CORPORATE COMPLAINTS POLICY AND PROCEDURE
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PART 1 - POLICY

1. INTRODUCTION
   1.1. This complaints policy covers all complaints to Luton Borough Council and sets out the different stages a complaint is to go through, the timescales involved and who should be involved in handling the complaint. Specific complaints about adult and child care services will be referred to the appropriate departmental adviser for action and will be dealt with under the specific/statutory policy, which can be found on the Council’s website.

   1.2. The procedure seeks to create a positive approach to complaints. Complaints are valued as a means continuously to review and improve the services we offer.

2. OBJECTIVES
   2.1. To provide an effective means for customers/service users and their representatives to complain if they are dissatisfied with the service they receive

   2.2. To ensure complaints are dealt with in a courteous and efficient manner and are resolved without avoidable delay

   2.3. To provide customers/service users with a formal method of challenging decisions we have made

   2.4. To obtain information about the public's perceptions about our services, to inform future policy and service planning

   2.5. To maintain records of complaints made so that regular reviews can be produced for internal monitoring and public accountability

3. HOW WE VALUE COMPLAINTS
   3.1. Complaints give us valuable feedback in our continuing bid to develop high quality services and help to give customers/service users confidence that they will be given a fair hearing within set timescales.

   3.2. All departments have a responsibility to respond to complaints promptly, efficiently and in a positive manner and monitor outcomes.

4. CUSTOMER/SERVICE USER BENEFITS
   A complaints policy makes it clear to customers/service users:
   - How they can complain if they want to
   - What will happen when they complain
   - What they can expect us to do as a result of their complaint
   - What they can do if they are not happy with our response.
5. **WHAT IS A COMPLAINT?**

5.1. 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 us, our staff or contractors.

- It is for the customer/service user to decide whether or not to make 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 apparent action.)

- A customer/service user may complain about the standard of service received because
  - we have not achieved the standard we say we will provide, or
  - we have not provided the service to the standard which the customer/service user thinks is reasonable, or
  - we are doing something which the customer/service user did not want us to do, or
  - we are carrying out our duties in an unsatisfactory way, or
  - our staff or contractors are behaving in an unacceptable way (including rudeness, violence or aggression), or
  - we fail to do something which we have been asked to do
  - we fail to do something which the customer/service user thinks we should have done, even if we were not actually asked to do it.

- We sometimes receive complaints about other organisations, as part of our 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 policy.

6. **COMPLAINTS NOT COVERED BY THIS POLICY AND PROCEDURE**

6.1. Complaints staff may have about us as an employer should be made through the grievance procedure, or other internal channels. However, members of staff have the same rights to complain about our actions or services as other residents or members of the public.

6.2. This complaints procedure cannot be used to deal with an issue which is part of any legal action by or against us.

7. **SUPPORT AND ADVOCACY**

7.1. Some people are unsure how to go about making a complaint, or how best to put their case. Others may have difficulty with written or spoken English – we will give assistance/support when requested.
7.2. Anonymous complaints will be investigated and may be acted upon at our discretion. Should the complainant fear that we will withhold services, or treat them less favourably if they complain openly, we will, if required, assist in finding support outside the Council.

8. **RIGHTS**

8.1. Customers/service users have the right:

- 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 our policies or procedures arising from a complaint

8.2. 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.

8.3. Our staff have the right to be treated with respect and courtesy at all times by both customers/service users and managers.

9. **INFORMATION AND PUBLICITY**

9.1. The complaints procedure will be publicised to our customers/service users through leaflets, posters and our website.

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 can accept a complaint. We would encourage you to indicate the actions you feel would resolve your complaint (however, we cannot guarantee to comply).

10.2. Complaints in person can be made by calling at any of our offices. 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.

10.3. Complaints in writing can be made by letter or fax to any of our offices, or by e-mail. We will acknowledge written complaints by letter within three working days, advising who will be responsible for dealing with the complaint. The letter will also state the time frame within which a response can be expected.

