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# Corporate Complaints Policy:

## Information for Customers

April 2012

## **Introduction**

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.

### **We define a complaint 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

### **Who can complain?**

Anyone who uses or is affected by our services can make a complaint including:

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

Some people need help to make a complaint, and so we accept complaints made on their behalf, provided that the person affected has given their consent. So a complaint could be made on behalf of the customer by a concerned relative or carer, a solicitor or other advocate, or an advice agency.

Councillors, MP's and other elected representatives can use the complaints procedure to make complaints on behalf of their constituents

### **Equal Access for all**

If a customer has a particular need we will do our best to meet it. We accept complaints: in person, for example at our Customer Service centres, by telephone, by letter, fax, email or via our on-line complaints form

### **Time limit for making a complaint**

We will not normally accept a complaint where the customer delayed raising the complaint with the Council by more than 12 months from the time they first became aware of the problem which led to them making the complaint.

However, each case will need to be decided on its merits, and discretion may need to be exercised if, for example, it is a serious matter, or the person has just found out that they have been affected by something that happened or was decided some time ago, or if illness or other personal circumstances have prevented them from complaining sooner.

The Council's Corporate Complaints Manager should be consulted before coming to a final view to exclude a complaint on these grounds.

### **How will the complaint be dealt with?**

All complaints will be dealt with in accordance with the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000 and subsequent legislation and associated Council policies.

We will try to resolve the complaint at that first point of contact. If it is not possible to resolve the complaint quickly or if it is clear that the matter needs to be formally investigated the complaint will be referred to the relevant department for a **Local Resolution investigation (LR)** – see below.

#### Stage 1 – Local Resolution (LR) – Investigation of the complaint by the department concerned

The Head of Service whose area the complaint relates to will normally be responsible for ensuring that the investigation complies with the Corporate Investigation Standards. The complaint should be assigned to a suitably experienced officer for investigation. The complaint should be acknowledged within 5 working days of receipt.

The investigation should be completed and the written response sent to the complainant within 20 working days from the receipt of the complaint. The response should be signed by the Head of Service or Assistant Director/Director or a manager delegated to act on their behalf as appropriate and should inform the customer of their right to request a final review of their complaint if they remain dissatisfied.

The Head of Service may refuse to investigate a complaint if they consider that the customer has not provided a sufficient basis for undertaking an investigation.

#### Stage 2 – Final Review – further investigation undertaken by the Chief Executive

Customers who remain dissatisfied after their complaint has been considered at the LR stage can request that a final review of their complaint be carried out. Final reviews are conducted independently from the department by the Corporate Complaints Manager and supporting officers on behalf of the Chief Executive. The complaint will be acknowledged within 5 working days and the investigation completed within 30 working days from the receipt date of the final review request.

The Corporate Complaints Manager may refuse to undertake a final review if satisfied that the customer has not provided a sufficient basis for undertaking a further investigation. Where the decision is taken not to undertake a final review the customer will be told that they can ask for their complaint to be considered by the Local Government Ombudsman

### **Putting actions on hold while the matter is being investigated**

Any actions that we are taking that may have given rise to the complaint – for example Council Tax recovery proceedings, may be placed on hold pending the outcome of the complaint investigation. Where a service head considers that actions should not be placed on hold they should agree the position with the Corporate Complaints Manager.

## **Putting things right**

When the council is at fault, we need to put things right by acknowledging our mistakes and apologising for them, explaining why things went wrong and what the council will do to prevent the same mistake happening again. This should happen at the earliest possible point in the process.

So far as possible, we will put the customer back to the position they would have been in if things had not gone wrong. Sometimes it is not possible to put the clock back in this way. In such cases, we should provide a remedy which may be financial or taking some specific action or providing a service

Where the customer owes money to the council service they have complained about, for example rent or Council Tax arrears, any compensation awarded will normally be offset against those arrears.

## **Brent Housing Partnership**

Brent Housing Partnership, the council's Arms Length Management Organisation, is responsible for managing the council's housing stock. BHP will investigate and respond to complaints in line with the Local Resolution process outlined above. If the customer remains dissatisfied the customer will have the right to request a Final Review of their complaint as outlined above.

## **Complaints spanning more than one service area or department**

Sometimes complaints concern two or more service areas or departments. So far as possible, the council will provide one coordinated response. Any dispute about which department or service area should lead on an investigation will be referred to the departmental complaints officer or the Corporate Complaints Manager for a decision.

## **Complaints involving partner organisations**

Increasingly the council works in partnership 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 partnership arrangements. Wherever appropriate we will undertake a joint investigation with the partner organisation.

## **Contractors and complaints**

Where the service complained about is provided by a contractor, the contractor will be required to investigate and respond. Customers who remain dissatisfied after their complaint has been investigated by the contractor will be able to request a review of the complaint by the Council department that manages the contract. Complaints received by the Council that have been dealt with by contractors will be investigated under the Local Resolution procedure.

## **Complaints that fall outside of the scope of 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 for dealing with them, or because they are outside the council's remit. These include:

- Matters of law or central government policy
- Commercial or contractual matters, for example contracts for the supply of goods and services to the council.
- Freedom of Information and Data Protection Act-related complaints – see below for details
- Complaints where the customer or the council has started legal proceedings in respect of what the complaint is about
- Complaints that have already been decided by a court or independent tribunal should not be accepted, but there may be complaints about the council's implementation of a court or tribunal's decision which may 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  
Appeals against statutory notices  
Parking enforcement appeals  
School admission or exclusion appeals  
Special educational needs appeals  
Housing/Council Tax Benefit, Council Tax and Business Rates valuations, discount and exemption appeals - A person can complain about the way an appeal was handled, for example where the customer complains that the Council delayed in dealing with an appeal.

### **Complaints about councillors**

Should be referred to the council's Director of Legal and Procurement

### **Complaints by or on behalf of customers receiving social care support**

Different complaint procedures and timescales apply to some complaints by users of the council's social care services. The customer will be told if these procedures apply when they make their complaint.

### **Complaints about schools**

Schools have their own complaint procedures. Complaints about a school or a member of the school staff should be made to the head teacher and then the Chair of the school's governing body.

### **Freedom of Information and Data Protection Act- related complaints**

There is a separate review, appeal and complaint route, which leads to the Information Commissioner if the complaint about the provision of information is not resolved satisfactorily by the Council. At times FOI requests may be received as part of a complaint about a council service and it is important that both aspects of these requests should be dealt with. Detailed guidance on how to handle complaints that include a FOI or DPA request can be obtained from the Council's Information Governance Manager.

### **Anonymous complaints**

The Council will not normally accept a complaint where a customer has not provided their contact details.