



# Corporate Complaints Policy

**DRAFT – EFFECTIVE FROM 1  
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## 1. INTRODUCTION

A key determinant of how responsive we are as a Council is ensuring that we have a positive approach to dealing with our residents and customers feedback. This approach must be supported by the implementation of fair, consistent and effective policy and procedures for handling complaints, compliments and suggestions. The key areas of the policy are set out including:

- aims and objectives of the complaints policy;
- the stages of the formal complaints procedure
- roles and responsibilities of staff;
- monitoring arrangements; and
- data publication.

We should strive to find sustainable solutions to the challenges faced by our residents, through the provision of a high standard of customer care. Our approach should be driven by core values of **openness, accountability** and **honesty**. We should also focus on the best outcome for the customer.

## 2. AIMS AND OBJECTIVES

All feedback should be dealt with fair, confidential, consistent, effective and timely manner. The objectives of the complaints policy are to:

- provide an accessible means for all service users, or their advocates, to complain if they are dissatisfied, or to offer compliments and suggestions if they choose;
- provide a fair and consistent process for resolving complaints;
- establish timescales for complaint resolution;
- facilitate the use of complaint information as a means of monitoring performance and improving services;
- ensure complainants and members of staff have the same rights to be treated with courtesy and respect; and
- ensure that plain English is used when answering customer complaints

## 3. COMPLAINTS

### 3.1 Defining a complaint

The Council defines a complaint as follows:

*Any expression of dissatisfaction about the Council's provision of, or failure to provide, a service for which it has responsibility*

### 3.2 Who can complain?

Anyone who uses or is affected by our services can complain. This includes, not exclusively:

- residents
- people who work in or visit the borough
- local businesses
- community groups.

### **3.3 Support and advocacy**

Many people feel daunted at the prospect of making a complaint. They may be unsure about how to go about it, or how best to put their case. The Council has a positive approach to complaints and will encourage people to seek the support of friends or other advocates such as Citizens Advice Bureau. The Council will assist people in finding such support. The Council will also give assistance to people who have difficulty with written or spoken English and to disabled people.

The Council will, where appropriate, accept complaints from advocates or third-parties, provided that the person affected has given their written consent.

In some cases, for example children or vulnerable people, if it seems that the person may be unable to give their consent, the Council will make a judgement as to whether it is appropriate to accept the complaint from an unconfirmed representative.

### **3.4 Anonymous complaints**

A complaint should not be dismissed if it is submitted anonymously. A judgement will need to be made on a case by case basis whether to look into the substance of a complaint made anonymously.

### **3.5 How can complaints be made?**

The Council encourages any customer who has a concern to first speak to a member of staff in the relevant service area. If there has been a problem the member of staff should try to resolve it. However, if a service user is not happy and wants to make a complaint, we need to make it easy for them to do so.

We accept complaints:

- on the Council's complaint form
- via the Council's online self-service portal (My Account)
- by letter
- by fax
- by email
- by telephone
- on audio tape
- in person

Although we accept complaints made by telephone it's helpful to have them in writing, so that we have a clear record of the complainant's views on what went wrong and what the Council should do to put things right. If a complainant wishes to make a complaint by telephone, then they must not be prevented from doing so.

### **3.6 Complaints that fall outside the Council's complaints policy**

Certain types of complaint will not be dealt with through the Council's complaints procedure because there are other processes more suitable for dealing with them, or because they are outside the Council's control. This includes, not exclusively:

- Matters of law or central government policy.
- Complaints from staff about personnel matters, including appointments, dismissals, pay, pensions and discipline.
- Complaints where the customer or the Council has started (not threatened) legal proceedings.
- Complaints about the merits of an insurance claim, or matters that would be more appropriately considered by an insurer.
- Complaints under statutory obligations (see Section 4).

- Requests for Council services.
- Complaints that have already been decided by a court or independent tribunal.
- Complaints that are simply criticisms or disagreement with Council policy or decisions.
- Services for which there are alternative statutory appeal or tribunal processes, including:
  - Appeals against the refusal of planning permission
  - Appeals against statutory Notices
  - Parking appeals
  - School admission or exclusion appeals
  - Special Educational Needs Tribunals
  - Housing Benefit appeals

If there is any doubt about whether the complaint should be accepted, the customer should be advised to submit the complaint to the Council for consideration.

