



CORPORATE COMPLAINTS POLICY

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1. INTRODUCTION

- 1.1. This policy should be read in conjunction with the Council's other relevant policies, including (but not exclusively) those relating to Violence at Work, Harassment and Racist Incident Reporting and Customer Care.
- 1.2. This complaints policy sets out the different stages a complaint is to go through, the timescales involved and who should be involved in handling the complaint.
- 1.3. The policy covers all complaints to Luton Borough Council, but specific complaints about Adult and Child Care Services should either be directed to, or will be referred to the Complaints and Representations Advisor, based in the Housing and Social Services Department for action. Parental or carers' complaints about school issues should be referred to the school and dealt with under this specific procedure.

2. AIM

- 2.1. The procedure seeks to create a positive approach to complaints. Complaints are valued as a means to continuously review and improve the services offered by the Council

3. OBJECTIVES

- 3.1. To provide an effective means for service users and their representatives to complain if they are dissatisfied in any way with the service they receive
- 3.2. To ensure complaints are dealt with in a courteous and efficient manner and are resolved without avoidable delay
- 3.3. To provide customers with a formal method of challenging decisions made about their lives with which they disagree
- 3.4. To give people denied a service an accessible and acceptable means of challenging the decision made
- 3.5. To obtain information about the public's perceptions about the Council's services, to inform future policy and service planning
- 3.6. To maintain records of complaints made so that regular reviews can be produced for internal monitoring and public accountability
- 3.7. To enable customers to complain with the assistance of a representative or advocate if required

4. HOW WE VALUE COMPLAINTS

- 4.1. We welcome and encourage comments and complaints from our customers.
- 4.2. Complaints are of positive help to the Council. They give is valuable feedback in our continuing bid to develop high quality services. Also, a procedure for making complaints will help to give service users confidence that they will be given a fair hearing within some set timescales.
- 4.3. Departmental Complaints Co-ordinators have the responsibility to monitor that complaints are dealt with promptly, efficiently and in a positive manner.
- 4.4. The benefits to our customers
A complaints policy makes it clear to customers:
 - How they can complain if they want to
 - What will happen when they complain
 - What they can expect the Council to do as a result of their complaint

- What they can do if they are not happy with the Council's complaint.

This can give the customer a chance to get things put right if they go wrong, or try to ensure that the same mistakes are not made again

A complaints policy gives employees the chance to explain the reasons for their actions. It provides a way of dealing with angry or dissatisfied customers.

4.5. The benefits to the Council

A complaints policy helps the Council to see where it might be going wrong and put this right.

5. WHAT IS A COMPLAINT?

5.1.1. A complaint, for the purpose of this policy, is defined as:

An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council, its staff or contractors.

- Expression of dissatisfaction. It is for the customer to decide whether or not s/he is expressing dissatisfaction. If s/he is expressing dissatisfaction, that is a complaint. It is important to remember that reporting a fault or a problem is not necessarily a complaint, but may be simply a request for service. An example of this would be reporting a faulty street light. (In most cases, the customer will accept that street lights occasionally develop faults and would only be dissatisfied if the light was not repaired after being reported, or if it had been faulty for a long time with no action.)
- However made. Complaints may be made orally or in writing, in person, by telephone, e-mail, fax or letter. Obstacles should not be put in the way of a potential complainant by insisting that the complaint be put in writing, or that a particular form be used.
- Standard of service. A customer may express dissatisfaction about the standard of service received because
 - the Council has not achieved the standard it says it will provide, or
 - the service has not been provided to the standard which the customer thinks is reasonable.
- Actions. This can mean the action of the council as a whole, or someone employed by the Council. It might include
 - the Council doing something which the customer did not want it to do
 - the Council carrying out its duties in an unsatisfactory way
 - unacceptable behaviour (including rudeness, violence or aggression) from Council staff or contractors.
- Lack of action. This might include
 - The Council failing to do something which it has been asked to do
 - The Council failing to do something which the customer thinks it should have done, even if it was not actually asked to do it.
- By the Council. The Council sometimes receives complaints about other organisations, as part of its normal work. For instance, Trading Standards exists partly to enable people to complain about the service they have received from traders. These are not, of course, complaints in the context of this complaints policy.

