



## **Complaints and Compliments Policy and Procedure**

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## Introduction

Harrow council welcomes feedback about its services and recognises the right of all its customers to complain, compliment or make a suggestion about any council service or activity. Such feedback provides us with valuable information on our performance and assists in our continuing bid to be recognised as one of London's top performing councils.

This policy details the councils overarching policy on dealing with complaints and compliments received from our customers. The policy is supported by good practice guidance for staff together with detailed customer information and publicity materials.

## Aim and Objectives

To provide an accessible means to all our customers who wish to express either satisfaction or dissatisfaction with a service they have received.

To provide a fair, consistent and structured process for resolving complaints in a courteous and efficient manner.

To enable customers to complain with the assistance of a representative or advocate if required.

To record all complaints and compliments to help us analyse customer feedback and inform future service planning and delivery.

To obtain records of complaints and compliments made so that regular reviews can be produced for internal performance monitoring and public accountability.

## Ensuring equal access for all

We are committed to equal opportunities and our aim is to make our complaints and compliments policy easy to use and accessible to all of our customers. It will be widely publicised and available in a variety of formats. We will ensure that customer information is available upon request in Braille, large print, community languages, or audiotape.

## Who can make a complaint or compliment?

Anyone dissatisfied or satisfied with the service, actions or lack of action from Harrow Council – or someone acting on their behalf and with their permission – can use this procedure.

## When can a complaint or compliment be made?

Compliments can be made at any time, however with complaints it is far easier to find out what happened and to put things right if they 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 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 **twelve 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 relevant Divisional Director and Corporate Complaints Officer may make a discretionary decision to consider the complaint providing the circumstances are evidenced.

If the council receives a complaint and decides not to accept it on the above grounds the customer should be told why.

## How to make a complaint or compliment

Anyone who wishes to make a complaint or compliment may do so either:

- in person
- by telephone
- in writing (by letter, fax, email, using the councils complaint form which is also available online)

In normal circumstances a complaint or compliment should be made to the actual service which is subject of the complaint or compliment.

Any member of staff will be able to accept a complaint or compliment.

## 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 will assist people in finding such support.

The council will, where appropriate, accept complaints from advocates or third parties, provided that the person affected has given their written consent. In some cases, for example children or vulnerable people, if it seems that the person may be unable to give their consent, the Corporate Complaints Officer will make a judgement as to whether it is appropriate to accept the complaint from an unconfirmed representative.

## Anonymous complaints

In normal circumstances the council is unlikely to be able to effectively deal with an anonymous complaint or compliment under the corporate complaints and compliments policy, 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 need to be made on a case-by-case basis whether to look into the substance of a complaint made anonymously.

## Unreasonable and unreasonably persistent 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, 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. Such complainants may be referred to as "unreasonable and unreasonably persistent complainants". 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 Legal & Governance service, the Director of Customer Services and the Corporate Complaints Officer shall be authorised to identify a complainant as "unreasonable or unreasonably persistent" under the terms of this policy.

Before applying this policy the Director of Customer Services and Corporate Complaints Officer shall:

- Ensure that the complainant has exhausted the internal complaints procedure
- Ensure that the complainant has been reminded of his/her right to refer the complaint to another body e.g.
  - The Local Government Ombudsman
  - The Standards Board for England
  - The Information Commissioner
  - The Council's External Auditor
  - The Secretary of State (if the complainant considers the council has failed to meet its statutory duty).
- Ensure that the complainant has been reminded of his/her right to obtain independent professional advice.

The Director of Customer Services and the Corporate Complaints Officer shall determine any restrictions which shall be imposed in respect of a complainant deemed to be "unreasonable or unreasonably persistent". 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 to specified days and times
- Terminating further communication

In all cases where it is decided to treat someone as an unreasonable or unreasonably persistent complainant, the council will write to tell the complainant why his or her behaviour falls into that category and what action is being taken as above.

## **Complaints involving more than one service**

In the event that a complaint involves more than one service, a lead department will be nominated based upon the main focus of content of the complaint to co-ordinate a single response. This decision should be made by the Corporate Complaints Officer in conjunction with the relevant Divisional Director.

## **Complaints about our contractors**

We require any organisation that provides services on our behalf to comply with the policy. This means we require our contractors to record and respond to customer feedback, provide us with information when requested and assist us with complaint investigations as appropriate.

## **Complaints about Councillors**

Complaints about the conduct of Councillors are outside the scope of this procedure and are dealt with by the Standards Committee of the Council.

Anyone can complain about a Councillor breaching any part of the Code of Conduct for Councillors. A copy of the Standards Committee's guidance on how to make a complaint and complaint form are available from the main reception one stop shop and on the Council's website.