If the Council receives a complaint and decides not to accept it on the above grounds, the customer should be told why and, where possible, an alternative route should be suggested.

### **3.7 Time limits**

It is far easier to find out what happened and to put things right if complaints are received at the time. As time passes it becomes more difficult to investigate events fairly and fully – people’s memories fade, staff who were closely involved may have left the Council, or records may no longer be available.

For these reasons, the Council will normally only accept complaints made within **twelve months** of the incident or circumstances that lead to the complaint. However, if there are exceptional circumstances (illness, changes in personal circumstances, etc) provided by the complainant for the delay in submitting the complaint, the Council may make a discretionary decision to consider the complaint providing the circumstances are evidenced.

If the Council receives a complaint and decides to not to accept it on the above grounds the customer should be told why.

## **4 THE COMPLAINTS PROCEDURE**

The Council should seek to resolve complaints at the earliest opportunity. Where possible, prior to implementing the formal two-stage process outlined below, every attempt should be made to deal with complaints quickly and informally, at the point of service delivery.

Some complaints received by the Council have to be dealt with under a statutory process and will not follow the steps set out below; these complaints normally concern the delivery of adult or children social care services.

### **4.1 Stage 1**

If a concern cannot be resolved to a customer’s satisfaction at the point of service delivery, or if the customer wishes to make a complaint in any event, a formal complaint must be recorded – unless an exemption, as set out in Section 3.6 is applicable.

The Council will nominate an appropriate officer to respond to the complaint at this stage; the appointment should take into account the seriousness and the nature of the complaint. If the complaint concerns the service manager, a more senior manager should respond. An officer, against whom a complaint is personally directed, should not respond to a complaint.

Complaints should be acknowledged within **three** working days, and a full written reply sent within **fifteen** working days. The content of acknowledgement and full responses is covered in sections 4.4 and 4.5.

Some Council services are provided by external contractors. In those cases the contractor may be required to reply to a complaint at Stage 1 but they are expected to conform to the Council's standards for dealing with complaints.

The Council's aim is to resolve as many complaints as possible to the customer's satisfaction at this stage. This means that responses must be open and honest, admitting fault when things have gone wrong and setting out a package of measures to put things right, including the payment of compensation, which does not necessarily mean an acceptance of liability.

## **4.2 Stage 2**

If the customer is dissatisfied with the outcome of the Stage 1 investigation, at their request, the Council will arrange for the complaint to be reviewed by a more senior manager. In most cases this will be the service Director or a designated officer. All responses to Stage 2 complaints must be agreed by the Corporate Complaints Manager before being sent and, in some circumstances, the investigation will be led by the Corporate Complaints Manager.

The request should be acknowledged within **three** working days, and a full written reply sent within **twenty** working days.

## **4.3 Acknowledging complaints**

All acknowledgements should include:

- a reference number
- a brief summary of the complaint as the Council understands it
- the date the complainant should expect a full response
- contact details of the sender

In the event that a full response (see below) can be made within the **three** working days an acknowledgement need not be sent.

## **4.4 Responding to a complaint in full**

All complaint responses should be clear and concise; honest and accurate; professional and courteous; jargon free and in plain English, free from spelling and grammatical errors

All responses to complaints which are **upheld** or **partially upheld** should contain:

- an explanation of what happened and why things went wrong
- an apology for service failures
- details of the corrective action to be taken, including the payment of compensation where appropriate and clear instructions about anything the complainant needs to do
- the name of the officer responsible for ensuring that action is taken and their contact details
- the timescale within which the action will be taken
- where appropriate, details of the measures to be taken to prevent a recurrence of the problem
- details of how to escalate the complaint to the next stage including the deadline for doing so. (see 4.6)

Where a complaint is **not upheld** the response should provide:

- background information relevant to the complaint
- an explanation of the decision
- details of how to escalate the complaint to the next stage including the deadline for doing so. (see 4.6)

#### 4.5 Right to escalation

The full response to the complainant at all stages should include information on the right to escalate the complaint. The complainant should be advised that if they remain unsatisfied they will have to:

- (a) submit a written response to the Council providing details of **why** they remain dissatisfied; and
- (b) submit the response within **20 working days** from the date of the full response letter.

