Corporate Director and Section 151 Officer peter.catchpole@fenland.gov.uk</p> <p>Sam Anthony – Head of HR (Human Resources), OD and Customer Service Email: santhony@fenland.gov.uk</p> <p>Claire Wright – My Fenland and Customer Engagement Manager Email: cwright@fenland.gov.uk</p> |
| Background Papers | Local Government and Social Care Ombudsman Complaint Handling Code |

Report:

1 BACKGROUND AND INTENDED OUTCOMES

- 1.1 The Ombudsman for Local Government and Social Care (LGSCO) revised the Complaint Handling Code in 2024. This has resulted in Fenland District Council's 3C's policy being reviewed and updated.
- 1.2 The council has a good track record in responding to LGSCO cases and we want to keep our policy in line with the revised Complaint Handling Code in order to maintain this.
- 1.3 The LGSCO are recommending the changes as laid out in the revised Code. By adopting these changes we be streamlining our process which will ensure

that customer complaints are dealt with and resolved in an even more timely way. This will also save officer time as they will only have two stages to respond to rather than the three that we have now.

- 1.4 The Complaint handling Code sets out processes for organisations that allows us to respond to complaints effectively and fairly. The purpose of the Code is to enable organisations to resolve complaints raised by individual promptly, and to use the data and learning from complaints to drive service improvements. It will also help to create a positive and proactive complaint handling culture amongst staff and individuals. Complaints should be seen as learning opportunities and support our ongoing drive for service improvement and learning culture.
- 1.5 The LGSCO requires that organisations should have a single policy for dealing with complaints covered by the Code. An updated version of Fenland District Council's 3C's policy is attached to this report. The revised policy updates the definition of both a complaint and service request as per the Complaint Handling Code. It also encourages customers to raise their concerns with the delivering service in the first instance to give them the opportunity to address it. The revised policy amends the Council's current three stage process to a two stage process.

The amendments referred to above mean that the council will be adopting recommendations outlined in the code and importantly that we continue to improve the service that we provide to our customers.

2 REASONS FOR RECOMMENDATIONS

- 2.1 The Code has been issued as "advice and guidance" for all local councils in England under section 23(12A) of the Local Government Act 1974. This means that councils should consider the Code when developing complaint handling policies and procedures and when responding to complaints. If a council decides not to follow the Code the LGSCO would expect it to have a good reason for this.
- 2.2 The recommendation is to approve the proposed changes to the policy in line with revised Complaint Handling Code published by the Local Government Ombudsmen. This will mean that we adopt the code on 1 April 2025 allowing 12 months to embed the changes, prior to adoption by the LGSCO. This will also mean that the council's 3C's policy reflects the updated published code.
- 2.3 The Code covers complaints about services where there are not already statutory complaints processes in place. For example, public health and adult social care. This is because there is already legislation in place which sets out how these complaints should be handled. Councils are encouraged to adopt the code as soon as they are able to do so. The LGSCO intend to start considering the Code as part of their processes from April 2026 at the earliest, allowing local councils time to adopt the Code into working practices successfully.
- 2.4 The Councils' 3Cs policy has been reviewed and updated to reflect revised definition of a complaint and service request.

- 2.5 The key amendment for Fenland District Council will be changing from our current three stage process to two stages. The rationale for this change is to improve Customer Service by ensuring that the complaints process is not a protracted one. We will continue to collect data and information about complaints and use this to drive service improvement. We will also continue to publish data about our 3Cs process in our Annual Report in line with any corporate governance arrangements.
- 2.6 The two stage process is designed to provide a full response at stage one of the process providing a prompt explanation, apology or resolution within 10 working days. Stage two of the process is our final opportunity to respond directly to an individual. A stage two response will capture the council's overall position on the matter raised and will be responded to in 20 working days.
- 2.7 In both instances the Code encourages a proportionate response to the complaint raised and recognises that a full investigation may not be necessary in all cases. This allows the council to consider whether there are any actions that can be taken quickly to resolve the complaint.

3 CONSULTATION

- 3.1 We have been working closely with, and sought input from, key stakeholders to review and update our 3Cs policy.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 In arriving at the recommendation in this report we have considered maintaining a three stage process and not updating our current policy. However, this had been discounted as the LGSCO advises the following:

“A process with more than two stages will make the compliant process unduly long and delay access to the relevant Ombudsman. A process with a single stage means the organisation may lack the ability to check it's responses before an individual comes to the Ombudsman.

