



## Corporate Complaints, Comments and Compliments Procedure

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## **Complaints, Comments and Compliments Procedure**

### **1.0 Introduction**

The Royal Borough of Kingston upon Thames has always valued feedback from citizens which provides opportunities for lessons to be learnt and improvements to be made for service delivery.

Our complaints procedure encourages resolution at the first point of contact. If we are unable to resolve a customer's dissatisfaction at the first point of contact, there is a two stage complaints process to follow.

There are separate procedures for:

- Children's Social Care complaints investigated under Section 26 of the Children's Act 1989.
- Adult Social Care complaints are investigated under the NHS and Community Care Act 1990 as amended by the Care Standards Act 2000. The procedure will follow this corporate policy taking into consideration the Social Care Complaints Regulations 2009 where appropriate and ensuring timescales are agreed with the service user or their representative.
- Housing complaints are investigated under the Localism Act 2011. Royal Borough of Kingston upon Thames tenants can request that an independent, designated person (MP, Councillor or Tenant Panel) review their complaint relating to a landlord function provided by the council once it has been investigated through our complaints procedure.

### **1.1 Our aims**

Through the use of our procedure, we aim to:

- Provide a simple and transparent process.
- Resolve a customer's dissatisfaction at the earliest opportunity.
- Advise customers of the standard of service they should expect, a time limit for replying to their complaint and their right to appeal.
- Ensure a mechanism for recording and reporting complaints received so that we can monitor trends and use them as a tool for improving the quality of services provided.
- To learn from complaints to improve the service we provide.

## 2.0 What is a complaint?

As a guideline our general definition of a complaint is:

*“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 may relate to:

- Failure to provide a service.
- Inadequate standard of service.
- Dissatisfaction with local authority policy.
- Treatment by or attitude of a member of staff.
- Disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter.
- The local authority’s failure to follow the appropriate administrative process.

Please note this list does not cover everything.

A complaint is not:

- A routine first-time request for a service.
- A request for compensation only.
- Issues that are in court or have already been heard by a court or a tribunal.
- Disagreement with a decision where a statutory right of appeal exists, for example in relation to council tax or planning.
- Concerns, complaints or problems raised by a colleague about matters relating to their employment, these issues should be managed as HR grievances.
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

These should not be treated as complaints, and instead we would direct customers to use the appropriate procedures.

## 2.1 Handling anonymous complaints

We value all complaints. This means we treat all complaints including anonymous complaints seriously and will take action to consider them further, wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. Any decision not to pursue an anonymous complaint must be authorised by a senior manager within the service area the complaint refers to.

If an anonymous complaint makes serious allegations, we will refer it to a senior officer immediately.

If we pursue an anonymous complaint further, we will record the issues as an anonymous complaint on the customer feedback recording system. This will help to ensure the completeness of the complaints data we record and allow us to take corrective action where appropriate.

## **2.2 Who can make a complaint?**

We accept complaints from everyone who lives in, works in or visits the Royal Borough of Kingston upon Thames and uses Council Services – irrespective of age, sex, sexual orientation, ethnicity, religion or; disability. We also accept complaints from people acting on behalf of someone else such as councillors, members of parliament (MPs) and representatives (carers or advocates).

## **2.3 How can someone make a complaint?**

A customer can make a complaint by either:

- Calling any member of staff
- E-mailing or writing to us
- Completing the online complaints form
- Visiting any Council office in person

## **2.4 Supporting the customer**

All members of the community have the right of equal access to our complaints procedure. Customers who do not have English as a first language may need help with interpretation and translation services or sign language, braille or large print. Other customers may have specific needs that we will seek to address to ensure easy access to the complaint process.

We must always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our services to help customers where appropriate in accordance with our equalities policy.

Several support and advocacy groups are available to support customers in pursuing a complaint and customers should be signposted to these as appropriate.