If a complainant continues to express their dissatisfaction, but does not provide specific reasons as to why they are not satisfied by the Council's response, in some circumstances the complaint will not be escalated to the next stage, but instead be responded to as an ongoing matter. This process is used to ensure that complaints are only escalated when necessary and not just because a complainant continues to express their dissatisfaction.

#### 4.6 The Ombudsman

The Local Government Ombudsman and the Housing Ombudsman ('The Ombudsman') considers complaints about public bodies including local authorities. The Ombudsman investigates complaints about: poor service; failure to provide a service and administrative failure.

In most cases, the Ombudsman will normally only consider complaints if the issues concerned have exhausted the two stages of the Council's own complaints procedure. However, the Ombudsman has discretion to investigate a complaint prior to the Council conducting its own investigation. Such cases normally involve a complainant the Ombudsman considers vulnerable.

The **Corporate Complaints Manager** oversees all matters relating to the Ombudsman on behalf of the Council.

#### 4.7 Timescales

The timescales for response are illustrated below:

- Stage 1: 15 working days
- Stage 2: 20 working days

The timescales start as from the date the complaint was received **by the Council**, not within the department against which the complaint is made.

#### 4.8 Extending Response Timescales

We should always try to keep to our published timescales for dealing with complaints. But sometimes investigations take longer, perhaps because we need to get information translated, or the complaint is unusually complex.

In certain cases, when a complaint is complex, it may be necessary to extend the timescales set out in this policy. If this is the case, the complainant **must** be informed of the reason why timescales cannot be met and also informed when they should receive a full response. Notification should be sent to the complainant at the first possible opportunity.

#### 4.9 Complaints spanning more than one service area

In the event that a complaint involves more than one service, a co-ordinated single response will be sent to the customer in the event that matters cannot be separated.

The customer should be informed of what arrangement has been agreed in the acknowledgement of their complaint.

#### **4.10 Complaints involving other agencies / contractors**

Increasingly the Council works with outside organisations that may have different complaint policies and procedures to ours. This can be confusing and frustrating for complainants and we should endeavour to have simple systems in place for handling complaints under our arrangements with other agencies or contractors. Wherever attempts to resolve matters between our customers and other agencies or contractors has failed, the Council will consider such complaints under our corporate policy.

#### **4.11 Enquiries by Members of Parliament and Councillors**

There are separate published guidelines on dealing with enquiries and representations from MPs, MEPs, the Mayor for London, and Members of the Council and GLA. Such enquiries are not considered complaints.

### **5 RIGHTS AND RESPONSIBILITIES**

#### **5.1 Customer rights**

Our customers have the right:

- to be treated with respect and courtesy at all times;
- to have a friend or other representative help them with their complaint;
- to be kept informed about the progress of their complaints; and
- to receive an apology if a complaint is partially or fully upheld

#### **5.2 Staff rights**

Our staff have the right:

- to be treated with respect and courtesy at all times; and
- to support and training that enables them to handle and resolve complaints in an efficient manner.

#### **5.3 Responsibilities**

The responsibilities for the resolution of complaints are set out below for employees. The priority is the effective handling of complaints at, or as close to, frontline staff or by a local manager. It is important all staff receive the necessary support and guidance to handle complaints.