The revised policy therefore provides more in-depth detail for our customers about how and when to make a complaint and simplifies the process. It also provides clarity about allowing a service the opportunity to put things right in the first instance, prior to progressing to a formal complaint.

5 IMPLICATIONS

5.1 Legal Implications

N/A

5.2 Financial Implications

N/A

5.3 Equality Implications

The Equality Impact Assessment has been reviewed and updated to reflect the proposed changes

7 SCHEDULES

Revised 3C's policy.

3c's Policy



1. Introduction:

This policy explains how Fenland District Council will manage and respond to comments, compliments, correspondence and complaints. It supports our commitment to managing customer contact in a fair and positive way and ensures that customers know how to contact us.

We aim to provide high quality services to all our customers and welcome your feedback.

Listening to our customers helps us improve the services that we provide. Your feedback, together with any action we have taken, will also be used to monitor performance.

When responding to complaints and correspondence we will ensure that our customers are treated fairly and sensitively and are kept informed about how we will respond to your complaint, including details about who will be responding, by when and next steps if you remain dissatisfied.

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.

2. Types of contact:

Customers may contact us to make a:

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| Comment | A comment is an opinion, belief, feedback or remark. It may contain a suggestion as to how part of a Council service could be improved. |
| Compliment | A compliment is a statement of praise. It may be about a member of staff or a service. |
| Complaint | A complaint is when a customer expresses dissatisfaction about the standard of a service, action(s) or lack of action(s) by the Council, our own staff or those acting on our behalf, affecting an individual or group of individuals. It is treated differently to a service request (see below). |
| Correspondence | Correspondence can be positive, negative or neutral. It usually asks a question or for an update about a specific issue. It requires a single response from an officer in the relevant service area. |
| Service Request | A service request is where the council provides or improves a service, fixes a problem or reconsiders a decision that we have made. Service requests may contain an expression of dissatisfaction. We will take the opportunity to deal with a service request before a complaint is made. Examples of service requests include the reporting of a missed bin, planning enforcement and noise complaints. |

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| | <p>This is slightly different to a complaint and is not managed through this policy. Customers are advised to contact the council to make a service request by visiting www.fenland.gov.uk, calling 01354 654321 or emailing info@fenland.gov.uk.</p> |
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Before making a complaint, customers should ensure that they have given us an opportunity to resolve the issue that you are raising. You should contact the relevant service first. You can find details of our services on our website: [Council Services - Fenland District Council](#). If the service is not able to resolve your issues you can make a complaint.

3. Comments

We appreciate customers giving feedback and making suggestions. Comments are shared with the appropriate officer or team. We will record your comments as a complaint if you are not satisfied with the service that you receive.

4. Compliments

If you want to tell us about a good experience or service that you have received, please do. We always like to hear about what has gone well, it is just as important to help us shape our services. Compliments are shared with the Service lead.

5. Correspondence

Unlike complaints this is a single stage procedure. We will acknowledge in 5 working days and provide a response within 10 working days.

6. Service requests

May contain an expression of dissatisfaction. We will take the opportunity to deal with a service request before a complaint is made.

Examples of service requests include the reporting of a missed bin, planning enforcement and noise complaints

7. Complaints

We have a two-stage complaints procedure.

Stage 1.

Please contact us if you are unhappy with a service we have provided. When we receive a complaint, we will acknowledge it within 5 working days. Complaints will be investigated by the service manager (or service equivalent).

We will make sure that we have understood the issues that are being raised to inform our response.

Not all complaints require a detailed investigation. We may be able to informally resolve a complaint, if this is the case and you (the customer) are happy with this approach we will maintain a record of this for audit purposes.

Where an investigation is completed, a written response will be provided, this will be approved by a senior manager. This stage of the process takes 10 working days.

For complex cases we may need more time to fully investigate and respond and allow an additional 10 working days. If this is the case, we will clearly explain this to you.

If you are dissatisfied with our Stage 1 response, we will escalate your complaint to Stage 2

Please note that in accordance with the Local Government and Social Care Ombudsman Complaint Handling Code Fenland District Council will normally only consider complaints which are less than 12 months old or, it is less than 12 months since the customer became aware of an issue.

8. Stage 2:

If you are not satisfied with the Stage 1 response, we can escalate your complaint to Stage 2. This is the final stage of our complaints process and is where we will carry out a review of the Stage 1 response which we will share with you.

