

Complaints policy

2024 - 2027

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1. Introduction

We hope everyone will be happy with the services Hart District Council delivers. However, we recognise that we may sometimes fall short. We encourage anyone impacted to tell us when this happens.

Our approach to handling complaints and learning from feedback is fundamental to our values. [Our values](#) promise that we will help and respond to requests from the public. We will be easy to approach and take responsibility for a service request or complaint when it happens. It is important to deliver on these aspects of our service to support our main goal of improving satisfaction.

2. Scope and purpose of this policy

This policy applies to any complaint made about the Council where there isn't otherwise a formal statutory process in place. The policy serves two purposes. First, it establishes a transparent and uncomplicated process for anyone to raise complaints about the Council. Second, it provides comprehensive guidance to our staff, ensuring they know their roles and responsibilities in handling complaints.

3. Our commitment to you

We make several commitments as part of this policy. We will:

- act independently and have an open mind when handling complaints
- treat each complaint on their individual merits
- carefully consider all the information and evidence provided
- keep you updated with the progress of your complaint
- keep the complaint confidential, with information disclosed only where necessary to investigate the matter properly.

4. 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, our staff, or those acting on our behalf, affecting an individual or group of individuals.

You don't have to use the word complaint for it to be treated as such. Whenever someone expresses dissatisfaction, we will give them the choice to complain.

5. What can a complaint be about?

We want to make sure your experience with us is a positive one. You should let us know if you encounter any of the following issues:

- Unexplained delays in taking action
- Failing to provide a service as promised
- Administrative errors when making decisions but not necessarily the decision itself
- Not adhering to the law or our policies
- Unfulfilled promises
- Any unfair treatment or bias
- Staff exhibiting rude, unhelpful, or inappropriate behaviour
- Poor communication from our staff.

If someone wishes to raise a complaint anonymously, they are encouraged to include as much detail as possible to help us investigate the issues. However, we can only reply to someone if we have their details.

Anyone concerned about confidentiality or are reluctant to raise an issue for fear it may impact their access to services may raise issues through their local councillors. The details of councillors can be found [here](#).

6. What is not a complaint?

Matters that are not addressed by this policy are below. If we decide not to accept a complaint, an explanation will be provided to you. We will set out the reasons why the matter is not suitable for the complaints process and confirm you still have the right to take the decision to the Local Government and Social Care Ombudsman ('the Ombudsman').

- **A request for a service.** We define a service request as 'a request that Hart District Council provides or improves a service, fixes a problem or reconsiders a decision.'

While service requests may contain expressions of dissatisfaction, they are not complaints. We will try to resolve these service requests quickly and efficiently, even when someone wishes to escalate to a formal complaint process.

If you haven't raised the issue before, there may be a faster, more efficient way to resolve your concern. Some examples of service requests include:

- reporting something in Hart that needs to be fixed. This could be fly tipping, broken paving slabs or dog fouling
- reporting a missed collection
- reporting a noisy neighbour or anti-social behaviour
- querying a planning application
- appealing a parking ticket.

More information on our services can be found at [Contact us | Hart District Council](#)

- **When there are other rights of appeal.** These can include appeals against:
 - planning applications. The [Planning Inspectorate](#) will consider:
 - delays in decision making
 - refusal of planning permission
 - conditions placed on planning permission and enforcement notices.
 - Housing Benefit or Council Tax decision
 - Penalty Charge Notice (parking ticket) or recovery action taken after the issue of the ticket
 - homeless decision
 - Fixed Penalty Notice for fly tipping
 - Community Trigger process
 - Allegations of fraud or corruption may be best dealt with under our Anti-Fraud or Whistle Blowing procedures

- Personal data and information complaints. [The Information Commissioner's Office](#) will consider cases where someone believes we have not followed the appropriate legislative timescales or procedures.

We cannot change statutory decisions made by us or other bodies, and we generally cannot consider complaints that might affect an ongoing appeal. However, we can review the process we followed in making our decisions. If we followed all the correct procedures and policies, and someone simply disagrees with our decision, we are unlikely to uphold a complaint.

- **When legal action has started.** This includes where:
 - a court or tribunal has already heard the matter
 - you or the Council has started legal proceedings or taken court action. This does not include where you have only threatened legal proceedings against the Council.
- **Complaints involving insurance claims against the Council.** The exception could be where the service has delayed sending information as part of their communication you about an insurance claim.
- **When the complaint is over 12 months old, and you were aware of the issue but did not report it to the Council.** Exceptions may be made if there is a good reason for the delay.
- **Complaints that have already been investigated** through the Council's complaints procedure or by the Ombudsman unless we agree there is new information, or a material change in circumstances.
- **Certain complaints about staff and councillors** as these dealt with under separate procedures, such as:
 - The Council's staff disciplinary code or performance management procedures
 - Complaints about the conduct of councillors. These are dealt with under a separate procedure found at [Councillor complaint | Hart District Council](#)
- **Complaints about Council policies.** If you are unhappy with a policy, you should contact the councillor who leads on that topic, known as a Portfolio Holder. Alternatively, you can contact [your local Councillor](#) to raise this issue on your behalf.
- **Other types**
 - Matters which should be reported to the Police
 - Matters of law or central government policy which should be referred to your [local MP](#)
 - Services provided by other layers of local government, such as town and parish councils or Hampshire County Council. These organisations will have their own complaints handling processes.

7. Complaints about Hart and Frogmore Leisure Centres

The process for complaints about Hart and Frogmore Leisure Centres is different.

Anyone who wants to complain about the service should contact the centre's manager in the first instance. This will allow the manager to put things right. The complaint can be escalated to the Council if it is not answered or fulfilled.

