



CORPORATE COMPLAINT PROCEDURES

CUSTOMER GUIDE

INTRODUCTION

This guide explains how complaints received from our customers will be resolved in a consistent way across the whole Council.

WHY HAVE A CORPORATE COMPLAINTS PROCEDURE?

The main advantages of having such a system, which is consistent with the fundamental principal that local authorities should have clear and well-publicised complaints procedures, are:

- Individuals can voice critical comments and suggestions for improvement that can be listened to and evaluated in an effective and professional way
- Adequate emphasis can be placed on providing the best service to the highest affordable standard
- A greater emphasis can be given to understand customer service needs and in developing a proper approach to customer care
- An important and integral part of a customer service and quality assurance programme
- The system can be viewed as part of a positive means of promoting customer satisfaction and identifying opportunities to improve services

HOW CAN COMPLAINTS ARRANGEMENTS HELP A COUNCIL TO IMPROVE ITS SERVICE?

It is essential that the Council learns from its mistakes. For this reason, where a complainant highlights a shortcoming in the way a service is provided, the shortcoming will be reviewed and, if appropriate, changes will be made to ensure that similar complaints do not arise again.

Data is collected from all service areas regarding complaints including the number of complaints they have received, the complaint issue and the resolution. This information is analysed and reported back through the Council's annual Corporate Complaints report, which gives an account of the complaints and compliments received and handled by the council and Ombudsman complaints during the previous financial year.

WHAT ARE THE AIMS OF AN EFFECTIVE COMPLAINTS SYSTEM?

Although the primary purpose for having complaint procedures is to provide an effective means for customers to make complaints and have them resolved, it is also vital to use the information to improve service delivery. Information can be fed back to departments and service providers

(and reported to Councillors) to assist decision-making and the effective supervision of Council activities. The feedback can play a significant part in the Council's aim to improve the quality of its services. Within the complaints procedures there are mechanisms in place for monitoring and reporting on complaints, which will help officers and Councillors to learn from their customers.

The test of a Council's complaints system is whether it genuinely helps to resolve customer's dissatisfaction and builds trust between the Council and its customers. Accordingly, our complaints procedures should provide you with:

- A means for issues to be settled fairly, and as near to the point of service delivery as possible.
- A rapid and high quality response.
- A straight forward means for customers, or those acting on their behalf, to make a complaint to the Council.
- A workable and practicable procedure for investigating a complaint.
- A means of keeping the customer informed about progress as well as the eventual outcome.
- Redress for customers where complaints are found to have substance, or offer scope for improvement.
- A means of ensuring that action is taken to prevent recurrence.
- Feedback to officers and Councillors on patterns and frequency of complaints that can then ensure informed decision making on resource allocation, prioritisation, planning and quality of services.

DEFINITION OF A COMPLAINT

Torbay Council defines a complaint as a customer letting us know they are unhappy:

- **with the quality and/or standard of service provided,**
- **with the quality of information and/or advice given,**
- **with the Council's failure to comply with procedures, rules, statutory obligation or published service standards.**

This definition encompasses a wide range of issues that would be considered as complaints. However, at the same time, it is has been written so that service request, which do not require the Council to take specific action under the complaints system, would not be included. The complaints procedures also excludes situations where an officer nearest to the point of service delivery resolves a query from a customer immediately, e.g. within 24 hours, and the customer does not want to make a complaint under the complaints system, i.e. he/she is satisfied with the response.

EXAMPLES OF SITUATIONS OUTSIDE THE SCOPE OF THE COMPLAINTS PROCEDURES

The following categories are outside the scope of the complaint's procedures

- a) **Complaints where other appeal mechanisms are available to the customer** – example: *Refusal of planning permission, entitlement to Housing Benefit.*
- b) **Complaints about Council policy** – example: *Closure of public toilets.*
- c) **Complaints about schools** – example: *A parent is not happy with the management of a school, such as the organisation of a class.*
- d) **Initial request for work to be carried out** – example: *Report that a street lamp is out or a street is littered with rubbish.*
- e) **Decisions/actions, which are associated with carrying regulatory powers** – example: *Hygiene audit of food premises.*
- f) **Complaints where the customer should appeal to a court or tribunal** – example: *Valuation of a property for the Council Tax banding purposes.*

MAKING A CORPORATE COMPLAINT

A complaint can be made face-to-face, by telephone, email, letter, on our complaints form or via a third party – such as an elected member, Member of Parliament and so on.

