

Mid Sussex District Council

Complaints Procedure

Accessibility note: this document uses plain language, heading styles, short sections and table headers to support screen readers and accessible conversion to HTML.

1. Purpose

This procedure explains how Mid Sussex District Council will receive, record, investigate, respond to and learn from complaints.

The procedure is designed to make complaints easy to raise, to resolve matters fairly and quickly, and to use complaints as a source of learning and service improvement.

The Council will publish this procedure on its website, alongside information about how to contact the Ombudsman.

2. Principles

- We will treat people fairly, with respect and without bias.
- We will make it easy for people to complain in the way that works best for them.
- People do not have to use the word complaint for us to treat their dissatisfaction as a complaint.
- We will consider the facts, explain our decisions, and say what we will do to put things right where something has gone wrong.
- We will keep records so that we can learn from complaints and improve services.
- We will make reasonable adjustments where needed, in line with relevant legislation.
- We will make all reasonable efforts not to delay a response just because some agreed actions are still being completed. We will track any outstanding actions and provide updates.

3. What is a complaint?

A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council, its staff, or people acting on the Council's behalf, affecting an individual or group of individuals.

A person can complain for themselves, and a complaint may also be made by a representative, Councillor, advocate, family member or other third party, where appropriate consent or authority is in place.

4. Service requests and complaints

A service request is a request for the Council to provide or improve a service, fix a problem, or reconsider a decision. In most cases, the Council should have the chance to deal with a service request before it becomes a complaint.

A complaint may be raised when a person remains dissatisfied with the response to their service request. This can happen even if the service request is still being dealt with. The Council will not stop trying to resolve the service request just because a complaint has been made.

Service requests and complaints must both be recorded and monitored so that the Council can identify themes, reduce delays, and undertake learning.

5. What this procedure does not cover

The Council will normally accept a complaint unless there is a valid reason not to do so. Each case will be considered on its own facts. We will not apply blanket exclusions.

- Complaints about elected Members that may involve the Members' Code of Conduct. These will be considered under the Standards process.
- Employee grievances, employment matters or disciplinary issues. These will be dealt with under the Council's employment policies.
- Disagreement with the merits of a planning decision made by officers or a Planning Committee. Complaints about failure to follow planning procedures may be considered under this procedure.
- Requests for information under the Freedom of Information Act, Environmental Information Regulations, data protection legislation or similar access regimes. Complaints about these rights will be handled under the relevant information rights process and may be referred to the Information Commissioner.
- Matters where legal proceedings have started, or where there is a specific statutory appeal, review, tribunal or court route that can reasonably provide the remedy being sought. The Council will consider each case on its facts and will explain any decision not to accept the complaint.
- Complaints about matters that happened more than 12 months ago, or that the person became aware of more than 12 months ago, unless there is a good reason to accept the complaint late.

If the Council decides not to accept or escalate a complaint, we will explain why in writing. We will also tell the person about their right to take that decision to the Local Government and Social Care Ombudsman, where relevant.

6. How to make a complaint

A complaint can be made in any way and to any member of staff. This includes:

- online form or web contact;
- email;
- letter;
- telephone;
- face to face contact at a Council office or event;
- through a Councillor or other representative; or
- through another reasonable method agreed as a reasonable adjustment.

The person does not need to put the complaint in writing before it can be accepted. If a complaint is made by phone or in person, staff will record the complaint and, where possible, check the wording with the person.

All staff must know how to identify dissatisfaction that may be a complaint. If staff cannot resolve the matter immediately, or if the person remains dissatisfied, staff must pass the complaint details to the Complaints Officer or record it in the agreed complaints system as soon as possible.

7. Reasonable adjustments and support

The Council will make reasonable adjustments to help people use the complaints process. This may include large print, accessible electronic formats, telephone contact, translation or interpretation support, extra time where reasonable, or help to set out the complaint.

Any agreed reasonable adjustment will be recorded and kept under review while the complaint is being handled.

