

# **Formal Complaints Policy**

## **April 2025**

## **1. Introduction**

Broxbourne Borough Council aims to provide accurate information and deliver excellent services. When it fails to do so the Council expects officers to work with customers to resolve any issues. Where it is not possible to resolve an issue directly within a service area, a customer may submit a formal complaint. This policy outlines the formal complaints procedure.

This policy replaces the Complaints Policy issued in April 2019.

## **2. Principles**

The Council believes that;

All service users have the right to:

- Have their views heard
- Expect prompt action when performance is below standard, balanced by the resources available

Staff and contractors should be:

- Efficient and sensitive to the needs of customers

Procedures will:

- Be easy to access and widely advertised
- Advise service users of the timeframe for replying to their complaint and their right to appeal
- Ensure complaints are monitored independently of those involved in the complaint
- Ensure the adopted standards are met and fault is admitted where there has been an error or maladministration

## **3. What is a complaint?**

The Council has adopted the Local Government and Social Care Ombudsman definition of a complaint which is:

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

#### **4. Who can make a complaint**

Complaints can be made by residents, local businesses, visitors to the Borough, suppliers of services, community groups and any other groups or individuals that use or are affected by the Council's services.

The Council receives queries and complaints from councillors and the Member of Parliament on behalf of residents and businesses. These are not investigated through the formal complaints process but are dealt with separately.

#### **5. Time frame**

The Council will not normally consider a complaint that is made more than 12 months after the individual first became aware of the issue they want to complain about. There may be exceptions to this, for example where the Council accepts that such a delay was reasonable. The Council will not reinvestigate the same complaint, which has previously been closed unless the resolved issues recur.

#### **6. Stages of the complaints process**

##### **Service Requests**

A service request is when the Council has not provided a service that a customer believes they are entitled to, or the customer is unhappy with the service that has been provided.

The Council must have the opportunity to deal with a service request before a complaint is registered. Service requests are recorded, monitored and reviewed regularly.

The majority of issues can be resolved at the point of service delivery. Customers should therefore ensure they have contacted the relevant service area before submitting a formal complaint.

If a formal complaint is received that is for an issue that has not previously been investigated by a service area it will be referred to that service and will not be registered as a formal complaint.

##### **Formal Complaints**

###### **Stage 1 complaint**

If a customer is not satisfied with the response received from the service area, or they believe the investigation into a service request has not been handled correctly, they can request that it be formally registered as a complaint.

A customer can request that their issue is dealt with as a formal complaint by:

- Completing the online form at [www.broxbourne.gov.uk](http://www.broxbourne.gov.uk)

- Emailing [formalcomplaints@broxbourne.gov.uk](mailto:formalcomplaints@broxbourne.gov.uk)
- Writing to the Customer Engagement Manager, Broxbourne Council, Bishops' College, Churchgate, Cheshunt, EN8 9XQ marked clearly as a complaint
- Telephoning the Customer helpline on 01992 785555

Complaints against a member of staff must be made in writing.

Please note, if a service area has been unable to deal with a customer's service request to their satisfaction, the service area may refer further correspondence to the formal complaints process.

In order for the Council to deal effectively and efficiently with a complaint, complainants are asked to provide detailed information regarding their issue, the service it refers to and copies of any previous correspondence on the matter. This will allow the investigating officer to fully assess the evidence in relation to the complaint.

Once registered, the complainant is sent an acknowledgement (within five working days of receipt of the complaint) outlining when a response will be received and who the investigating officer is.

The Council aims to resolve all formal complaints as quickly as possible. An appropriate officer will be assigned to investigate the complaint and a response will be sent to the complainant within ten working days of acknowledgement. An officer named within the complaint, or who dealt with the initial service request, will not be the officer responsible for investigating.

If it is not possible to complete an investigation and provide a response within ten working days, the complainant will be informed of the revised timeframe for a response. This extension will not exceed a further ten working days, unless there are exceptional circumstances.

The investigating officer or the formal complaints team will contact the complainant to clarify any points as required.

## **Stage 2 Complaint Review**

If all or part of the complaint is not resolved to the individual's satisfaction at stage 1, it can be progressed to stage 2. This is a second review of the handling of the complaint by an appropriate senior officer and is the final stage.

When a complainant requests that a complaint is escalated to stage 2 of the Council's complaints procedure, they will receive an acknowledgement within five working days, outlining when a response will be received and who the investigating officer is. This will not be the same officer that investigated the stage 1 complaint.

Customers will receive a response to their stage 2 complaint within 15 working days of acknowledgement.

If an extension is required, it will not exceed 20 days unless there are exceptional circumstances. When notifying the complainant of the extension, the Council will provide the contact details of the Local Government and Social Care Ombudsman.

