

Corporate complaints policy and procedure

Revised June 2015, updating and replacing the policy and procedure developed in 2008 and 2010

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1. Scope

- 1.1 This policy and procedure applies to all Council employees and to employees and organisations who deliver services on behalf of the local authority.
- 1.2 Anyone who is affected by our services can make a complaint. This includes:
- Residents;
 - People who work or visit the borough;
 - Local businesses;
 - Community groups; and
 - Any person/s acting on behalf of an individual or group of individuals* (provided that the person affected has given their written consent).

* This includes concerned relatives, carers, Members, MPs, advice agencies and other advocacy groups.

2. Introduction

- 2.1 The way we handle customer complaints, resolve their problems and use the feedback to improve our services is a key component of the council's customer strategy. Our "Proud to serve" value also promises that we will "listen" and treat those who use our services as "valued customers". Delivering on these elements of our service is critical to support the council's priority of improving customer satisfaction.
- 2.2 This complaint policy and procedure is necessary for the efficient operation of services in delivering value for money and improving customer satisfaction. They have been developed in order to encourage customers to tell us what we are doing wrong so we can try to put it right. The policy and procedure:
- Allows managers to address issues of unsatisfactory service and seek improvements in service delivery;
 - Ensures that customers are treated fairly and consistently;
 - Ensures that a proper and adequate investigation takes place before any action is taken;
 - Encourages all staff in all services to improve customer service delivery and service performance; and
 - Safeguards the integrity and good reputation of the Council.

2.3 In addition, the overarching objectives for the handling of and learning from complaints are:

- **Consistency** – the Council aims to give its customers a consistent, fair, structured and easy to follow process when they are unhappy about Council services and want to complain;
- **Quality** – the Council wants to continually improve the quality of its services; encourage and promote best practice amongst its staff; operate within statutory, regulatory and legal frameworks; and listen and improve its relationship with its customers;
- **Improvement** – the complaints procedure should be a positive experience for customers and staff alike, where the investigation outcome and resolution of complaints will be used to monitor the Council's performance and improve service delivery;
- **Inclusion** – the Council values customer opinions and so, wants to make it easy for anyone who wants to complain. Information can be provided in a range of languages, in large print, Braille or via audio-tape. Translation and interpretation services can be provided and if necessary, home visits. The Council will always do its best to meet customers particular needs and make it easier for them to use the complaint procedure; and
- **Learning** – the Council aims to learn from complaints, using customer feedback to inform service improvements or to develop training for staff.

2.4 A complaint is defined as, ***“an expression of dissatisfaction with the Council, however expressed, whether justified or not”***. This simple and clear definition allows a complaint to be defined from the customer's perspective rather than the Council's.

2.5 A complaint could be for example in relation to:

- A delay in taking action without good reason;
- A failure to provide a service;
- Mistakes in the way a decision has been taken;
- Not following the law or the Council's own policies;
- Broken promises;
- Giving incorrect or misleading information;
- Bias or unfair discrimination;
- Rude, unhelpful or inappropriate behaviour by staff;
- Poor communication; and
- The conduct of staff when delivering the service

2.6 Therefore, a complaint can fall broadly into one of three categories:

- Complaints about a service

- Complaints about a member of staff
 - Complaints about a policy
- 2.7 There are some issues that cannot be covered by this complaint policy and procedure. For more information on these exceptions, please go to section five, page 11.
- 2.8 Customers can make a complaint in the way that best suits them. Complaints should be made to the Council within 12 months of when a customer feels that something has gone wrong. If it is longer the Council may ask customers to explain why they could not complain sooner. The Council encourages any customer who has a concern or suggestion about a particular service to make contact with us straight away, where the aim will be to resolve the issue quickly at the first point of contact. Whether the complaint is completed informally at the first point of contact it should be recorded so the Council has greater visibility of customer issues. Contact can be via:
- The Council's complaint form (on-line or hard copy);
 - By letter;
 - By fax;
 - By email;
 - Made in person at Access Croydon;
 - By telephone;
 - On audio-tape; and
 - In different languages.

3. Corporate complaint policy

- 3.1 The Council has a two stage procedure that is designed to support the effective management of complaints.
- 3.3 The target time for a response, for either stage, is **20 working days** from the receipt of the complaint.
- 3.4 The person who first receives the complaint is responsible for logging the complaint on the Council's complaint system.
- 3.5 When a customer cannot be provided with a full response within the time-scale the customer will be notified immediately and given a revised time-scale as to when they can expect a full response to their complaint.

