



Complaints Policy

Version 2 - March 2019

Owner: Director of Performance, Policy and Partnerships
Review Date: March 2020

Complaint Policy

Version Control Table

Version Number	Date	Purpose/Change	Reviewer / Authoriser
1.0	15/05/2015	Original Policy	Director of Performance, Policy and Partnerships
1.0	24/08/2017	Revised Policy	Corporate Management Team
1.0	20/02/2019	Revised Policy	Corporate Management Team
2.0	12/03/2019	Updated policy approved by CMT for publication on the Council's website	Head of Performance & Improvement Complaints & Fol Manager

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1 About this document

This documents sets out Brent Council's position on complaints.

2 Policy Statement

We recognise the importance of customer complaints and welcome them as a valuable form of feedback about our services. We will use the information gained from complaints to help improve the quality of our services.

- When we have done something wrong and it has had an adverse impact on a customer, we shall endeavour to put things right.
- We will acknowledge all complaints and respond to all complaints within relevant timescales.
- If customers are dissatisfied about how we have handled their complaint, we will advise customers of their rights to appeal to the relevant body.
- We will ensure that there is a complaint provision for any services provided by a partner agency.
- We will process all personal information relating to complaints in line with the General Data Protection Regulations 2018.

3 Scope

3.1 What is a complaint?

A complaint is defined as an expression of dissatisfaction, not resolved immediately to the customer's satisfaction, about the level, quality or nature of a service which the customer feels should have been provided. This includes services provided by people or organisations acting on the council's behalf.

Typically a complaint could be about:

- Delay in taking action without good reason
- Failure to provide a service
- Mistakes in the way a decision was taken
- Not following the law or the Council's own rules
- Broken promises
- Giving incorrect or misleading information
- Bias or discrimination
- Rude, unhelpful or inappropriate behaviour by staff
- Poor communication

3.2 Who can make a complaint?

Anyone who uses and/or is individually affected by our services can make a complaint.

Concerns raised by partner organisations about our services are outside the scope of this policy. Concerns raised by staff or job applicants about their employment are also outside the scope of the policy.

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Expressions of dissatisfaction against democratic Council decisions are not covered by this complaints policy, nor are matters that are subject to a statutory right of appeal (see addendum 2 for a list of some of these).

3.3 When can a complaint be made?

A complaint can be made at any time, however the Council will not normally accept a complaint where the customer has delayed raising the complaint with the Council by more than 12 months. The Council recommends that contact is made as soon as possible, to ensure access to data is readily available.

3.4 How will the complaint be dealt with?

All complaints will be dealt with in accordance with the requirements of the General Data Protection Regulation 2018, subsequent legislation and associated Council policies. Social Care complaints will be investigated in line with the current regulations. Information provided to the Council for the purposes of complaint investigation will not be used for any other purposes without consent, and the Council will only investigate complaints made on behalf of somebody else if we have that person's explicit written permission to do so. The Council will not normally accept anonymous complaints (a complaint where a customer has not provided their contact details) unless it is in regards to a child or young person.

The Council will initially assess the complaint to ensure that it meets the criteria of a complaint which is defined in Section 3.1 of this document. The Council will then try to resolve a complaint at first point of contact. Where it is not possible to resolve the complaint quickly or it is clear the matter needs to be formally investigated, the complaint will be responded to within the Council's specified timescales.

Corporate complaints involve a two stage process. Stage 1 is acknowledged within 5 working days and answered by the Service area within 20 working days following an investigation. The response is signed off by the Head of Service, Director or a delegated manager to act on their behalf as appropriate. The response will inform the complainant of their right to request a final review (Stage 2) of their complaint if they remain dissatisfied. The Council may refuse to undertake a final review (Stage 2) if satisfied that the complainant has not provided a sufficient basis for undertaking a further investigation. The complainant will need to clearly state what parts of their complaint have not been addressed satisfactorily and the reasons why.

Stage 2 complaints are investigated independently from the department by the corporate complaints team within the Chief Executive's Department. The Stage 2 complaint will be acknowledged within 5 working days and the investigation completed within 30 working days from the receipt date of the Stage 2 request. If the complainant still remains dissatisfied they have the opportunity to have their complaint considered by the Local Government Ombudsman or the Housing Ombudsman, details of which will be included in the response.