5.2. Appeals. The policy does not cover appeals made under the Council's various appeals procedures.

6. WHO CAN COMPLAIN?

- 6.1. Anyone dissatisfied with the service, actions or lack of action from Luton Borough Council - or someone acting on their behalf and with their permission - can use this complaints procedure.
- 6.2. In respect of complaints concerning the Council's Children's Services, any child who is being looked after by Luton Borough Council or is in need, may complain. Complaints on behalf of such children may be made by anyone with parental responsibility for the child, or anyone else that the Council considers to have sufficient interest in the child's welfare to warrant a complaint or representation being made. Any complaint should immediately be passed to the Complaints and Representations Advisor and will be dealt with under appropriate statutory policy (see 17)
- 6.3. Complaints regarding the service provision by a council contractor or internal service may be raised by another service area and subject to investigation in accordance with this procedure. It is envisaged that such complaints may relate, for example, to a failure to provide a service according to specifications set out by a service level agreement.
- 6.4. Complaints staff may have about the Council as an employer should be made through the grievance procedure, or other internal channels. However, staff have the same rights to complain about the actions or services of the Council as other residents or members of the public.
- 6.5. Anonymous complaints may be acted upon at the discretion of the Council, particularly where the welfare of vulnerable people is concerned.

7. SUPPORT AND ADVOCACY

- 7.1. Many people feel daunted at the prospect of making a complaint. They feel they don't know how to go about it, or how best to put their case. They may fear that the Council will withhold services, or treat them less favourably if they complain. Luton Borough Council welcomes complaints and will encourage people to seek support from friends or other representatives. The Council will assist people in finding such support.
- 7.2. Assistance will be given where appropriate to people who have difficulty with written or spoken English and to disabled people. If the person making the complaint would prefer such support to be provided by someone not connected with the Council, the Council will, if required, assist in finding such support.

8. RIGHTS

8.1. Customers

8.1.1. Our customers have the right:

- to have a friend or other representative help them with their complaint
- to confidentiality (if an investigation cannot proceed without the complainant being identified, the complainant will be given the option whether or not to continue)
- to be kept informed of the progress of their complaints
- to receive an apology if a complaint is upheld
- to be informed of any changes to Council policy or procedures arising from a complaint

8.1.2. This complaints policy does not affect the right of an individual or organisation to approach a local councillor or Member of Parliament for advice or assistance. If this results in a complaint being made by or on behalf of an individual, it will be dealt with using this procedure.

8.2. Staff:

8.2.1. Our staff have the right

- to be treated with respect and courtesy at all times by both customers and managers
- to have the support of a friend, Trade Union or other representative if they are the subject of a complaint
- to be made aware of and have the support of, the Council's violence at work policy and procedure.

9. INFORMATION AND PUBLICITY

9.1. Customers

9.1.1. The complaints procedure will be publicised to the Council's customers through leaflets and posters; the Council's web site; adverts in local news media and in Lutonline.

9.1.2. Posters advertising the complaints procedure will be prominently displayed at all of the Council's public reception points.

9.1.3. All publicity for the procedure will be presented in plain English and available in community languages and Braille.

9.2. Staff

9.2.1. The complaints policy will be explained to all council staff as part of their induction procedure.

9.2.2. Training on the complaints policy will be made available and staff will be encouraged to undergo this training.

9.2.3. An explanation of the policy will be made available on the Council's Intranet.

9.2.4. All staff will be made aware of the name of their Departmental Complaints Co-ordinator, who will give advice on the policy if required.

10. HOW TO COMPLAIN

10.1. Anyone who wishes to make a complaint may do so in person, by telephone, or in writing (by letter, fax or e-mail.) Complaints need not be made to the actual service which is the subject of the complaint. Any member of staff will be able to accept a complaint.

10.2. Complaints In person can be made by calling at any of the Council's offices, libraries, leisure or community centres. Complainants do not need to call at the office responsible for the service about which they are complaining, although if they do, this may make a quick resolution easier. Complaints do not have to be put in writing by the complainant. Complainants will be given a letter, or sent one within 3 working days, setting out their complaint, saying when and where it was made, who they spoke to and who will be responsible for handling the complaint. The letter will also state the date by which a response can be expected.

10.3. Complaints by telephone will be acknowledged by letter within three working days, setting out the complaint, saying when and where it was made, who received it and

who will be responsible for handling the complaint. The letter will also state the date by which a response can be expected.