3.6 Stage one complaints

- 3.6.1 The service area the complaint has been made about will be responsible for recording, investigating and responding to the complaint.

- 3.6.2 Customers should direct their complaint to the service area responsible, detailing what they are unhappy about and what they would like the Council to do as a result of their complaint.
- 3.6.3 An investigating officer will be assigned by the relevant service.
- 3.6.4 The maximum amount of time given for responding to a stage one complaint is **20 working days**. If the complaint cannot be resolved on the spot, then the service must acknowledge the complaint within five working days and resolve to deal with the complaint in the remaining time left.
- 3.6.5 All services should aim to resolve and respond much quicker than the **20 working days**, and as often as possible resolve on the spot.
- 3.6.6 In the event that a complaint takes longer than the **20 working days**, the investigating officer will set and agree a reasonable and appropriate revised timescale and regularly keep the customer up to date on its progress.
- 3.6.7 A complaint may be upheld, partly upheld or not upheld. This means was the complaint completely justified, partly justified or not justified at all. It is important that the customer is told of the outcome of each element of their complaint and the reasons for that outcome.
- 3.6.8 Where complaints are upheld or partly upheld, the remedy needs to be appropriate to the complaint, taking into account the customer's desired outcome. The Local Government Ombudsman (LGO) offers this general principle for guidance that,
- “Where we find that an injustice has been caused by maladministration, we seek a remedy that would, so far as possible, put the complainant back into the position he or she would have been in but for the fault”.***
- 3.6.9 The aim is to ensure as far as possible that broadly similar complaints, if justified, should receive broadly comparable remedies. There will be circumstances where the local authority is unable to put the customer back into the position he or she would have been in because of the amount of time lapsed or due to other events which may since have occurred. In such cases, financial compensation may be the most appropriate approach.

- 3.6.10 If a customer is unhappy with the response to their complaint at stage one, they can ask for the complaint to be escalate to the second stage. In doing so, the customer should clearly detail why they believe their complaint was not addressed in the first stage.
- 3.6.11 Complaints should be escalated to stage two where the response at stage one is considered to be unclear, unhelpful or incomplete.

3.7 Stage two complaints

- 3.7.1 All stage two complaints will be investigated independently by the complaint resolution team on behalf of the Chief Executive.
- 3.7.2 The complaint resolution team are responsible for recording, investigating and providing a detailed response to customers.
- 3.7.3 The maximum amount of time given for responding to a stage two complaint in full is **20 working days**, with a customer receiving an acknowledgement within the first three days of this time-frame.
- 3.7.4 If a complaint is complicated and likely to take longer to resolve the investigating officer will keep a customer updated on its progress.
- 3.7.5 All stage two complaints will be signed of by the Chief Executive or a nominated deputy.
- 3.7.6 The response sent will inform a customer that if they remain dissatisfied with how the complaint has been handled that they can complain to the Local Government Ombudsman or the Housing Ombudsman Service.

3.8 Local Government Ombudsman (LGO) and Housing Ombudsman Service (HOS) complaints

- 3.8.1 If, after a stage two investigation, a customer is still not satisfied then they have the right to refer their complaint to the LGO or the HOS. The Local Government Ombudsman (LGO) is an independent service organisation which investigates complaints against Councils (excluding landlord/tenant functions). The Housing Ombudsman Service (HOS) is an independent organisation which investigates complaints relating to tenant and leaseholder matters and landlord functions. For more details of the areas these organisations cover please see the following website link: www.lgo.org.uk/making-a-complaint/what-we-can-look-at/complaints-about-social-housing

3.8.2 Although a customer can take their complaint to the LGO or HOS at any stage, customers are expected to give the Council the opportunity to investigate the complaint in the first instance. Customers can approach the HOS but this must be 8 weeks after their complaint has been investigated at stage 2 by the Council unless they go through a 'designated person'. For more information please contact the Complaint Resolution Team on the details below:

Email: complaints@croydon.gov.uk or Telephone: 020 8726 6000 (ext.47015)

