



Newham Council
Policy & Procedures

Corporate Complaints Policy

April 2023

Reference No: CAMEv1.6414122020

Date Last Updated: 8th April 2023

Approved by: John Stroud

Date Approved: 8th April 2023

Version No: 1.65

Review Date: 31st Dec 2023

Document Owner: John Stroud

Purpose

The purpose of this policy is to provide guidance and expectations when investigating and resolving formal complaints or issues raised by citizens, or by advocates, including Members, MPs and others

Related Policies

Statutory Adult's Social Care Complaints Policy
Statutory Children's Social Care Complaints Policy
Vexatious Complaints Policy

Contents

- 1. Introduction**
- 2. Contacting Us**
- 3. Complaint Handling & Timescales**
- 4. The Ombudsman**
- 5. Exceptions and Limitations**
- 6. Learning from Complaints**
- 7. Compensation**
- 8. Complaints Process**

1 Introduction

Newham Council are committed to put **People at the Heart of Everything We Do**. We aim to provide effective and efficient services for every citizen, whether they are residents in the borough, businesses or other service users.

If we fail to deliver things **right first time** we should support the citizen if they wish to make a complaint. We will expect to learn from where we went wrong and put measures in place to prevent errors reoccurring.

A complaint shall be defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

A complaint is an opportunity to put things right. With the acceptance of the complainant, and working with service partners across the Council, we aim to quickly resolve what went wrong. This will usually involve liaising with the relevant officers or service to arrange actions to be taken to the satisfaction of the person raising the issue.

Sometimes an investigation is needed to assess whether we uphold the complaint raised. We will make contact with the complainant to understand how they have been affected and take the required actions to remedy the situation.

The Complaints and Member Services Team receive complaints or enquiries on behalf of most services across the Council, and works to be a positive force for change in helping to resolve, remedy and recommend improvements.

The aim of the policy is to bring clarity to roles and responsibilities as well outline key actions required to ensure response targets and quality of service are achieved.

This policy does not cover complaints relating to an issue which is part of a statutory or legal process, or where other appropriate independent appeals processes or procedures are available (**see section 5**). The complainant will be appropriately advised of the actions they can take and the complaint request closed.

2 Contacting Us

Complaints from citizens may come from residents, businesses, community groups or other users of our services, or those affected by them. They may be received from complainants directly, or referred on their behalf, by an advocate, solicitor (acting as advocate), Councillors, Chief Executive, the Mayor, Member of Parliament, or other appropriate representative.

In line with advice and guidance from the Local Government and Social Care Ombudsman (LGSCO), all complaints should be treated fairly and equally, no matter the route by which they arrived. Any urgency or priority should be judged on the merits of the case itself.

Methods of raising a complaint:

- www.newham.gov.uk – go to Complaints on the A-Z. An e-form is available.
- Email corporate.complaints@newham.gov.uk
- Post – **Complaints Team, London Borough of Newham, PO Box 71568, London, E6 9LQ**
- Call on 0208 430 2000, and ask for the Complaints Team
- Using textphone/minicom 18001 020 8430 2412
- Meetings in person in a private space can be arranged, at a Community Neighbourhood Centre, or, if appropriate, a Home Visit may be made.

We wish to assist citizens in the most appropriate way to resolve their issue, first time. In line with equality legislation, we will provide all reasonable assistance or adjustments to enable a complaint to be made in a fair and equitable way that ensures access in all circumstances. For example, this may include providing information in alternative formats, assistance in making a complaint, or holding meetings in locations accessible to the person.

3 Complaint Handling and Timescales

Regardless of the route or method of the complaint, we will assess and acknowledge within 2 days, in the following way, to decide whether it is:

- An **Enquiry** or **Service Request** – Whether raised by the citizen themselves, or via **advocates**, such as a Councillor or MPs, it may not be classed or recorded as a complaint if the matter has not yet been raised with the service themselves, or the service has not had a reasonable opportunity to respond or resolve. In addition, some of this demand may be ‘business as usual’ requests or queries that have been sent in via the ‘complaints’ route if the sender was uncertain where to direct it.