A person may be represented or accompanied at any meeting about their complaint, subject to normal consent and safeguarding arrangements.

8. Roles and responsibilities

Role	Responsibility
All staff	Recognise complaints, try to resolve service issues quickly, record complaints properly, and pass details to the Complaints Officer or correct service.
Complaints Officer and their deputies	Own the complaints register and complaints system. Monitor timeliness, quality and outcomes. Make sure data is recorded for learning and insight. Co-ordinate reports and annual self-assessment.
Head of Service	Investigate and respond to stage 1 complaints for their service, or nominate a suitable manager where appropriate. Identify remedies and service learning.
Assistant Directors	Review complaints and associated learning regularly. Investigate stage 2 complaints where independent of the service. Oversee learning, risk and improvement actions.
Management Team	Receive strategic complaints intelligence and ensure cross-Council action on themes and risks.
Scrutiny Committee / Member governance	Receive the annual complaints performance and service improvement report, review performance, and make recommendations for improvement.

9. Stage 1 - investigation and response

Stage 1 is the Council's first formal response to a complaint. The aim is to resolve the issue as early as possible.

1. The complaint will be acknowledged and logged at stage 1 within 5 working days of receipt.
2. The acknowledgement will explain the Council's understanding of the complaint and the outcome the person is seeking, where this is known. If anything is unclear, the Council will ask for clarification.
3. The complaint will usually be investigated by the relevant Head of Service or a suitable manager acting on their behalf.
4. The Council will send a full stage 1 response, within 10 working days of the complaint being acknowledged.
5. If the complaint is complex, requires extensive review of materials, contains multiple issues requiring investigation, deals with historic matters, or is otherwise time-consuming, more time might be

needed. The Council will explain the reason for the delay and give a new response date. Any extension should normally be no more than a further 10 working days but can be longer when there is good reason. This will always be explained, and the council will provide the Ombudsman's details, should the person be dissatisfied.

6. The response will address all points raised, explain the decision, give reasons, set out any remedy or service improvement, and explain how to ask for stage 2 if the person remains dissatisfied.

If the person raises new issues before the stage 1 response is sent, related issues should be included in the stage 1 response where this will not unreasonably delay the reply. Unrelated issues, or issues raised after the stage 1 response, may be recorded as a new complaint.

10. Stage 2 - final review

Stage 2 is the Council's final response. It is used where all or part of the complaint has not been resolved to the person's satisfaction at stage 1. It will ensure that the complaints procedure has been applied correctly, and in line with all relevant legislation and guidance. It will look for any missed opportunities to resolve the complaint to the person's satisfaction.

1. The person does not have to explain why they want a stage 2 review. The Council will make reasonable efforts to understand what remains unresolved and what outcome the person is seeking.
2. Requests for stage 2 will be acknowledged and logged within 5 working days of the escalation request being received.
3. The acknowledgement will set out the Council's understanding of the outstanding issues and the outcome being sought. If any part is unclear, the Council will ask for clarification.
4. The stage 2 review will be carried out by an Assistant Director who was not the stage 1 decision maker and who is independent of the service complained about. If for any reason an independent assistant director cannot investigate, a suitable alternative senior officer will be assigned, and this will be explained.
5. The Council will issue the final stage 2 response within 20 working days of the stage 2 complaint being acknowledged.
6. As with Stage 1, If the complaint is complex and more time is needed, the Council will explain the reason for the delay and give a new response date. Any extension should normally a further 20 working days unless there is good reason. The Ombudsman's details will be provided, should the person be dissatisfied.
7. The stage 2 response will be in clear, plain language and will explain that it is the Council's final response.

The stage 2 response will include:

- the complaint stage;
- the Council's understanding of the complaint, the reasons for each decision, and any outstanding issues;
- an examination of the stage 1 response ensuring it was conducted fairly, and in line with the complaints procedure;
- details of any further remedy offered to put things right;
- details of any outstanding actions and when they will be completed; and

- details of how to contact the Local Government and Social Care Ombudsman if the person remains dissatisfied.