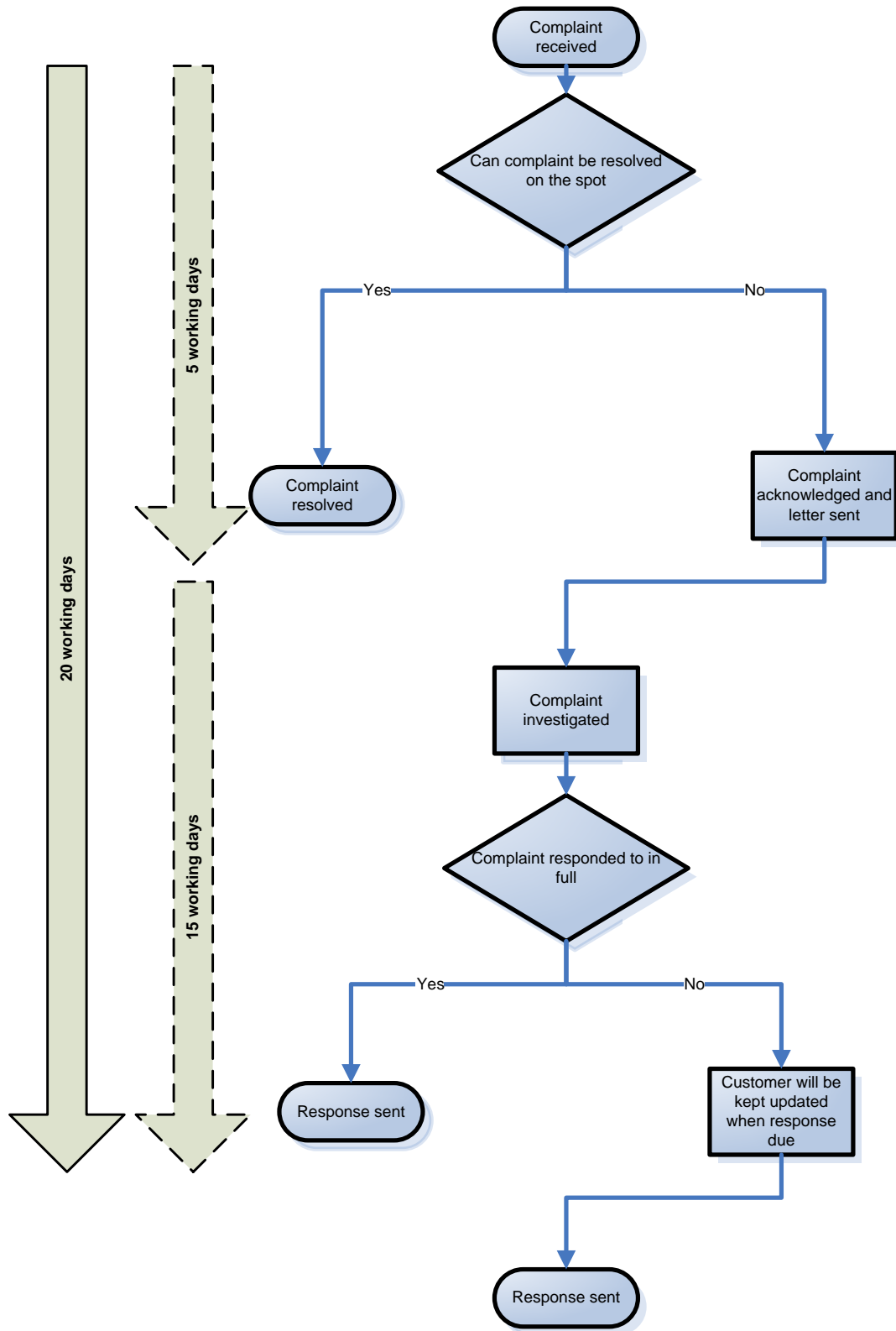
3.8.3 If the LGO or HOS does become involved, all contact is made through the complaint resolution team who will co-ordinate a response to the LGO or HOS.

3.8.4 The Council must submit a response to the LGO or HOS within **20 working days** of receipt.

3.8.5 When the Council receives a complaint from the LGO or HOS these cases are highlighted to senior level management to ensure they have visibility of these issues and appropriate action is taken to resolve them.