8. Who can make a complaint?

Anyone who uses our services can make a complaint. We also will accept complaints referred to us by MPs, local councillors and other advocacy support agencies where they have your consent to do so.

In all cases, we will ask three questions in order to understand the complaint:

- What do you think has gone wrong?
- What impact has it had on you?
- What action would you like us to take?

9. How can I make a complaint?

We will do everything we can to help people make complaints. We will make reasonable changes for those who need help as set out in the Equality Act 2010. This includes helping to submit the complaint, reading the outcome of your complaint, and helping to escalate the complaint.

Anyone can raise their complaint with any member of our staff. We have several different channels, including:

- [complaint form](#) on our website: A paper copy of the form can be made available if required
- email. This should be sent to complaints@hart.gov.uk or directly to the service manager if known
- post to: Complaints Coordinator, Hart District Council, Civic Offices, Harlington Way, Fleet GU51 4AE
- In person: At the [Hart District Council Civic offices](#)
- By telephone: 01252 622122

We will also work and communicate with a representative, advocate or local councillor who has been asked to support someone who makes a complaint. We will need written confirmation of the appointment from you or other legal representative.

10. Before making a complaint

Before making a complaint, you should contact the relevant service to let them know about your concerns. Your issue might be resolved quickly without having to use the Complaints Policy. Contact information is available at: [Contact us | Hart District Council](#).

11. The two stage process

If a service request cannot be resolved, there are two stages to the complaints process:

Stage 1: Your complaint will be passed to the relevant service area. A manager will be allocated to the complaint and be the point of contact throughout this stage. They will investigate and respond to the complaint.

If you raise additional issues of complaint during stage 1, these may be incorporated into the response if the issues are related to the original complaint and the stage 1 response has yet to be provided.

However, new issues will be registered as a separate complaint if:

- the stage 1 response has already been given
- the new issues have no direct connection to the issue already complained about
- it would cause an unreasonable delay in the stage 1 response.

Stage 2: If you are unhappy with our response at stage 1, you can ask for it to be reviewed. A request should be made within three months of receiving the stage 1 response. Exceptions may be made if there is a good reason for the delay.

You do not have to explain why you want a stage 2 review, but it would be helpful to tell us why you are unhappy with our stage 1 response and what you want from the review.

The stage 2 complaint should not raise new issues that were not put to the Council as part of the stage 1 complaint. An Executive Director will review your stage 2 complaint and provide you with a detailed response.

Whatever the outcome of the stage 2 complaint, we will advise you that you can complain to the Ombudsman if you remain unhappy with how your complaint has been handled.

12. How long will it take?

We will acknowledge all complaints within three working days. For stage 1, we aim to investigate and resolve the complaint within ten working days. Stage 2 review complaints will be investigated within 20 working days.

If we need more time to investigate your complaint we will tell you why. Stage 1 complaint extensions will be no more than ten working days. Stage 2 complaint extensions will be no more than 20 working days unless we have a good reason.

13. How will I be advised of the decision?

Responses will always be in writing either by letter or email.

14. What type of decision can I expect?

We will make one of the following decisions on the complaint:

- **Upheld:** This means we have found that we agree with you, there has been a failure in service
- **Partially upheld:** This means we partially agree with you, there was a partial failure in service

- **Not upheld:** This means we could not find any failures in the service and all the correct policies and procedures had been followed.

Whatever the decision, we will tell you how to proceed with your complaint if you remain unhappy with our decision. At stage 1, this would involve telling you how to make a stage 2 complaint and, at stage 2, how to refer your complaint to the Ombudsman.

15. How do we resolve complaints?

If a complaint is upheld or partially upheld, there are different ways to resolve it based on the type of service failure. Solutions may include:

- Acknowledging that things have gone wrong, apologising and explaining why
- Acting where there has been a delay
- Changing a decision where this is possible
- Reviewing a policy or procedure
- Making an offer of financial compensation.

When resolving complaints, the [Ombudsman's guidance on remedies and financial compensation](#) will be considered. Any remedy offered will reflect the impact on you due to any fault identified. We will ensure that any remedy offered, outside of an apology or acknowledgement, has clear timescales against it.

16. Contacting the Ombudsman

You have the right to contact the [Local Government and Social Care Ombudsman](#) at any stage of your complaint. The Ombudsman may ask you to go through all the stages of our complaints policy before it investigates.

The Ombudsman service is free, independent, and impartial. It will investigate whether the Council has acted unfairly or caused injustice through our maladministration.

17. What is unreasonable behaviour?

Unreasonable behaviour may involve making persistent contact and unreasonable demands while the complaint is being investigated or after all the complaint stages have been completed.

We will follow our unreasonable customer behaviour policy if someone's actions are vexatious or unreasonably persistent. Other action may be taken as recommended by the relevant Executive Director or the Chief Executive.

18. Your privacy

Any information provided will only be used to investigate the complaint. All personal data will be held securely and under the relevant legislation.

Certain information like your name, contact details, and details of the complaint may be shared with other services to investigate a complaint and provide a response. We may also share information with the Ombudsman if someone makes a complaint.

19. Confidentiality

All complaints will be dealt with in line with the Data Protection Act 2018 and Freedom of Information Act 2000. The identity of the person making a complaint will only be made known to those who need to know to consider the complaint.

We aim to be open and honest when responding to complaints, but sometimes, confidentiality must be maintained, and information about third parties will generally not be provided.

20. Publication of this policy

This policy, information on our annual monitoring and reporting of complaints and information about the Ombudsman and its codes of practice will be publicised on the Council's [website](#).

21. Review

This policy will be reviewed and updated in three years' time.