Most of this type of demand will either be ‘diverted’ by providing the citizen an alternative means of raising a service request (e.g. links on website, advice and guidance from Council Officers or Members, etc.), or distributed to frontline officers to progress as service requests or enquiries in the normal way. The citizen will be advised accordingly, and informed of the ‘business as usual’ service and transaction expectations.

If the service request was made by an advocate, this will captured as being reported by them for future reference.

Examples of the type of demand often raised as a 'complaint' that may be considered 'first-time service requests' could be:

- Fly-tipping
- Visitor Permits not delivered
- Missed bin collections
- Bulky Waste not collected
- Housing repair required
- Road sweeping/cleansing
- Tree pruning
- Street lighting out

However it will be noted that the citizen has made the service request through the complaints route, and if appropriate expectations have not been delivered then this can be dealt through the complaints process, and could be taken straight to a **Stage 2 Review**.

- **Stage 1 Complaint (Early Resolution)** – The complaints process allows opportunity for early resolution of non-complex issues without requiring a formal investigation or detailed written response. Many citizens just require a quick solution to a very simple issue. We will liaise with the relevant service or partners to quickly resolve what went wrong to give a satisfactory outcome for the citizen.

The required actions to resolve the situation should either take place within **20 working days**, or, if scheduled work is required, a definitive date on which work is to take place is confirmed within the 20 working day period. If the complaint relates to services delivered to a tenant or leaseholder then, in line with the Housing Ombudsman Code, a response and required actions should be confirmed within **10 working days**. (This may be extended up to 20 working days if a clear explanation as to why is provided within the initial 10 working day period).

This will still be captured as Stage 1 complaint, to assess service failure. If the failure is repeated, the matter could be taken to a **Stage 2 Review**.

- A **Stage 1 Complaint (Investigation)** – if more detailed consideration and decision on fault is required, or as requested by the complainant themselves, an investigation will be undertaken, and a response provided within **20 working days**. If the complaint relates to services delivered to a tenant or leaseholder then, in line with the Housing Ombudsman Code, a response and required actions should be confirmed within **10 working days**. (This may be extended up to 20 working days if a clear explanation as to why is provided within the initial 10 working day period).

After investigation, the complainant's case will be Upheld, Not Upheld, or Partially Upheld. Where things have gone wrong we will explain what will be

done to put them right (including the timescales expected to carry out these actions) and/or what lessons will be learned. If the complainant does not agree with the outcome of the investigation, a **Stage 2 Review** may be requested.

A formal Complaint is overseen by a Complaints Officer. A draft response from the service(s), by an officer of a senior level (or delegate), is provided to the Complaints Officer **within 10 working days of the service receiving it** (unless a higher priority has been agreed). This is to ensure that the Complaints Officer has the time to independently check and assess the quality and content of the response(s), and that matters raised by the complainant have been effectively addressed.

Any Stage 1 complaints received about a contractor working for the Council will either be led by the appropriate manager responsible for commissioning the contractor, or by the contractor themselves, as indicated by the contractual arrangements in place.

- A **Stage 2 Corporate Complaint Review** – if a complainant does not agree with a Stage 1 Corporate Complaint response, or is unhappy with the results of an early resolution process, a Review may be requested. Another Complaints Officer, will reconsider the actions and decisions taken at the previous stage.

The purpose of the Stage 2 process is to conduct a thorough review of any new information provided and to consider if the original decision was fair. A response is provided in **15 working days** (or 20 working days if it relates to services delivered to a tenant or leaseholder). The outcome will include options and advice on further actions the complainant may consider. If the complainant is not satisfied with the outcome, they will be advised of their rights to raise the matter with the relevant Ombudsman.

The Council's Corporate Complaint Review procedure is referenced as the final stage by a number of organisations with which we have a relationship with, i.e. organisations who provide services on our behalf, e.g. Housing Associations, advocacy services, Active Newham, etc.