11. **COMPLAINTS AGAINST STAFF**

11.1. 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
policy/procedure such as the disciplinary procedure and investigated. This will be regarded as an outcome for this complaints procedure.

12. **MONITORING, EVALUATION AND REPORTING**

12.1. We will keep a record of complaints, including dates received, acknowledged, responded, category of complaint, actions taken and lessons learned. We will separately monitor complainant profiles in accordance with key equalities criteria.
PART 2 - PROCEDURE

THE CORPORATE COMPLAINTS PROCEDURE

The complaints procedure has three stages.

1. **STAGE 1**
   1.1. Every endeavour should be made to resolve complaints at this initial stage. Where possible, complaints should be dealt with within a few days.

   1.2. The person recording the complaint will record and acknowledge the complaint in writing, within **three working days**, advising the complainant of the name of the relevant officer (or team) and the response timescale (that either a full response or a progress response will be sent within a maximum of 10 working days). 28 days after the final response is sent to the complainant the record will be closed, recording the category of the complaint (if not previously noted) and the outcome of the complaint.

   1.3. Officer dealing with the complaint must send a written response within **10 working days** (either a full response or a holding response setting out the reasons for delay). If an outcome is agreed verbally, a follow-up letter must be sent confirming the details, which is recorded in accordance with departmental procedures.

   1.4. If the complaint cannot be resolved within 20 working days of receipt, it may be appropriate to seek the assistance of a more senior manager. Should this occur, the complaint would still be deemed to be within Stage 1 of the process where attempts are still being made to resolve it locally.

   1.5. The full/final response at Stage 1 will advise the complainant of their right to move to Stage 2 if they are not satisfied with the outcome of the service’s initial investigations. The complainant should be advised that they have **28 days from the date of the full response letter in which to request escalation to Stage 2**. (See the Appendix for standard wording)

2. **STAGE 2**
   2.1. A Stage 2 complaint must be forwarded to the departmental complaints officer who will ensure that the complaint is recorded, acknowledged in writing, within **three working days**, advising the complainant of the name of the investigating officer and the response timescale (**20 working days**). The same recording and closing procedure should be used as for a stage 1 complaint.

   2.2. Stage 2 complaints should be investigated by the relevant Head of Service or delegated by them to an appropriate officer (usually 3rd tier). If delegated, the response should be referred to the Head of Service to agree and sign the final letter.

   2.3. **Role of the Investigating Officer**
   - To ascertain the nature of the complaint and/or concerns of the complainant.
   - To consider the service response to ensure that the complainant wasn’t treated unfairly (that is, any form of maladministration or injustice).
• To make a decision as to how to resolve the complaint (if possible).
• To draft a final letter to the complainant offering an explanation/list of reasons/facts of all issues and concerns, concluding with the final paragraph for stage 2 complaints (see Appendix).

The investigating officer will require the co-operation of staff to help resolve the complaint. Any requested information must be provided to the investigating officer within 5 working days.

2.4 **Unavoidable delays** – If a full response is not possible within the 20 working day deadline, the complainant should be sent an interim response (within this timescale) informing them of the reasons for the delay and an anticipated response date. The complainant should be given further updates in writing periodically until the investigation is completed.

3. **STAGE 3**

3.1 A request to review the complaint must be received by the Council within 28 days of the final response sent at Stage 2. All Stage 3 complaints must be passed to the department’s complaints officer.

3.2 The department will acknowledge a request to review a complaint within three working days of receipt, clearly stating how the review is to be conducted.

3.3 **Role of the Corporate Director** – The Corporate Director (or the Chief Executive if the complaint is regarding the Corporate Director) is responsible for ensuring the complaint is reviewed and that the complainant is informed of the outcome of the review **within 28 working days of receipt of the complaint**.