### Councillor, GLA Member and Member of Parliament (MP) Enquiries

Members of the Council, the GLA Member for Brent and Harrow and Members of Parliament make enquiries of the council about a range of matters raised with them by constituents. The general purpose of these enquiries is to obtain information in order to respond to a constituent.

If the constituent wishes to make a complaint about the delivery of a service, the Member (i.e. Councillor or GLA) or MP can refer the matter to be dealt with under this policy. This will avoid the Member or MP acting as an intermediary and enables them to represent their constituent if they feel this is appropriate. If the matter is not within the remit of this policy and there is a statutory or other appeal process available, the Member or MP will be advised promptly to ensure that the constituent does not miss the opportunity of exercising a statutory right by using an inappropriate complaint channel.

The Council aims to respond to Members' and MPs' enquiries within **10 working days** of receipt. Where the matter is urgent, the response time will be reduced as appropriate.

## **Complaints about staff**

If a complaint regarding staff actions or behaviour is found to be valid, then the issue will be referred to the appropriate Human Resource Procedure such as the disciplinary procedure and investigated and resolved in accordance with those requirements.

## What is a compliment or suggestion?

This policy defines a 'compliment' as:

"A customer giving us feedback about how well we delivered a service or how helpful an employee has been".

We will log details locally within service areas and thank the customer for taking an interest in our services and for taking the time to let us know we are providing a good service.

The Divisional Director or appropriate manager will acknowledge excellent service with individual employees.

This policy defines a 'suggestion' as:

"A customer giving us feedback on how we can improve any council service".

We will log details of the suggestion locally and the relevant service manager will consider the suggestion and send a response to the customer within **10 working days**. This response will include a thank you to the customer for taking the time out to be involved and help us to improve council services and provide an explanation on how we will implement their suggestion or explain why we are unable to.

The Corporate Complaints Officer will collate and monitor compliments and suggestions and will ensure that this information is regularly published on the council's intranet site.



## What is a complaint?

This policy defines a 'complaint' as:

*“An expression of dissatisfaction by one or more members of the public about the council’s action or lack of action or about the standard of a service”.*

This applies to whether the action was taken or the service provided by the council itself or a person or body acting on behalf of the council.

There can be confusion between what constitutes a complaint and what represents a request for a service. For the purpose of this policy a request for a service is defined as reporting a fault or problem or requesting information. The request only becomes a complaint if the customer chooses to contact the council again to point out that the service has not been delivered and would therefore, like it treated as a complaint.

Examples of service requests:

- Libraries: “You haven’t got the book I want”. This is not a complaint, this is a service request for the book to be procured for use by the customer.
- Refuse: “my bin has been missed today”. A service request can resolve the problem, but the customer should be asked if they want to make a complaint based on the councils failure to deliver a service.

With this in mind, where a customer has submitted a complaint which the council deems to be a request for service, it is important that this is clarified to the customer from the outset.

## Scope of policy

Complaints will generally include allegations about:

- Failure to provide a service at the level or standard laid down by council policy or published service standards
- Unhelpful or insensitive attitude of an employee or agent of the council
- Neglect or delay in answering a query or responding to a request for a service
- Failure to follow the council’s agreed policies and/or procedures
- Failure to take account of relevant matters in coming to a decision

The following types of complaint are *excluded* from this policy:

- Complaints which amount to a disagreement with the council, about its decisions rather than the way in which the decision has been made
- A planning or development control matter where a right of objection exists, unless the complaint is about the way the matter has been dealt with
- A council decision using regulatory powers, for example licences or certain environmental functions, or when the decision is governed by other regulations such as benefit assessments, rent reviews and lease renewals or Council Tax recovery unless the complaint is about how the matter has been dealt with
- A complaint that is, or could reasonably be expected to be the subject of legal proceedings

This complaints and compliments policy will not cover:

- Requests for a service
- An explanation of council policy
- Matters for which there is an existing right of appeal, with a separate procedure, such as an appeal within the council or to an independent tribunal, or other legal remedy
- Complaints about the alleged breaches of council's Code of Conduct for Members

This policy should be read in conjunction with the council's other relevant policies, including (but not exclusively) those relating to Harassment and Racist Incident Reporting and Customer Service Standards.

# The complaints process

## Stage 1

Where possible, complaints will be dealt with quickly and informally.

- A record of the complaint will be made on the council's complaints system (SAP/CRM) and acknowledged within **3 working days**. The acknowledgement will detail the allocated reference number for the complaint, a brief summary of the complaint as the council understands it, the date the complainant should expect a full response and contact details of the sender.
- In the event that a full response can be made within the 3 working days, an acknowledgement need not be sent.
- The complaint will be fully responded to within **10 working days**. It will advise the complainant of their right to move to Stage 2 if they are not satisfied with the outcome of the service's initial investigations.
- The time period of 10 days to respond fully may be extended where additional information is required from the complainant to clarify the issues.
- The complainant will be advised that they have 28 days from the date of the full response letter in which to request a further review of their complaint.

