

Corporate Complaint's Policy

1. Introduction

The Council is committed to providing the highest standard of service to all its customers. Our aim is to get things right first time. However, if you are not entirely satisfied with any aspect of our service, please tell us and we will do our best to resolve the matter as quickly as possible. Furthermore, we will learn from our mistakes to ensure that the customer experience is one that continually improves.

The procedure explains how you can make a complaint regarding the quality of our services, what standards you can expect when you do so, and what you can do if you are still dissatisfied.

We will investigate your complaint, give you an explanation and make every effort to resolve the matter to your satisfaction. If we have made a mistake, or the problem has been caused by us, we will apologise.

2. Aims and Objectives

All feedback should be dealt with in a fair, confidential, consistent, and timely manner.

The objectives of the complaints policy are to:

- provide an accessible means for all service users, or their advocates, to complain if they are dissatisfied, or to offer compliments and suggestions if they choose.
- provide a fair and consistent process for resolving complaints.
- establish timescales for complaint resolution.
- work towards an agreed solution with residents and service users
- ensure that the response is written in a way that is easy to understand to the recipient
- facilitate the use of complaint information as a means of improving service quality.
- performance monitor complaint responses to ensure that the corporate standards are met
- ensure complainants and members of staff have the same rights to be treated with courtesy and respect.

3. Complaints

3.1 Defining a complaint

A complaint can be raised if anyone is dissatisfied with the service, actions, or lack of action from the London Borough of Harrow .

3.2 How complaints can be made

The Council encourages any resident or service user who has a concern to first speak to a member of staff in the relevant service area. If there has been a problem the member of staff should try to resolve it. However, if a service user is not happy and wants to make a complaint, we need to make it easy for them to do so.

Although we accept complaints made by telephone or in person it's helpful to have them in writing, so that we have a clear record of the complainant's views on what went wrong and what the Council should do to put things right.

Complaints can be made online at <https://www.harrow.gov.uk/complaints>

If writing a letter, please send to

The Corporate Complaints Manager
London Borough of Harrow
PO Box 1358
Harrow
HA3 3QN

If the Council receives a complaint and decides there is a more appropriate resolution, this will be explained.

3.3 Support and advocacy

Many people feel daunted at the prospect of making a complaint. They may be unsure about how to go about it, or how best to put their case. The council has a positive approach to complaints and will encourage people to seek the support of friends or other advocates such as Citizens Advice Bureau. The Council may be able to assist people in finding such support give assistance to people who have difficulty with written or spoken English by signposting them to organisations which may be able to provide support in dealing with their complaint.

The council will, where appropriate, accept complaints from advocates or third parties, provided that the person affected has given their prior written (email/letter) consent.

3.4 Anonymous Complaints

In normal circumstances the council is unlikely to be able to effectively deal with an anonymous complaint, as the council needs to correspond with and in some cases meet with the complainant in order to address their concerns. Therefore, a judgement will be made on a case-by-case basis whether to proceed.

3.5 Complaints that fall outside of the Council's complaint policy

Certain types of complaint will not be dealt with through the Council's complaints procedure because there are other processes more suitable for dealing with them, or because they are outside the Council's control. This includes, though not exclusively:

- Matters of law or central government policy.
- Comments on the lawfulness or reasonableness of Council policy as opposed to how it has been applied in a particular case
- Complaints that have already been decided by a court or independent tribunal
- Complaints that have already been decided by either the Local Government & Social Care Ombudsman or Housing Ombudsman
- Complaints where the complainant or the Council has started legal proceedings and, in some cases, issued formal pre-action correspondence.
- Services for which there are alternative statutory appeal or tribunal processes,
- Complaints about a school or a member of the school staff. These should be made to the head teacher and then the Chair of the school's governing body.
- Requests for Council services such as reporting a missed bin as these should be raised as a service request.
- Complaints of a vexatious nature
- Complaints about the merits of an insurance claim or matters that would be more appropriately considered by an insurer.
- Enforcement Agent fees
- Complaints from staff about personnel matters, including appointments, dismissals, pay, pensions and discipline.

3.6 Time Limits

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.

For these reasons, the Council will normally only accept complaints made within three months of the incident or circumstances that lead to the complaint. However, if there are exceptional circumstances (illness, changes in personal circumstances, etc) provided by the complainant for the delay in submitting the complaint, the Council may make a discretionary decision to consider the complaint providing the circumstances are evidenced. If the Council receives a complaint and decides to not to accept it on the above grounds the customer should be told why.

4. Complaints procedure

The Council should seek to resolve complaints at the earliest opportunity. Where possible, prior to implementing the formal two-stage process outlined below, every attempt should be made to deal with complaints quickly and informally, at the point of service delivery. Please note the exceptions to this process in section 4.9

4.1 Stage 1

The Council's aim is to resolve complaints as quickly as possible to the customer's satisfaction at this stage. This means that responses must be open and honest, admitting fault when things have gone wrong and setting out a package of measures to put things right, including the offer of an apology, details of changes in procedures to avoid a recurrence and in appropriate circumstances a monetary payment

If a concern cannot be resolved satisfactorily at the point of service delivery, a formal complaint must be recorded – unless an exemption, as set out in Section 3.5 is applicable.

The Council will nominate an appropriate officer to respond to the complaint at this stage.

Complaints should be acknowledged within three working days, and a full response given within fifteen working days. If a full response is not possible due to complexity or ongoing investigation, then a holding response will be sent outlining progress and expected timescales.

Complaints submitted by web form on the Council's website will be acknowledged automatically.

Complaints made in person or over the telephone will be acknowledged by the member of staff receiving the complaint.

