

Complaint Handling Code

- Consultation response

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Introduction

Introduction

In September 2023 we launched a consultation on a joint Complaint Handling Code with the Housing Ombudsman. The Code was intended to provide a gold standard for complaint handling across the local government and social housing sector.

We have considered responses to the consultation from local councils, representative bodies and the public and worked with the Housing Ombudsman to look at how we can amend the Code in response to issues and concerns raised. Our full analysis of the responses we received to the consultation is set out below in Annex A. A summary of the changes we have made to the Code following the consultation is set out in Annex B.

Five main themes have emerged from consultation responses:

- > There are wider variations than we anticipated in how complaints functions are delivered by local councils in England including how complaints are recorded and reported. A small number of councils' practices fall well below expectations and they may face significant challenges adopting the Code.
- > The Code's definition of a complaint may bring significant numbers of routine service requests into the complaints process.
- > Members of the public should not be directed through the complaints process just because they express dissatisfaction with an organisation's actions but should be given a choice.
- > Organisations may be overly focused on meeting timescales in the Code rather than providing good outcomes.
- > The proposed process for dealing with complaints at stage 1 of the process was overly prescriptive and did not allow for quick resolution of complaints.

Changes to the Code and our proposed approach

The main change to the Code following consultation is the change in the proposed approach being taken by HOS and LGSCO. Responses to the consultation demonstrated a strong case for providing further clarification to each sector on how to interpret and use the Code. This was also supported by the Local Government Association's response to the consultation which calls for acknowledgement of the difference in powers between LGSCO and HOS.

We understand that local councils provide a much broader and more diverse range of services compared to social landlords. We have considered the approach taken by the Scottish Public Sector Ombudsman in relation to its Model Complaint Handling Procedure (MCHP). The MCHP sits above sector specific guidance, including for local councils and social landlords. We have decided to take a similar approach.

LGSCO and HOS have decided to issue two Codes which are based on a unified set of principles and share many of the same approaches in key areas such as response times. By issuing separate Codes we are able to recognise differences between our role and powers and those of the Housing Ombudsman as well as recognising different approaches individual council services may need to take when responding to complaints.

This allows us to provide a single standard for complaint handling in local authorities while providing important context on how this may be applied and interpreted in different service areas.

Both Codes are aligned in emphasising the following key principles:

- > **Accessibility and awareness:** Complaints processes should be accessible to everyone and easy to find.
- > **Process:** Complaints procedures should have two stages to ensure complaints are properly considered without undue delay.
- > **Timeliness:** Complaints should be responded to promptly. Both Codes set out the same response times for organisations to respond to complaints.
- > **Oversight:** Organisations should have proper oversight of complaints processes and performance at senior level as well as through scrutiny and governance processes.

We also recognise the challenge some councils will face in changing services in order to adopt the Code, but that there is a strong desire in the sector for more consistent practice. LGSCO originally intended to start applying the Code in our casework from 2025/26 giving councils a year to adopt the Code. We understand some councils are able and want to adopt the Code quickly, whilst others need more time. To support this we will invite a group of pilot councils to work with us to understand the impact of the Code on complaint services and produce an accompanying guide or guidance at the end of 2024/25. We intend on applying the Code in our processes from 2026/27 to allow councils time to incorporate learning from the pilot councils into their policies and procedures.

We have produced a set of frequently asked questions alongside the Code to support councils who wish to adopt the Code quickly. This is not guidance but simply provides information about possible ways the Code could be used.

We have also made a number of amendments to the Code, in discussion with HOS, following the consultation taking account of feedback from councils, stakeholders and the public.

The key changes to the Code are:

- > Changes to the section explaining our role and powers. We have amended this to provide further clarification on LGSCO's powers. The new wording makes it clear that councils are not legally obligated to follow the Code in relation to complaints under the LGSCO's jurisdiction. However, we are issuing the Code as advice and guidance and so councils will need to consider this when developing relevant policies and procedures and responding to complaints.
- > Provided a clearer distinction between a complaint and a "service request". This provides clarification on what constitutes a complaint. The Code now says that organisations should have an opportunity to resolve matters as a service request before a complaint is made even if the individual expresses dissatisfaction. We have included a suggested definition of a "service request" but said organisations may come up with their own.
- > Provided an element of choice for individuals about making a complaint. The previous version of the Code said expressions of dissatisfaction should be dealt with as complaints. The Code now says individuals should be given "the option of making a complaint" when they express dissatisfaction with the response to their service request.
- > Removed reference to accepting complaints through social media. This caused confusion amongst councils and landlords who were concerned every instance of criticism of an organisation on social media should be treated as a complaint which would be impractical and onerous. This was not our intention, but we have amended the Code to say individuals should be able to raise their complaints through different channels.

- > Clarified requirements around complaint handling staff. Organisations interpreted the previous version of the Code as giving overly prescriptive instructions on how complaints services should be structured. This was not our intention. We have amended this to say organisations should have “designated, sufficient resource” with responsibility for complaint handling and that complaints should be seen as “a core service”. This provides organisations with flexibility to deliver complaint handling services based on local circumstances and need.
- > Removed reference to staff not being identified in complaint responses. We received a number of comments from councils raising questions and concerns about the requirement not to name staff when responding to complaints. It was not our intention that the council’s response to the complaint should be anonymous but that names of individual officers complained of should not be used. This was intended to keep the focus of complaints on the actions of the organisation and acknowledge the recognised impact on staff of being complained of. We have amended this section of the Code but remain of the view that complaints processes should be designed to minimise the impact on staff.
- > Clarified that speed should not be prioritised over quality of responses. We have amended reference to complaints being dealt with “quickly” to “promptly”.
- > Changed the focus of stage 1 to allow organisations to respond more flexibly to complaints. We have removed the requirement to issue a formal written response to a complaint and removed the prescriptive list of what should be included. This allows organisations to provide proportionate responses to complaints depending on the circumstances of the matter being complained of. It is recognised that HOS and LGSCO have different expectations of the nature of response at stage 1 due to the different nature of services being provided by councils and social landlords. We have set out the reasons for making this change in Annex A. The HOS response to the consultation will be published on its website.
- > Changed the focus of stage 2 to allow organisations to respond more flexibly to complaints. The Code originally said the stage 2 should be a review of the adequacy of the stage 1 response. However, with the change in emphasis at stage 1 we have said the stage 2 should be a more formal investigation of the complaint and the organisation’s final corporate response.
- > Clarified the timescales for responding to complaints at stage 1 and 2 of the complaints process. The proposed Code did not make it clear whether the time for acknowledging a complaint formed part of the total time for providing a response. The Code now makes it clear that complaints should be acknowledged within 5 working days of being received at both stage 1 and stage 2. The time for responding to the complaint starts once the complaint is acknowledged. The Code makes it clear that organisations should set out their understanding of a complaint when acknowledging stage 2 complaints as this was not clear in the original version of the Code.

Next steps

We plan to have identified appropriate councils to work with in 2024/25 to understand the impact of the Code and to develop accompanying guide by the end of April 2025.

We expect to publish the accompanying guide at the start of 2025/26 at the latest.

We intend to start using the Code as part of our processes from 2026/27 onwards.

