Policy for Corporate Complaints

London Borough of Barking and Dagenham

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Document Control

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1. Introduction

The Council aims to provide high-quality services and to get things right first time. We recognise, however, that services do not always meet the standards residents and service users are entitled to expect. Feedback, including complaints, is therefore important to us.

We aim to respond to complaints promptly and efficiently, resolve matters as quickly as possible and use the learning from complaints to improve services.

For the purposes of this policy, “complainant” means any person making a complaint, including a resident or service user.

2. What is a complaint?

The Council takes complaints seriously and uses the following definition:

> *“An expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Council, its staff, or those acting on its behalf, affecting an individual resident or group of residents.”*

Anyone who receives a service from the Council may make a complaint if they consider that the service has not been good enough. A person does not have to use the word “complaint” for the Council to treat their concerns as one.

A complainant may ask a friend, family member, advocate or support worker to act on their behalf. We will speak to that representative once the complainant has given appropriate permission.

The Council will normally accept a complaint unless there is a valid reason not to do so. Section 6 explains the types of matter that will not usually be considered under this policy. If we decide not to accept a complaint, we will explain our reasons in writing and provide information about any alternative route available.

3. Service requests

There is a clear distinction between a complaint and a service request:

- A service request is a request for the Council to take action or provide a service for the first time.
- A complaint is an expression of dissatisfaction about the way a service request or other Council service has been handled, including where a reported problem remains unresolved.

For example, where a repair is needed in a Council home, it should first be reported through the Council's website or contact centre so that the work can be arranged and recorded.

If a resident is dissatisfied with the handling of a service request, including a failure to act, delay or poor communication, they may make a complaint. Making a complaint will not stop any repair or other work that is already in progress.

4. Complaint stages

4.1 Stage 1 complaint

Complaints may be made through any of the routes set out in section 5. We will acknowledge a Stage 1 complaint within five working days. The acknowledgement will:

- confirm the date by which the complainant should receive the full response; and
- summarise the complaint and the outcomes sought.

If the complaint is unclear, we will ask for further information so that we can understand and respond to each issue raised. If part of the complaint falls outside the Council's remit or this policy, the acknowledgement will explain this and identify, where possible, the appropriate organisation, service or process.

We aim to issue a full Stage 1 response within 10 working days of acknowledging the complaint. Where more time is needed, we will explain the reasons in writing, agree how often updates will be provided and may extend the response period by up to a further 10 working days. If more than 20 working days is required, we will discuss this with the complainant and keep them updated regularly.

Related issues raised before the Stage 1 response is issued will normally be included in the existing complaint. If the new issues are unrelated, or their inclusion would cause unreasonable delay, a new Stage 1 complaint will be opened and acknowledged separately.

Where a complaint is made on behalf of another person, we will require appropriate written authority before sharing personal information or progressing the complaint with the representative.

4.2 Review

A complainant who remains dissatisfied after receiving the Stage 1 response may ask for a review. The request should be made within 28 days of the Stage 1 response.

We will acknowledge the review request within five working days. The acknowledgement will:

- confirm the date by which the full review response should be received; and
- summarise the matters to be reviewed and the outcomes sought.

If part of the review request falls outside the Council's remit or this policy, we will explain this and identify, where possible, the appropriate alternative route.

We aim to issue the full review response within 20 working days. If we cannot meet this timescale, we will provide a progress update, explain the reason for the delay and may seek an extension of up to a further 20 working days. If more than 40 working days is required, we will discuss and agree the additional time with the complainant and provide regular updates.

The review will be undertaken by an officer who was not responsible for the Stage 1 investigation or response. In some circumstances a review may not be appropriate. Where this applies, we will explain the decision clearly in writing. Examples of matters that cannot be considered are set out in section 6.

4.3 Ombudsman

A complainant may contact the Local Government and Social Care Ombudsman or the Housing Ombudsman Service if they remain dissatisfied. They may approach the relevant Ombudsman at any point, although the Ombudsman may ask the Council to complete its complaints process first.

A complainant may also approach the relevant Ombudsman if the Council exceeds the applicable response timescale at Stage 1 or review.

At both stages, we will issue the complaint response once the investigation is complete. We will not delay the response while agreed actions are being carried out. Agreed actions will be recorded, monitored to completion and updated separately where necessary by the responsible service and the Customer Feedback Team.

