

**Isle of Wight Council**

# **COMPLAINTS POLICY**

## Document Information

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1.2 (Draft)	03.09.2010	Second Draft
1.3 (Draft)	25.11.2010	Third draft following consultation
1.4 (Draft)	24.03.2011	Fourth Draft changes to service support available to NCOs
1.5	04.02.2014	Changes to senior management
1.6	29.07.2014	Reviewed in light of new corporate plan and new management structure
1.7	05.10.2016	Reviewed and updated

1.8	20/12/2019	Reviewed and updated to clarify responsibility for the complaints process at any given stage with a particular focus on identifying learning outcomes, and using these to improve services for our customers in line with LGSCO guidance
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## 1. Introduction

This policy is aimed at helping Isle of Wight Council staff deal with complaints in ways which are demonstrably consistent and fair and comply with legislation and best practice. It is an important and visible sign that the council listens to and values customer feedback and uses learning outcomes from complaints to help improve services.

## 2. Definition of a complaint

A complaint is any expression of dissatisfaction with our services or those for which we are responsible, (this includes some provided under contract to the council), that requires a response. There is no difference between a “formal” and an “informal” complaint. Both are expressions of dissatisfaction that require a response.

## 3. Aims and Objectives

The aims and objectives of this policy are to:

- Improve the quality of the services we provide
- Improve our relations with customers
- Encourage best practice by our staff who will be aware of the day-to-day concerns of our customers
- Operate within the statutory, regulatory and legal framework
- Value diversity recognising and valuing all and ensuring that everyone can use the complaints policy
- Encourage customers to tell us when they are not happy with our services
- Use learning outcomes from any complaints made by users to improve our services
- Ensure customers have their views heard; receive a good quality service that includes prompt action when our performance is below standard

Our complaint's procedure will:

- be easy to access - when things do go wrong, we will put things right quickly, informally where appropriate and without fuss
- make it clear to customers what they should expect, a time limit for replying to their complaint and any right of appeal
- ensure we communicate effectively and efficiently with our customers at all stages
- ensure we monitor complaints, identify and apply learning from complaints

#### **4. Who can complain?**

Anyone can make a complaint if they believe that the council has:

- done something wrong
- failed to do something it should have done
- done something it should not have done
- provided a poor standard of service

The following are not considered as part of the complaints process, but should be taken up directly with the relevant service:

- passing information to a service for a service request, for example to report a faulty street light or a missed bin collection
- where there is an appeals process in place and a decision has been properly formed through that process, despite it is not being the decision the individual had hoped

Complaints which are unclear or very general may be difficult to investigate and we may ask that more information be provided by the complainant to help us understand how we might best respond.

An advocate can put in a complaint on behalf of a complainant. This covers relatives, carers, elected members or organisations such as the Citizen Advice Bureau.

The actions of any company contracted or commissioned to provide services on behalf of the Isle of Wight Council shall be treated as actions of or on behalf of the council. This means that when a complaint arises, we will make sure that it is investigated rigorously, fairly and independently, taking into account all evidence available.

#### **5. Undertaking to Complainants**

We undertake that complainants:

- will not suffer any penalty or discrimination as a result of making a complaint
- will have their complaint acknowledged, taken seriously, investigated and will get a reasoned reply
- will receive a courteous and honest response
- can expect us to try to understand things from their point of view
- will be easily able to access the complaints procedure
- will be advised of any appropriate sources of free advice and advocacy provided outside the council

## **6. How the Complainant Can Assist**

For us to give proper consideration to a complaint and to be clear about appropriate resolutions, we will ask complainants to:

- Tell us clearly what has gone wrong with as much factual information as possible
- Give us the information we ask for
- Tell us what they would like us to consider doing to put things right
- Make any additional or specific needs known to us as soon as they can
- Remain calm and treat our staff in a courteous way

## **7. Unreasonable Complainant Behaviours**

Whilst we aim to resolve customer complaints satisfactorily, there are occasions when actions or behaviours become unacceptable due to the nature or frequency of their contacts. This includes constant repetition of a query when a reasonable answer has already been provided.

The council has a separate policy for dealing with unacceptable behaviour which will be applied in such circumstances. If we are concerned about staff safety through the actions of unreasonable complainant behaviours, we may inform the police or take legal action.

## **8. The Complaints Process**

The Complaints Process will:

- Provide customers with a fair process to address expressions of dissatisfaction promptly, efficiently, courteously and systematically.
- Be used as a positive method of monitoring performance and improving our services.

