

Derby City Council

Corporate Complaints Policy

April 2026

Document Control

Organisation	Derby City Council
Document Type	Working policy, formal adoption pending
Title	Corporate Complaints Policy April 2026
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Revision / Date	TBA

Policy Purpose

This Policy has been developed having regard to the Local Government & Social Care Ombudsman's Complaint Handling Code and reflects the Council's commitment to effective, fair and timely complaint handling.

The Council will maintain an annual self-assessment against the Code and will publish, or make available on request, the results of that self-assessment together with any identified actions for improvement.

Introduction

Derby City Council believes that dealing effectively with complaints is essential to providing good services. Complaints are a way of customers telling us when they are dissatisfied and provide us with information that can help us improve our services.

- Good complaint handling promotes a positive relationship between an organisation and service users
- Complaints allow an issue to be resolved before it becomes worse. Those issues not resolved quickly can take significant resources and time to remedy
- Involvement in complaint resolution develops staff ownership, decision-making and engagement
- Complaints provide senior staff with essential insight into day-to-day operations, allowing them to assess effectiveness and drive a positive complaint handling culture
- Data collected about complaints can be analysed and used to inform key business decisions to drive improvement in service provision

This policy sets out how we define corporate complaints and how we will respond to them. It explains the complaints process, how complaints are monitored and reported; and is written in conjunction with the requirements of both the Local Government & Social Care Ombudsman and the Housing Ombudsman.

Information about the role of the Ombudsmen, their Complaint Handling Codes and how to raise a complaint with them can be found on their websites at:

www.lgo.org.uk
www.housing-ombudsman.org.uk

The Council will publicise this Policy and Procedure on its website:

www.Derby.gov.uk

1. Definition of a Complaint

1.1 A complaint is defined as:

‘An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council, its own staff, or those acting on its behalf, affecting a resident or individual, or group of residents or individuals.’

1.2 The following are examples of complaints:

- Failure to deliver the quality of service expected.

- Failure in following its' own procedures or timescales.
 - Providing the wrong information.
 - Not returning telephone calls or written communication.
 - Sending unclear communication.
 - The conduct or behaviour of a member of staff was unsatisfactory.
- 1.3 A customer does not have to use the word 'complaint' for it be recognised and treated as such. If dissatisfaction has been expressed about services, whether directly, through a survey or other mechanism, the customer should be made aware of how they can pursue a complaint.
- 1.4 If wider feedback about services is being sought, e.g., through a survey, this should include details of how customers can complain.
- 1.5 A service request is a request requiring action to be taken to put something right. Service requests should be recorded, monitored, and reviewed regularly and not logged as a complaint.
- 1.6 A service request is defined as:
- “a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision”
- 1.7 A complaint should be raised when dissatisfaction is raised with the response to the service request and should be progressed in line with this procedure. Efforts to complete the service request should not be stopped due to a complaint being received.

2. Exclusions

- 2.1 The categories below are generally outside the scope of the complaint's procedure. Each case will be considered on its individual merits, and the Council will exercise discretion where there is good reason to do so, unless there is good reason for the delay:
- An issue that is older than 12 months, unless there is a good reason for the delay.
 - An initial request for service e.g., report of fly-tipping, missed bin collection.
 - Anonymous complaints, unless the complaint raises safeguarding concerns, allegations of serious misconduct or significant service failure.
 - Complaints where other appeal mechanisms are available to the customer, e.g. refusal of planning permission, parking fine or entitlement to Housing Benefit
 - Complaints about Council policy e.g., charging structure or decision to close a service.

- Complaints about decisions or actions associated with carrying out regulatory powers e.g., hygiene audit of food premises.
- Matters for which legal proceedings have started.
- Personal Injury claims
- Complaints against members – this is dealt with separately.
- Complaints about Derby Homes services will be directed to them to investigate. Where the complaint is about the management of Derby Homes as an arm's length management organisation, this will be investigated by Derby City Council under this policy.

