



Mansfield
District Council

Mansfield District Council

Corporate Complaints Policy 2024

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Corporate Complaints Policy

1. Introduction

- 1.1. Mansfield District Council is committed to providing a high standard of service to all our customers. As part of our continuing effort to improve the services we provide, we rely on the feedback we receive.
- 1.2. We want to know when we get it right so the standards can be maintained and we welcome customers' suggestions on how we can improve. We also want to know when something has gone wrong, so we are able to learn from our mistakes and improve our services.
- 1.3. In dealing with customer complaints we will:
 - have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments;
 - take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
 - act within the professional standards for engaging with complaints as set by any relevant professional body.
- 1.4. This policy applies to anyone making a complaint against the Council and will:
 - define a complaint
 - clarify who can make a complaint and how
 - explain the complaint process
 - set out how complaints are monitored and used to improve services
- 1.5. The complaints policy will be publicised in all council publications and correspondence along with information on the Local Government and Social Care Ombudsman and the Housing Ombudsman and their Code of guidance for dealing with complaints

2. What is a complaint?

- 2.1. A complaint may be defined as: '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.' (Local Government and Social Care Ombudsman/ Housing Ombudsman). A resident does not have to use the word 'complaint' for it to be treated as such. When a resident expresses dissatisfaction, MDC will give them the choice to make a complaint.
- 2.2. The Housing Ombudsman's definition of a complaint is also acknowledged as:

"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 resident or group of residents."

2.3. Complaints can be about many things including:

- Lack of response to an enquiry
- The quality of the service provided.
- On-going or persistent service problems.
- Poor customer care or conduct by a member of staff.
- Belief that you have been unreasonably disadvantaged by our policies or actions.

When dissatisfaction with services is made through a survey or social media, this is not defined as a complaint. Where MDC asks for wider feedback about services, we will also provide details on how to complain.

3. What is not a complaint?

3.1. The list below will not usually apply to this policy and customers will be advised why their issue isn't covered by the policy and any other action they can take including the right to take that decision to the Ombudsman:

- A request for service – A service request may be defined as:

“a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision”.

3.2. This includes for example a report of a missed bin collection or an appointment for a repair. These should be reported through the relevant channel such as the “report it” function on the council’s website.

3.3 Where there are expressions of dissatisfaction contained in the service request we would like to have the opportunity to deal with that request, however should a complaint be raised where the handling of the service request is ongoing we will continue to take every step to address the service request

3.4 When there are other legal rights of appeal – these can include appeals against:

- A planning decision
- A Homeless decision
- A Housing benefit or Council Tax decision
- When legal action has started – either the customer or the council has started legal proceedings or taken court action. (This does not include where the customer has only threatened legal proceedings against the council).
- Disputes between neighbours (dealt with separately through the respective anti-social behaviour procedure).
- Complaints about Councillors (these are best dealt with under separate procedures).
- Internal complaints by staff.

- Complaints that have already been investigated through the Council's Complaints Procedure or by the Ombudsman.
- When the complaint is over 12 months old, and the customer is 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).
- Matters which should be reported to the police.

3.5. We will not take a blanket approach to excluding complaints but will consider the individual circumstances of each complaint.

4. Who can make a complaint?

4.1. Anyone living, working, or visiting Mansfield or using council services.

Verbal complaints – will be confirmed with the person making the complaint. If we confirm the complaint verbally, we will also record the customer complaint on our system and the customer will be provided with a complaint reference number for further communications.

Anonymous complaints – are difficult to deal with effectively as we may need to speak or write to you in order to address your concerns. However, complaints made anonymously will be recorded and investigated to ensure action is taken wherever appropriate as we learn from all our customer feedback.

Complaining through a representative – everyone has the right to appoint someone else to act on their behalf. For example, a representative can be, a parent, husband or wife, an adult child, a friend, advocate, solicitor or local councillor or MP.

If a complaint is made through a representative, we will need to ensure we have consent from the customer. This would usually be written consent from the customer giving the representative permission to act on their behalf.

Mansfield District Council employees - Customers can raise their complaints with any member of staff who will pass details of the complaint to the appropriate person to record and allocate the complaint to the appropriate service

4.2. We recognise however that customers may be reluctant to raise complaints out of fear it may impact services they receive in future. MDC values all feedback, and will use that feedback, whether positive or negative, to continually improve its services.

5. How to make a Complaint

5.1. Whilst we strongly encourage customers to submit their complaint online at www.mansfield.gov.uk/council-councillors-democracy/complaints-1 so that

issues can be handled by the relevant service area quickly. Customers can also make a complaint:

- In writing
- By telephone – 01632 463463
- By email – mdc@mansfield.gov.uk
- In person
- Through a representative or advocate (see section 4 of this policy)

6. Help to use the complaints policy (reasonable access)

- 6.1. Where possible, this policy will be made available in different formats to suit different needs when requested.
- 6.2. Online is the most effective way of making a complaint. Reasonable adjustments can be made to support customers' who may require some assistance in reporting a complaint online. This policy can be adjusted to take account of individual needs in these circumstances.