A complaint may be made by e-mail, telephone (821000), letter, online ([www.iwight.com](http://www.iwight.com)) or in person at any relevant council office dealing with the issue. A complaint form is available at any council office that is open to the public.

The Chief Executive will be made aware immediately (at stage 1 or 2) of any complaint which is complex, controversial or that may lead to reputational damage and has the potential for negative publicity or public perception and that may affect its revenue.

We will acknowledge the complaint within three working days (counting from the working day after the complaint was received) with a letter stating what will be done, when the reply will be given and who to contact about the complaint.

We will keep the complainant informed about the progress of the investigation and the outcome in writing unless agreed otherwise by the complainant.

When replying to a complaint, we will inform the complainant of any right of further redress such as Stage 2 or the Local Government & Social Care Ombudsman (LGSCO).

When appealing against a previous decision, we may seek further clarification from the complainant as to the perceived failings and the desired outcome(s).

When a complainant presents the same issues repeatedly (exactly or with minor differences) that have previously been investigated and responded to by the Isle of Wight Council, we will end all communication with the complainant on the issue and, where appropriate, refer the complainant to the Ombudsman.

The Corporate Complaints Team will provide advice about all aspects of the complaints process and will prepare an annual report with learning outcomes from complaints for both members and officers of the council in line with LGSCO guidance.

### ***Adult Social Care Complaints:***

From 1 April 2009 the Government introduced a new complaints procedure for Adult Social Services and the NHS; Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

This approach is based on a single complaints process for both health and social care. The focus is on resolving complaints. We will acknowledge the complaint within three working days, if we need to clarify the complaint, we will contact the complainant to listen to what they have to say and understand what their problem or concerns are. We will aim to fully respond to the complaint within 25 working days, if this is not possible due to the nature or complexity of the complaint, we will contact the complainant and agree with them the best way to deal with the issues they have raised and agree the timescale for doing this. We will also agree the manner in which we will respond to the complainant, be that by e mail, telephone, letter or face to face meetings, and we will provide them with all the necessary information in relation to the issues that they have raised with us.

### ***Children's Social Care Complaints:***

Child Social Care complaints follow their own statutory system with a three-stage process and different timescales to the corporate process. Statutory complaints about Children's Services are managed in line with the statutory complaint guidance (Getting the Best from Complaints, Departments for Education & Skills 2016).

Where a safeguarding issue is identified during the investigation of a complaint this will mean that the safeguarding process will take over until concluded and the complaints process will be "paused" during this period.



### ***Complaints against members of staff:***

If a complaint is about the conduct of a member of staff, rather than their delivery of a service, these are normally dealt with under our code of conduct for staff or through our internal disciplinary policy and procedure. The line manager or another senior officer will usually investigate any complaint about a member of staff, and it may be necessary for them to contact the complainant for further information regarding the matter.

The complainant will be advised at the time they make the complaint, which elements of their complaint can be dealt with under the complaints process set out above and which will be dealt with under the Council's internal management arrangements.

We take complaints against staff very seriously, but it will not be possible to keep the complainant informed of the detailed progress of an investigation or to advise them of the specific outcome of any disciplinary action taken.

### ***Fluency Duty and Complaints:***

The national standard for communicating in English is "The ability to converse at ease with customers and provide advice in accurate spoken English". If a member of the public has been unable to understand information provided verbally to them by a member of Isle of Wight Council staff, they have a right to complain about this. Certain exclusions apply, and a complaint will not be investigated if the member of staff has:

- A disability that affects somebody's speech
- A regional or international accent

## **9. Stage 1 - Service Response**

Each service department will have an officer and deputy with responsibility for complaints (Nominated Complaints Officer/NCO).