4. Corporate complaint procedure guidance

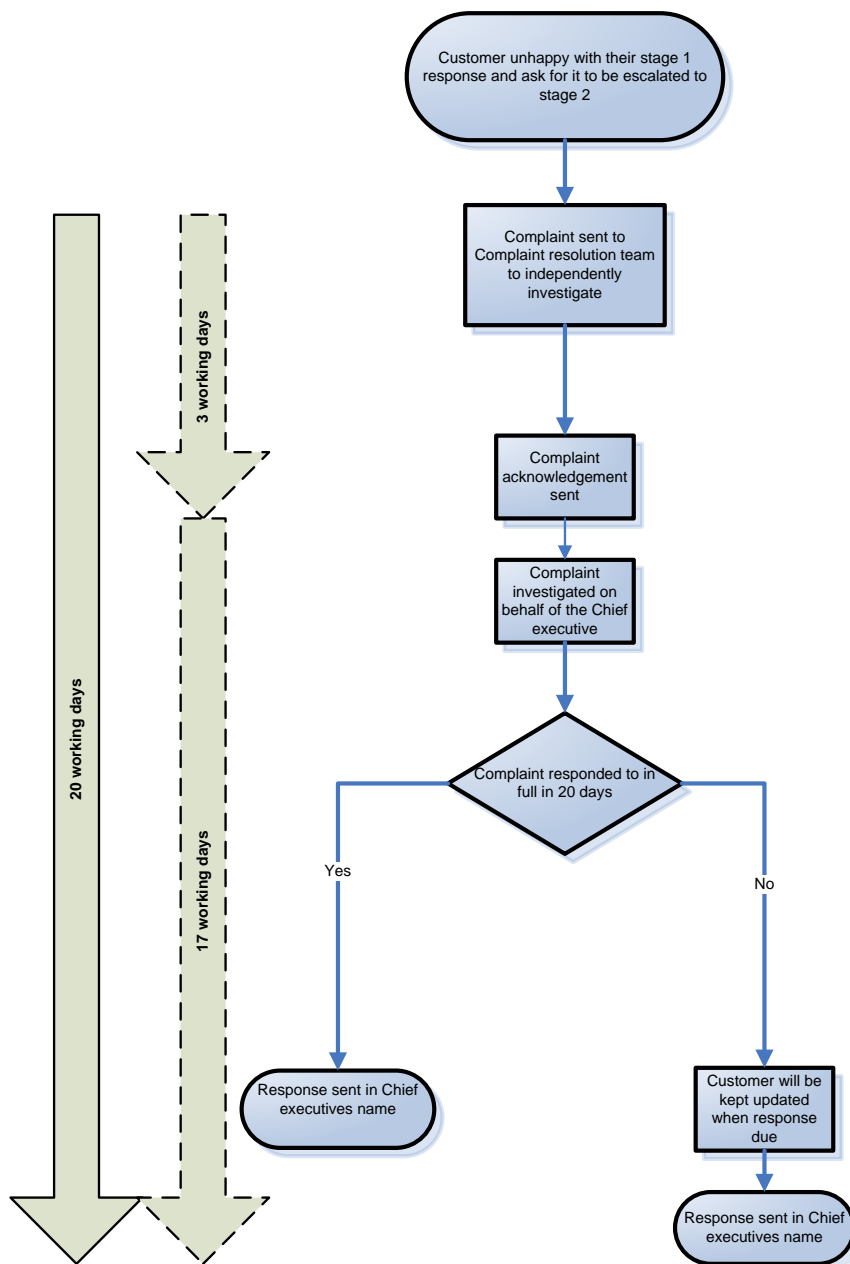
4.1 Stage one complaint investigation procedure flow chart