We have agreed to review the Code in partnership with HOS in future.

Annex A: Analysis of consultation responses

Background and methodology

On 28 September 2023 we launched our consultation on a proposed joint Complaint Handling Code (the Code) with the Housing Ombudsman.

The Housing Ombudsman (HOS) is updating its existing Code and consulting its members to put it on a statutory footing under the Social Housing (Regulation) Act 2023 whereas this is a completely new Code for the Local Government and Social Care Ombudsman (LGSCO) and we were consulting relevant bodies on its introduction. Each Ombudsman needed to ask different questions as part of the consultation process in order to properly consider the impact of the Code on the organisations they deal with.

It was important that we gave organisations an opportunity to make their voice heard through the consultation in order to help us understand the impact the Code will have in both the social housing and local authority sector.

Consultation with local councils

LGSCO directly wrote to all council Chief Executives. County councils were provided with a link to the LGSCO consultation survey and other local councils were provided with a link to both the HOS and LGSCO surveys as they are authorities with housing powers.

LGSCO also provided a link to the consultation surveys in our “Ombudsman Link” newsletter which is sent to nominated link officers in each council.

The letters to Chief Executives and article in Ombudsman Link asked councils to provide one response to the consultation survey per organisation so we could capture the corporate voices of the councils. In Ombudsman Link we advised officers to consult with the following internal stakeholders when preparing the response:

- > Chief Executive
- > Monitoring Officer
- > Member(s) responsible for monitoring complaint performance within your council.
- > Director(s)/ Senior officer responsible for complaint handling
- > Director of Housing (if applicable)

We maintained a dedicated email inbox (consultations@lgo.org.uk) to answer questions about the consultation.

On our website we published the Code along with supporting information including the consultation questions and frequently asked questions about our proposed approach to the Code to help organisations respond. The consultation was highlighted prominently on our home page.

During the consultation we ran two online joint webinars with HOS for interested stakeholders on 10 and 17 October. During these we explained more about our approach and answered questions from attendees. Following these webinars we updated our frequently asked questions to provide further explanation about our proposed approach and how to interpret the Code. This update was publicised through Ombudsman Link on 25 October and changes were published on 30 October.

It is recognised that there are different types of local council within England. When responding to the consultation councils were asked to identify as one of the following:

- > county councils.
- > district councils.
- > unitary authorities.
- > metropolitan districts.
- > London boroughs

This ensured we could capture themes emerging from different parts of the sector as well as the sector as a whole.

An option for “other” was included. Although the Code is only intended to apply to local councils we may consider it good practice for other organisations we investigate. Therefore we wanted to provide other bodies an opportunity to provide their comments.

Councils were asked to provide a “yes” or “no” a response to the following questions and were provided with a text box to allow them to provide further detail about each answers:

1. The joint Code aims to provide a national standard for councils to work to, helping to clarify requirements, simplifying internal processes, and giving assurances to the public and local Members about how complaints must be handled. Does it achieve this?
2. The joint Code sets out clear expectations for the level of staffing, oversight and governance for councils to have a good complaint handling service. Do you agree?
3. The joint Code encourages councils to have a learning culture and improve their complaint handling service. Will it support your council to achieve this?
4. We believe the joint Code provides a clear definition of what constitutes a complaint and what should be classed as an upheld complaint. Do you agree?

5. The Code encourages organisations to resolve complaints satisfactorily at an early stage and before they come to an Ombudsman.
6. We will provide further guidance on how the Code should be used by councils. What guidance would you find useful when implementing the Code within your council?
7. Do you have any other comments you would like to make about the LGSCO’s intention to introduce this statutory Code, including the decision to do this jointly with the Housing Ombudsman?

Consultation with stakeholders

In planning the consultation HOS and LGSCO identified stakeholders who should be invited to respond to the consultation because they were in a position to speak on behalf of the sectors affected and the wider public.

We wrote jointly to stakeholders with an interest in the work of both HOS and LGSCO and sent individual letters to those who only had a direct interest in the work of one Ombudsman.

LGSCO and HOS wrote jointly to the following stakeholders:

- > Secretary of State for Levelling Up Homes and Communities
- > Local Government Association (LGA)
- > Society of local authority chief executives (Solace)
- > Chartered Institute of Public Finance and Accountancy (CIPFA)
- > District Councils Network
- > Lawyers in Local Government
- > National Citizens Advice Bureau
- > Shelter

LGSCO wrote to the following stakeholders:

- > County Councils Network

Stakeholders were invited to provide comments on the Code to dedicated email inboxes maintained by each Ombudsman. In the case of LGSCO this was consultations@lgo.org.uk

Consultation with the public

On our website we published the Code along with supporting information including frequently asked questions about our proposed approach to the Code. The consultation was highlighted prominently on our home page.

The webpage for the Code included a link to the public consultation and we included details of this in our News from the Ombudsman newsletter which is sent to 25,000 subscribers including members of the public and professionals with an interest in our work.

We also issued a joint press release with HOS publicising the consultation. This was covered by [Inside Housing](#), [LG Chronicle](#), [Housing Quality Network](#), [Housing Executive](#) and [Local Gov Lawyer](#).

Members of the public were asked to identify if they were social housing tenants or citizens. If they said they were social housing tenants they were able to respond to both HOS and LGSCO consultations. People who were not social housing tenants were only able to respond to LGSCO consultation questions.

Members of the public were asked to provide a “yes” or “no” response to the following questions and were provided with a text box to allow them to provide further detail about each answers:

1. The joint Code aims to provide a national standard for councils to work to, helping to clarify requirements, simplifying internal processes, and giving assurances to the public and local Members about how complaints must be handled. Does it achieve this?

2. The joint Code sets out clear expectations for the level of staffing, oversight and governance for councils to have a good complaint handling service. Do you agree?
3. The joint Code encourages councils to have a learning culture and improve their complaint handling service. Will it support your council to achieve this?
4. We believe the joint Code provides a clear definition of what constitutes a complaint and what should be classed as an upheld complaint. Do you agree?
5. The Code encourages organisations to resolve complaints satisfactorily at an early stage and before they come to an Ombudsman. Do you agree?
6. Do you have any other comments you would like to make about the LGSCO’s intention to introduce this statutory Code, including the decision to do this jointly with the Housing Ombudsman?

Responses

Local councils

We received 157 consultation responses from local councils. This represents a response from 49.5% of the whole sector.

This is broken down in the table below by type of local council.

Table 1: Number of consultation responses from local councils in England

Council type	Number of responses	Total number of councils	% responded
County Council	17	21	81%
District Council	53	164	32%
London Borough	23	32	72%
Metropolitan District	26	36	72%
Unitary Authority	38	62	61%
Total	157	317	49.5%

We also received responses from the National and Regional Complaints Manager Groups who represent local authority complaints managers and officers across different types of council.

We received responses from:

- > The National Complaints Manager Group
- > The London Regional Complaints Manager Group
- > Northern Regional Complaints Manager Group
- > Other bodies

We received four responses from “other” organisations. These were three National Park Authorities and one Combined Authority. These comments were considered separately

to the local council responses as the Code will not apply to complaints about National Parks Authorities or Combined Authorities at the initial stage. However, these responses will help to inform our future plans for applying the Code in other sectors and whether the Code may be considered good practice for other organisations.