- 10.4. Complaints in writing can be made on the Council's complaints form, by letter or fax to any Council office, or by e-mail. Written complaints will be acknowledged by letter within three working days, setting out the complaint, saying when and where it was made, who received it and who will be responsible for handling the complaint. The letter will also state the date by which a response can be expected.
- 10.5. Wherever possible and appropriate, staff are requested to elicit from the complainant the actions the complainant feels are necessary to resolve the complaint as well as the nature of the complaint.

11. ROLES AND RESPONSIBILITIES

- 11.1. The responsibilities for the resolution of complaints are set out for officers under the appropriate stage headings. At the informal stage the receiving officer should attempt to resolve the complaint, or if this is not possible, refer the matter to an appropriate officer to action.
- 11.2. Department Complaints Coordinators are responsible for the following:
 - ensuring a complaint progresses through each stage in accordance with the procedure
 - satisfactory progress is made to ensure that every attempt is made to resolve the complaint as soon as practicable
 - that data is kept in accordance with the monitoring requirements of this procedure
- 11.3. A corporate monitoring officer in the Chief Executive's Department has responsibility for co-ordinating any complaints received by the Chief Executive and will liaise with the appropriate Department monitoring officer. In such cases, the Department monitoring officer will be responsible for ensuring the corporate monitoring officer is updated of progress in the handling of the complaint.

12. COMPLAINTS AGAINST STAFF

- 12.1. If a complaint regarding staff actions or behaviour is found to be valid, then the issue will be referred to the appropriate corporate human resource procedure such as the disciplinary procedure and investigated and resolved in accordance with those requirements. This will be regarded as an outcome for this complaints procedure.

13. CROSS-CUTTING COMPLAINTS

- 13.1. In the event that a complaint involves more than one service, either internally or externally, the Department complaint(s) officers will ensure:
 - That one lead department is nominated to investigate the complaint. The lead department to be decided by the receiving department based on the main focus or content of the complaint.
 - That an appropriate officer from that department is nominated to investigate and co-ordinate the investigation of that complaint.
 - That the complainant is informed of this arrangement in the acknowledgement to this complaint
 - That the requirements of this procedure are adhered to

- 13.2. Should the complaint be under investigation by an external agency, then officers will request that this procedure applies if:
- The agency has no complaints procedure
 - The agency agrees for the complaint to be investigated in accordance with the procedure
- 13.3. Should the agency have their own complaints procedure, then it is recommended that the complaint is investigated in accordance with that procedure and the element which impacts on council services is undertaken in accordance with this procedure.

14. MONITORING, EVALUATION AND REPORTING

- 14.1. All Department Complaints Coordinators should keep a record of the following events:
- Date complaint received
 - Date complaint acknowledged
 - Date complaint responded
 - Stage of procedure when complaint resolved.
 - Type of complaint according to the following categories:
 1. Staff behaviour
 2. Councillors decision
 3. Management decision
 4. Service standard
 5. Failure to provide a service
 6. Inadequate information
 - Complainant Profile according to the following categories:
 - .1. Ethnicity
 - .2. Age
 - .3. Gender

New regulation will soon require us to also capture religion and sexuality.
- 14.2. This information will be reported quarterly by the appropriate department monitoring officer to the following: Divisional Management team
- Relevant scrutiny committee
 - Corporate monitoring officer
 - Head of Equalities
- 14.3. The reports will contain a summary of any service issues and action taken to resolve these as a result of the complaints received.
- 14.4. The corporate monitoring officer will be responsible for the quarterly monitoring of the above information for all departments and will report this to:
- Corporate Directors Management Team
 - Performance and Resources Executive.
 - The reports will contain a summary of any service issues and action taken to resolve these as a result of the complaints received.

It should be noted that service managers will have responsibility for monitoring and reviewing all complaints that relate to their service. They are also required to assess the outcomes of the complaint to determine whether any changes in policies, procedures or working practices are appropriate.

15. THE THREE STAGE PROCEDURE

15.1. The complaints procedure has three stages. These are:

15.2. Stage 1: Informal: attempt to resolve the complaint informally

15.2.1. Where possible, complaints will be dealt with quickly and informally “on the spot”, or within a few days. It is envisaged that the vast majority of complaints will be resolved at this stage.