3. Refusal to accept a complaint

3.1 Where the Council decides to refuse a complaint, it will:

- Clearly explain the reasons for the refusal in writing;
- Provide information about the relevant Ombudsman and how to contact them.
- Keep a record of the refusal and the reasons for the decision

3.2 The Council will ensure that decisions to refuse complaints are made fairly, consistently, and in line with the Complaint Handling Code.

4. Accessibility and Awareness

4.1 The Council will accept complaints however made, although complaints made in writing can assist with ensuring clarity of the issues raised. The Council will make reasonable adjustments for customers who may need support in accessing the complaints process.

4.2 The Council will ensure that customers are not disadvantaged when making a complaint due to vulnerability, disability, language barriers, or personal circumstances, and will offer appropriate support where required.

4.3 The Council will ensure its policy and process for handling complaints is made available in a clear and accessible format for all customers and will detail how complaints will be managed; including the number of stages involved, what happens at each stage and the timeframes for responding.

5. Responsible Officers

5.1 The Head of Customer Engagement and Registration Services will oversee the management of the Complaints function, with the Complaints Manager acting as the Council's Link Officer, responsible

for overseeing complaint handling including liaison with the relevant Ombudsman and ensuring complaints are reported to Senior Management and relevant Committees for transparency and Member involvement in complaints and learning.

- 5.2 The Council will appoint a Member Responsible for Complaints who will receive regular updates on the complaints including categories and outcomes, Ombudsman investigations and annual complaints performance and service improvements.
- 5.3 The Council will prioritise complaint handling and a culture of learning from complaints, with all relevant staff appropriately trained in the importance of complaint handling.

6. The Corporate Complaint Handling Procedure

- 6.1 This procedure has been drawn up to encourage a consistent, best practice approach to complaints. It is designed to:
 - be as simple as possible, easy to access and easy to follow.
 - relate to all departments and services.
 - give clear timescales for dealing with complaints.
 - ensure complainants are kept up to date, advised of any delays, the reason for any delay and revised timescales.
 - clearly define stages and officers responsible for dealing with complaints.
 - detail the monitoring process of complaints, which will lead to improvements.
- 6.2 The council can receive complaints in a variety of ways – in person, over the telephone, by letter, via social media or on-line. While it is preferred that the customer puts their complaint in writing (for reasons of clarity and record) this may not always be possible, or the customer may prefer to give their account directly to a council officer. In these cases, officers should take down full details of the complaint.
- 6.3 When a customer is reporting an issue for the first time, this should be considered as a service request. The council would be expected to respond by arranging appropriate action and ensuring this is delivered. In this case, the customer should be advised of the reason for this and how their issue will be managed.
- 6.4 When a customer is reporting a concern for the second time, or if the issue is significantly affecting them or they are asking for a complaint to be raised, the council would be expected to record this as a complaint.

- 6.5 When a customer expresses dissatisfaction, the council must register the issue as a complaint. The council must then set out their understanding of the complaint and the outcomes the customer is seeking. If any aspect of the complaint is unclear the customer must be asked for clarification.
- 6.6 If the complaint includes reference to third party involvement e.g. a contractor, the council will include that element as part of the overall complaint. The council will also ensure that third parties handle complaints in line with this Policy and Procedure.
- 6.7 A customer may prefer to raise their complaint through a representative. In these cases, the council will need proof of permission from the complainant to liaise with the representative. This should be recorded in writing and a copy shared with all parties for clarity. A customer may also be accompanied by or represented at any meeting relating to their complaint.