Stakeholder responses

We received a response from the LGA and Care Rights UK.

We supported the LGA in publicising their call for evidence from the sector about the consultation. We publicised this in our Ombudsman Link newsletter and shared contact details with the National Complaints Managers Group.

Care Rights UK is a charity focussed on the rights of people in care. The Code will not apply to complaints about adult social care matters as these are already subject to a statutory process. However, the Code will apply to complaints about other services councils provide to people with disabilities and care needs such as blue badge applications and disabled facilities grants. The Code also seeks to remove barriers disabled people face in raising complaints and so this feedback is an important reflection of how the Code may impact people with protected characteristics under the Equality Act 2010.

Members of the public

There were 423 responses to the public consultation. The majority of responses to the public consultation (85%) were from social housing tenants or leaseholders. There were 62 responses from members of the public who were not social housing tenants or leaseholders.

We have reviewed the equality data provided by all 423 respondents against the latest UK Census data for England and Wales.

The following groups were significantly under-represented:

- > Men (31% respondents compared to 49% of population)
- > Under 25 year olds (1% respondents compared to 29.1% of population)
- > People who are white (62% respondents compared to 82% of population)

The following groups were significantly over-represented:

- > People with disabilities (59% respondents compared to 17.7% of population)

In other areas such as ethnic origin, sexual orientation and religion responses were broadly in line with the latest UK Census data for England and Wales.

However, we recognise the majority of responses were from social housing tenants or leaseholders. Social housing tenants represent 17% of the population in England and Wales. The equality data is broadly in line with data from the most recent English Housing Survey.

Analysis of local council consultation responses

We considered responses in relation to the questions we asked as part of the consultation. Themes are pulled together in the conclusion at the end of this section.

Responses from Complaints Manager Groups and the LGA were considered as part of the analysis of local council consultation responses.

Question 1: The joint Code aims to provide a national standard for councils to work to, helping to clarify requirements, simplifying internal processes, and giving assurances to the public and local Members about how complaints must be handled. Does it achieve this?

Council type	No (%)	Yes (%)
County Council	59	41
District Council	15	85
London Borough	26	74
Metropolitan District	19	81
Unitary Authority	29	71
Total	25	75

There is strong agreement with the Code's aim of providing a national standard within local councils.

Some councils said the Code already fitted with existing processes and that the Code would help raise the profile of complaint handling in local councils as well as supporting local scrutiny.

"The code is helpful in providing a framework to ensure consistent complaints handling across public sector organisations" – London Borough

The County Council sector is not currently subject to the Housing Ombudsman's Code and appeared less favourable about the overall aims of the Code. However, of those answering "no" seven out of ten were supportive of the Ombudsman introducing a national standard but felt further guidance was needed in some areas as well as consideration of the impact implementation of the Code would have on resources.

One County Council said the Code would result in an increase in complaints due to the definition of a complaint:

"As a large complex council, we predict that our current 74 corporate complaints a year will at a conservative estimate, catapult to approximately 1500 corporate complaints a year."

We looked at available performance data within other county councils and found that another County Council with a smaller population dealt with over 500 stage one corporate complaints in 20/21 and had processed higher numbers in previous years before the Covid-19 pandemic. While feedback has revealed a need for clarification around definitions of service requests and complaints and the need to allow complaints to be resolved quickly, these examples of vastly differing numbers of complaints indicate that there may be a significant proportion of local people in some areas who are not currently having their complaint considered through a formal process. It may also be the case that some councils are accepting complaints that would be more effectively dealt with through other processes as a better use of resources. This supports the need for a national standard to ensure the public do not face a postcode lottery when raising complaints and that councils are able to use their resources efficiently.

The impact on resource was a theme across other types of local councils. There were 96 comments expressing concern about impact of the Code on existing staffing and resources and core services delivered. This will be covered further later in this analysis as we asked a specific question about the impact of the Code on resources. However, it is worth noting that some councils said they did not currently have a way of centrally recording complaints and this would require investment in new systems. This finding supports the need for a Code. There is already a statutory requirement to produce an annual report about performance in dealing with adult social care and children's services complaints. The Code says this should happen in relation to all complaints. This aids scrutiny and learning as it allows senior officers to identify potential systemic issues at an early stage and assists elected officials in their duty to scrutinize performance.

Some councils said the Code was too prescriptive in places and there was also strong feedback across the sector that further guidance was needed. These comments are related to issues around staffing, governance, service requests, complaint definitions and overall impact on resources. These themes are explored further in the analysis of responses to other consultation questions.

There were 18 comments questioning the merits of applying a Code to different types of councils as well as landlords as there are significant differences in services provided and demographics and the needs of people each sector serves.

The aim of a joint Code was to ensure a standard high quality approach to complaints across both sectors. Whilst it is recognized that there are differences in services provided by different types of councils there are also differences in the demographics and needs of populations and areas they serve. This means services have to be tailored to meet local needs.

In our experience, local people do not often understand the wide range of services councils are responsible for providing. In two tier authority areas in particular (where there is a County Council and District Councils) we often see members of the public raising concerns with the wrong organisation.

It was always our intention to allow councils the flexibility to deliver the Code to meet local needs. However we have amended the wording and approach in places to make this clearer as well as clarifying our role and powers. We intend on working with local councils so we can provide examples of different models of complaint handling that fit with the expectations set out in the Code.

We understand that local councils provide a much broader and more diverse range of services compared to social landlords. We have considered the approach taken by the Scottish Public Sector Ombudsman in relation to its [Model Complaint Handling Procedure](#) (MCHP). The MCHP sits above sector specific guidance, including for local councils and social landlords. We have decided to take a similar approach.

LGSCO and HOS have decided to issue two Codes which are based on a unified set of principles and share many of the same approaches in key areas such as response times. By issuing separate Codes we are able to recognise differences between our role and powers and those of the Housing Ombudsman as well as recognising different approaches individual council services may need to take when responding to complaints.

Another theme emerging from County Council responses, as well as some London Boroughs, Metropolitan Boroughs and Unitary Authorities was that there are already statutory complaint processes in place for adult social care, children's services and public health complaints. A small number of councils felt the Code added a further unnecessary "statutory process" which would result in a complex complaints landscape for local people to navigate.

We intend to include details of how the Code will interact with statutory complaint processes in an accompanying sector specific guide. We believe this will strengthen existing processes as it will help to provide more certainty about which complaints fall under which procedure.

In many councils the Code will simplify existing processes rather than complicating them. The Housing Ombudsman has legal duty to issue a Code under the Social Housing Regulation Act 2023 and this will apply to councils who are members of the Housing Ombudsman scheme. Therefore in some London Boroughs, Metropolitan Boroughs and Unitary Authorities there could be up to five separate complaints processes if the LGSCO did not align our approach with HOS.

While it is acknowledged that County Councils have not been subject to the Housing Ombudsman Code there is a risk that in not producing a single standard for complaint handling across the whole sector the public will be left uncertain about how their complaints should be handled in two tier authority areas. There is currently the potential for disparity in approach across councils in county areas, leading to public dissatisfaction and confusion. Therefore, we remain of the view that producing a single standard for the sector is justified.