Most complaints will be dealt with and resolved at Stage 1 but sometimes it is appropriate for very serious or complex complaints to go straight to Stage 2 of the Corporate Complaints Procedure. If this is the case, you will be informed of this.

When making a complaint you need to provide your full name and address, as otherwise we may decide not to pursue your complaint. Providing your name and address will assist the Council in determining the degree to which you may have been affected by the matter complained about and will ensure that we can inform you in a timely manner of the outcome of your complaint. Please be assured that we will normally only use this information for processing your complaint and not for any other purpose. If you believe that providing this personal information would not be appropriate please contact Torbay Council's Information Compliance Team. The Information Compliance Team, in consultation with the appropriate Senior Manager, will consider the reasons why you believe your identity should be kept from the service area concerned, and will decide whether, on balance, it is reasonable for the Council to continue to investigate your complaint with some or all of your personal details being withheld.

STAGE 1 – INITIAL RESOLUTION

Verbal complaints

We will:

- Listen carefully to the complaint and take appropriate notes.
- Find out what you want to happen and how you think the matter can be put right.
- Summarise the contents of the conversation to you and check that your complaint has been correctly understood.
- Try to resolve your complaint to your satisfaction at the first point of contact.
- If we need to pass the details on to another officer to respond we will let you know who will be dealing with your complaint and when you can expect a reply.
- You should receive a response within 10 working days. If you are unhappy with our initial response we will let you know the next stage of the complaint procedure.

All other complaints include letters, complaint forms and emails

We will:

- Acknowledge your complaint within five working days of receipt giving details of the officer whom will be responding and the timescale for the resolution/response.
- A response should be given to you within 10 working days. Within our reply you will be given details of what you need to do if you remain unhappy with our response.
- Sometimes we may not be able to respond in the 10 working day timescale. In these cases we will keep you informed and let you know the date when you can expect a response and the reason for the delay.

STAGE 2 – SERVICE INVESTIGATION

- If you are unhappy with the response you have received at Stage 1 you should let the Information Compliance Team know within 25 working days giving details of what issues you are dissatisfied with and what we can do to put things right.
- Your request will be referred to the relevant Head of the Service who will arrange for an in-depth Stage 2 investigation to be carried out.
- The appointed Investigation Officer will acknowledge your Stage 2 request with 5 working days, confirm the issues you are still dissatisfied with (to check understanding) and confirm that we will reply within 25 working days.
- The investigation may include interviews with yourself, employees, other affected parties and research into any point of law or other relevant information.

- A full response will be sent within 25 working days. The response letter will include details of what you can do next if you are still dissatisfied.
- Sometimes we may not be able to respond in the 25 working day timescale. In these cases we will keep you informed and let you know the date when you can expect a response and the reason for the delay.

STAGE 3 – INDEPENDENT REVIEW

- If you are still dissatisfied about the way we have handled your complaint you can ask us to review your case.
- You should write to the Information Compliance Team within 25 working days of the Stage 2 response and ask for a review of your complaint and the reason for the request.
- The Information Compliance Team will then arrange for the Customer Advocacy Manager or a Senior Officer from a service area not involved in the complaint to review all stages of the investigation.
- We will acknowledge your request within 5 working days and provide details of the appointed officer and confirm the undertaking to respond within 25 working days.
- The appointed Review Officer will check the Stage 1 and Stage 2 investigations and ensure that the complaint has been investigated fully and objectively.
- The Review Officer will confirm or change our original conclusion and will inform you within 25 working days of the outcome. You will be advised at this time of your rights to take your complaint to the Local Government Ombudsman.
- Sometimes we may not be able to respond in the 25 working day timescale. In these cases we will keep you informed and let you know the date when you can expect a response and the reason for the delay.

REFERRAL TO THE LOCAL GOVERNMENT OMBUDSMAN

If you are still dissatisfied after a Stage 3 Review has been completed, you can refer your complaint to the Local Government Ombudsman at:

Local Government Ombudsman
 PO Box 4771
 Coventry
 CV4 0EH
 Telephone: 024 7682 1960
 Fax 024 7682 0001
 Email: advice@lgo.org.uk
 Web address: www.lgo.org.uk

Normally, the Local Government Ombudsman will only undertake to investigate a complaint if it has been considered through the Council's Corporate Complaints Procedures.