Some Council services are provided by external contractors. In those cases, the contractor may be required to reply to a complaint at Stage I and they are expected to conform to the Council's standards for dealing with complaints.

4.2 Stage 2

If you are dissatisfied with the outcome of the Stage I investigation, the Council will arrange for the complaint to be reviewed by a senior manager or a designated officer.

The stage I letter will outline how to do this

The request should be acknowledged within three working days, and a full written reply sent within twenty working days, unless more time is required, in which case a holding response should be sent outlining the process and expected timescales.

Stage 2 complaints should be received within a calendar month of the stage 1 response

4.3 Acknowledging Complaints

All acknowledgements should include:

- a brief summary of the complaint as the Council understands it
- the date the complainant should expect a full response
- contact details of the sender
- Who is handling the complaint
- A reference

If a full response (see below) can be made within the three working days an acknowledgement need not be sent.

4.4 Right to escalation

The full response at all stages should include information on the right to escalate the complaint. The complainant should be advised that if they remain dissatisfied they will have to:

- (a) Submit a written response to the Council providing details of why they remain dissatisfied; and
- (b) Submit the response within one month from the date of the full response letter.

4.5 The Local Government and Social Care Ombudsman/Housing Ombudsman

The Local Government and Social Care Ombudsman (LGSCO) and the Housing Ombudsman ('Housing Ombudsman') considers complaints about public bodies including local authorities. The LGSCO investigates complaints about: poor service; failure to provide a service and administrative failure. The Housing Ombudsman investigates complaints relating to the Council's actions as a landlord.

The LGSCO and Housing Ombudsman will only consider complaints if the complainant has exhausted the two stages of the Council's own complaints procedure. However, the LGSCO and Housing Ombudsman have discretion to investigate a complaint prior to the Council conducting its own investigation in exceptional circumstances.

The Corporate Complaints Manager oversees all matters relating to the LGSCO and Housing Ombudsman on behalf of the Council.

4.6 Timescales

The timescales for response are illustrated below:

Stage 1: 15 working days

Stage 2: 20 working days

The timescales start as from the date the complaint was received by the Council, not within the department against which the complaint is made.

4.7 Extending Response timescales

We should always try to keep to our published timescales for dealing with complaints. But sometimes investigations take longer, perhaps because we need to get information translated, or the complaint is unusually complex. In certain cases, when a complaint is complex, it may be necessary to extend the timescales set out in this policy. If this is the case, the complainant must be informed of the reason why timescales cannot be met and informed when they should receive a full response.

Notification should be sent to the complainant at the first possible opportunity.

4.8 Complaints about more than one service

In the event that a complaint involves more than one service, a co-ordinated single response will be sent in the event that matters cannot be separated. The customer should be informed of what arrangement has been agreed in the acknowledgement of their complaint

4.9 Exceptions for Children's and Adult Social Care complaints

There are different complaint procedures and timescales that apply to some complaints by users of the council's Social Care services. Complaints regarding Adult Social Care and Children's services are dealt with through a statutory process.

T: 020 8901 2680

E: complaints.adultsandchildrens@harrow.gov.uk

W: www.harrow.gov.uk/complaints

4.10 Complaints involving other agencies or contractors

Increasingly the Council works with outside organisations that may have different complaint policies and procedures to ours. This can be confusing and

frustrating for complainants, and we should endeavour to have simple systems in place for handling complaints under our arrangements with other agencies or contractors. Wherever attempts to resolve matters between our customers and other agencies or contractors have failed, the Council will consider such complaints under our corporate policy.

In certain cases, the contractor may have their own complaints process.

4.11 Complaints about Councillors

Complaints about the conduct of Councillors are outside the scope of this procedure and are dealt with in accordance with the Code of Conduct for councillors which can be found in the Council's Constitution on its website at www.harrow.gov.uk/elections/complain-councillors

5. Rights and responsibilities

5.1 Customer Rights

Our residents/service users have the right:

- to be always treated with respect and courtesy.
- to have a friend or other representative help them with their complaint.
- to be kept informed about the progress of their complaints; and
- to receive an apology if a complaint is partially or fully upheld

5.2 Staff Rights

Our staff members have the right to be always treated with respect and courtesy.

5.3 Unacceptable behaviour by complainants

The council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them.

As part of this service there is not normally a limit on the contact complainants have with the council. However, even if the matters raised have already been fully dealt with, there may be complainants who, because of the frequency of their contact with the council, hinder its consideration of their and other people's complaints. There is a point when further work on these matters will have an adverse effect on the service offered to others who have a legitimate claim on officers' time and the Council cannot justify the time and expense in corresponding further regarding the issue

Such complaints may be referred to as “unreasonable and unreasonably persistent complaints”. The complaints may become persistent, vexatious, or repetitive.

The complainant may, despite having had an original complaint investigated and been notified of the outcome, not accept that the matter is concluded. The complainant will have exhausted the internal complaints procedure.

Exceptionally therefore it may be necessary to take action to limit or terminate their contact with the council.

In consultation with the Director of Customer Services, the Corporate Complaints Officer shall be authorised to identify a complaint as “unreasonable or unreasonably persistent” under the terms of this policy.

The Corporate Complaints Officer shall determine any restrictions which shall be imposed in respect of a complainant who has been found to have made an “unreasonable or unreasonably persistent complaint”. Any restrictions imposed will be appropriate and will normally follow a prior warning to the complainant. The options most likely to be considered are:

- Requesting contact in a particular form (for example, letters only)
- Requiring contact to take place with a named officer
- Restricting telephone calls or visits to specified days and times
- Terminating further communication

In all cases where it is decided to treat a complaint as unreasonable or unreasonably persistent, the council will write to tell the complainant why the decision has been made and what action is being taken as above.