Question 2: The joint Code sets out clear expectations for the level of staffing, oversight and governance for councils to have a good complaint handling service. Do you agree?

Council type	No (%)	Yes (%)
County Council	47	53
District Council	26	74
London Borough	39	61
Metropolitan District	31	69
Unitary Authority	39	61
Total	34	66

“The code recognises the need for a specific complaints team and that this should be a core service within the Council. Raising the profile of the complaints service is a positive step and scrutiny and oversight of this council function will benefit the organisation and individuals who use the service.” – County Council

Every local council sector had a majority positive response to the expectations set out in the Code for the level of staffing, oversight and governance councils are required to have to provide a good complaint handling service.

However, there were concerns about the costs of implementing the Code throughout the responses from all council types, even where they had answered positively to the question. We received 86 comments expressing concerns about the impact on staffing and resource in complaint services. These concerns can be summarised as follows:

- > The Code requires a centralised complaints team which means services need to be restructured.
- > The timescales for responding to complaints mean more resources need to be invested in complaint handling and in wider council services.
- > There is no assessment of the financial impact of the Code within the consultation documents.

A small number of councils said that it was not for the Ombudsman to dictate staffing and governance structures and others said that further clarification was needed on how complaints functions should be structured.

“The Code refers to having a person or team with responsibility for complaint handing, that person or team must have access to staff at all levels and must have the autonomy to act to resolve disputes quickly and fairly. Our Customer Complaints Manager and Officer have this.” – District Council

It is not our intention to dictate a centralised team or staffing requirements to meet the requirements of the Code. We believe there are a number of ways councils can structure services to meet the Code requirements and that councils should have the flexibility to decide how best to deliver complaint handling services in their area. The purpose of the Code is to ensure there is a centralised mechanism for monitoring complaint handling performance and outcomes and that these are subject to regular scrutiny by elected officials. This does not necessarily mean that those responding to complaints need to be part of a centralised

team with a dedicated line manager. A “complaints team” may be dispersed throughout different services with different line managers, but with centralised reporting and monitoring of performance. However a centralised complaints team may work well for some.

“We are reassured by the Ombudsman that the intention is not to make it necessary to restructure the organisation to fit the new model code and that councils are free to decide locally the model that works best for them.” – District Council

“Whilst staffing levels cannot be prescribed under this Code owing to variances in organisation size, some clarity on how an organisation should determine suitable staffing levels would be helpful.” – Metropolitan Borough

We have reviewed the Code and removed reference to both “complaints team” and “complaints officer”. The Code now says organisations need “designated sufficient resource” and that complaints should be viewed as a “core service”. We believe this allows organisations to decide how best to structure complaint functions.

We intend on publishing a sector specific guide to the Code at a later date which will set out different models of complaint handling services to help share good practice throughout the sector.

Councils felt there was clearer guidance on scrutiny of complaint handling performance. However a small number of councils were unsure how these requirements could be met in different governance modes that exist in the sector. As with the structure of services, we believe it is for local councils to best decide how to meet the requirements of the Code and there are a number of different ways these requirements could be met. We will amend the Code to make it clear the Member for Complaints role can be carried out by a Member or committee. We will also cover this in accompanying guidance after gathering feedback from pilot councils.

“The code reinforces and builds on our current annual reviews of learning and feedback. The addition of the self-reporting tool into our annual reporting requirements will allow the public to have an insight into the culture of our organisation and add to the importance of customer feedback and the transparency of our learning processes. We are considering taking the Annual Complaint Performance and Service Improvement Report to our Scrutiny Management Board as well as to Full Council once a year.” – County Council

There were 91 negative comments about timescales within the Code. Councils said they were not achievable within existing resources. They said:

- > Focus on timescales will undermine learning from complaints.
- > Staff responding to complaints at stage 1 do not have delegated authority to award financial remedies
- > Timescales did not account for unexpected absence of staff (eg sickness)

Councils should have business continuity processes in place to ensure services are not adversely affected by leave. Whilst some absences such as sickness cannot be planned for there should be contingency measures in place to ensure continuity of service.

We want councils to focus on resolving complaints effectively. The timescales within the Code ensure complaints are dealt with efficiently and allows these timescales to be extended where necessary. We intend to produce an explanatory leaflet for the public explaining this principle to help manage expectations.

We have amended the Code to make it clear that organisations have five working days to acknowledge a complaint at both stage 1 and 2 and then a further 10/20 days to respond to the complaint. This, along with the ability to extend timescales where necessary should provide

councils with enough time to respond to the majority of complaints.

Anyone responding to complaints should be able to ensure action is taken to resolve issues where something has gone wrong. This includes providing a financial remedy. While it may not be appropriate to give officers responding to stage 1 complaints delegated powers to award a financial remedy, they should have access to senior officers or mechanisms who have the power to provide this where appropriate. This means complainants do not have to escalate complaints in order to get a resolution.

We received 8 comments that said it was a contradiction to say complaints officers could have other duties but that these should not interfere with their core role. We have changed the wording of the Code to say complaints must be seen as a core service and removed reference to “complaints officers”.

Question 3: The joint Code encourages councils to have a learning culture and improve their complaint handling service. Will it support your council to achieve this?

Council type	No (%)	Yes (%)
County Council	41	59
District Council	11	89
London Borough	17	83
Metropolitan District	8	92
Unitary Authority	21	79
Other	25	75
Total	17	83

“It will support the Council in strengthening this part of the process. We do have a positive complaints culture whereby learning lessons and service improvements are part of the process. The mandatory requirement of more detailed reporting of learning from complaints will emphasize the importance of this and increase accountability.” – District Council

All local councils were supportive of the aims of the Code to encourage a learning culture and improve complaint handling. Even where councils answered “no” there was support for the aims of the Code but concerns about how this could be implemented.

Throughout all councils, even those that answered positively, there was feedback that a focus on resolving complaints within the timescales in the Code would have a negative impact on learning and the standard of complaint handling. Councils said by focusing on timescales there was less opportunity to properly investigate matters and consider appropriate service improvements where fault was identified. We received 78 negative

comments about timescales at stage 1 in particular.

“The current timescales at stage one and stage two prevent to some extent councils fully embracing a learning culture as the focus may be on responding within timescale even in cases where further work is required to identify a quality recommendation.” – County Council

The purpose of the timescales is to encourage the efficient processing of complaints. It is not our intention that councils should be overly focused on timescales. The Code allows for more time to be taken to properly consider more complex complaints. We will provide further guidance on how this can be applied and have provided some initial information in the accompanying frequently asked questions. We will also provide information about the Code to the public including the principle of “comply or explain” to help manage expectations.

We have also changed the focus of stage 1 to allow councils to take a more proportionate and flexible approach to resolving complaints. We have also changed the focus of stage 2 so it is no longer a review of the stage 1 response.

Within the 86 comments expressing concern about the impact of the Code on resources some councils said that scrutiny and reporting requirements, as well as the “prescriptive” nature of the Code would have a negative impact on resources both financially and on officer time. We believe the Code provides sufficient flexibility to allow councils to decide how best to deliver the requirements in their local area and we intend to provide more detailed guidance on different ways this may be achieved. We have also made amendments to some areas of the Code to provide more flexibility in areas which were perceived to be overly prescriptive, particularly in relation to the difference between a service request and complaint, and expectations for responding to stage 1 complaints.

