

Enfield Council

Corporate Complaints Policy

CORPORATE COMPLAINTS POLICY

Enfield Council

1.0 Introduction

Enfield Council is committed to improving quality, standards and the experience of its customers. However, it is acknowledged that, occasionally, customers may have cause to complain. In such instances swift action will be taken to remedy any failures and we will ensure that any lessons learned are used as part of our continued drive towards service improvement.

This policy provides the framework for ensuring that complaints received across the Council are handled consistently, fairly and effectively.

1.1 Aims and Objectives

This policy will deliver the following results:

- enabling our customers to provide feedback about their experience
- ensuring that complaints are handled consistently, appropriately and effectively
- resolving customer concerns at the first point of contact, where possible
- ensuring that complaints are addressed and responded to in a timely manner.
- remedying failures appropriately and proportionately
- learning from complaints and making improvement to services
- monitoring the effectiveness of the complaints' process

1.2 Scope

This policy applies to complaints about any of the services provided by the Council, except:

- Statutory appeals (parking, housing, council tax, benefits, school admissions, school exclusions etc.)
- School complaints
- Complaints concerning children's or adult social care.

Complaints regarding these matters are handled through separate procedures. Further information can be obtained from the Complaints and Access to Information Team.

2.0 What is a complaint?

- 2.1 A complaint is any expression of dissatisfaction which requires a response and may be raised by anyone who has been affected by the actions or inactions of the Council.

Complaints may, for example, be about:

- The fairness or professionalism of interaction with officers
- Failure to do something we should have done
- Refusal to provide a service or delivery of poor service
- Failure to follow the correct policy or procedure

- 2.4 The following will not be considered under the Council's complaint procedure:

- Initial request for a service
- Requests for information
- Staff grievances
- Disagreement with Council policy or decisions.
- Matters that would be more appropriately considered by an insurer.
- Matter subject to a legal right to appeal or a review
- Cases in court proceedings or investigations by other appropriate bodies (e.g. Police)
- Matters upon which a Court, Tribunal or Appeal body has already ruled.
- Vexatious complainants (Please refer to the Vexatious and Persistent Complaints Policy)

If for any reason we decide not to deal with a complaint under this policy we will provide an explanation of that decision in writing.

2.5 Anonymous complaints

A complaint should not be dismissed if it is submitted anonymously. A decision will be made on a case by case basis about whether it is possible or appropriate to consider anonymous complaints.

3.0 What is the time limit for making complaints?

- 3.1 It is far easier to find out what happened and to put things right if complaints are received at the time. As time passes it becomes more difficult to investigate events fairly and fully – people's memories fade, staff who were closely involved may have left the Council, or records may no longer be available.

- 3.2 For these reasons, the Council will normally only accept complaints made within **twelve months** of the incident or circumstances that led to it. However, if there are exceptional circumstances provided by the complainant for the delay in submitting the complaint, the Council may make a discretionary decision to consider the matter.
- 3.3 If the Council receives a complaint and decides not to accept it because it is out of time we will advise the customer and explain why.

4.0 How complaints can be made?

- 4.1 A key priority of the Council is to improve the efficiency of communication with our customers and we consider that online systems are useful in helping to achieve this aim. As such, we encourage our customers to submit any feedback or complaint via the online form which can be found at:
<https://new.enfield.gov.uk/contact-us/are-you-unhappy-with-something/>
- 4.2 Where electronic access is not possible, complaints may be made by telephone or face-to-face, by visiting any Council office (during office hours) or by post.
- 4.3 Complaints received via social media (e.g. twitter: <https://twitter.com/EnfieldCouncil>; and Facebook: <https://www.facebook.com/pages/Enfield-Council/252946378095154>) will be forwarded to the relevant service area and handled in keeping with this policy.

5.0 Who can make a complaint?

- 5.1 Complaints may be made by anyone who is affected, either because the Council (or someone acting on its behalf) has failed to do something we should have done or have done something to an unsatisfactory standard.
- 5.2 The person affected may choose to ask someone else to complain on their behalf, such as relative, carer or friend.
- 5.3 Complaints can also be made through a Councillor, Member of Parliament, or another elected person. However, correspondence from these individuals will be dealt with in keeping with the procedures for handling MPs and Councillors enquiries.

