



CORPORATE COMPLAINTS POLICY AND PROCEDURE

1. BACKGROUND

The County Council's overall Mission is *to make County Durham the best place in which to live, work and bring up a family* and we constantly strive to satisfy the needs of our customers.

But we realise that sometimes things can go wrong and people are not always happy with our service.

Complaints are extremely valuable because they give us the opportunity to put things right if there have been mistakes and, just as importantly, to improve our services, to make sure these same mistakes are not repeated in the future.

2. WHAT IS A COMPLAINT?

A complaint is any expression of dissatisfaction with our services, actions or lack of action by either the Council or its staff or some person or body acting on our behalf.

For example:

- we do not deliver a service on time;
- we give incorrect information;
- we wrongly interpret or inconsistently apply Council policy;
- we fail to appropriately consult with, or listen to people on issues;
- someone receives a poor quality or inappropriate service; or
- someone has a complaint about the actions or conduct of a member of staff.

This is not intended to be an exhaustive list.

Any complaints arising where/when the County Council provides its services as part of any partnership arrangement will be handled by the County Council in accordance with the principles and procedure outlined below. This will also include compliance with specified monitoring requirements and reporting arrangements.

3. HOW COMPLAINTS CAN BE MADE

A complainant can use any of the following ways to make a complaint:

- in person;
- by telephone or fax;
- by letter or e-mail;
- through a Councillor;
- through a representative, eg a friend, an advocate or lawyer;
- with assistance from staff.

4. OUR PRINCIPLES

We are committed to putting customers first and providing high quality services. This includes dealing with complaints.

- we will make sure our complaints procedure is both easily accessible and well-publicised;
- we will make sure our complaints procedure is easy to understand and use;
- we will assist people who might have difficulty in making a complaint to have access to independent advocacy as necessary;
- we will take all complaints seriously and deal with them quickly, fairly and consistently, treat people with respect and try to be as helpful as possible at all times;
- we will listen to and look carefully at all of the points at issue and aim to provide an appropriate remedy when failures have occurred;
- we will tell people what is happening with their complaint at every stage and do everything we can to help them;
- we will do our best to protect the confidentiality of both complainants and staff;
- we will explain our decisions;
- we will use complaints to review and improve the way we provide services;
- someone's right to a Council service will not be affected if they make a complaint.

5. WHAT THIS COMPLAINTS POLICY AND PROCEDURE WILL NOT COVER

- a report of a defect, for example, a faulty street light (this will be dealt with through the arrangements in place in the appropriate Council Service);
- an enquiry or request for information;
- a disagreement with the merits of a policy formally adopted by the Council (although any such disagreement will be properly recorded, responded to, and fed back into the policy making process);
- a matter of contract compliance or a claim for breach of contract by the Council;
- complaints in areas where other statutory procedures, rights of appeal or review or legal remedies exist. For example, if the complaint is the result of injury or damage arising from an alleged defect which is the Council's responsibility, this will be handled under the Council's insurance arrangements and the complainant will be advised accordingly. Certain Social Care complaints for Adults and Children and Young People are subject to separate statutory complaints procedures;
- complaints which relate directly to a Councillor, the Head of the Paid Service and the Monitoring Officer, other Corporate Directors or about the improper use of the Council's finances – separate procedures operate for these situations;
- complaints from Councillors unless they are acting on behalf of a member of the public or some organisation;
- complaints about employment matters or from members of staff – the Council operates separate procedures for these; or
- something which was known about more than twelve months before the complaint was made, unless there were good reasons why the complaint could not have been made sooner.

If a complaint is submitted which relates to any of the above the complainant should be provided with a copy of this Policy and a full explanation as to why it cannot be considered as a corporate complaint.

Where appropriate the complainant should also be given advice about alternative channels available to them to pursue the issue.

6. EQUAL OPPORTUNITIES AND HUMAN RIGHTS

The Council is fully committed to promoting diversity and equality for everyone within the community and this is supported by the European Convention on Human Rights.