5. How to make a complaint

We encourage residents to use the online complaints form, which allows supporting evidence to be uploaded. Submit a complaint online

Residents who are unable to use digital services may contact the Council by:

- Post: Barking Town Hall, 1 Town Square, Barking, Essex IG11 7LU
- Telephone: 020 8215 3000

6. Complaints that cannot be considered under this policy

The following matters will not normally be considered under this policy:

- requests for a service, such as reporting a faulty street light;
- complaints solely about established Council policy or the Council's implementation of government policy;
- matters for which there is a statutory or other right of appeal, an internal review route or a legal remedy, including penalty charge notices, parking tickets, fixed penalty notices, school admissions, housing benefit decisions and planning applications;
- insurance claim decisions that have a separate appeal route, although a complaint may be considered about an administrative failure by the Council, such as failing to provide evidence needed to process a claim;
- requests for the Council to intervene with a third party where the matter should instead be dealt with through the Council's regulatory or enforcement process;
- complaints already being considered by an Ombudsman, unless the Ombudsman asks the Council to use its complaints procedure;
- complaints from current or former employees about employment matters, including recruitment, dismissal, pay, pensions and disciplinary action;
- commercial or contractual disputes, including contracts for the supply of goods or services to the Council;
- Freedom of Information, Environmental Information or data protection requests, and complaints about decisions, information provided or the handling of those requests, where a separate review or regulatory route applies;
- complaints about restrictive contact arrangements, including single point of contact arrangements or contact bans, where a separate review route is available; and
- matters where legal proceedings have started, meaning that the claim, including the Claim Form and Particulars of Claim, has been filed at court.

If the Council cannot consider a complaint under this policy, it will explain the decision in writing and provide information about any appropriate next step or alternative route. If the complainant disagrees with that decision, they may contact the relevant Ombudsman. The Council will identify whether the Local Government and Social Care Ombudsman or Housing Ombudsman Service is the appropriate body.

7. Complaints and enquiries from an MP or councillor

This policy is intended to provide a route for individual residents and service users to seek resolution. An MP or councillor may support or represent a constituent, subject to appropriate authority, but correspondence submitted through the Council's separate Member enquiry process will be handled under that process rather than automatically being registered as a formal complaint.

8. Timescale for making a complaint

A complaint should normally be made within 12 months of the date the matter occurred or the date on which the complainant became aware of it.

The Council may accept a complaint outside this period where there is a good reason for the delay and it remains possible to investigate the matter effectively and fairly. Each case will be considered on its individual circumstances.

9. Complaint handling

Investigations will be undertaken appropriately, fairly and impartially. The Customer Feedback Team is responsible for overseeing complaint handling from receipt to completion and for supporting services to provide clear and evidence-based responses.

Complaint officers will receive appropriate training, refreshed regularly, and must remain impartial. Any actual or potential conflict of interest must be declared to the manager. The complaint will then be reassigned and access to the case will be controlled and recorded through the system audit trail.

10. Putting things right

The purpose of redress is to correct mistakes or service failures at the earliest opportunity. The Council will acknowledge fault when it occurs, take responsibility for putting matters right and consider how recurrence can be prevented.

Where an investigation finds that the required standard was not met, the Council may:

- apologise where appropriate;
- correct the mistake or problem within an agreed timescale and provide the service that should have been delivered;
- make a decision that should have been made earlier;
- consider an appropriate financial or other remedy where justified; and
- review relevant practice, policy, procedure, training or service arrangements.

11. Data rights

The Council must collect and use personal data to administer and investigate complaints. Depending on the matters raised, this may include special category personal data. Information will be handled in accordance with applicable data protection law and the Council's information governance requirements.

Complaint information is stored on a purpose-built system with access restricted to authorised users. Access and activity are recorded through an audit trail.

The Council will retain complaint records for seven years after the complaint is finalised. Information that has reached the end of its retention period will be securely destroyed in accordance with the Council's retention arrangements.

12. Equality, diversity and accessibility

The Council will comply with the Equality Act 2010 and will consider reasonable adjustments to policies, procedures and communication methods where needed. Requests will be considered on a case-by-case basis so that people can access the complaints process, have their views heard and receive communication in a form that meets their needs.

Complaint staff receive equality and diversity training, which is monitored through internal processes. This policy can be provided in accessible formats, including large print, on request.

13. Policy review and publication

This policy will be reviewed annually alongside the relevant Ombudsman self-assessment. Changes will also be considered sooner where required by legislation, statutory guidance, the Ombudsman complaint handling codes or identified service learning.

The policy and related complaints information will be published on the Council's website and may also be shared through resident and tenant communications.