“To comply with the Code, we will need to make changes to our complaint casework handling software. This will take some time to commission and implement. We will then need further time to roll out training to all staff, particularly in how to use the casework handling system to log a new complaint which arrives by phone, letter, or email, direct to an officer.” – London Borough

There was consistent feedback across all councils that further guidance would be needed on key performance indicators (KPIs), how to complete self-assessments and how scrutiny functions should be structured. We have provided some initial suggested KPIs in the accompanying frequently asked questions and intend on developing these further when we produce the sector specific guide to the code for local councils. The guide will also provide further information on how to make best use of self-assessments and provide examples of different scrutiny models that may be adopted depending on the structure of the individual council.

“The joint Code supports and reflects the learning culture already present within the Council. We have quality assurance processes in place to ensure any learning and improvements identified from complaints are followed through and shared, with the aim to improve services for customers. Complaints teams have good relationships with senior managers and can raise issues as they arise.” – County Council

Question 4: We believe the joint Code provides a clear definition of what constitutes a complaint and what should be classed as an upheld complaint. Do you agree?

Council type	No (%)	Yes (%)
County Council	53	47
District Council	30	70
London Borough	35	65
Metropolitan District	46	54
Unitary Authority	42	58
Other	50	50
Total	39	61

There was also strong feedback across all councils about the definition of an “upheld” complaint in the Code. We received 78 comments saying the definition was unhelpful and would not produce helpful data on levels of upheld complaints in the sector. There were only 4 comments in support of the definition. We have decided to remove this from the Code altogether. We have provided some initial suggested KPIs in the accompanying FAQs and will develop these further in the sector specific guide.

There was consistent feedback across respondents that more guidance was needed in relation to the definition of a service request and complaint. We have made amendments to the Code to address concerns raised, specifically including a definition of a service request and making it clear that councils should have an opportunity to address an issue through a service request before a complaint is made. The Code has also been amended to say individuals should be given the “opportunity” to raise a complaint rather than being forced to do so simply because they express dissatisfaction. We believe this makes

matters clearer and we have provided further information about this in the accompanying frequently asked questions including which matters may be excluded from the complaints process.

There were 25 comments expressing concern about accepting complaints through social media. It was not our intention that every social media post that expresses dissatisfaction with a council should become a complaint. We wanted to recognise that social media provides a different form of communication for the public. However we have removed reference to social media from the Code and said organisations should be able to accept complaints through “different channels”. This could include social media and we have covered this in the accompanying frequently asked questions and will explore this further as we develop the sector specific guide to the Code.

A small number of councils expressed concerns that bringing MP and Councillor enquiries under the Code would result in increased pressure on services and prevent councils from being able to resolve issues quickly. It is important that members of the public do not experience different levels of service delivery simply because of how they raise their concerns. Representations by elected officials on behalf of constituents are an important part of the local democratic process but the outcome should be the same as though the constituent raised the matter themselves.

We have clarified that MP and Councillor enquiries are not complaints in the accompanying frequently asked questions document. This is supported by the inclusion of the definition of a service request in the Code. However MPs and Councillors should be able to raise complaints on behalf of constituents should they request this and appropriate consent given.

“Our current Policy states that a disagreement with a decision which has been properly reached is not considered a complaint... We would like to see disagreement with Council Policy defined as not constituting a complaint.”

– District Council

The above comment was not repeated in other responses but raises an important point about how the public interact with the complaints process. The complaints process is not an appeals mechanism though which decision making can be challenged. However, members of the public cannot be expected to understand the underlying legislation and processes which sit behind decisions taken by a council and will often express their dissatisfaction by challenging the merits of the decision. Therefore, even if a complainant disagrees with a council’s decision this should still be accepted as a complaint (unless there are alternative appeal mechanisms in place). The Council should consider whether the decision was properly taken in line with legislation and policies and procedures rather than to revisit the merits of the decision.

The accompanying [frequently asked questions document](#) includes details of when complaints could be excluded from the complaints process, including where there are existing appeal rights and alternative dispute resolution procedures in place.

Question 5: The Code encourages organisations to resolve complaints satisfactorily at an early stage and before they come to an Ombudsman. Do you agree?

Council type	No (%)	Yes (%)
County Council	65	35
District Council	9	91
London Borough	43	57
Metropolitan District	38	62
Unitary Authority	39	61
Other	50	50
Total	33	67

“Early resolution is important, and the joint Code’s emphasis on resolving complaints before they come to an ombudsman will enhance public trust in local authorities by supporting timely and efficient resolution.” – District Council

County Councils expressed the strongest concern about the impact of the Code on the early resolution of complaints in response to this question. However this was reflected in responses from other types of councils in response to other questions asked.

We received 91 comments expressing concern with the timescales throughout all questions asked. The concern amongst all council types was there was a risk that complaints would become timescale focussed rather than outcomes focussed and the ability to quickly resolve issues would be lost. There were 62 comments which expressed concern about the definition of a complaint and which mostly said this would mean more issues must be dealt with as complaints meaning they cannot be resolved quickly. There were 42 comments which said

the Code did not allow for the early resolution of complaints.

“Due to the size and breadth of our operation, supporting over 1.58 million residents, our Council received 9,387 complaints at all levels, comments, MP enquiries and Informal Concerns. This is over half of the volume of cases investigated by the Ombudsman for the whole country in a year. All of these had to be investigated and responded to. Some of the ‘simplest’ complaints take time to resolve, particularly if the customer challenges at every opportunity.” – County Council

“There could be an unintended outcome where the necessity to meet deadlines becomes the primary motivation, overshadowing the opportunity for Councils to provide detailed responses and prevent escalation to the Ombudsman.” – District Council

“The Code appears to push all dissatisfaction through a formal complaints route rather than allowing flexibility to treat some issues quickly i.e. getting a call back that day from the appropriate service.” – London Borough

We have now included a definition of a “service request” in the Code and explained that organisations should be given an opportunity to respond to a service request before a complaint is made. We have also made it clear that service requests may include expressions of dissatisfaction but this does not mean they should be treated as complaints.

We have also changed the focus of stage 1 and stage 2 of the complaints process and provided more time to acknowledge and respond to complaints.

Stage 1 allows organisations flexibility to provide an appropriate and proportionate response to the issue raised. Further information and examples are included in the accompanying frequently asked questions document.

Stage 2 now allows for more detailed consideration of complaints. However not every stage 2 complaint requires a detailed response. The Code makes it clear that this should be the final corporate response from the council before a complaint can come to the Ombudsman and it is for the council to decide what sort of response is proportionate in the circumstances of each complaint.