Complaints feedback will be used to address and eliminate any discriminatory practices to assist with continuous improvements in service delivery and promote equality of opportunity.

7. ANONYMOUS COMPLAINTS

Anonymous complaints will be thoroughly investigated where it is possible and appropriate to do so.

In appropriate circumstances, the Council will also consider the use of an advocate or professional witness or other independent person to assist with any such investigations in order to provide additional information and at the same time protect the anonymity of the person who is complaining.

8. ABUSIVE AND/OR THREATENING BEHAVIOUR

Staff will always strive to conduct themselves in a supportive and professional manner when dealing with anyone making a complaint.

However, if a complainant becomes abusive or uses threatening behaviour, staff will be entitled to terminate their contact with them.

9. PERSISTENT OR VEXATIOUS COMPLAINTS

There will be circumstances when a complainant persists in pursuing a complaint which has no reasonable basis or when the Council has already taken reasonable action in response or where some other process should or has been taken.

Whilst the Council will never dismiss a complaint out of hand, we will exercise our discretion as to when a matter will be regarded as closed in the circumstances described above.

10. REMEDIES

Our aim in dealing with all complaints is to reach a remedy that satisfies the complainant.

If a complaint is found to be justified, the Council will always consider an appropriate remedy, which could involve the following:-

- a written apology;

- by providing the service desired or an explanation of any remedial action that will be taken which provides a reasonable response to the concerns expressed by the complainant, including an indication of timescales;
- changes to practices and procedures to avoid similar situations arising in the future; and
- in exceptional circumstances, reasonable financial compensation where a complainant has sustained loss or suffering.

In addition, where a complaint has been investigated by the Local Ombudsman, the Council will always give careful consideration to any remedies put forward as a result.

11. HANDLING AND INVESTIGATION ARRANGEMENTS IN GENERAL

The Acting Director (Corporate Services) has overall responsibility for co-ordinating and managing this Policy and Procedure to ensure a consistent approach across all Services of the Council.

Each Service is responsible for the following:

- to make sure that all appropriate staff are aware of the arrangements;
- to nominate a Service Complaints Officer responsible to oversee the handling of complaints in that Service;
- to make sure that staff who undertake the investigation of complaints are properly trained and possess the appropriate skills;
- in the interests of natural justice, to make sure that at Stage 2 of the Procedure, the Senior Officer who undertakes the investigation of a complaint has had no prior involvement in the matter and, wherever possible, will not be in line management control of that particular area or activity of work;
- to make sure that all complaints received are properly recorded and complaints files/notes are compiled in accordance with Appendix 1
- to ensure systems are in place for reviewing at regular intervals the causes of complaints
- to ensure that as a minimum, a formal review of complaints, and complaints handling forms part of each Services' Senior Management Team programme
- Service Management Teams are responsible for identifying issues for service improvement and confirming changes etc have been implemented. This review should be completed at least annually and included as part of the Service reporting to Standards Committee.

The Council will also make sure that its Elected Members are familiar with the Policy and Procedure and are adequately trained in its operation so as to advise and assist in making a complaint.

12. HOW THE PROCEDURE WORKS

General

The Council will exercise its discretion about the stage at which it starts to consider a complaint. For example, very serious complaints might go straight to Stage 3 and complex ones might start at Stage 2. In certain circumstances, complaints might move straight from Stage 1 to Stage 3. Alternatively if another Head of Service from a different discipline was to carry out the Stage 2 investigation, their perspective applied to the issue might help to secure a positive outcome. Any views about this from the complainant will always be taken into account.

Additionally, in appropriate cases, the Council will, at any stage of the Procedure, invite the complainant to agree to refer their complaint to an independent mediator or to some other independent means of investigation.

NB. At each of the three stages outlined below, the complainant should be advised at the outset, of the date when they can expect a full response or update.