- 5.4 Where appropriate, the Council will seek consent from the service user for us to correspond with any third party on their behalf. This ensures compliance with data protection requirements and that the service user's wishes are being fulfilled.
- 5.5 Where the service user is a child their consent to sharing information will be gained where they are of sufficient age and understanding. If they are not of sufficient age and understanding the Council will determine whether the third party is acting in the service user's best interest.
- 5.6 Regarding vulnerable adults, who do not have the capacity to consent, we will decide how to progress the matter in accordance with the Mental Capacity Act 2005.
- 5.7 Where appropriate, we will signpost complainants to relevant advocacy services. Where the complainant or service user is a child, we will provide an advocacy service if required.

6.0 Stages in the Complaints Procedure

6.1 Early Resolution

- 6.2 Our priority is to resolve concerns and complaints as soon as they come to our attention. We therefore expect customers to first approach the team or person responsible for delivering the service they are unhappy with so that the matter can be addressed. Where appropriate, we may refer concerns and complaints to the relevant team, in the first instance, to be dealt with.
- 6.3 Where attempts for resolution with the relevant person or team have been unsuccessful, then the complaint will be handled under the two-stage process outlined below. The timescales for handling complaints are outlined on Appendix A.

6.4 First Stage

- 6.5 The complaint is investigated and responded to by an appropriate officer from the service concerned. This would usually be the person who has direct responsibility for the staff involved or the issue complained about. At this point, we will seek to clarify the complaint (if appropriate), together with the expectations and remedy sought from the complainant.
- 6.6 We will acknowledge the matter within 2 working days. From this point the response timeframe will commence. The response will be provided as soon as possible and within 10 working days of the acknowledgement. If the response will not be completed within this timeframe, we will contact the complainant to let them know and advise when we are able to respond by. For complex cases, the 10- day timeframe mentioned may be extended for up to a further 10 working days. Where further information is required from the

complainant we will put on hold the response timeframe until such information has been received. In the absence of such information, after a reasonable period of time has elapsed the Council may decide to close the case. This will only be done after prior notification to the complainant.

- 6.7 In the vast majority of cases a written response will be provided to the complainant. However, in some cases, it may be more appropriate to first respond verbally (via telephone or face-to-face), followed by a written confirmation of the conversation and outcome.
- 6.8 The response will clearly state what decision has been reached regarding the complaint. Where the complaint has been **upheld** or **partially upheld**, the response will contain:
- an explanation of what happened and why things went wrong
 - an apology for service failures
 - details of the corrective action to be taken and appropriate redress
 - the timescale within which the action will be taken
 - the name of the officer responsible for ensuring that action is taken and their contact details
 - appropriate and clear instructions about anything the complainant needs to do
 - where appropriate, details of the actions to be taken to prevent a recurrence of the problem

Where the complaint is **not upheld** the response will provide:

- background information relevant to the complaint
 - an explanation of the decision
- 6.9 The response also will inform the complainant that if they remain unhappy with the outcome or the way the complaint has been handled they have the right to request a review of their complaint under the final stage of the procedure.
- 6.10 A complaint will only progress to the final stage of the procedure before the first stage response has been provided in very rare instances.
- 6.11 To escalate their complaint to the final stage the complainant should write to the Council within 20 working days of the date of the first stage response letter providing details of why they remain dissatisfied and what further remedy they are seeking.
- 6.12 If the complainant wishes to request an extension to the 20 day deadline they should write to the Council and each request will be considered on its merits.
- 6.13 If a complainant continues to express dissatisfaction, but does not provide specific reasons as to why they are not satisfied with the Council's first stage

response, we will try and agree these reasons with them. Additionally, if there are follow up actions which the Council could take to resolve the matter without a final stage review, we will set a reasonable timescale for completion and inform the complainant. The complaint may then be escalated to the final stage either after the action has been completed or the timeframe for completion has expired. This is to ensure that the process is focussed on delivering solutions to specific concerns.