If the complaint cannot be resolved within the timescale for this stage, the complainant will be advised that further enquiries will be carried out and a response made as soon as possible and within a maximum of 20 working days of receipt of the complaint. If the complaint cannot be resolved within 20 working days, the complainant will be informed of the reasons in writing and the complainant will be offered the opportunity to progress to Stage 2.

## Stage 2

The purpose of Stage 2 is to formally investigate the concern or complaint, consider the findings and make a decision about the outcome. Where appropriate some complaints may be referred directly to stage 2:

- When the person complaining is not satisfied with our efforts to resolve the complaint at Stage 1
- When the complainant wishes – and the appropriate Head of Service/Divisional Director agrees – to start proceedings at the formal investigation stage
- When a Head of Service/Divisional Director judges the complaint sufficiently serious to warrant immediate investigation at Stage 2.

A request for a Stage 2 investigation should be made in writing to the Corporate Complaints Officer. On receipt the Corporate Complaints Officer will:

- Acknowledge the complaint within **3 working days**. The acknowledgement will detail the allocated reference number for the complaint, 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 and provide information explaining the formal complaints procedure.
- Forward the complaint to the investigating officer (an appropriate service manager responsible for the service being complained about and selected in liaison with the appropriate Head of Service/Divisional Director) for investigation.
- Inform the complainant of the name and contact details of the investigating officer.

A written reply will be provided to the complainant as soon as possible within **20 working days** of receipt of the complaint as a Stage 2 complaint. The response will fully address the issues raised (and any proposed remedy) or explain the reasons for any delay.

If a full response is not possible within the 20 working day deadline, the complainant should be sent a progress report within this timescale informing them of the delay, the reasons for this and an anticipated response date.

The complainant will be advised that if they are still not satisfied with the response following the formal investigation, they can request (within 28 days of the response being sent to them) a final review of their complaint at Stage 3.

### Stage 3

If the complainant continues to be dissatisfied following Stage 2, the complaint can be reviewed by the appropriate Corporate Director for the final time.

Exceptionally, it may be decided that there is nothing more that can be said or done after the Stage 2 response and the relevant Corporate Director may then decline to look at the matter.

Should the relevant Corporate Director decide to pursue with the review of the complaint, the request will be:

- Acknowledged within **3 working days** and will give the name of the Corporate Complaints Officer who will be assisting in the review.
- The relevant Corporate Director, as a result of his/her review, will provide a full written reply within **20 working days** of receipt of the request for a review at Stage 3.

### Stage 4

If the customer is still not satisfied after progressing through all three stages of this process, the customer has the right to complain to the Local Government Ombudsman if they feel that the council has not resolved their complaint satisfactorily.

A copy of the Ombudsman's complaint leaflet, which includes a complaint form, is available from main reception at the Civic Centre.

Correspondence from the Ombudsman is addressed to the Chief Executive and the Corporate Complaints Officer acts as the link officer for these complaints.

Although the corporate complaints policy covers the whole organisation, the law says that certain types of complaints have to be handled differently from others. For this reason, the corporate complaints and compliments policy is made up of the following separate procedures:

- Complaints and Compliments Procedure
- Adults & Children's Social Care Complaints Procedure

When complaints are received, they may trigger other Council procedures, for instance the Racial Incident Reporting Procedure.

## Remedies

Where the complaint is upheld or upheld in part, the remedy needs to be appropriate to the complaint. The Local Government Ombudsman offers the general principle for guidance that "as far as possible the complainant should be put in the position he or she would have been in if things had not gone wrong".

Remedies may include:

- An apology
- An explanation:
  - as to what went wrong
  - of policy/procedures
  - of the way in which the council has handled the matter
- Remedial action - such as providing the service desired
- A commitment to review procedures to avoid the same thing happening again
- Financial compensation and clear instructions about anything the complainant needs to do

The complaints investigator, in consultation with their Head of Service/Corporate Director, who have upheld a complaint, shall be responsible for determining the appropriate remedy. If the complainant has suffered loss or suffering, financial compensation may be appropriate. Where they feel that financial compensation is appropriate they should refer to the Corporate Complaints Officer and the Director of Customer Services.

## Rights, Roles and Responsibilities

Our customers have the right:

- To have a friend or other representative help them with their complaint
- To confidentiality (if an investigation cannot proceed without the complainant being identified, the complainant will be given the option whether or not to continue)
- To be kept informed of the progress of their complaints
- To receive an apology if a complaint is upheld
- To be informed of any changes to Council policy or procedures arising from a complaint

This complaints and compliments policy does not affect the right of an individual or organisation to approach a local councillor or Member of Parliament for advice or assistance. If this results in a complaint being made by or on behalf of an individual, it will be dealt with using this procedure.