The **NCO** will be responsible for:

- making sure that the relevant service manager receives a copy of the complaint immediately on receipt for stage 1 response
- referring any complaint which is complex, controversial or may have an impact on reputation to the Chief Executive regarding the appropriate response strategy
- ensuring that a written acknowledgement to the complainant (as described above) has been sent within three working days
- recording and updating information about complaints on the Customer Relationship Management (CRM) system
- receiving training in the effective use of the CRM complaints module to ensure effective information gathering, monitoring and recording of learning outcomes

- monitoring the progress of a complaint to ensure the complainant receives a reply within 20 working days, starting from the first working day following the councils receipt of the complaint
- regularly monitoring complaints and reporting a summary to senior management team meetings or similar for the purposes of identifying learning outcomes to be recorded on the CRM system
- carrying out regular audits of public access points which they are responsible for (excluding County Hall) to ensure complaints information can be easily accessed by customers
- attending meetings with all NCOs and deputies, to be co-ordinated by the Corporate Complaints Team
- calling upon the expertise in the Corporate Complaints Team for guidance and support
- keeping all information relating to complaints in their area in an orderly form to ensure any evidence required is readily accessible and clear
- LGSCO Investigations – co-ordinate clear, comprehensive and timely responses to the LGSCO copying in the Corporate Complaints Team

The **Service Manager** will be responsible for:

- responding to the complainant within 20 working days, explaining what action has been taken in addressing the complaint, what the outcome of that is and what remedies are proposed.
- specifically addressing any desired outcomes requested by the complainant
- confirming the right of appeal to stage 2 if the complainant remains dissatisfied by including the statement:

*I believe that this letter answers all the elements of your complaint, but please don't hesitate to respond directly to me if you feel there are outstanding matters which I have not addressed.*

*However, if having covered all the issues raised you remain dissatisfied and would like to pursue the matter further, please make contact with (insert name, job title and contact details here\*). If we do not hear further within two weeks of this letter, then we will assume that you are happy for the matter to be considered closed.*

*\*In the case of complaints falling within the remit of adults or children's social care, the expression of dissatisfaction with stage 1 should be made to the Complaints Manager identified under the relevant legislation.*

- identifying clear learning outcomes for recording on CRM
- sending a copy of the reply and learning outcomes to the NCO for recording purposes.

An investigator may find that another procedure should be invoked such as a request for information (Freedom of Information or Subject Access Request), safeguarding processes (relating either to a child or vulnerable adult) or disciplinary process. In such cases, the complainant will be kept informed of progress and given an indication as to the likely response time for the complaint.

The **Head of Service/Strategic Manager** will be responsible for:

- Ensuring that there is an NCO who is trained and able to undertake the role outlined above
- Ensuring that service managers are aware of their role, receive training and are operating in line with this policy
- Monitor performance and approach in line with this policy
- Ensure that clear learning outcomes are identified for recording on CRM and that there is an action plan for addressing that learning and embedding it into practice through the service planning process or individual Personal Development Review Records where this is appropriate and proportionate
- Carry out a stage two investigation on complaints where the complainant is dissatisfied with stage one of the complaints process

#### **10. Stage 2 - Head of Service/Strategic Manager Response**

The stage 2 review will be carried out by a Head of Service/Strategic Manager within 20 working days who will consider the complaint and response at stage 1, and respond to the complainant as follows:

- Confirm the service response to the complainant
- Confirm the actions that will be taken as a result of the complaint
- Remind the complainant of the right to approach the Local Government & Social Care Ombudsman or take legal remedies as appropriate if still dissatisfied. This may include bodies such as the courts in the case of a Judicial Review

If a Head of Service/Strategic Manager has already responded at stage 1 they will be unable to carry out the Stage 2 review. This should be done by another Head of Service/Strategic Manager.

## 11. Learning from Complaints

The council is committed to learning from complaints raised in order to re-assess and review how our services are provided and as part of our commitment to continuing improvement and modernisation of services.

The NCO will be responsible for the regular monitoring of complaints and providing a summary to senior management team meetings on a monthly basis. The Head of Service/Strategic Manager will, in discussion with the management team, identify learning outcomes which the NCO will then record on the CRM system.

It will be the responsibility of the Head of Service/Strategic Manager to ensure that all learning outcomes are addressed in service planning or via People Performance Management.

## 12. Councillors and Members of Parliament

The complaints policy is intended for individual citizens to seek redress. Councillors and MPs may make representations on behalf of their constituents or may take the role of advocate on behalf of the constituent wishing to make a formal complaint. The councillor or MP will confirm that they are acting on behalf of their constituent. Where a complaint is received from the MP and has already been dealt with through the complaint's procedure then only a copy of the final response needs to be sent on to the MP.

Complaints about councillors are excluded from this procedure and are dealt with by an alternative process:

<http://www.iwight.com/Council/how-it-works/Who-is-my-Councillor/Complaints-against-Councillors>

## 13. Extending time limits

If a complaint is complex it may be necessary to extend the time limit, subject to the agreement of the complainant, in order to facilitate a thorough investigation. We undertake to keep the complainant informed of progress and the new deadline(s) in such cases.