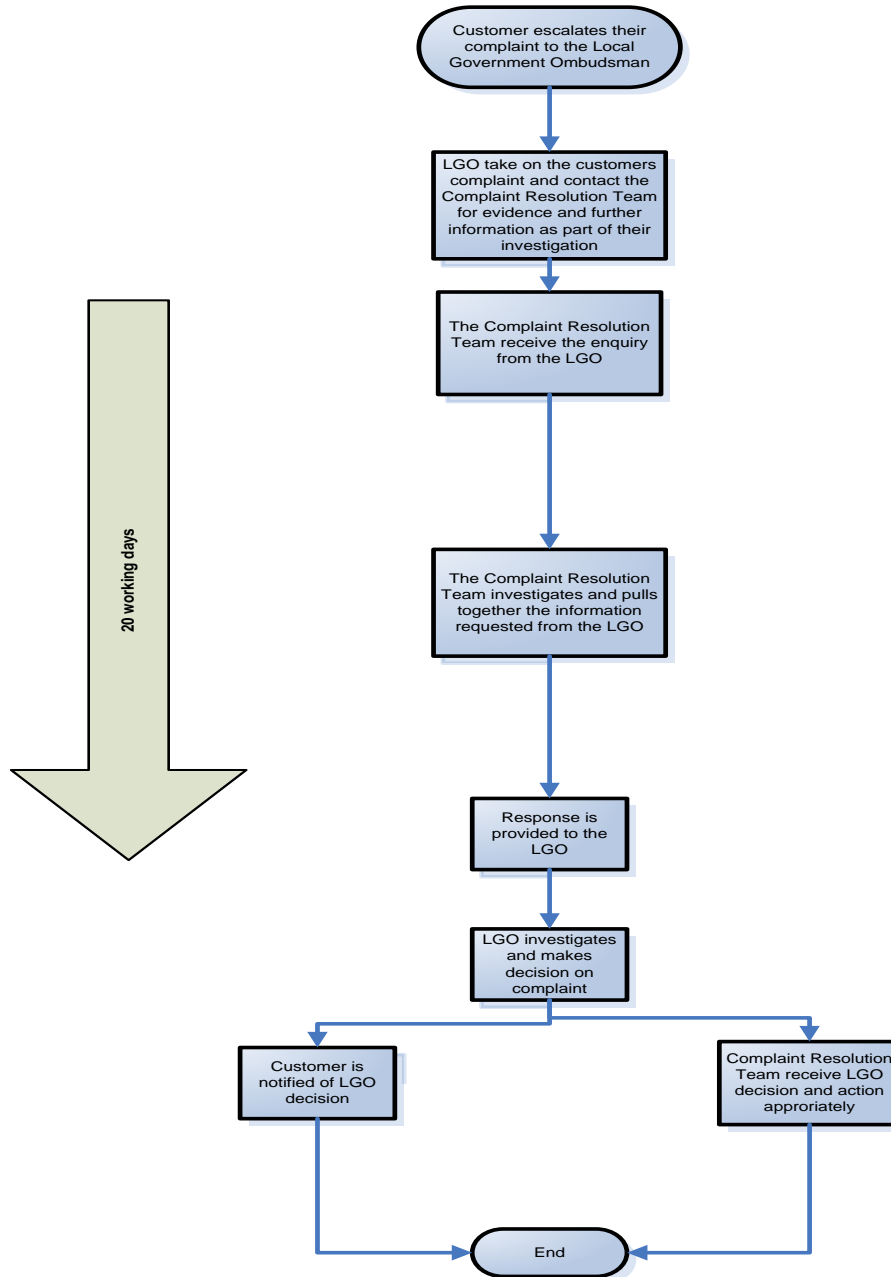
4.1.1 When investigating a complaint it is important that we look to resolve complaints as quickly as possible. Wherever possible, we should aim to resolve the issue at first point of contact.

4.1.2 When a complaint cannot be resolved quickly and simply at the first point of contact, a thorough investigation of a complaint is imperative to ensure that the Council's policies and procedures have been adhered to and to identify if anything has gone wrong.