Our staff has the right:

- To be treated with respect and courtesy at all times by both customers and managers
- To have the support of a friend, Trade Union or other representative if they are the subject of a complaint
- To be made aware of and have the support of, the council's Violence at Work policy and procedure

The responsibilities for the resolution of complaints are set out for officers under the appropriate stage headings. At the informal stage the receiving officer should attempt to resolve the complaint, or if this is not possible, refer the matter to an appropriate officer to action.

### Corporate Complaints Officer

- Co-ordinate complaints across the council
- Ensure compliance to the process and standards
- Provide quality assurance
- To be the central co-ordinator for all Stage 2 complaints in consultation with the relevant Divisional Director for that complaint (excluding Adults & Children's services)
- Liaise with the Legal Department on Ombudsman complaints
- Coordinate corporate reports for Corporate Strategic Board performance mornings, and Overview and Scrutiny.
- Ensure there is learning from the way complaints are managed across the council.

### Department Complaints Co-ordinator

- Acknowledge receipt of the complaint (Stage 1) and informing the complainant that an investigation will be carried out
- Ensure details of all complaints received by the Service are recorded on the complaints system
- Ensure the progress of complaints is monitored and responses are sent within timescale

- Update the complaints system when an investigation is complete
- Provide quarterly reports to relevant improvement boards

#### Investigating Officer (Service Manager)

- Provide the complainant with information about the complaints process
- Ensure that the complaint is investigated objectively
- Keep the complainant informed of progress of the investigation
- Provide the final response to the complainant within the appropriate timescale for a Stage 2 complaint
- Inform the Corporate Complaints Officer when the complaint is closed and providing a copy of the final response.

#### Head of Service/Divisional Director

- Adherence to the council's complaints and compliments policy and guidelines by staff and providing advice where necessary
- Oversee the handling of complaints by their staff at Stage 2
- Ensure that, where possible, frontline staff within their service are supported to resolve complaints
- On receipt of compliments ensure that appropriate staff receive a copy of the correspondence

#### Corporate Directors

- Adherence to the council's corporate complaints and compliments policy guidelines by their department
- Consider complaints monitoring information in the planning and improvement of services
- Implementation of specific procedures, if actions by complainants are deemed to be unacceptable.

## Performance and monitoring of complaints

The council is committed to continually improving the services we deliver to our customers. Information gained from complaints can be a valuable tool in identifying the needs of our customers and developing our services to meet those needs.

The Corporate Complaints Officer has the overall responsibility for monitoring and reporting performance in complaints handling and resolution by collating such statistical information and reporting it to the council's performance and finance scrutiny committee, corporate improvement boards and the Chief Executive and Corporate Directors on a quarterly basis.

The complaints system contains a reporting facility that enables data to be analysed to identify any trends in specific service or geographical areas or complaint subject.

### Equalities monitoring

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 are any equalities issues underpinning the issues raised by complainants.

### Review and Evaluation

In order to ensure we continue to provide the best possible complaints handling service for our customers, this policy will be subject to ongoing evaluation and annual review by the Director for Customer Services and Corporate Complaints Officer.

### Retention of records

All records relating to complaints and Ombudsman complaints will be kept for a period of 7 years.



## Appendix A

### Useful contacts for further information

Citizen's Advice Bureau  
Civic Centre  
Civic 6 Building  
Station Road  
Harrow  
HA1 2XH  
0844 826 9711

Harrow Council for Racial Equality  
Exchequer Building  
Civic Centre  
Station Road  
Harrow  
HA1 2UT  
020 8427 6504  
[www.hcre.org.uk](http://www.hcre.org.uk)

Harrow Association of Voluntary Services  
The Lodge  
64 Pinner Road  
Harrow  
HA1 4HZ  
020 8863 6707  
[www.harrowcvs.org.uk](http://www.harrowcvs.org.uk)

## Appendix B

### Summary of complaints process

	<b>Acknowledgement</b>	<b>Full response</b>	<b>Escalation</b>	<b>Quality Assurance</b>
<b>Stage 1 – Informal</b>	Will endeavour to deal with the complaint on the spot or within 3 days.  3 working days  Department Complaints Co-ordinator	10 working days  Appointed service officer / manager (dependant on circumstances of the complaint)	Within 28 days to Corporate Complaints Officer	Department Complaints Co-ordinator
<b>Stage 2 – Formal investigation</b>	3 working days  Corporate Complaints Officer	20 working days  Appointed investigating officer (Service Manager)	Within 28 days to relevant Corporate Director	Corporate Complaints Officer / Head of Service/ Divisional Director
<b>Stage 3 – Review</b>	3 working days  Corporate Complaints Officer	20 working days  Relevant Corporate Director	Anytime after receipt of full response  Local Government Ombudsman	Corporate Complaints Officer / Corporate Director