7. Before making a complaint

- 7.1. Before making a complaint, customers are encouraged to get in touch with the relevant service to let them know about their concern. It may be that the problem can be resolved quicker as a service request and without using the Complaints Policy.

8. Making a complaint

There are two changes to the complaint process.

Stage 1:

- 8.1. Once a complaint has been logged the customer will receive an acknowledgement within 5 working days of receipt depending on their preferred method of communication. The Complaint will then be passed directly to the service area where it will be dealt with by a suitably qualified officer(s) with responsibility for investigating and responding to complaints.
- 8.2. In acknowledging the complaint, we will briefly confirm:
 - Our understanding of the complaint
 - The outcomes being sought.
 - What aspects we are and are not responsible for.
 - What will happen next?
 - When the customer can expect a response.
 - Who is undertaking the investigation and how they can be contacted.

- 8.3. If the complaint is unclear, we will offer the customer the opportunity to discuss their complaint, so that we can make sure our understanding of the complaint and the outcome being sought is clear.

Investigating your complaint

- 8.4. When investigating a complaint we will:
- clarify with the customer any aspects of the complaint we are unclear about;
 - deal with complaints on their merits, act independently, and have an open mind;
 - give the customer a fair chance to set out their position;
 - take measures to address any actual or perceived conflict of interest; and
 - consider all relevant information and evidence carefully.
- 8.5. Following any investigation, we aim to make a decision within 10 working days. Where the complaint is complex we may ask for an extension of the timescales, providing an expected timescale of no more than 10 working days, with the reason clearly explained and agree with the resident suitable intervals for being updated on the complaint.
- 8.6. Customers will generally be advised of the outcome by the method their complaint was made unless they request a different method. The outcome will confirm the following:
- The complaint stage
 - The decision on the complaint
 - Clear reasons for any decisions made, referencing the relevant policy, legislation and good practice where appropriate
 - The details of any remedy offered to put things right - this must set out what will happen and when
 - Details of how to escalate the matter to a Stage Two complaint if the customer is not satisfied with the answer
- 8.7. We will sometimes provide a response before any outstanding actions are completed. Where this happens we will inform the customer when those actions will be completed, track those actions and provide the customer with an update

What type of decision can I expect?

- 8.8. Customers will be advised if their complaint is:
- Upheld: this means the investigation found that the area complained about was responsible for a failure in service – this could mean that the service hadn't followed its policies and procedures

- Partially upheld: this means the investigation found that the area complained about was responsible for a partial failure in service
- Not upheld this means the investigation found that there were no failures in service delivery and that all correct policies and procedures had been followed

8.9. Where customers raise additional complaints during stage 1, these will be incorporated into the stage 1 response if they are related, and the stage 1 response has not been provided.

8.10. Where the stage 1 response has been provided, the new issues are unrelated to the issues already being considered, or it would unreasonably delay the response, the new issues will be logged as a new complaint.

Stage 2:

8.11. If customers are unhappy with the investigation and/or the response at Stage 1, the customer's complaint can be escalated to Stage 2. Residents are not required to provide reasons for requesting their complaint to be escalated to Stage 2.

8.12. Stage 2 complaints are investigated on behalf of the Chief Executive by a nominated officer independent of the service area being complained about. This will normally be the Customer Services Manager/Team leader and overseen by the Head of Service.

8.13. The request for a review of the stage 1 response and escalation to stage 2 will be acknowledged at the point of escalation and the customer will receive an acknowledgement within 5 working days of receipt, depending on their preferred method of communication. We aim to complete the investigation within 20 working days. Where the complaint is complex, we may ask for an extension of the timescales, providing an expected timescale of no more than 20 working days with the reason clearly explained and agree with the resident suitable intervals for being updated on the complaint.

8.14. In acknowledging the complaint, we will briefly confirm:

- Our understanding of the complaint.
- The outcomes being sought.
- What aspects we are and are not responsible for.
- What will happen next?
- When the customer can expect a response.
- Who is undertaking the investigation and how they can be contacted.

8.15. The outcome will confirm the following:

- The complaint stage
- The decision on the complaint
- Clear reasons for any decisions made, referencing the relevant policy, legislation and good practice where appropriate
- The details of any remedy offered to put things right - this must set out what will happen and when
- Details of any outstanding actions and when those actions will be completed
- Details of how to escalate the matter to the relevant Ombudsman if the customer is not satisfied with the answer
- Details of any service improvements made as a result of the investigation

8.16. We will sometimes provide a response before any outstanding actions are completed. Where this happens, we will inform the customer when those actions will be completed, track those actions and provide the customer with an update.

What type of decision can I expect?

8.17. Customers will be advised if their complaint is:

- **Upheld:** this means the investigation found that the area complained about was responsible for a failure in service – this could mean that the service hadn't followed its policies and procedures and what changes will be made.
- **Partially upheld:** this means the investigation found that the area complained about was responsible for a partial failure in service.
- **Not upheld:** this means the investigation found that there were no failures in service delivery and that all correct policies and procedures had been followed.