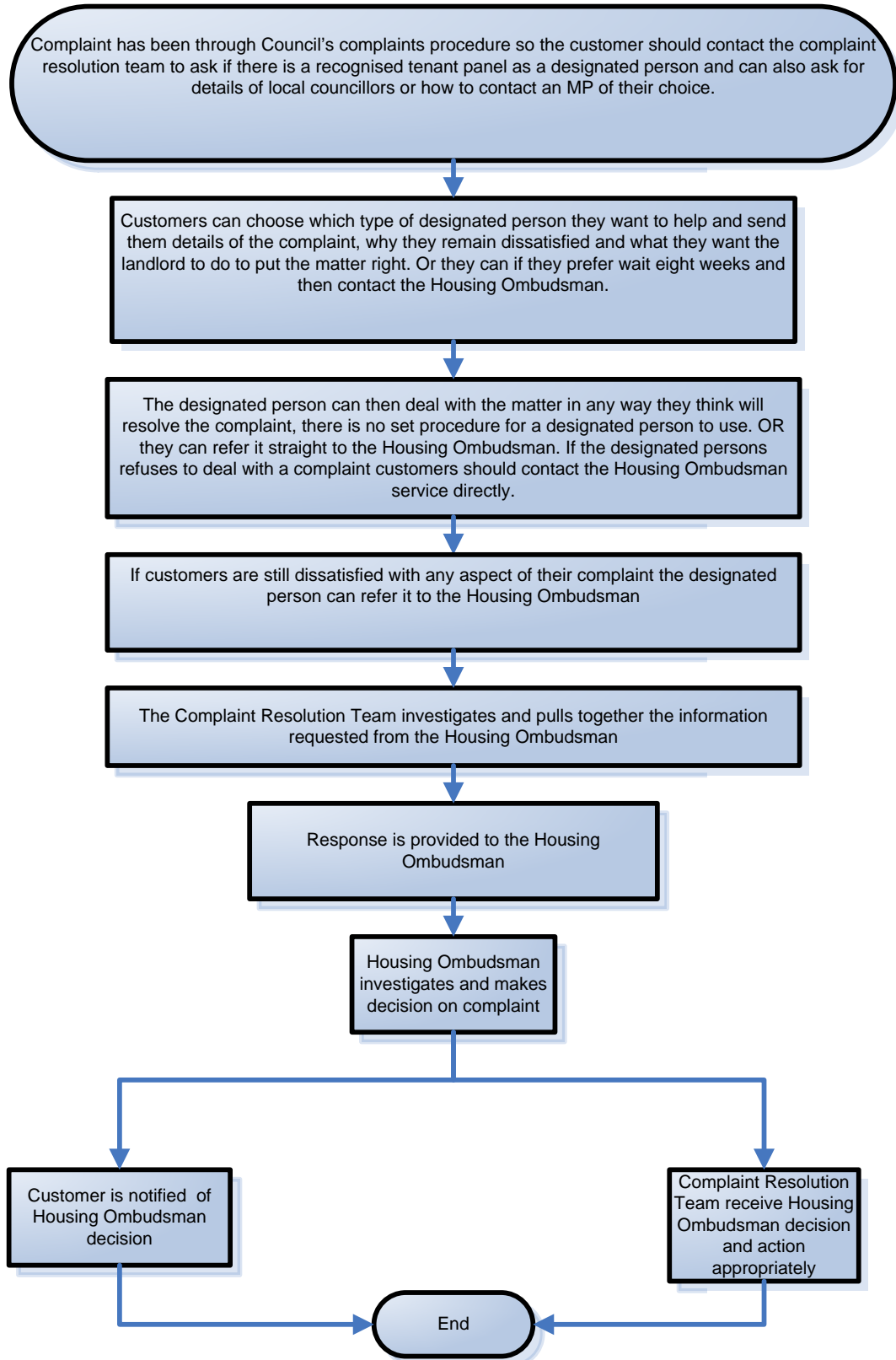
4.1 Stage two complaint investigation procedure flow chart



4.3 Ombudsman complaint investigation procedure flow chart



4.4 Housing Ombudsman complaint investigation procedure flow chart



5. Exceptions

- 5.1 Certain types of issues and complaints fall outside of the Council's corporate complaints policy and procedure because there are other processes more suitable for dealing with them, or because they are outside of the Council's control. These include:
- Matters of law or central government policy;
 - Complaints from staff about HR issues; including appointments, dismissals, pay, pensions and discipline. These are dealt with separately under the Council's HR policies and procedures;
 - Freedom of Information requests for reviews, or complaints about the decision, the information provided or how a request was handled. These are dealt with under a separate policy and procedure.
 - Commercial or contractual matters, for example contracts for the supply of goods and services to the Council. However, complaints about the negotiation of council leases, or the disposal of Council land should be dealt with through this policy and procedure, as such complaints are within the jurisdiction of the LGO;
 - Complaints where a customer or the Council has **started** legal proceedings but not where a customer has only threatened legal action;
 - Complaints that have already been decided by a court or independent tribunal should not be accepted but complaints about the implementation of a court or tribunal's decision should be investigated, for example the recovery of Council Tax after a Liability Order has been obtained;
 - Services for which there are alternative statutory appeal or tribunal processes, including:
 - Appeals against the refusal of planning permission or planning enforcement;
 - Appeals against statutory notices;
 - Parking appeals;
 - Complaints about 'registered' housing providers
 - School admission or exclusion appeals;
 - Special Educational Needs (SEN) Tribunals; and
 - Housing benefit appeals.