Stage 1: Problem Solving

The Service responsible for the particular service will try to deal with the complaint informally, satisfactorily and as quickly as possible, either by providing information, taking appropriate action or explaining a decision, and, if possible, without the complainant having to do anything further.

If a complaint is resolved immediately in this way, wherever possible it should be recorded as such and should feature in the quarterly statistics reported to Standards Committee.

If the complaint cannot be resolved immediately, the complainant will be sent a written acknowledgement within five working days from receipt of the complaint indicating:-

- the details of the complaint;
- what will be done;
- how long before a written response will be given;
- who is dealing with the complaint.

The entire duration for fully responding to a complaint at this stage will normally be no more than 15 working days from when the complaint was first received.

If, for any reason, delays are experienced, the complainant will be given an explanation of the reasons, and pending a final response progress reports should be provided every 15 working days.

A satisfaction survey should be issued with the final response. A copy of this is attached at Appendix 2.

If the complainant responds to indicate they remain dissatisfied, this correspondence should be acknowledged within 5 working days of receipt.

Stage 2: Formal Investigation by the Service

At Stage 2, the complaint will be formally investigated by a Senior Officer from the Service.

The Senior Officer will notify the complainant that a further investigation will be carried out, providing the same information as detailed in Stage 1.

The entire duration for fully responding to a complaint at this stage will normally be no more than 20 working days. However, with the agreement of the complainant, this time period may be extended because of the particular circumstances of the complaint, such as its complexity and/or the need to interview/contact other people. If further time for investigation is needed and agreed to, the complainant will, in the meantime, be issued with regular progress reports, at least every 20 working days until the final response is provided.

A satisfaction survey should be issued with the substantive Stage 2 response. A copy of this is attached at Appendix 2.

If the complainant responds to indicate they remain dissatisfied, this correspondence should be acknowledged within 5 working days of receipt.

Stage 3: Formal Review

If a complainant remains dissatisfied after Stage 2, the complaint will be referred to the Acting Director Corporate Services. Depending on the circumstances of the complaint, the Council will apply a flexible approach as to who should conduct the investigation at Stage 3, in consultation with the complainant. For example, this might involve the Council's Legal Service, reference to the Council's Appeals and Complaints Committee or a panel of Elected Members and independent persons, all of whom will have had no previous involvement in the complaint.

The same procedural arrangements will apply as in the case of Stage 2 except that the duration for fully responding to the complaint will normally be no more than 25 working days. If an extension to this period is agreed with the complainant regular progress reports should be issued (at least every 25 working days) until the substantive reply is provided.

The substantive reply should indicate that the Council's complaints procedure has reached its conclusion and signpost the complainant to the relevant Ombudsman service should they wish to pursue the matter further.

13. REPORTING ARRANGEMENTS AND ANNUAL REPORT

Every Service will provide the Acting Director (Corporate Services) with regular returns on their complaints administration to facilitate the presentation of regular reports on the outcome of complaints to the Council's Standards Committee. The Committee will include in its Annual Report to the Council a summary of complaints handling over the period in question.

14. THE LOCAL GOVERNMENT OMBUDSMAN

This is an independent service set up by the Government to investigate complaints about most Council matters.

At any time during the course of an investigation by the Council, a complainant can refer their complaint to the Local Ombudsman.

If this happens, the Acting Director (Corporate Services) will take responsibility for handling the complaint, in consultation with the Service concerned, and the Local Ombudsman referral will take precedence over any local investigation.

When complaints have been sent directly to the Local Ombudsman without first being put through this Procedure and are referred back to the Council, the Service responsible will handle the complaint in the first instance, in consultation with the Acting Director (Corporate Services).

15. Promotion and Access

The Council will make every effort to ensure that people are aware of its Corporate Complaints Procedure and understand how it works.

Arrangements will also be made to make sure that the Procedure is available in a range of formats and languages and that staff are given appropriate training and preparation to assist the public.

