

BRENTWOOD BOROUGH COUNCIL

DRAFT COMPLAINTS POLICY

November 2015

1. Introduction

We want to provide excellent services and deliver those services right first time for our customers. Where we fail to do so we expect officers to take ownership and work with customers to resolve any issues. There may be times, however, when customers feel we have let them down and wish to make a complaint.

Brentwood Borough Council recognises the value of customer complaints and welcomes them as an important form of feedback on our services. We will learn from and use the information from complaints to drive forward improvements and respond positively to our customer's needs and expectations. We will put a strong emphasis on making personal contact with complainants and finding out from them what we need to do to put things right. We want to resolve all complaints quickly and effectively, resolving them straight away where possible.

We accept complaints in all formats and they can be made in a number of ways, including:

- Visiting our website
- Completing a complaints form
- Emailing us
- Ringing us
- Writing to us

***Please note:** Complaints against a member of staff must be made in writing.*

2. Our Aims

We believe that all our service users have the right to:

- Have their views heard
- Receive a good quality service
- Expect prompt action when our performance is below standard, balanced by the resources we have available

Our staff and contractors will be:

- Efficient and sensitive to the needs of the service users
- Accessible and clearly identified
- Aware of the day-to-day concerns of our service users

Our procedure will:

- Be easy to access and widely advertised
- Advise service users of the standard of service they should expect, a time limit for replying to their complaint and their right to appeal
- Provide a code of practice for handling complaints
- Ensure we monitor complaints
- Ensure we meet our standards

3. How we handle a complaint

We define a complaint in the following way:

“Any expression of dissatisfaction about any of our services requiring a response.”

Who can make a complaint?

We accept complaints from residents, local businesses, visitors to the borough, suppliers of services, community groups and any other groups or individuals that use or are affected by our services. We also accept complaints from people acting on behalf of someone else such as councillors, members of parliament (MPs) and representatives.

Informal Complaints

The majority of customer complaints can be successfully resolved at the point of service delivery within 10 days and do not need to go into the formal complaints procedure.

An informal complaint can be made via telephone, email, website (Contact Us/Report It system), face to face or letter. **Please note:** *Complaints against a member of staff must be made in writing.*

Formal Complaints

If, after dealing directly with a department the customer is still not satisfied with the response they can request the issue to be dealt with as a formal complaint by email, letter or by using the on line form available on the Council website. In order for the Council to deal effectively with a customer’s complaint it would be helpful and assist the process for the complainant to provide the date the initial complaint was made to the service, name of officer who handled the complaint, copies of correspondence and any other useful background information.

Stage 1: Resolution

The focus of resolution is on encouraging communication and exchanging information; exploring and explaining the thinking behind decisions and actions; and agreeing a way forward.

Service Investigation

A formal complaint should be resolved as close as possible to where the problem has occurred. The service Investigator will complete a meaningful and informed review and a response will be sent to the complainant within 20 working days. It is not appropriate for an officer who has been named in a complaint to respond to the complaint as it will raise questions regarding impartiality and independence of the complaints process.

Stage 2: Review

If the Stage 1 is not resolved to the complainant's satisfaction they can request a Stage 2 Review. This is undertaken by the Head of Service or appointed Senior Officer. The review will not reinvestigate the complaint, but will focus on understanding the complainants continuing concerns and whether the Stage 1 Resolution process was undertaken fairly and that the conclusions reached were reasonable.

The Stage 2 Review process will look to identify any further practical remedies which may resolve the continuing concerns of the complainant and again will be dealt with within 20 working days.

Stage 3: Review

There should be very few occasions when a Stage 3 Review is required, however in the event of the complainant not being satisfied with the outcome of Stage 2 they can then request a Stage 3 Review, which will be directed to the Head of Paid Service for their delegation.

What happens if the complainant is still dissatisfied once they have been through our complaints process?

Once the complaint has been through our complaints process they will be informed of their rights to refer the complaint to the Local Government Ombudsman or Housing Ombudsman.

Complaints against local authorities in their role as social landlords and in some instances in respect of their management of leasehold properties will be considered by the Housing Ombudsman.

The Local Government Ombudsman deals with complaints with most council services, including planning, social care, housing benefit, environment and waste, transport and highways, council tax and some education matters.

Is there a time limit for making a complaint?

We will not normally consider a complaint that is made more than twelve months after the individual first became aware of the issue they want to complain about. This is in line with good practice as operated by the Local Government Ombudsman. There are exceptions to this where the council accepts that such a delay was reasonable.

How do we learn from complaints?