Where a customer is unhappy about the outcomes of their appeal or tribunal decision these have separate review procedures that remain outside of the Council's complaint policy and procedure

- 5.2 However, when a customer is unhappy about **the way that an appeal was handled**, for example a delay in preparing the Council's submission to the Housing Benefit Appeals Services, this should be dealt with under the Council's complaint policy and procedure.

- 5.3 If the complaint is about the attitude of staff when handling a planning application this falls under the Council's corporate complaint policy and procedure.
- 5.4 If in doubt, it should be recorded and investigated as a complaint. If it is decided not to accept the complaint, a customer should be given a clear explanation as to why and if possible, an alternative route should be given.
- 5.5 A judgement needs to be made on a case by case basis as to whether to look into the substance of anonymous complaints. When an anonymous complaint is made it will obviously not be possible for a response to be provided back to that customer.

6. Link with other policies and procedures

6.1 Complaints about the conduct of Councillors

- 6.1.1 The local authority ethics committee is responsible for considering complaints where a Member may have breached the Code of Conduct.
- 6.1.2 A complaint about the conduct of a Member of the London Borough of Croydon must be submitted in writing, via a letter or email, to:

Email: ethics@croydon.gov.uk

Write to:
(c/o Julie Belvir, Monitoring officer)
London Borough of Croydon
Democratic and legal services
Floor 4 – Zone Annexe G
Bernard Weatherill House
8 Mint Walk
Croydon CR0 1EA

6.2 Complaints about social care services

- 6.2.1 Different complaint procedures and time-scales apply to some complaints by users of the Council's social care services. These are dealt with under The Children Act 1989 Representations Procedure (England) Regulations 2006; and the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009.

6.2.2 More information can be found on the Council's website:

Adult social care:

<http://www.croydon.gov.uk/democracy/feedback/complaint/acccomplaints>

Children's social care

<http://www.croydon.gov.uk/democracy/feedback/complaint/cssscomplaints>

6.3 Complaints about schools

6.3.1 Schools have their own complaints procedures and the Local Authority no longer has a role to play in investigating complaints. All schools are required to provide their Complaints Policy on their website and provide a paper copy on request.

6.3.2 Complaints about a school or a member of school staff should be made to the Head Teacher. Where a resolution is not found at this stage the complaint should be referred to the governing body. Complaints about the Head Teacher should be made to the Chair of Governors.

6.3.3 The contact details for schools in Croydon can be found via the following link:

<https://www.croydon.gov.uk/education/schools-new>

6.4 Complaints by persistent or vexatious customers

6.4.1 Croydon Council now has a separate policy and procedure as to how it manages customers who may be either persistent or vexatious. The link to this policy and procedure can be found at on our website.

6.5 Members and MP enquiries

6.5.1 Council Members and MPs can make a complaint on a customer's behalf under the corporate complaints procedure. However, if the matter raised does not come under the corporate procedure then Members and MPs can raise these issues as follows:

Council Members:

- Direct to the officer who deals with the specific subject of the complaint, e.g. council tax
- The relevant departmental complaint officer (DCO)

MPs:

- To the director of the service concerned
- To the chief Executive

6.5.2 These enquiries are referred to the relevant DCO or will be dealt with under the departmental Members' Enquiries procedure.

6.5.3 The response time for enquiries from Members or MPs is within ten days from receipt of the enquiry. If the complaint is urgent it may be fast tracked and a response sent sooner.

7. Contact information

7.1 For more help or information, customers and staff can contact the complaint resolution team.

Email: complaints@croydon.gov.uk

Telephone: 020 8726 6000 (ext.47015)

7.2 Contact details for the LGO are as follows:

Website: www.lgo.org.uk

Address:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone: 0300 061 0614

Fax: 024 7682 0001

7.3 Contact details for the Housing Ombudsman Service are:

Website: www.housing-ombudsman.org.uk

Address:

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN

Telephone: 0300 111 3000

Fax: 020 7831 1942

Email : info@housing-ombudsman.org.uk