11. Putting things right

Where something has gone wrong, the Council will acknowledge this and explain what it has done or will do to put things right. Remedies will reflect the impact on the person and may include:

- an apology;
- an explanation or reasons;
- practical action to fix a problem or address delay;
- reconsidering or changing a decision, where this is lawful and appropriate;
- correcting or adding to records;
- a financial remedy, where appropriate;
- changing policies, procedures, training or practice; or
- another remedy that is fair and proportionate in the circumstances.

Where an agreed remedy cannot be delivered, the Council will explain why, consider any alternative remedy, and remind the person of their right to contact the Ombudsman.

12. Learning, data and oversight

Complaints data will be recorded and used for learning, insight and service improvement. The Complaints Officer will oversee the complaints register and make sure that information is captured consistently.

The register will record, as appropriate:

- the date received and acknowledged;
- the service area and complaint category;
- the main issues raised;
- the stage reached;
- response times and any extensions;
- the outcome;
- any remedy or improvement action;
- whether a complaint was refused or not escalated, with reasons;
- reasonable adjustments agreed; and
- Ombudsman referrals and outcomes.

Assistant Directors will review complaints regularly. The review will consider live cases, overdue actions, risks, themes, quality of responses, remedies and learning points.

Members will receive an annual complaints performance and service improvement report at Scrutiny Committee. The report will include:

- annual self-assessment against the Local Government and Social Care Ombudsman Complaint Handling Code;
- qualitative and quantitative analysis of complaint handling performance;
- a summary of complaints refused or not escalated;
- any findings of non-compliance with the Code;
- service improvements made as a result of complaints;

- the annual Ombudsman letter about the Council's performance; and
- any other relevant Ombudsman reports or publications.

The annual report and any governance response should be published on the complaints section of the Council's website, subject to data protection and confidentiality requirements.

13. Contractors and third parties

Where a complaint relates to a contractor or another organisation acting on the Council's behalf, the complaint will usually still form part of this two-stage procedure. The Council remains responsible for ensuring that complaints about services delivered on its behalf are handled in line with this procedure.

14. Unacceptable behaviour and unreasonable contact

The Council will be patient and respectful when dealing with complaints. We recognise that people may be upset, anxious or distressed. However, we may need to manage contact where behaviour becomes abusive, threatening, discriminatory, unreasonably persistent, or places a disproportionate demand on Council resources.

Any restriction on contact must be proportionate, evidence-based and approved by the Corporate Solicitor in consultation with the relevant senior manager. Restrictions must consider equalities legislation, safeguarding concerns, and any reasonable adjustments.

Examples of possible restrictions include using one named contact, limiting contact to one channel, setting reasonable response intervals, or declining to respond to repeated correspondence that has already been answered. The Council will normally keep at least one reasonable route of contact open.

The Council will explain any restriction in writing, including the reason, duration, review date and how the person can challenge the decision. Restrictions will be kept under regular review and will normally be reviewed at least annually.

15. When the complaints process ends

The Council's complaints process ends when:

- the stage 2 final response has been issued;
- the person tells us they do not want to continue;
- the Council has explained, with reasons, that the matter will not be accepted or escalated under this procedure; or
- the person does not respond to a reasonable request for clarification or information after a reminder and a reasonable period, usually 28 days.

Where the process ends because the Council will not accept or escalate the complaint, the reasoning will be explained, and the person will be reminded of their rights to contact the Ombudsman. The council will only refuse to accept or escalate complaints where there is a valid reason, such as where a matter falls outside of this procedure.

16. Ombudsman and other external routes

If a person remains dissatisfied after the Council's stage 2 final response, they can contact the Local Ombudsman.

For complaints about information rights, the person may be directed to the Information Commissioner's Office instead.

For certain complaints relating to housing, the person may be directed to the Housing Ombudsman.