We generally expect individuals to ask to escalate complaints to a Stage 2 of the complaints process within 20 working days of receiving our Stage 1 response. However, we understand that this is not always possible and that you may want to give us an opportunity to resolve matters before escalating your complaint further. Therefore, we will generally accept requests to escalate complaints to a stage 2 which are made within six months of receiving Stage 1 response.

It can be challenging for us to properly consider complaints as time passes between the issue that you are complaining about and our consideration of your complaint. This is because it may be difficult to obtain relevant evidence and people involved may not be able to accurately recollect what happened.

If this is the case we will ask you to tell us why you are not satisfied with the

Stage 1 response and provide us with new information to consider and or details of matters that you feel have not been addressed.

We will acknowledge your Stage 2 complaint within five working days with a full response within 20 working days.

Stage 2 investigations are carried out by the Head of Service or their equivalent with the outcome being shared with a member of our Corporate Management team.

This is the final stage in our complaints policy.

9. How to contact us

You can contact us by:

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| Completing an online form | www.fenland.gov.uk/threecs |
| Email | 3cs@fenland.gov.uk |
| In person (via pre booked appointment) | Appointment booking form - Fenland District |
| In writing | Fenland District Council Fenland Hall County Road March PE15 8NQ |
| Contacting your local Councillor | They will ensure your complaint is dealt with by our 3Cs procedure, as described in this policy. |
| Phoning our contact centre | 01354 654321 |

Our staff are happy to assist you in making a comment, compliment or complaint. Alternatively, you could ask a friend, relative, local council or an advisory organisation to help.

10. The Local Government and Social Care Ombudsmen

The Local Government and Social Care Ombudsmen investigates complaints about Local Authorities and is independent from the council.

A complaint will usually only be considered by the Ombudsmen if it has been through the council's corporate complaints procedure and the customer is still dissatisfied.

Further information can be found here: <http://www.lgo.org.uk/>

11. Exceptions

There are instances where complaints fall outside of this policy, these include:

- When the complaint has already been investigated through the 3Cs procedure
- Are over 12 months old (unless there are exceptional circumstances agreed by a member of the Corporate Management Team)
- Are matters of law or central government policy
- Are about the conduct of our Councillors. These types of complaints should be directed to our Monitoring Officer at foi@fenland.gov.uk
- Have already been decided by a court or independent tribunal
- Relate to legal proceedings that have already started
- Where there is a separate right of appeal and should be taken through other statutory appeal or tribunal processes (e.g. the Planning Inspectorate or Valuation tribunal).

12. Unreasonable complainant behaviour

In a minority of cases, customers can pursue their complaint in a way that is unreasonable. Whilst this might be out of character and there have been upsetting circumstances resulting in a complaint this is not acceptable for the council. This may happen only once or continue persistently over a longer period of time, even after the investigation has been completed. This behaviour may hinder the consideration of the complainant and other people's complaints. Whether this contact is abusive or amicable, it places disproportionate demands upon our resources. We have a separate procedure on the management of unreasonable complainant behaviour. This gives more information about the types of behaviour that we consider unacceptable and how these cases will be managed.

[Procedure on the Management of Unreasonable Complaint Behaviour](#)

13. Anonymous Complaints

Will not be recorded but will be shared with the relevant service team. The 3Cs team needs a full name and address (where the complainant has one) to register a complaint. A contact telephone number or email address is also needed, unless the complaint has been made via post.

14. Data Protection

We need to hold personal data about you if you make a complaint. This includes:

- Data that you share with us when you make a complaint
- Information from others, provided about the complaint as part of the investigation process

All data is held securely and only used to process the complaint

We will, where possible, maintain confidentiality and your identity will not be shared or made public by the council. There are exceptions, for example where legislation applies or there are allegations involving third party conduct.

Under the Freedom of Information Act 2000, customers have the right to obtain a copy of their personal data. However, there are exceptions to this right.

Please note the council will normally destroy a complaint file six years after the closure of the complaint.

15. Management information

We use our complaints to learn about the performance of the services that we deliver and to inform and improve them. We need to collect information to be able to do this:

- Name and address of complainant
- Details about the complaint
- Date received and responded to
- Name of responding officer
- Response outcomes
- Lessons learned

This information is analysed and reported on in an Annual Report which is published on the council's website.