There were 26 comments from councils, in response to this and other consultation questions, expressing concern that complainants did not have to provide reasons for escalating complaints to stage 2. These councils said this would impact their ability to properly consider the complaint. The aim of this was not to prevent councils from asking complainants to clarify any dissatisfaction but to prevent complaints from becoming stuck between stages of the complaints process. We see this happen in the children's services statutory complaints process where complaints become stuck between stage 1 and 2 because the council and complainant cannot agree a complaint summary. Councils should invite complainants to explain their dissatisfaction but a lack of explanation should not prevent the complaint from moving forward. Members of the public do not often have knowledge of relevant legislation or policies that councils work to and so will often express a general dissatisfaction with what has happened. The purpose of the complaints process is then to check that the council has acted without fault in dealing with the matter the complaint relates to.

Question 6: We will provide further guidance on how the Code should be used by councils. What guidance would you find useful when implementing the Code within your council?

There was strong feedback from all councils for the need for further guidance in response to this question and throughout the responses to other questions.

As set out above we have identified the need to provide jurisdiction specific guides to the Code to address the needs of each sector. We intend to provide a specific guide for local councils setting out how the Code can be applied flexibly to meet organisational needs. We intend to work with the sector to develop this. In the meantime we have produced a set of frequently asked questions to support councils who wish to begin work adopting the Code.

Question 7: Do you have any other comments you would like to make about the LGSCO's intention to introduce this statutory Code, including the decision to do this jointly with the Housing Ombudsman?

"The statutory joint code and compliance with it will raise standards for customers and residents. The decision to do this jointly with the Housing Ombudsman will bring about a uniformed and consistent standard for all, which we see as a positive and inclusive step." – District Council

We provided councils with a free text option to voice any further views on the Code and to expand on any points made in response to other questions.

The majority of responses expanded on issues which were previously raised and these were common across all types of local council. These were:

- > Timescales for responding to complaints
- > Definition of "upheld" complaint
- > Negative impact on resources
- > Interaction between other statutory complaints processes and appeal rights
- > Complaints made by social media

We considered these further comments as part of our analysis of the responses to other questions set out above.

There were 19 comments about the Ombudsman's use of section 23(12A) of the Local Government Act 1974 to issue "statutory guidance". Not all of these expressed concern with the proposed approach. This issue was also raised by the LGA in its response to the consultation. The view expressed by the LGA and some councils is that the law does not give the Ombudsman the power to issue statutory guidance and the Ombudsman does not have powers to force or compel councils to comply with the Code.

It is accepted that the Ombudsman does not have the power to force or compel councils to comply with the Code. Our recommendations are not binding on local councils, however we know that in 99% of cases, councils carry out the actions we recommend. We are not seeking new powers to be able to enforce our powers as we believe our current approach already provides an effective mechanism for achieving improvements in the sector.

We already issue guidance under our powers to issue guidance under the 1974 Local Government Act through our "Principles of Good Administrative Practice". We refer to this document in our decision statements when finding fault. We accept that councils will be able to depart from the Code, but they must have good reasons for doing so. We have included initial examples in the accompanying frequently asked questions.

We have removed reference to the Code being "statutory guidance" in accompanying documents and communications. However, we remain of the view that by issuing the Code under section 23(12A) of the Local Government Act 1974 councils will need to have regard to it when developing policies and procedures and responding to individual complaints.

A small number of councils specifically commented on the need for the Ombudsman to issue guidance to ensure consistency in the sector.

"The Council welcomes the joint Code and believes that making it statutory will help to ensure it is adopted nationally, so that all Council are acting consistently which is currently not the case." – Metropolitan District

We received 10 comments from councils raising questions and concerns about the requirement not to name staff when responding to complaints. It was not our intention that the councils response to the complaint should be anonymous but that names of individual officers complained of should not be used. This

was intended to keep the focus of complaints on the actions of the organisation and acknowledge the recognised [impact on staff of being complained of](#). However, we recognise that in trying to be supportive we may have overstepped into personnel matters and have amended his section of the Code. We remain of the view that complaints processes should be designed to minimise the impact on staff who are the subject of complaints. We will consider providing some further information about this when we produce the accompanying guide.

There were 10 comments about questioning the Code's approach to complaints made to third parties acting on behalf of councils. It has been our long-standing position that councils are responsible for the actions of third parties acting on their behalf. This is also specifically referenced in section 25(6)(7)(8) of the Local Government Act 1974. Councils should already have robust commissioning systems in place setting out expectations for how third parties should handle complaints when acting on their behalf. If these are not already in place there is a significant organisational risk that third parties may be acting unlawfully or failing to provide the service they are contracted for without the councils knowledge. The Code simply builds on our existing long-standing position on this issue. We will provide further information about this in the accompanying guide for local councils.

Two councils made comments about the expectation that the Code should be accessible and reasonable adjustments put in place where required. Although this was only a small number of respondents the issue is significant and warrants a response. Two examples of comments we received are set out below.

"Working to try and assess all complainants' needs and protected characteristics and applying reasonable adjustments (to apply this across all corporate complaints is a significant additional requirement/function). It is very difficult to determine an individual's needs and vulnerabilities through a corporate complaint

such as a highways issue. It will be important to understand the level of work that is expected."

– Unitary Authority

"We would need time to develop the infrastructure necessary to capture and monitor RA and vulnerability data broadly across all of our services. We are further concerned at the requirement of this data 'to be kept under active review' as the term active is not clearly defined and may be difficult for us to carry out. Additionally, we would like 'vulnerability' to be defined for the purposes of the Code, as this term means different things within different service delivery contexts." – London Borough

Councils are already subject to the Equality Act 2010 and the Public Sector Equality Duty. This means councils must anticipate the needs of those who may need to access their services and remove barriers faced by people with protected characteristics. This includes people with disabilities. Staff delivering front line services should already have sufficient training in understanding the council's duties under the Equality Act 2010 and if they do not there is a significant risk to both the public and the council.

Not every disability is visible and whilst we acknowledge the majority of council services will not have prior information about people who access services, councils must ensure they provide opportunities for people to request reasonable adjustments. This can be as simple as providing opportunities to provide information through an online form or routinely asking if people need any adaptations in correspondence, in person or over the telephone. Whilst we also recognise that councils have moved to a digital by default approach to service delivery this is not suitable for everyone and so a range of contact methods should be made available.

It must also be recognised that people's needs change over time and so it is important that people are given an opportunity to advise when their needs have changed. This is what is meant by keeping agreed reasonable adjustments under review. We acknowledge that it is not always possible or appropriate to share information about agreed reasonable adjustments across the whole council but it is important that once a reasonable adjustment is agreed by a service area it is adhered to and regularly reviewed by that service. Further information on this can be found in our [focus report](#) on providing services to people with disabilities. Further information including good practice tips will be provided in the accompanying guide.

A small number of councils expressed concerns that the Code may be used by unreasonable and vexatious complainants to cause difficulties for councils responding to complaints, particularly in relation to the definition of a complaint and providing reasons for escalating concerns to stage 2 of the process. The Ombudsman already publishes [guidance on dealing with unreasonable complainant behaviour](#) and this will be updated to reflect the content of the Code. Part of the reason for saying councils should carry out a stage 2 investigation without the complainant providing specific reasons why they were unhappy with the stage 1 response was to prevent the minority of individuals whose behaviour is unreasonable from unnecessarily delaying consideration of their complaint at this stage.

Analysis of stakeholder responses to the consultation

The Local Government Association

The Local Government Association's response focussed on the Ombudsman's legal powers to issue the Code as statutory guidance and powers to force councils to comply with it.