When we do not provide customers with the right service at the right time it costs the Council money. We learn from complaints by offering timely and effective remedies. This gives us the best outcome in terms of cost effectiveness and customer service. Where a complaint highlights the need for changes in working practice, systems, staff training or procedure the officer is required to highlight this and other learning points to the customer resolutions team. They will work with the service manager(s) concerned to make sure the necessary actions to bring about the change are carried out.

Lessons learned will be highlighted in the quarterly complaints reports so that learning and good practice can be shared across the council.

What complaints aren't covered by this policy?

There are certain types of complaints that will not be dealt with under this policy because there are specific policies for dealing with these including:

- Matters for which there is a statutory right of appeal
- Complaints where legal proceedings, court or tribunal action is being taken (although related issues that are not subject to legal proceedings may be considered)
- Employee complaints about terms and conditions of employment, working conditions or personnel issues which come under the employee complaint procedure
- Matters which are subject to an insurance claim
- Complaints that are submitted anonymously (although we may still investigate)
- Reasonableness of service charges for leaseholders

Further details can be found at www.brentwood.gov.uk

Maintaining confidentiality

The Data Protection Act 1998 regulates the way in which organisations can use personal information. When dealing with local authority complaints there are specific issues which need to be kept in mind:

- A complaint cannot be discussed with, or information disclosed to, a third party without the written permission of the customer. For example, where an advice worker or solicitor is making a complaint on behalf of a customer a letter of authorisation must be obtained.
- An exception to this rule allows a constituent's own ward councillor or MP to be given information when following up a complaint made on their behalf.
- However, where a councillor is acting on behalf of a constituent of a different ward the customer's permission must be sought before disclosing.

4. Complaints resolution

Brentwood Borough Council aims to resolve complaints by putting things right where there has been a failure in service. Our approach will be fair and consistent across all the complaints we uphold.

What we will do when resolving a complaint?

In resolving complaints we will:

- Try to call the complainant to make personal contact including, where appropriate, offering to meet with the complainant to provide us with the opportunity to fully understand what they want us to do to remedy the complaint
- Where possible, agree with the complainant actions that will be taken and when
- Update the complainant at each step of the way and advise them of any delay in completing the actions
- Contact the complainant to ensure any issues have been resolved and the actions completed

What we will do when answering a complaint?

When answering a complaint we will:

- Address the issues raised
- Explain the basic policy/procedure or level of service we provide

- Say how we have handled the matter including, where appropriate, a chronology of the events
- Give a clear outcome as to whether we uphold the complaint

Where our service has not met our standards we will:

- Apologise for the failure in service
- Explain what went wrong
- Say what we have done to put things right
- Where appropriate, say how we have learned from the complaint

5. Putting things right

There are a number of actions we can take to put things right.

- Providing the service

Where we have failed to provide a service that we agree a customer is entitled to, we should ensure that the service is provided in line with an agreed timetable, explaining any delay.

- Backdating the service

Where we have not provided a service that we should have, it may be appropriate to backdate the service to when it should have been provided in the first instance. For example a benefits application that needs to be backdated to the original claim date.

- Stopping enforcement action

Where the complainant disputes the reasons for the enforcement action it may be appropriate to stop the action or postpone the action pending further investigation.

6. Financial Compensation

Our first priority is to resolve failures and put them right. Unless we agree that the council is liable for material loss, we will usually only consider compensation when we review if the complaint has been adequately resolved.

Compensation should be appropriate and proportionate. It is not automatic payment when the council makes a mistake. Compensation should only be considered where the complaint investigation has identified maladministration (a mistake or delay that has caused a customer to suffer injustice) and the council, or those working on behalf of the council are wholly or partially at fault.

Under what circumstances will financial compensation be considered?

If we cannot put a complainant back in the position that they would have been in but for our mistake/delay then we would consider financial compensation as a substitute. This may be because of the passage of time or the nature of events.

We will not consider financial compensation in the following circumstances:

- Any matter settled via an insurance claim
- Any settlement agreed via court proceedings
- Where there is a specific statutory process of remedy open to the complainant, such as parking appeals process

Exceptions to these circumstances:

- We may pay compensation to settle a claim where it is cost effective for the council to do so
- If a tenant is not covered by insurance we will use our discretion to compensate them in the case of especially vulnerable tenants

Further information

For details on the levels of compensation and who has the authority to authorise payments see the appendix to this document.

For further information on complaints you can:

- Visit our website www.brentwood.gov.uk
- Email enquiry@brentwood.gov.uk
- Ring on 01277 312500

Contact details for the Local Government Ombudsman are as follows:

Website: www.lgo.org.uk

Address: Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone: 0845 602 1983

Contact details for the Housing Ombudsman are as follows:

Website: www.housing-ombudsman.org.uk

Address: Housing Ombudsman Service
81 Aldwych

London
WC2B 4HN

Telephone: 0300 111 3000