## 14. Other procedures for dealing with complaints

We will not always use this 2-stage procedure to deal with complaints as some have their own appeals procedures, including:

- Children Social Care complaints have their own statutory complaints system
- Adult Social Care complaints
- Town and Country Planning appeals against refusal of planning permission
- where the customer or the council has **started** legal proceedings or has taken court action but **not** cases where a customer has simply threatened to start legal proceedings against the council

- where the matter has already been heard by a court or tribunal, including the council's benefit decisions that may be appealed and heard by the Tribunal Service
- where the matter has already been heard by a court or tribunal, including the Valuation Tribunal in respect of council tax and business rates
- school admission or exclusion appeals
- staff complaints about personnel matters such as appointments, dismissals, pay, pensions and discipline (but not from staff as customers)
- complaints about council policy
- complaints about the issue of a penalty charge notice by the parking control service, other than administrative issues, and the recovery process thereof
- complaints against the refusal of disabled badges for parking exemption
- complaints about the conduct of elected members

## **15. Confidentiality & Information Management**

Any complaint processed through the procedure will be dealt with in accordance with the requirements of the General Data Protection Regulation and Data Protection Act 2018, Freedom of Information Act 2000 and Human Rights Act 1998.

## **16. Remedies**

When we make a mistake, the council will act to put things right in one or more of the following ways:

- A written apology
- An explanation
- Review or change our policy or practice
- Reconsider an earlier decision – in some cases there are specific appeals processes (such as Planning, Licensing, and Education) which we will inform the complainant about
- Financial recompense

Where a complaint is upheld we will tell the complainant what we will do to remedy what has gone wrong or to reduce the likelihood of the error being repeated. In some cases this will be within our control, in others it will not be within our control and we will advise the complainant accordingly. We will also advise what steps may be available if the complainant remains dissatisfied with our response or the proposed remedy.

The investigating officer (at either stage 1 or 2) should always consider whether any practical action could provide all or part of a suitable remedy. For example, ensure necessary repairs are completed or assess entitlement to a benefit and make the payment.

The investigating officer may also consider any practical action suggested by the complainant.

The investigating officer (at any stage) may, where appropriate, authorise the payment of compensation to the complainant, up to a maximum of £500 payable from the relevant service department's budget. The investigator will do so in line with the "Guidance for Compensation" which is available from the Corporate Complaints Team.

If the investigating officer considers that the level of compensation should be higher he/she will consult with the relevant Head of Service/Strategic Manager to determine an appropriate response.

## **17. Good practice guidance and support for staff**

The Corporate Complaints Team will provide advice and guidance for staff and NCOs through an up to date intranet page and regular updates.

## **18. Monitoring and Review of the Policy**

The Contact Centre Manager will monitor the application of this policy throughout the year and will report on this as part of an annual report which will be available to members and officers.

In addition, the council's performance management framework will include key performance information relating to complaints being reported to members and the corporate management team on a regular basis.

We will ensure that effective reporting and monitoring will be enabled through the council's CRM system which will also be subject to review and improvement enhancing the quality of data and inform future strategy.

This policy was reviewed one year after implementation. The review included a full external Equality Impact Assessment of this document and the complaints process as a whole.

A review of the policy has taken place in 2019 supported by evidence from the council's annual report and that from the LGSCO.

## **19. Links to other Policies**

There are links to one policy: [Unacceptable Behaviour Policy](#)

## 20. Glossary

<b>Local Government &amp; Social Care Ombudsman (LGSCO)</b>	The Local Government & Social Care Ombudsman investigates complaints about local authorities
<b>Performance Management Framework (PMF)</b>	A framework which sets out the different components that together embed a strong performance culture within the organisation, allowing effectively delivery of the council's priorities, plans and improvements in services to the Island.
<b>CorVu</b>	Suite of software applications used to record, monitor and report performance data.
<b>Nominated Complaints Officer (NCO)</b>	Staff in services who co-ordinate complaints and comply with the complaints policy
<b>Customer Relations Management (CRM)</b>	A system that is used by front line staff to log calls and is also used to record and monitor complaints
<b>FOI</b>	Freedom of Information
<b>MP</b>	Member of Parliament

## Complaint Flow Chart