We have provided our analysis of this response above in relation to council responses to question 7 of the consultation.

The LGA also provided collated comments from a range of councils which repeated the issues already raised in the consultation and which have been addressed in the analysis of council responses.

Care Rights UK

Care Rights UK is a "charity focused on defending the rights of people in care". The charity says it wants "people to know their rights and how to use them".

The Code will not apply to adult social care or children's statutory complaints as these are already covered by separate legislation. There is already statutory guidance on children's services complaints and we have issued a practitioner guide. There is no accompanying guidance for adult social care complaints but we intend to publish a practitioner guide on best practice in future to compliment the Code.

We have still considered comments made by Care Rights UK as the Code will apply to people the organisation represents such as people with care needs and disabilities who need to access other council services.

Care Rights UK says it welcomes the introduction of the Code and that this will improve the complaints process for people who want to complaint to a council. The organisation has raised the following specific points:

- > The Code should support people's rights to be represented or accompanied by a person of their choosing.
- > Further information should be provided on when complainants may be considered vexatious or abusive.
- > The Code "seems to encourage councils towards a lack of curiosity around high volumes of complaints" which does not aid scrutiny of services.
- > More guidance is needed on how to complete the self-assessment to avoid it becoming a tick box exercise.

The distinction between a service request and complaint should be made in agreement with the person contacting the council.

More guidance is needed on circumstances where a complaint may not be accepted by a council. Care Rights UK are concerned people who complaint are "too easily labelled as vexatious and their complaints disregarded".

We intend to provide further information about good practice in dealing with representatives in the accompanying guide for local authorities. This will help support people's rights to be represented. We will also revise our guidance on complainant behaviour to ensure it is in line with the Code and that people are only prevented from making complaints when there are clear reasons for doing so.

It was not our intention for councils to disregard high complaints volumes. We have seen cases in the past where high volumes of complaints are seen as an issue and efforts put into limited the number of complaints made rather than

a focus on the root cause of dissatisfaction. We believe the Code, when read as a whole, supports our intention in relation to this.

Self-assessments are an area councils have requested further guidance on. We will provide further information on this as part of the accompanying guide for local councils.

We agree that people should be involved in decisions about whether an issue should be treated as a complaint or service request. We have amended the Code to make this clear and also provided a definition of a “service request”.

We will provide local councils with information about what could be excluded from the complaints process alongside the publication of the Code. This will be developed further in the accompanying good practice guide.

Analysis of public response to the consultation

We considered analysing responses from social housing tenants and leaseholders separately to responses from other members of the public. However, given responses from other members of the public only represents a small proportion of the total responses we decided they would not provide a representative response. Therefore, we have considered the combined responses of both social housing tenants and leaseholders and other members of the public.

We also recognise that the equality data suggests that responses are not wholly representative of the population. However, respondents were broadly representative of the population in relation to ethnic origin (except white), sexual orientation and religion whilst people with long term disabilities were over-represented.

The majority of respondents were social housing tenants, and the equality data is broadly in line with data from the most recent English Housing Survey.

Members of the public were given a free text option to comment questions 1 to 5. These responses were not as comprehensive as those provided by local councils and at most only 30% of respondents provided further comments on any one question. Most comments were provided where the respondent answered “no” to a question so do not provide a fair representation of the overall response as set out below.

1. The joint Code aims to provide a national standard for councils to work to, helping to clarify requirements, simplifying internal processes, and giving assurances to the public and local Members about how complaints must be handled. Does it achieve this?

- > Yes – 68%
- > No – 32%

2. The joint Code sets out clear expectations for the level of staffing, oversight and governance for councils to have a good complaint handling service. Do you agree?

- > Yes – 70%
- > No – 25%
- > No answer – 5%

3. The joint Code encourages councils to have a learning culture and improve their complaint handling service. Will it support your council to achieve this?

- > Yes – 66%
- > No – 28%
- > No answer – 6%

4. We believe the joint Code provides a clear definition of what constitutes a complaint and what should be classed as an upheld complaint. Do you agree?

- > Yes – 75%
- > No – 20%
- > No answer – 5%

5. The Code encourages organisations to resolve complaints satisfactorily at an early stage and before they come to an Ombudsman. Do you agree?

- > Yes – 74%
- > No – 21%
- > No answer – 5%

6. Do you have any other comments you would like to make about the LGSCO's intention to introduce this statutory Code, including the decision to do this jointly with the Housing Ombudsman?

We received 215 responses to this question which represents just over 50% of all respondents. The majority of respondents were positive about the introduction of the Code, however a large number focused on social housing issues and the role of the Housing Ombudsman.

There were no other significant trends. Some comments related to the individual respondent's particular complaint and there was some distrust that organisations would use the Code effectively. A very small number expressed concern about the impact of the Code on council staff and resources. These were repeated themes from responses to earlier questions.

We acknowledge that we cannot force councils to abide by the Code. However, this is the first time the LGSCO has set out a clear process for complaint handling in local councils. We believe that this provides councils with greater clarity on our expectations for effective complaint handling.

We have reviewed the proposed implementation period for the Code to give councils the opportunity to deliver it successfully. We will work with the sector to support this work.

Annex B: Table summarising changes to Code from consultation version

Section	Summary of changes in final version	Reason for change
Across whole Code	<p>References to “quickly” changed to “promptly”</p> <p>References to “must” changes to “should”</p> <p>References to “compliance” or “comply” removed</p>	<p>Feedback from consultation about focus on timescales and speed of response. Change of language from “quickly” to “promptly” intended to change focus away from speed over quality.</p> <p>Majority of “must” changed to “should” to make LGSCO approach to Code clearer.</p> <p>Code still says organisations “must” make reasonable adjustments for individuals where appropriate as this is a legal duty under Equality Act 2010.</p> <p>References to “compliance” removed to align with LGSCO powers and approach.</p>
Introduction & Powers	<p>Removed references to “joint” Code, “compliance” and “regulatory approach”.</p> <p>Sets out LGSCO powers to issue advice and guidance</p>	<p>LGSCO and HOS decision to issue separate Codes which are aligned in terms of key principles following consultation responses which called for differing approaches in different sectors.</p>
Compliance with the Code	<p>Removed from Code. LGSCO “powers and approach” now sets out how councils may use Code.</p>	<p>LGSCO being clearer on basis for issuing Code as “advice and guidance” following feedback from consultation.</p>
1. Definition of a service request and complaint	<p>Code now contains suggested definition of a service request and says organisations should have an opportunity to respond to service request before a complaint is made. Code also says that service requests may contain “expressions of dissatisfaction”.</p>	<p>To allow organisations to resolve issues through normal service delivery before a complaint is made.</p>

