

# **Harrow Council**

# **Corporate Complaints Policy**

## **1. Introduction**

The procedure below explains how you can make a complaint regarding the quality of our services, what standards you can expect when you do so, and what you can do if you are still dissatisfied.

The Council is committed to providing the highest standard of service to all its customers. Our aim is to get things right first time. However, if you are not entirely satisfied with any aspect of our service, please tell us and we will do our best to resolve the matter as quickly as possible.

We will investigate your complaint, give you an explanation and make every effort to resolve the matter to your satisfaction. If we have made a mistake, or the problem has been caused by us, we will apologise.

## **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;
- ensure that plain English is used when answering customer complaints

## **3. Complaints**

### **3.1 Defining a complaint**

Anyone dissatisfied or satisfied with the service, actions or lack of action from Harrow Council – or someone acting on their behalf and with their permission – can use this procedure.

### **3.2 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 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.

### **3.3 Anonymous Complaints**

In normal circumstances the council is unlikely to be able to effectively deal with an anonymous complaint or compliment under the corporate complaints and compliments policy, as the council needs to correspond with and in some cases meet with the complainant in order to address their concerns. Therefore a judgement will need to be made on a case-by-case basis whether to look into the substance of a complaint made anonymously.

### **3.4 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 online complaint form
- by letter
- by email
- by telephone

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.

### **3.5 Complaints that fall outside of the Council's complaint 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
- 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.

### **3.6 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 six 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. 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 3.5 is applicable.

The Council will nominate an appropriate officer to respond to the complaint at this stage.

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.

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. 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 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.

## 4.5 The Local Government 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.

#### **4.6 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.

#### **4.7 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.

#### **4.8 Complaints about more than one service**

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.

#### **4.9 Complaints involving other agencies or 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 have failed, the Council will consider such complaints under our corporate policy.

## 4.10 Enquiries by members of parliament and Councillors

Members of the Council, the GLA Member for Harrow and Members of Parliament make enquiries of the council about a range of matters raised with them by constituents. The general purpose of these enquiries is to obtain information in order to respond to a constituent.

If the constituent wishes to make a complaint about the delivery of a service, the Member (i.e. Councillor or GLA) or MP can refer the matter to be dealt with under this policy. This will avoid the Member or MP acting as an intermediary and enables them to represent their constituent if they feel this is appropriate. If the matter is not within the remit of this policy and there is a statutory or other appeal process available, the Member or MP will be advised promptly to ensure that the constituent does not miss the opportunity of exercising a statutory right by using an inappropriate complaint channel.

The Council aims to respond to Members' and MPs' enquiries within 10 working days of receipt. Where the matter is urgent, the response time will be reduced as appropriate.

Complaints about the conduct of Councillors are outside the scope of this procedure and are dealt with by the Standards Committee of the Council.

Anyone can complain about a Councillor breaching any part of the Code of Conduct for Councillors. A copy of the Standards Committee's guidance on how to make a complaint and complaint form are available on the Council's website.

## 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 members 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 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;

**Corporate 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
- on receipt of compliments ensuring that appropriate staff receive a copy of the correspondence.

## 5.4 Unacceptable behaviour by complainants

### Unreasonable and unreasonably persistent complainants

The council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. As part of this service there is not normally a limit on the contact complainants have with the council. However, there may be complainants who, because of the frequency of their contact with the council, hinder its consideration of their and other people's complaints. Such complainants may be referred to as "unreasonable and unreasonably persistent complainants". The complaints may become persistent, vexatious or repetitive. The complainant may, despite having had an original complaint investigated and been notified of the outcome, not accept that the matter is concluded. The complainant will have exhausted the internal complaints procedure. Exceptionally therefore it may be necessary to take action to limit or terminate their contact with the council.

In consultation with the Director of Legal & Governance service, the Director of Customer Services and the Corporate Complaints Officer shall be authorised to identify a complainant as "unreasonable or unreasonably persistent" under the terms of this policy.

Before applying this policy the Director of Customer Services and Corporate Complaints Officer shall:

- Ensure that the complainant has exhausted the internal complaints procedure
- Ensure that the complainant has been reminded of his/her right to refer the complaint to another body e.g. The Local Government Ombudsman
- Ensure that the complainant has been reminded of his/her right to obtain independent professional advice.

The Director of Customer Services and the Corporate Complaints Officer shall determine any restrictions which shall be imposed in respect of a complainant deemed to be "unreasonable or unreasonably persistent". Any restrictions imposed will be appropriate and will normally follow a prior warning to the complainant. The options most likely to be considered are:

- Requesting contact in a particular form (for example, letters only)
- Requiring contact to take place with a named officer
- Restricting telephone calls or visits to specified days and times
- Terminating further communication

In all cases where it is decided to treat someone as an unreasonable or unreasonably persistent complainant, the council will write to tell the complainant why his or her behaviour falls into that category and what action is being taken as above.

## **6. Performance and monitoring**

The council is committed to continually improving the services we deliver to our customers.

Information gained from complaints can be a valuable tool in identifying the needs of our customers and developing our services to meet those needs.

The Corporate Complaints Officer has the overall responsibility for monitoring and reporting performance in complaints handling and resolution by collating such statistical information and reporting it to the Council's corporate improvement boards and the Chief Executive and Corporate Directors on a quarterly basis.

The complaints system contains a reporting facility that enables data to be analysed to identify any trends in specific service or geographical areas or complaint subject.