15.3. Stage 2: Formal investigation

15.3.1. Where complaints cannot be resolved straightaway, or where complainants are still dissatisfied following Stage 1, they will be formally investigated. This investigation will be carried out by a second tier officer responsible for the service which is being complained about. This officer will be responsible for ensuring that the complaint is investigated and for reporting the results of the investigation. However, the actual investigation may be delegated by the second tier officer as appropriate. Where appropriate, some complaints may be referred directly to Stage 2.

15.3.2. In complaints concerning schools, the stage 2 investigation will be carried out by the Complaints Committee of the Board of Governors.

15.4. Stage 3: Review

15.4.1. If the complainant continues to be dissatisfied following Stage 2, the complaint can be reviewed by the Corporate Director, who will be responsible for ensuring that the complaint is reviewed and for reporting the results of the review. In the case of complaints covered by the statutory Social Services procedures, the review will be by an independent review panel and in the case of schools complaints, by the Local Education Authority. In cases where a complaint refers to the actions of a corporate director it may be appropriate for the Chief Executive to investigate the matter.

15.5. The Ombudsman

15.5.1. If the customer is still not satisfied, s/he may take the complaint to the Ombudsman.

15.6. Although the corporate complaints policy covers the whole organisation, the law says that certain types of complaints have to be handled differently from others. All complaints follow this three stage procedure, but the way in which each stage is handled may differ. For this reason, the Corporate Complaints Policy is made up of three separate procedures:

- the General Complaints Procedure
- the Adult and Child Care Complaints Procedure
- the Schools complaints procedure

15.7. The Corporate Policy sets out the principles and standards which apply to all three procedures.

15.8. When complaints are received, they may trigger other Council procedures, for instance the Racial Incident Reporting Procedure.

16. THE CORPORATE COMPLAINTS POLICY: PRINCIPLES APPLYING TO ALL THREE PROCEDURES

16.1. All complaints are recorded, so that we know how many complaints we are receiving, what they are about and how they have been dealt with.

16.2. Complaints can be made in any form the complainant chooses. This may be orally (either in person or by telephone), in writing (by letter or using the Council's complaints form), or by e-mail.

16.3. STAGE 1 (INFORMAL STAGE)

16.3.1. The person receiving the complaint will record it and either acknowledge the complaint or answer it fully, in writing, within three working days.

16.3.2. If the complaint cannot be resolved immediately, the complainant will be advised that further enquiries will be carried out and a response made as soon as possible and within a maximum of 10 working days. If the complaint cannot be resolved within 20 working days of the original complaint, the complainant will be informed of the reasons in writing and the complainant will be offered the opportunity to progress to Stage 2.

16.3.3. The full response at Stage 1 will advise the complainant of their right to move to stage 2 (formal investigation) if they are not satisfied with the outcome of the service's initial investigations and of their right to have a 'friend' assist them in making a complaint. The complainant should be advised that they have 28 days from the date of the full response letter in which to request a further review of their complaint.

16.3.4. (If the complainant is not satisfied at this initial outcome, it may of course be appropriate to have 'another go' at trying to resolve their complaint by perhaps seeking the assistance of a more senior manager. Should this occur, the complaint would still be deemed to be within Stage 1, that is the informal stage of the process where attempts are still being made to resolve it locally.)

16.4. STAGE 2

16.4.1. The purpose of Stage 2 is to formally investigate the concern or complaint, consider the findings and make a decision about the outcome.

16.4.2. Stage 2 operates:

- when a complaint cannot be resolved at Stage 1
- when the person complaining is not satisfied with our efforts to resolve the complaint at Stage 1
- when the complainant wishes - and the appropriate second tier manager agrees - to start proceedings at the formal investigation stage
- when a complaint is received via the Local Government Ombudsman
- when a complaint is received via a Councillor or Member of Parliament
- when a complaint is against an elected member (in which case the complaint must be investigated by a Corporate Director).
- when a Corporate Director judges the complaint sufficiently serious to warrant immediate investigation at Stage 2.