7.0 Final Stage

- 7.1 The aim of the final stage process is to review the handling and outcome of the first stage complaint. As a general rule, the final stage should not reinvestigate the complaint, nor should it consider new complaints or matters that have not been considered at the first stage.
- 7.2 Any complaint proceeding to the final stage will be reviewed by a senior officer on behalf of the Chief Executive. The review officer will be independent of the service group which is the subject of the complaint.
- 7.3 Acknowledgment will be sent within 5 working days of receipt of the request to escalate to final stage. A full response will be sent within 30 working days from the date when the senior manager has been appointed to review the case. If the response will not be completed within the response timescale agreed, we will contact the complainant to let them know and advise when we are able to respond by. This response period may be extended up to 40 working days with agreement of the complainant. Further extension beyond this will be agreed with the complainant. Where further information is required from the complainant we will put on hold the response timeframe until such information has been received. In the absence of such information, after a reasonable period of time has elapsed the Council may decide to close the case. This will only be done after prior notification to the complainant.
- 7.4 Where appropriate, the senior manager will meet with the complainant to agree on the matters to be reviewed.
- 7.5 The response to the complaint will be sent to the complainant from the Chief Executive's Office. This usually represents the Council's final response and will advise the complainant of their right to escalate matters to the Ombudsman, should they remain dissatisfied.
- 7.6 The Council may use its discretion, on a case by case basis, to revisit the final stage response, should the complainant remain dissatisfied. The Assistant Director who is responsible for complaints handling will decide how the matter should be dealt with.

8.0 Remedies and Redress

8.1 The Council will offer appropriate remedy and redress, in accordance with guidance provided by the Local Government Ombudsman. This may include financial settlement.

8.2 When a complaint is upheld, we will give proper consideration to the appropriate remedy, examples of which include:

- A written apology and full explanation. Where appropriate, this may be conveyed in person and confirmed in writing.
- Taking action that will make up for, as much as is reasonably practicable, any harm or inconvenience caused as a result of the issue that led to the complaint.
- Where a service has been wrongly denied to anyone, or has been wrongly withdrawn, it shall be provided or restored as appropriate.
- Where a complaint has revealed defective procedures within the Council, we will take action to change those procedures to prevent a recurrence.
- If the financial loss or damage is specifically attributable to the Council's wrongful action or inaction, the Council shall consider full, or appropriate, reimbursement of that loss or damage.

9.0 The Ombudsman

9.1 The Local Government Ombudsman and the Housing Ombudsman ('The Ombudsman') considers complaints about public bodies including local authorities. The Ombudsman investigates complaints about poor service, failure to provide a service and administrative failure.

9.2 If after going through both stages of the procedure a complainant remains unhappy with the way their complaint has been handled by the Council, they have the right to complain to the Ombudsman.

9.3 In most cases, the Ombudsman will normally only consider complaints if the complainant has exhausted the two stages of the Council's complaints procedure. However, the Ombudsman has discretion to investigate a complaint prior to the Council conducting its own investigation. For example, where the Ombudsman deems the complainant to be vulnerable or the case raises an issue of general concern to the public.

- 9.4 Prior to approaching the Housing Ombudsman the tenant (including leaseholders) has the right under the Localism Act of 2011 to refer the matter to a “Designated Person” which currently is a Councillor or MP. The Designated Person may engage with the complainant and the Council in trying resolving the complaint or referring the matter to the Housing Ombudsman after it has been considered at all stages of the Council’s complaints procedures. The Housing Ombudsman has the right to insist on a cooling off period of 8 weeks after the final stage response before accepting the complaint, unless the tenant has already referred the matter to a Designated Person.
- 9.5 Leaflets about the Ombudsman’s service are available and their contact details are sent out with all final stage response letters.

10.0 Complaints spanning more than one service area

- 10.1 In the event that a complaint involves more than one service, we will aim to send a co-ordinated single response to the complainant. We will advise the complainant of how the matter will be handled when we acknowledge their complaint.

11.0 Complaints involving other agencies / contractors

- 11.1 Some Council services are provided by external contractors. In those cases the contractor may be required to reply to a complaint, but they are expected to conform to the Council’s standards for dealing with complaints.
- 11.2 Where the service is provided jointly with another agency we will endeavour to resolve matters with our customers and the agency. Where attempts have been unsuccessful or where the complainant is dissatisfied, we will consider the complaint under our corporate policy at final stage.

12.0 Performance and monitoring

- 12.1 The monitoring and review of complaints give valuable information about customer perception and service performance and identify areas of organisational learning from complaints to drive service improvement.
- 12.2 The Council will collect information on the total number of complaints received across each stage of the process. Number of complaints answered within timescales, and their outcomes, are also monitored.