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Statutory children's complaints have a 3 stage process. Stage 1 is acknowledged within 5 working days and answered by the Service area and signed off by the Head of Service within 10 working days. The Stage 1 can be extended to 20 working days if the investigation is complex. Stage 2 is investigated by an Independent Investigator (independent of the service area) and Independent Person (independent of Brent Council) and appointed by the Council. On completion of a complaint statement the investigation will take 25 working days, up to maximum of 65 working days, dependent on complexity, and the Independent Investigator will provide a report on their investigation to the Council.

When the Council receives the report it is passed to the Operational Director for adjudication. The Council's decision will be provided to the complainant, and if the complainant remains unhappy, they can make a request for a Stage 3 panel.

In both stage 1 and stage 2 the responses shall inform the complainant of their right to escalate their complaint to the next stage.

If the complainant requests to escalate their complaint to a stage 3 panel the Council will arrange this in conjunction with statutory legislation.

3.5 When will I receive a response to my complaint?

Timescales for responses will be dependant on the type of complaint. Corporate complaints will be answered within 20 working days for Stage 1, and 30 working days for Stage 2. Details of all complaint timescales can be found in Addendum 1.

If the Council requires more information to complete its investigation, this will be requested from the complainant and the case paused until the information has been provided. Where complaints may also be connected with other procedures, such as legal or disciplinary proceedings, often, in the interests of fairness, a response cannot be provided until those proceedings are complete. The complainant will be informed if the Council is unable to respond at the time and the case will be put on hold.

4 Vexatious Complainants

4.1 How does the Council deal with vexatious complainants?

Where a complainant becomes vexatious and continually contacts the Council about the same issue where a full response has already been provided, the Council will refer the complainant to the Local Government Ombudsman in the first instance. The LGO's review of the complaint is considered final, therefore the Council will not revisit any cases that have already been to the Ombudsman.

Dealing with vexatious complainants diverts time from officer's duties and has an excessive impact on resources. The Council's services need to remain fair, consistent and accessible to everyone who wishes to use them.

5 Responsibilities

The Chief Executive, or their nominated deputy, will respond to all final stage complaints, except where otherwise directed by statute.

Strategic Directors shall have overall responsibility for complaints performance for their directorates.

Heads of Service are responsible for ensuring that remedies and service improvements identified by complaint investigations are carried out.

All staff are responsible for supporting timely and good quality complaint responses within the council's timeframes.

5.1 Who will respond to my complaint?

Corporate Complaints

- Stage 1: Service Area Senior Manager or deputy
- Stage 2: Chief Executive

Adult Social Care Statutory Complaints

- Stage 1: Head of Service
- Stage 2: Strategic Director or Operational Director

Children Social Care Statutory Complaints

- Stage 1: Service Area Manager
- Stage 2: Operational Directors
- Stage 3: Strategic Director

6 Appendices

6.1 Appendix 1 – Timescales

Corporate Complaints

- 20 working days for stage 1
- 30 working days for stage 2

Children Statutory Complaints

- 10-20 working days stage 1
- 25-65 working days stage 2
- 30 working days for stage 3 panel

Adults Social Care

- 20 working days – 6 months

6.2 Appendix 2 – Special Cases

Some types of complaints and appeals fall outside of our corporate complaints procedure.

The following complaints are not covered by the corporate procedure:

- Complaints relating to Children’s and Adult Social Care (these have their own statutory procedure)
- Complaints against schools
- Complaints against councillors
- Anonymous complaints
- Complaints made on behalf of individuals without their explicit consent
- Complaints where the customer or the council has started legal proceedings or court action (but not where a customer has only threatened to do so).

The following matters have their own appeals procedure and are not covered by this policy, these include but are not limited to:

- Penalty Charge Notices
- Fixed Penalty Notices
- Planning appeals
- Appeals against statutory notices
- Appeals relating to schools and school admissions
- Appeals against Special Education Needs assessments
- Housing and council tax benefit appeals
- Leasehold Tribunals
- Council tax and valuation discount and exemption appeals
- Appeals against the refusal of disabled badges for parking exemption
- Appeals against decisions relating to homelessness
- Freedom of Information and Data Protection Act – related complaint