Section	Summary of changes in final version	Reason for change
2. Exclusions	<p>Removed reference to complaints about safeguarding and health and safety not being excluded.</p> <p>Removed reference to “guidance issued by relevant Ombudsman.”</p> <p>Says exclusions “should not deny individuals access to redress”.</p> <p>Removed reference to Ombudsman telling organisation to take complaint “if the relevant ombudsman does not agree that the exclusion has been fairly applied.”</p>	<p>Giving councils more flexibility to determine their own exclusions whilst setting out considerations that should be taking into account when developing policies and procedures.</p> <p>LGSCO plans to issue a guide in due course to accompany Code and have included some suggested exclusions in frequently asked questions issued alongside the Code.</p> <p>Code still says complainants should still be signposted to the Ombudsman when a complaint is excluded.</p>
3. Accessibility and awareness	<p>Removed reference to complaints “made directly to the organisations through social media”</p>	<p>Feedback in consultation that this has been misinterpreted to include all expressions of dissatisfaction made through social media.</p> <p>We intend to explore this further when we work with pilot councils and develop the accompanying guide to the Code.</p>
4. Complaint handling resources	<p>Removed reference to having a “person or team” responsible for complaint handling. Removed references to “complaint officer”</p> <p>Code now says organisations should have “designated sufficient resource” and that complaints should be seen as “</p>	<p>Feedback from consultation was that organisations had misinterpreted the Code as requiring a centralised team to handle complaints.</p> <p>We have amended the Code to make it clear that organisations should have a designated resource which provides flexibility in how this is delivered.</p>

Section	Summary of changes in final version	Reason for change
5. The complaint handling process	<p>Clarified that where an expression of dissatisfaction meets the definition of a complaint the complainant should be given an “opportunity” to complain.</p> <p>Removed reference to not identifying individual members of staff in complaint responses.</p> <p>Removed reference to keeping records of disabilities.</p>	<p>Feedback from consultation was that many expressions of dissatisfaction would become complaints and members of the public would be forced to go through the complaints process unnecessarily.</p> <p>Change to link to definition of complaint in section 1 and that individuals should be given an “opportunity” to complain.</p> <p>Feedback from consultation was that not identifying staff would be problematic when responding to complaints. We have removed this but intend on covering the issue in the accompanying guide we plan to produce at a later date.</p> <p>We have removed reference to keeping a record of disabilities which have been disclosed. We have decided this raises risks around data protection.</p>

Section	Summary of changes in final version	Reason for change
6. Complaints stages (stage 1)	<p>We have changed the timescales to make it clear that the response is due within 10 working days of the complaint being acknowledged rather than received.</p> <p>We have said individuals should be provided with “details” of the Ombudsman rather than “contact details”.</p> <p>We have removed the prescriptive list setting out what should be covered in a stage 1 response.</p> <p>We have removed the definition of an “upheld” complaint.</p>	<p>Feedback from the consultation was that timescales were not clear and that the prescriptive nature of stage 1 meant it would be challenging to provide simple, prompt responses to minor issues. We have therefore changed the focus of stage 1 to allow organisations to take a more flexible and proportionate approach to responding to complaints.</p> <p>Feedback from the consultation was that 10 working days was insufficient to formally investigate a complaint. We have removed reference to “investigation” from stage 1 to allow councils to take a proportionate and flexible approach to responding to complaints at this stage.</p> <p>Feedback from the consultation raised concern about a significant increase in contact with the Ombudsman if contact details were shared following every extension. It was not our intention to encourage individuals to contact the Ombudsman, merely make them aware of our service. Therefore we have amended the relevant paragraph.</p> <p>Feedback from the consultation was that the definition of an “upheld” complaint failed to capture the true nature of complaint outcomes and was unhelpful. We have removed this definition.</p>

Section	Summary of changes in final version	Reason for change
6. Complaints stages (stage 2)	<p>We have removed reference to the stage 2 being a “review” of the stage 1 response.</p> <p>We have made it clear that organisations should set out their understanding of a complaint when acknowledging it at stage 2.</p> <p>We have made it clear that the timescales for responding to the complaint run from the date the complaint is acknowledged.</p> <p>We have removed the section heading “further stage” but included the content under this heading.</p> <p>We have set out the risks of a single stage complaint process.</p>	<p>Feedback from the consultation included:</p> <ul style="list-style-type: none"> > the timescales for stage 1 were too short and stage 2 too long. We have therefore changed the focus of stage 1 and 2. The Code says stage 2 is the organisations final response. <p>The version of the Code issued for consultation implied that organisations should set out their understanding of a complaint in the acknowledgement at stage 2 however this was not clear. We have now clarified this.</p> <ul style="list-style-type: none"> > that timescales were not clear. We have now made it clear that the time to acknowledge complaints runs from the date received and the time to respond runs from the date of acknowledgement. > raised concern about a significant increase in contact with the Ombudsman if contact details were shared following every extension. It was not our intention to encourage individuals to contact the Ombudsman, merely make them aware of our service. Therefore we have amended the relevant paragraph.

Section	Summary of changes in final version	Reason for change
6. Complaints stages (stage 2) (cont'd)		<p>Unlike stage 1, we have retained the prescriptive list of what should be included in a stage 2 response as this is the council's final response. We believe that retaining this will support councils to provide robust final responses to complaints.</p> <p>We removed the heading referring to "further stages" as we decided this was confusion and implied further stages were appropriate.</p> <p>There was feedback from the consultation that some councils operate single stage complaints processes. The consultation version of the Code referred to risks associated with processes with more than two stages but not risks associated with one stage processes. We have therefore clarified this in the Code.</p>
7. Putting things right	We have explained what should happen if an organisation cannot deliver a proposed remedy.	A small number of councils said it was unclear what should happen if an individual declined to accept payment or the council had to make changes to a proposed remedy due to circumstances outside its control. We have clarified what should happen in these circumstances to prevent further complaints being raised or individuals extending the complaints process unnecessarily by declining a proposed remedy.

Section	Summary of changes in final version	Reason for change
8. Performance reporting and self-assessment	<p>We have removed reference to “governing body”.</p> <p>We have removed reference to organisations carrying out a self assessment following an Ombudsman investigation and notifying the Ombudsman when an organisation is unable to comply with the Code.</p>	<p>References to “governing body” were made when the Code was written for councils and social landlords. However feedback from the consultation was that this did not fit with governance structures in local councils. We have therefore changed the language to align this with local council governance structures.</p> <p>References to organisations being asked to carry out further self-assessments and notifying the Ombudsman of issues are not felt to be necessary in the Code. We will develop our approach to using the Code following learning from pilot authorities. Some councils interpreted this as LGSCO “overseeing” compliance with the Code. This was not out intention and we do not have the powers to do so.</p>
9. Scrutiny & oversight: continuous learning and improvement	<p>We have removed reference to “governing body”.</p>	<p>References to “governing body” were made when the Code was written for councils and social landlords. However feedback from the consultation was that this did not fit with governance structures in local councils. We have therefore changed the language to align this with local council governance structures.</p>
Appendix A – Self-Assessment	<p>We have clarified what information should be set out in the organisation’s self-assessment.</p> <p>We have provided an example of a self-assessment form which is less prescriptive than the one in the consultation version of the Code.</p>	<p>When responding to the consultation some organisations felt the self-assessment was too prescriptive and would be unnecessarily time consuming to complete.</p> <p>We believe the self-assessment is a useful tool to demonstrate to the public and scrutiny mechanisms that the organisation’s complaints process is functioning and aligned with the Code where possible. We have provided a less prescriptive example of a self-assessment form to assist with this.</p>

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