12.3 The following information is captured, where possible, for every complaint:

- name, address and contact details of the complainant;
- details of the complaint;
- equality monitoring details - age, gender, disability and ethnicity.
- complaint tracking information (date of receipt, acknowledgement and response);
- complaint resolution details
- lessons learnt

12.4 This information will be used to produce management reports to monitor service performance, highlight areas of service failure and gaps in provision and identify areas for service improvement.

12.5 To assist with our service improvement agenda we may, where appropriate, contact individuals who have made complaints to seek their views on their experience of the process.

12.6 The Council is committed to equal opportunities and tackling all forms of discrimination. To assist the Council identify areas where there may be discrimination in service provision, we will undertake periodic equality monitoring to assess whether there is any underrepresentation of any parts of the community and whether there are any equalities issues underpinning the issues raised by complainants.

13.0 Publishing complaints data

13.1 The complaints procedure and annual reports will be published via the Council's website. All publicity materials for the procedure will be presented in plain English

14.0 Relevant Legislation

There are a number of key areas of legislation that the Council must adhere to in the course of dealing with complaints.

Data Protection

14.1 The Data Protection Act 1998 provides protection for personal information, which is information which affects someone's privacy, and gives individuals the rights to access information held about them, and to correct wrong information held about them. Also, the Council must notify the Information Commissioner of all processing of personal information which is carried out on its behalf.

- 14.2 In accordance with the Council's obligations under the Data Protection Act 1998, all personal information provided by complainants is only retained by the Council for as long as necessary and shared with other Council departments where necessary.

Freedom of Information

- 14.3 The Freedom of Information 2000 gives people the right to access information held by public authorities. The Act ensures that, subject to certain limited exemptions, anyone can receive information that they request from a public authority. The Council is committed to the principles of openness, transparency and accountability in its activities and supports the right of any person to seek information under the Act.

Human Rights

- 14.4 The Human Rights Act 1998 came into force on 2nd October 2000. So far as is possible, public authorities should interpret the legislation and regulations with which we work, and act in a way which is compatible with The European Convention on Human Rights.
- 14.5 Our Corporate Complaints policy and procedure reflects some of the main principles of the European Convention of Human Rights by:
- providing a fair and accessible procedure;
 - providing a two stage process, with review by the Corporate Complaints Manager;
 - providing for disclosure of relevant information to all parties; and
 - reflecting the Council's equality policy by seeking to ensure that no person is the subject of discrimination

Equality Act 2010

- 14.6 The Equality Act ensures that an individual should not be discriminated against on any of the following grounds: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.
- 14.7 The principles underpinning this complaints policy are consistent with the Council's equality and diversity objectives, which can be found at:
http://www.enfield.gov.uk/homepage/397/our_equality_and_diversity_objectives

Localism Act 2011

- 14.8 Please refer to paragraph 9.4, above, regarding referring a complaint to the Housing Ombudsman.

15.0 Persistent, Vexatious or threatening behaviour by complainants

- 15.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint being made to the Council. As a Council we do not view behaviour as unacceptable just because a claimant is forceful or determined, however the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the Council and unacceptable behaviour towards the Council's staff.
- 15.2 In such exceptional circumstances, the Council has the right to specify how the individual complaint will be handled and how future contact from the complainant will be permitted. A separate policy on **Responding to Persistent and Vexatious Complainants** sets out the procedures for handling such complaints.

16.0 Review

- 16.1 This policy will be reviewed annually to ensure that it continues to meet the needs of customers and compliance with legislation and best practice.

Appendix A - Timescales

Activity	Standard Timeframe	Extended Timeframe
Making a complaint	12 months from the incident occurring	At the discretion of the Council
Acknowledging a complaint	2 working days (first stage) 5 working days (final stage)	N/A
Responding to a first stage complaint	10 working days (from acknowledgement)	Up to a maximum of 20 working days unless agreed by the complainant
Escalating a complaint from first stage to final stage	20 working days	At the discretion of the Council
Responding to a final stage complaint	30 working days (from allocation to the investigating officer)	Up to a maximum of 40 working days to unless agreed by the complainant
Complaining to the Local Government Ombudsman	12 Months after the complainant becomes aware of the issue	At the discretion of the Local Government Ombudsman
Complaining to the Housing Ombudsman	With the assistance of a Councillor or MP. Otherwise, no earlier than 8 weeks. In all cases the complaint must be made within 12 months after the Council's final stage response.	At the discretion of the Housing Ombudsman