7. Complaint Stages

- 7.1 The council has a two-stage complaint process for corporate complaints and aims to resolve complaints at the earliest opportunity.
- 7.2 Complaints about Adult social Care and Children's and Young People are covered under separate policies.
- 7.3 Complaints will be 'triaged' on receipt to ensure they fall within the scope of the policy and to consider the complexity, urgency, and any vulnerabilities. Most Stage 1 complaints can be resolved quickly and effectively. This may include an explanation, apology, or resolution to rectify the situation.
- 7.4 In cases where the customer remains dissatisfied with the Stage 1 response, they can ask for the matter to escalate to Stage 2.
- 7.5 The customer may refer their complaint at any time to the appropriate Ombudsman Service for advice. The Ombudsman will usually expect the council to have the opportunity to investigate any complaint before they will investigate a complaint.

8. Stage 1

- 8.1 Stage 1 complaints will be dealt with by the appropriate manager of that service or department. If the complaint involves more than one department or service area, the investigation and response should be coordinated to ensure one comprehensive response is sent.

- 8.2 Stage 1 complaints must be acknowledged within five working days of the complaint being received, with a full response being sent within a further 10 working days of the acknowledgement unless an extension is requested. The acknowledgement letter must set out the 'complaint definition (the investigating officer's understanding of each part of the complaint), along with details of who will be investigating and contact details.
- 8.3 In some cases, an extension to the timescale for investigating a complaint is needed, for example, when considering complex issues. In these cases, the investigating officer must advise the customer of the expected timescale for response, with any extension being no more than an additional 10 working days. There must be good reason for any extension, and the reason(s) must be clearly explained to the customer at the time of being notified of an extension. The council must also provide the contact details of the relevant Ombudsman in this extension letter.
- 8.4 A complaint response must be sent to the customer when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the individual.
- 8.5 The council must address all points raised in the complaint and provide clear reasons for any decisions, referencing the relevant policy, law, and good practice where appropriate.
- 8.6 If the council has got something wrong, it must record the complaint as being upheld even if there are elements of the complaint it has not upheld.
- 8.7 Where a customer raises additional complaints during the investigation, these must 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 must be logged as a new complaint.
- 8.8 At the completion of the investigation the response must set out the following in clear, plain language:
- The complaint stages.
 - The complaint definition – understanding of the complaint and outcomes /clarification.
 - The decision on the complaint - upheld or not upheld.
 - 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 a Stage 2 should the individual be dissatisfied with the response.

8.9 The response should also include the following final paragraphs:

- Your complaint has been dealt with in line with our complaints procedure and I trust the above has addressed the issues you raised.
- However, if you feel my response has not fully addressed your complaint, that the information I have provided is inaccurate, or if you disagree with my decision, you can request the matter be escalated to Stage 2, where a Head of Service will undertake a review.
- Should you wish to request a review, please contact us within 12 months of the date of this letter. To assist with this, it is also helpful if you can also set out the reasons for requesting a review.
- Our Complaint Policy and Procedure set out details of how we handle complaints as well as information relating to the relevant Ombudsman Services. If you are unhappy with how we handle complaints or if you disagree with the outcome of your complaint, you can refer it to the relevant Ombudsman.

9. Stage 2

- 9.1 If the customer requests a complaint be escalated to Stage 2, then the Head of Service of the relevant department is responsible for reviewing the complaint and action taken in Stage 1.
- 9.2 The customer is not required to explain their reasons for requesting a Stage 2 escalation, although the Stage 1 response sets out that it is helpful if they do.
- 9.3 A Stage 2 response is the Council's final response and must be based on a review of the adequacy of the Stage 1 response, as well as any new and relevant information not previously considered.
- 9.4 The Council acknowledge a Stage 2 complaint within 5 working days, again setting out the 'complaint definition' (the investigating officers' understanding of each part of the complaint), along with details of who will be investigating and contact details. The final response must be issued within 20 working days unless an extension is requested.
- 9.5 If the Council requires an extension to the 20 working days, it must inform the customer of the reasons for this, provide a revised response date and include contact details of the relevant Ombudsman.

9.6 On completion of the investigation the Council must confirm the following in writing, in clear plain language:

- The complaint stages.
- The complaint definition.
- The decision on the complaint – upheld or not upheld.
- 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 relevant Ombudsman Service should the individual remain dissatisfied.