4 The Ombudsman

If the complainant remains dissatisfied or does not agree with the outcome of Review, they have the right to refer the complaint to the relevant Ombudsman. For most matters, this will be the Local Government Ombudsman or the Housing Ombudsman (for complaints related to the Council services provided to tenants or leaseholders).

The details of the relevant Ombudsman will be provided at the closing part of the Review response. The Council can be bound by the Ombudsman's decision. They can direct remedial action and compensation to be paid in many cases.

5 Exceptions and Limitations

There are areas where we may be unable or limited in what we can do to investigate the complaint under the Corporate Complaints Policy. Below is a list of examples (not exhaustive):

- We usually cannot consider events that occurred more than 12 months ago. This is in line with advice and guidance from the Local Government Ombudsman, which has a similar policy.
- Where there is a separate right of appeal. An example could be disagreeing with a decision on a benefit application or council tax liability.
- Complaints about school admissions or exclusions have a separate appeals process to deal with these concerns.
- We cannot consider complaints about a Penalty Charge Notice or recovery process, except for limited complaints about the administrative process itself.
- Complaints that involve matters that would usually be investigated by the Police; for example, allegations of theft, racial harassment, sexual harassment or where the matters being complained about have already been, or are being, investigated by the Police.
- Allegations of fraud cannot be considered - these would be dealt with by the Council's Fraud Team.
- Social Care Complaints that relate to the Council's duty to those in receipt of care or in need of care, are considered under the **Statutory Social Care Complaints** policy. Limited aspects of Social Care matters can be considered under the Corporate Complaints policy, if they do not relate to this duty.
- If a complaint about the conduct of a Council Officer forms part of/is the subject of the complaint, that aspect should be investigated by an appropriate service manager with authority to make decisions on potential actions in relation to the employee. The complaint can be responded to as, or part of, a Corporate complaint, however, any decisions or actions that relate to an employee/employment matter may not be communicated to the complainant. Although it may be appropriate to give relevant assurances depending on circumstances, identifying details or actions taken in relation to an employee will not be communicated or recorded in the complaints management system.
- We cannot consider matters for which there is a statutory appeal or arbitration process in place.

- We cannot consider matters subject to legal, court or tribunal proceedings.
- We cannot consider current or ex-employee complaints regarding employment matters such as pay, dismissal and disciplinary matters.
- We cannot consider matters subject to an insurance claim.
- We cannot consider matters about procurement processes that are subject to the Public Contracts Regulations 2015.
- Complaints relating to the refusal of a planning application have a separate appeal process that must be followed.
- We may place limitations on persistent or vexatious complainants. See the **Vexatious Complaints Policy**

6 Learning from Complaints

Complaints are opportunities to put things right and learn lessons to prevent similar mistakes from reoccurring. They are a catalyst to make other service improvements, and most importantly improve the citizen's experience.

In the resolution of a complaint, both the Complaints Officer and the relevant service may find that there are **Recommendations and Actions** for improvement that can be agreed upon, with follow-on actions that can be put in place, and monitored.

If this is the case, these recommendations will be captured within the conclusion of the complaint, confirming actions the service will take. These can be monitored in service partnership meetings between the Complaints and Member Services Team and the relevant service area, to track actions and improvements.

7 Compensation

In some circumstances compensation or a goodwill payment could be appropriate. This will be a careful, considered decision limited to the merits of the case. While monetary value cannot be clearly defined for all cases, it can be seen as symbolic of the effect on a person(s), and used to highlight the true costs of complaints to services to emphasise the need to get it **Right, First Time**.

A decision to pay compensation is usually only a result of a formal investigation, and only if it is relevant to the case, and there has been clear service failure, delay, injustice, effect or costs incurred.

The Council considers appropriate remedies taking into account clear advice and guidance on this area from the LGSCO.

8 Corporate Complaints Process