3.4 **Role of the Reviewing Officer** – This may be the Corporate Director, or an officer (outside the relevant service) to whom the Corporate Director has delegated the review:

• To review the complaint and responses sent by the relevant service(s) to ensure that the complainant wasn’t treated unfairly or unjustly (that is, some form of maladministration).
• To ensure that the Council’s relevant policies and procedures were followed
• To draft a final letter (in the name of the relevant corporate director) to the complainant setting out the findings of the review, with an explanation/list of reasons/facts of all issues and concerns, concluding with the final paragraph for Stage 3 complaints (see Appendix).

4. **THE LOCAL GOVERNMENT OMBUDSMAN**

4.1. The Local Government Ombudsman will investigate complaints by members of the public who consider that they have been caused injustice by the administrative actions of local authorities and other bodies within their jurisdiction.
4.2. For monitoring purposes, departments must log the date of receipt by the Council of the LGO request and the date the information is returned to the LGO.
PART 3 - MONITORING

The purpose of monitoring is to ensure that lessons are learned from justified complaints and service provision can be improved as a result. Until a corporate electronic system is available, departments must record the following information:-

Complaint details:

- Date complaint received
- Date complaint acknowledged
- Date of any holding letter/interim response
- Date complaint responded
- Stage of procedure when complaint resolved.

Monitoring information - Categories:

Type of complaint according to the following categories and definitions:

A. **Staff behaviour/attitude**
   - Unacceptable behaviour by staff, including rudeness, violence, aggression;
   - Poor communication from department to customer/service users including:
     - Failure to respond in appropriate timescales to messages and correspondence – this could be specific identification of an individual member of staff or of the team/service in general
     - Staff failure to update customer with regard to changes to meetings, appointments etc

B. **Management decision/disagreement with decision**
   - The council doing something that the customer did not want it to do;
   - The council making a decision to do something that the customer does not want to happen in the future (eg planned placement changes; withdrawal of a payment facility)

C. **Standard/quality of service**
   - The council has not achieved the standard it says it will provide;
   - The service has not been provided to the standard which the customer thinks is reasonable:
     - The council carrying out its duties in an unsatisfactory way
     - Failure to follow council procedures, including delayed processing, adherence to timescales, agreed workflows and stages.

D. **Failed to provide a service**
   - 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:
 Failure to implement actions agreed in meetings
 Failure to implement actions following a previous complaint
 Failure to carry out an agreed/requested assessment

E. Inadequate information

- Complainant Profile according to the following categories: (NB – when collecting this data you must advise the subject of the reasons for collecting the data and the purpose[s] for which it will be used, in order to comply with the Data Protection Act.)
  - Ethnicity
  - Age
  - Gender
  - Religion
  - Sexual orientation
  - Disability

Reporting

This information will be reported quarterly by the appropriate department monitoring officer to the following:

- Divisional/departmental management team
- Corporate monitoring officer
- Relevant scrutiny committee

The reports will contain a summary of any service issues and action taken to resolve the situation.

The corporate monitoring officer will be responsible for collating the quarterly monitoring of data for all departments and will report this to:

  Corporate Leadership Management Team
  Executive.

Service managers 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.
**APPENDIX**

**Standard paragraphs for responses at each stage**

**Stage 1**

If you remain dissatisfied with the response you have received, you may wish to take your complaint to stage 2 (formal investigation) of the Council’s complaints procedure. You must respond within 28 days, sending your complaint (including the reason[s] why you feel your complaint has not been resolved) to [name, job title and address].

**Stage 2**

If you still feel dissatisfied with the outcome of the investigation or you feel the result is unfair you may progress your complaint to Stage 3 of the Council’s complaints procedure. You must submit your complaint (including the reason[s] why you feel your complaint has not been resolved) within 28 days to [name, job title and address].

**Stage 3**

The Council feels it has made every effort to conclude your complaint. If you still feel your complaint has not been resolved you may refer the matter to the Local Government Ombudsman at the address as follows:

Local Government Ombudsman  
PO Box 4771  
COVENTRY  
CV4 0EH

Phone:-  0300 061 0614  
Fax:-  024 7682 0001  
Text:  “call back” to 07624 804299  
Email:  advice@lgo.org.uk  
Website:  www.lgo.org.uk