CHILDREN'S SOCIAL CARE COMPLAINTS PROCEDURES

Complaints which relate to the Social Care of Children and Young People are subject to separate regulations which are set out in the Children's Services Complaints and Representations Procedure.

Details of who may use the procedure and what can and cannot be complained about are set out in Summary of the Complaints and Representations Procedure.

A person who is not entitled to use this procedure may be eligible to access the Council's Corporate Complaints Procedure and/or the Local Government Ombudsman.

Compliments or complaints relating to Children's Social Care are dealt by Children's Services however initially, complaints should be made to:

Children's Social Care Complaints

Information Compliance

Torbay Council

Town Hall

Castle Circus

Torquay

TQ1 3DR

Tel: 01803 207971

Email: complaints@torbay.gov.uk

ADULT SOCIAL CARE COMPLAINTS PROCEDURES

Compliments or complaints relating to Adult's Social Care are dealt with by Torbay Care Trust:

Complaints Officer

Torbay Care Trust

Bay House

Nicholson Road

Torquay

TQ2 7TD

Tel: 01803 210533

Email: palsandcomplaints.tct@nhs.net

COMPLAINTS ABOUT SCHOOLS

Schools themselves are best placed to receive suggestions and to talk about concerns and areas in which they could improve. Where a concern is brought to the school's attention, it can often be resolved with a single conversation.

The Governing Body of each school is responsible for ensuring that a procedure is in place for dealing with complaints. For this reason, complaints about schools should be referred to the respective school. The Local Authority has provided a model procedure for adoption, and offers advice.

For complaints about the curriculum, the Local Authority has a statutory responsibility to consider a relevant complaint, which has not been resolved by the Governing Body. The procedure for such complaints is set out in a document titled, 'Arrangements for the Consideration of Complaints about School Curriculum Related Matters' available in schools and from Children's Services.

NB: there are specific procedures relating to other areas of provision (e.g. Special Education Needs (SEN) statements, home to school transport, admissions to schools, exclusions etc), which are governed by legislative requirements and appeals procedures, which often involve Councillors. Complaints will be given the opportunity to resolve their concerns within existing procedures.

POLICY ON EQUALITY AND INCLUSION

The Council seeks to ensure our employees and service users are free from unlawful discrimination and harassment. We will do this by ensuring allegations of unlawful discrimination and harassment are handled with sensitivity through effective policies and procedures giving appropriate support to the alleged victim(s) and ensuring investigations are carried out effectively and fairly.

If a member of the community remains dissatisfied having gone through the Council's complaints procedures the Council will advise them of their right to take the complaint to the Local Government Ombudsman and/or the Commission for Racial Equality, Disability Rights Commission, Equal Opportunities Commission or other recognised body.

As part of the Council's commitment to promote and demonstrate fairness and equality of opportunity in all Council services, we ask customers, who make a complaint, to complete an equalities monitoring form. The data that we receive back is used to ensure that we promote our complaint procedures to groups in our community who do not appear to be accessing this service.

Stage 1 – Initial Resolution

- ❖ Complaint received
- ❖ Acknowledgement sent within 5 working days if full reply not expected to be given within 5 working days
- ❖ Full response given by service area within 10 working days or customer contacted again with revised time scale and reasons for delay

Stage 2 – Service Area Investigation

- ❖ Stage 2 request received within 25 working days of our response
- ❖ Acknowledgement sent within 5 working days
- ❖ Complaint fully investigated by a Senior Officer and a reply sent within 25 working days or customer contacted again with revised time scale and reasons for delay

Stage 3 – Independent Review

- ❖ Request received by Customer Advocacy Manager for an independent review within 25 working days of Stage 2 response
- ❖ Acknowledgement sent within 5 working days
- ❖ Complaint fully reviewed by Customer Advocacy Manager or Senior Manager. Findings of review sent to customer within 25 working days or customer contacted again with revised time scale and reasons for delay

Local Government Ombudsman

- ❖ Customer can refer complaint to Local Government Ombudsman