Third Party Complaints

8.18. In rare cases where a complaint response is handled by a third party, this will form part of the complaints process and MDC will be responsible for ensuring these are handled correctly and in line with policy.

9. Contacting the Ombudsman

9.1. Customers have the right to contact the Local Government and Social Care Ombudsman or the Housing Ombudsman at any stage of their complaint, although the Ombudsman may suggest that they go through all the stages of a Council's complaints policy before they investigate their case.

9.2. The Ombudsman service is free, independent, and impartial and they will investigate if the council has acted unfairly or caused injustice by the council's maladministration.

9.3. The Local Government and Social Care Ombudsman's contact details are:

Address: The Local Government and Social Care Ombudsman, PO box 4771, Coventry, CV4 0EH

Telephone: 0300 061 0614

Website: www.lgo.org.uk

9.4. The Housing Ombudsman's contact details are:

Address: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET.

Telephone: 0300 111 3000.

Email: info@housing-ombudsman.org.uk.

Website: <https://www.housing-ombudsman.org.uk>

10. Privacy / Confidentiality/ GDPR

10.1. Customers are advised that any information provided will only be used for the purposes of investigating the complaint. All personal data will be held securely and will be retained in line with MDC's data retention policy

10.2. For the most up to date information please visit our website:

[Privacy Notice for Mansfield District Council – Mansfield District Council](#)

10.3. In order to investigate a complaint, certain customer information may be shared with other council service areas so that a response can be given. Information may also be shared with the relevant Ombudsman if they have received a complaint.

10.4. All complaints will be dealt with in line with the Data protection Act 2018 and the Freedom of Information Act 2000.

11. Unreasonable Complaints

11.1. If we consider that a complaint is unreasonable it will be passed to the relevant Head of Service, who will consider whether further investigation of the complaint will be carried out.

11.2. Unreasonable complaints would include, but are not limited to:

- Sending the same complaint to several services within the Authority for a response at the same time
- Making excessive demands on staff time and resources whilst investigating ya customers complaint
- Refusal to accept a decision that has been made and upheld.
- Resubmitting a complaint that has already been dealt with in the last 6 months
- Using abusive, threatening, or libellous language

11.3. If a customer's complaint is considered unreasonable, they will be informed in writing and advised of any action to be taken or right of appeal.

12 Learning from Complaints

12.1. Learning from complaints is a powerful way to help develop and improve Council services and to increase the trust of those using our services. Therefore, we will:

- record, analyse, and report on the outcomes of complaints; and
- use this information to improve services to our customers and inform our approach to staff training and customer service.

13. Discretionary Compensation

- 13.1. Whilst we are committed to providing excellent customer service, we also recognise that sometimes things may go wrong and where we are unable to provide a remedy to the issue we will provide details of any alternatives taking into account good practice guides issued by the Ombudsman.

Where something has gone wrong, MDC will acknowledge this and set out actions it has already taken, intends to take, to put things right. These can include:

- Apologising
- Acknowledging where things have gone wrong
- Providing an explanation, assistance or reasons why things have gone wrong
- Taking action if there has been a delay
- Reconsidering or changing a decision
- Amending a record or adding a correction or addendum
- Providing financial remedy
- Changing policies, procedures or practices.

- 13.2. In some circumstances, it may be appropriate and reasonable to consider reimbursement or compensation for service failures. It should be noted that any discretionary offers of compensation are made without prejudice and are made as a gesture of goodwill and not as an acceptance of legal responsibility or liability.
- 13.3. Where financial payments are appropriate, they will be proportionate to the loss or inconvenience caused to ensure that all customers are treated in a fair and equitable manner. Therefore, each case will be considered on its individual merits taking into account guidance issued by the Ombudsman

14. Responsibility

- 14.1. Whilst the Head of People & Transformation has overall responsibility for this policy, each service manager is responsible for the operational delivery of this policy and associated procedures, including staff awareness and training and communication to customers. All relevant staff dealing with complaints are trained in the importance of complaint handling.

15. Scrutiny and Oversight

- 15.1. The Head of People and Transformation will provide a report to Overview and Scrutiny Committee (OSC – Corporate) on a quarterly basis detailing our complaints handling performance
- 15.2. We will also produce and publicise an annual complaints performance and service improvement report for scrutiny and challenge, which will include:
- An annual self-assessment against the Ombudsman's Code to ensure our complaint handling policy remains in line with its requirements.

- A qualitative and quantitative analysis of our complaint handling performance. This will also include a summary of the types of complaints we have refused to accept, if any;
- Any findings of non-compliance with this Code;
- The service improvements made as a result of the learning from complaints;
- The annual letter about the organisation's performance from the Ombudsman; and
- Any other relevant reports or publications produced by the Ombudsman in relation to the work of the organisation.