9.7 Standard responses for Stage 2 letters - depending on the nature of the complaint, the Stage 2 response should also include the following relevant paragraph:

For Local Government & Social Care Ombudsman (LGSCO)

“I have reviewed your complaint under Stage 2 of our complaints procedure and set out my findings above. I trust that you are satisfied with my response. However, if you are still not happy with the decision, you may refer your complaint to the Local Government & Social Care Ombudsman who is appointed by the government to investigate complaints made against local councils. You can visit their website for further information at www.lgo.org.uk or use the online form at www.lgo.org.uk/making-a-complaint

9.8 Stage 2 is the Council’s final response. At the exhaustion of the council’s procedure, the customer is entitled to refer the matter to the LGSCO to seek further clarification or redress.

9.9 The LGSCO investigates complaints made against the council, except for some social housing complaints which are dealt with by the Housing Ombudsman.

10. Putting things right

10.1 Derby City Council recognises that one of the primary aims of the complaint procedure is to remedy situations of fault. Where something has gone wrong the Council must acknowledge this and set out the actions it has already taken, or intends to take, to put things right. These can include:

- Apologising
- Acknowledging where things have gone wrong.
- Providing an explanation, assistance, or reasons
- A thorough re-assessment of eligibility for a service
- Acting if there has been delay.
- Reconsidering or changing a decision

- Amending a record or adding a correction or addendum
- Providing a financial remedy
- Changing policies, procedures, or practices

10.2 The primary consideration for the appropriate remedy will be to return the customer to the same position they would have been in, had the complaint not occurred. Remedies can be applied at any stage of the complaint procedure.

10.3 When considering remedies, Derby City Council will refer to the appropriate Ombudsman's guidance on remedies:

<https://www.lgo.org.uk/information-centre/staff-guidance/guidance-on-remedies>

10.4 The remedy offer must clearly set out what will happen and by when, in agreement with the customer where appropriate. Any remedy proposed must be followed through to completion.

11. Monitoring, Reporting and Compliance

11.1 The Council will record Stage 1 & 2 complaints on its' Customer record management system which captures a range of information subsequently used to monitor and report back to the Council's Management team. This information includes:

- customer's details
- nature of complaint
- date complaint received
- date acknowledgement sent
- officer assigned to deal with the complaint.
- details of the complaint
- date complaint was closed.
- whether complaint has been upheld or not.
- whether complaint was responded to within the target times / extended target times
- what learning opportunities have/will to be implemented.

11.2 The Council will produce an annual complaints performance and service improvement report for scrutiny and challenge. This will include:

- A qualitative and quantitative analysis of the Council's complaint handling performance and includes a summary of the types of complaints the Council has refused to accept.
- Service improvements and learning from complaints.

- An annual report about the council's performance from the relevant Ombudsman.
 - Our annual self-assessment against the Local Government and Social Care Ombudsman's Complaint Handling Code, which will be published on our website, to ensure our complaint handling policy remains in line with its requirements.
 - Any findings of non-compliance with the Code.
 - Any other relevant reports or publications produced by the relevant Ombudsman in relation to the work of the Council.
- 11.3 The Council will look beyond the circumstances of individual complaints and consider whether service improvements can be made because of any learning from the complaint.
- 11.4 The Council will use complaints as a source of intelligence to identify issues and introduce positive changes in service.
- 11.5 Accountability and transparency are integral to a positive complaints culture, and the Council will report back on wider learning and improvements from complaints to stakeholders, staff, and relevant committees.

12. Managing Unreasonable Complaints and Unreasonably Persistent Complainants

- 12.1 The Council has a Policy and procedures in place for dealing with unacceptable behaviour.
- 12.2 The Policy sets out examples of when a complaint is unreasonable and what steps the Council can take in these cases.

13. Further information

- 13.1 For further information relating to this Policy and Procedure, please contact Customer Services at customer.feedback@derby.gov.uk or by calling 01332 640000.