**All staff** are responsible for the following:

- at the pre formal stage, striving to resolve complaints and if this is not possible,
- referring the matter to an appropriate officer to action;
- having an understanding of stages of the complaints policy and procedures;
- ensuring that the agreed timescales are met and procedures are followed

**The Corporate Complaints Manager** is responsible for the following:

- ensuring that all complaints are managed in accordance with the Council's complaints policy
- agreeing the response to any complaint considered at Stage 2
- managing the Council's responses to all complaints referred to it by any Ombudsman
- ensuring data is kept in accordance with monitoring requirements
- promoting corporate learning from complaints



**Heads of Service** are responsible for the following:

- the proper adherence to the Council's complaints policy and policy guidelines by staff;
- overseeing the handling of complaints by their staff at Stage 1;
- ensuring that, where possible, frontline staff within their service are supported to resolve complaints;
- advising staff on the complaints procedure;

**Executive Directors** are responsible for the following:

- ensuring the proper adherence to the Council's complaints policy and policy guidelines by their department;
- engaging in Stage 2 of the complaints procedure to offer a service led review of complaints;
- considering complaints monitoring information in the planning and improvement of services;
- implementation specific procedures, if actions by complainants are deemed to be unacceptable (see 5.4); and
- on receipt of compliments ensuring that appropriate staff receive a copy of the correspondence.

#### **5.4 Unacceptable behaviour by complainants**

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming into the Council.

As a Council we do not view behaviour as unacceptable just because a claimant is forceful or determined, however the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the Council and unacceptable behaviour towards the Council's staff.

In such exceptional circumstances, the Council has the right to specify how the individual complaint will be handled and how future contact from the complainant will be permitted. A separate policy on **Responding to Habitual or Vexatious Complainants** sets out the procedures for handling such complaints.

### **6. PERFORMANCE AND MONITORING**

The following information should be capture, where possible, for every complaint:

- name, address and contact details of the complainant;
- complaint details;
- equality monitoring details;
- complaint tracking information – date of receipt, acknowledgement date, closure date; and
- complaint resolution details

This information will be used to produce management information to monitor service performance, highlight areas of service failure and gaps in provision and feed into the processes for identifying areas for service improvement.

The information will be reported, in the appropriate format, to a range of key stakeholders within the Council.

#### **6.1 Performance targets**

The performance targets for the Council's complaints process are illustrated below:

Complaints acknowledged within timescales – 80%  
Complaints fully responded to within timescales – 80%  
Complainant's satisfaction with the complaints process – 30%  
Number of Ombudsman maladministration decisions – 0

## **6.2 Equality monitoring**

The Council is committed to equal opportunities and tackling all forms of discrimination. To assist the Council identify areas where there may be discrimination in service provision. We will undertake periodic equality monitoring to assess whether there are any equalities issues underpinning the issues raised by complainants.

## **6.3 Publishing complaints data**

The complaints procedure and annual reports will be publicised to the Council's customers via the Council's website and leaflets. All publicity materials for the procedure will be presented in plain English and available in other languages and formats (e.g. audiotape) upon request.

## **7. RELEVANT LEGISLATION**

There are a number of key areas of legislation that the Council must adhere to in the course of dealing with complaints.

### **7.1 Data Protection**

The Data Protection Act 1998 provides protection for personal information, which is information which affects someone's privacy, and gives individuals the rights to access information held about them, and to correct wrong information held about them. Also, the Council must notify the Information Commissioner of all processing of personal information which is carried out on its behalf.

We will ensure that the principles of the Data Protection Act are adhered to, and that all personal information provided by complainants in this form will be only be retained by the Council and shared with other Council departments where necessary so that all communication is dealt with appropriately.

### **7.2 Freedom of Information**

The Freedom of Information 2000 gives people the right to access information held by public authorities. The Act ensures that, subject to certain limited exemptions, anyone can receive information that they request from a public authority. The Council is committed to the principles of openness, transparency and accountability in its activities and supports the right of any person to seek information under the Act.

### **7.3 Human Rights**

The Human Rights Act 1998 came into force on 2nd October 2000. Public authorities must act compatible with European Convention on Human Rights and should interpret the legislation and regulations with which we work, so far as is possible, in a way which is compatible with Convention rights. Our Corporate Complaints policy and procedure reflects some of the main principles of the European Convention of Human Rights by:

- providing a fair and accessible procedure;
- providing a two stage process, with review by the Corporate Complaints Manager;
- providing for disclosure of relevant information to all parties; and
- reflecting the Council's equality policy by seeking to ensure that no person is the subject of discrimination