### **Escalation to the Local Government and Social Care Ombudsman**

Once a complaint has been through the Council's two stage complaints process, the complainant will be informed of their right to refer the complaint to the Local Government and Social Care Ombudsman (LGSCO).

The LGSCO will decide whether to carry out an independent investigation into the complaint. If it accepts the complaint, it will write to both the complainant and the Council requesting all of the information relating to the complaint.

When its investigation is complete, it will write to all parties with a decision. Its decision is final and there is no further escalation. The LGSCO publishes all decisions on the complaints it investigates on its website [www.lgo.org.uk/](http://www.lgo.org.uk/)

### **7. Complaint resolution**

The Council aims to resolve complaints by putting things right where there has been a failure in service. The complaints handler will ensure all responses follow a consistent and fair approach, regardless of which officer has investigated the complaint.

Where the service has not met the Council's standards, the Council will:

- Apologise for the failure in service
- Explain what went wrong
- Say what has been, or will be, done to put things right
- Where appropriate, say what has been learned from the complaint

### **8. Review of service requests and complaints**

Where a complaint highlights the need for changes in working practice, systems, staff training or procedure, the investigating officer is required to raise this and other learning points with the complaints team. They will work with the service manager(s) concerned to make sure the necessary actions to bring about the change are carried out.

Lessons learned will be highlighted in quarterly complaints reports so that learning and good practice can be shared across the Council. All upheld complaints are shared with the relevant Service Director.

### **9. What complaints are not covered by this policy?**

Each complaint will be treated on its own merits, however, certain complaints cannot be dealt with under this policy. Where complaints fall into one of these categories, complainants will be informed and, where possible, directed to the correct responsible body or entity:

- Matters for which there is a statutory right of appeal, for example, the appeal of a penalty charge notice, an ongoing Housing Review decision, or a Planning decision.
- A missed bin collection, unless it is persistent
- Appeal of a Vehicle Crossover (dropped kerb) application
- Complaints relating to matters outside of the Council's jurisdiction
- Complaints under the Data Protection and Freedom of Information Act
- Complaints where legal proceedings, court or tribunal action is being taken (although related issues that are not subject to legal proceedings may be considered)
- Employee complaints about terms and conditions of employment
- Matters which are subject to an insurance claim
- Anonymous complaints (these will be investigated if enough information is provided, but no response can be issued)
- Complaints about Council or national policy (see below)
- An abusive, vexatious or persistent complaint (see section 10)

## **10. Complaints about Council Policy**

The Council has a range of policies which are approved by Councillors through the Council's decision-making processes. Where it is deemed that a complaint relates to approved policy it will not be investigated through the complaints process, however a response will still be provided explaining why this is the case and how the Council's actions follow the approved policy.

The Council will investigate complaints that allege that relevant Council policy has not been complied with or alleging the policy does not comply with relevant legislation. The Council will also investigate complaints where it is alleged that actions have been taken in the absence of a policy.

The Council has a statutory duty to implement and act in accordance with Government legislation. Therefore, the Council is unable to investigate complaints based upon the content or mandated delivery of national policies, but a response will be provided explaining why this is the case.

## **11. Managing persistent or unreasonable complaints/complainants**

The Council will always treat customers fairly and with respect regardless of their complaint.

Those that make a complaint following what the Council would deem as persistent, aggressive or unreasonable behaviour will not be investigated, unless the Council recognises that there has been a clear failure of service. This includes behaviour such as refusal to follow the appropriate process, an aggressive style of communication, repeatedly contacting numerous officers and Councillors unnecessarily and refusing to accept a decision without providing any required or new evidence.

The Council's policy on unreasonable complainant behaviour can be found at [www.broxbourne.gov.uk/complaints](http://www.broxbourne.gov.uk/complaints).

## **12. Data Protection**

The Data Protection Act 2018 regulates the way in which organisations can use personal information. The Council will maintain the confidentiality of all personal information and not disclose it outside of the Council without permission unless the Council is legally obliged to do so. This could include providing information to the relevant Ombudsman should they be contacted following a complaint. More information on how the Borough of Broxbourne uses customer data can be found at <https://www.broxbourne.gov.uk/resident/privacy-policy>.

## **12. Contact Information**

Broxbourne Council

Website:

[www.broxbourne.gov.uk](http://www.broxbourne.gov.uk)

Email:

[formalcomplaints@broxbourne.gov.uk](mailto:formalcomplaints@broxbourne.gov.uk)

Telephone:

01992 785555

Local Government and Social Care Ombudsman:

Website:

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

Telephone:

0300 061 0614