16.4.3. A formal complaint will always be recorded in writing by the receiving officer and should be forwarded to the departmental Complaints Co-ordinator who will assume responsibility for ensuring that the complaint:

- is acknowledged
- is forwarded to the 'investigating officer' (an appropriate manager selected in liaison with an appropriate 2nd tier officer) for investigation
- is logged and recorded (and recording any subsequent remedy proposed by the investigating officer) and ensuring that it is progressed within set timescales

16.4.4. Acknowledging complaints

- Formal complaints will be acknowledged in writing within 3 working days of their receipt. The complainant will be advised of the name and telephone number of the investigating officer and provided with information explaining the formal complaints procedure.

16.4.5. Providing information

- The investigating officer will normally require the co-operation of staff from his/her own service and possibly other services to help resolve the complaint. Any requested information must be provided to the investigating officer within 5 working days.

16.4.6. A full response

- A written reply will be provided to the complainant as soon as possible and within 20 working days of the receipt of the complaint, giving a full response to the issues raised (and any proposed remedy) or explaining the reasons for any delay.
- The line manager involved should ensure that the formal response clearly represents the views of the service. If appropriate, the manager should ensure that the Executive Director, Head of Service or a senior manager, has had the opportunity to review the proposed response and agree to any proposed remedies the investigating officer may have made. The line manager will need to consult with other service heads if remedies are likely to have a 'knock on' effect on other areas.
- If a full response is not possible within the 20 working day deadline, the complainant should be sent a progress report within this timescale informing them of the delay, the reasons for this and an anticipated response date. The complainant will be given further updates in writing at least every 10 working days, until the investigation is completed
- What next if not satisfied? The complainant will also be advised that if they are still not satisfied with the response from the service, they can request (within 28 days of the response being sent to them) a further review of their complaint.

16.5. **STAGE 3**

16.5.1. The request for a review must be received by the Council within 28 days of the final response to the formal complaint.

16.5.2. Acknowledging a request

16.5.3. The Corporate Complaints Co-ordinator will acknowledge a request to review a complaint within 3 working days clearly stating how the review is to be conducted.

16.5.4. Last stage of the council's procedure

16.5.5. In the reply, the independent senior officer must inform the complainant that this is the last stage of the internal complaints procedure and, should they still be feel dissatisfied with the outcome, remind him/her of their right to raise the matter with the Local Government Ombudsman.

16.6. **THE LOCAL GOVERNMENT OMBUDSMAN**

- The Ombudsman will only consider cases in which he or she considers that the complainant has been treated unfairly (that is, some form of 'mal-administration') which has caused the complainant some form of injustice, such as a loss, injury or upset. The Ombudsman will only consider complaints which have been right through the Council's complaints procedure. The Ombudsman cannot question what the Council has done simply because the complainant does not agree with the outcome.

16.7. **TIMESCALE FOR REVIEW**

- The review should be carried out and the complainant informed of the outcome within 28 working days of receipt of the request for a review. If, in exceptional circumstances, it is not possible to adhere to this time scale, the complainant will be informed of the reasons and kept informed of progress, in writing, at least every 10 working days.

17. **STATUTORY PROCEDURES**

17.1. Complaints in Social Services and Education have to be dealt with under statutory procedures. These require the complainant to be provided with information and advice on how to pursue a grievance using the relevant procedure. Relevant law includes the Childrens Act 1989, the Chronically Sick and Disabled Persons Act 1970 and the NHS Community Care Act 1990. Whilst the process and timescales can be different, the three stage principle is the same. Should the complaint be about the process used to deliver a service then the Corporate Complaints Process will apply.

17.2. Our Statutory procedures are:

17.2.1. ADULT SERVICES (revising – contact Complaints Officer ext. 7319)

17.2.2. CHILD CARE SERVICES (revising – contact Complaints Officer ext. 7319)

17.2.3. SCHOOLS (revising – contact Performance Review Manager ext. 6747)

18. **DOCUMENT MANAGEMENT AND REVIEW**

18.1. These processes and this and associated policy and procedure documents are coordinated and administered by the Corporate Complaints Working Group. From time to time they will be reviewed and any changes published and communicated. Any query or suggestion for change, should be directed to the Department Complaints Coordinator as follows:

Corporate and Customer Services Department
Complaints Officer extension 6398

Lifelong Learning Department
Performance Review Manager extension 6747

Environment and Regeneration Department
Performance Review Manager extension 6761

Housing and Social Services Department

Complaints and Representations Advisor

extension 7319

Chief Executives Department
Performance Officer

extension 7212