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

Where a complaint involves more than one service, the relevant Investigating Officers will work together so that whenever possible a single coordinated response is sent to the customer. In cases where there is uncertainty as to where the complaint belongs, the Customer Care Manager will assign the complaint to an Investigating Officer to lead on the collation of evidence and responding to the customer. We will inform the customer which service will be taking the lead in dealing with the complaint, and explain that they will get only one response covering all issues raised.

## **2.6 Complaints about senior staff**

Complaints about senior staff will take into account whether there is a conflict of interest for the staff investigating the complaint. When serious complaints are raised about senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation.

## **2.7 Complaints from Councillors**

If Councillors pursue complaints about service issues on behalf of constituents, the normal complaints handling procedure will apply with the Councillor being kept informed of the investigation and the constituent having a right of appeal to the Ombudsman if they are unhappy with the outcome.

Complaints made by Councillors about the performance of the organisation or the quality of the support they receive as members of the Council will also go through our complaints handling procedure. Although they will not have an avenue of appeal to the Ombudsman, they will retain the right to raise performance issues and other concerns through motions, questions and members' items.

## **3.0 The complaints handling procedure**

### **3.1 Time limit for making complaints**

We will not normally consider a complaint that is made more than 12 months after the individual first became aware of the issue they want to complain about. This is in line with good practice as operated by the Local Government Ombudsman. There are exceptions to this where the Council accepts that such a delay was reasonable and this can be reviewed by the Customer Care Manager and Head of Service.

### **3.2 Stage One Complaints Process**

Stage One complaints will be acknowledged within 5 working days, this will include a reference number and a due date. Stage One complaints will be investigated by a member of the service the complaint is regarding and agreed by their service manager. Where the complaint names a member of staff, that staff member will be informed of the complaint and given the opportunity to comment but will not be responsible for responding to the customer. Stage One complaints will be investigated and a response will be sent to the complainant within 15 working days (Housing Landlord complaints within 10 working days). Occasionally it may not be possible to conclude an investigation and respond within that period. In these circumstances the investigating officer will inform the complainant of the reasons for delay and the expected response date.

In a small number of cases, the Council may use its discretion to confirm our final position within the Stage One response. These responses will be in the minority and will only be in cases where a Stage 2 investigation would not be in the best interests of either the complainant and/or the Council in its wider responsibilities to how we use our resources.

When this happens complainants will be informed of their rights to refer the complaint to the Local Government Ombudsman or Housing Ombudsman.

### **3.3 When to escalate the complaint to Stage Two**

If a customer is not satisfied that all aspects of their complaint have been addressed and wishes to escalate it, the customer must inform the complaints team within 28 working days of receiving the response, stating what aspects of the complaint they remain dissatisfied with.

All complaints which are referred for escalation to Stage Two will be reviewed by the Customer Care Manager or Customer Service Team to be clear exactly what was investigated, and to ensure that both the customer and the service understand the investigations scope.

The purpose of the Stage Two is to review the parts of the investigation that you are not satisfied with. Stage Two does not re-investigate the complaint, but will review to see if it was properly and fully investigated at Stage One.

Once the complaint has been accepted, it will be allocated and acknowledged by the Customer Service Team to a senior manager within the service area or if appropriate, to an independent senior manager within the relevant service area who will carry out a further review of the complaint.

Acknowledgements should be sent for all Stage Two complaints within 5 working days. Our acknowledgement will provide contact details for the Customer Service team and the deadline for our reply.

Stage Two reviews must be completed and a full response given to the customer within 15 working days (Housing Landlord complaints within 20 working days).

Not all reviews will be able to meet this deadline. For example, some complaints require careful consideration beyond this working day limit. However, these would be the exception and we always try to deliver a final response to a complaint within the timeframe above.

If there are clear and justifiable reasons for extending the timescale, we may agree a reasonable extension to the review with the customer. The service area assigned the stage two complaint will keep the customer updated on the reason for the delay and give a revised timescale for completion. If the customer does not agree to an extension but it is unavoidable and reasonable, then senior management alongside the Customer Care Manager must consider and confirm the extension.

### **3.4 The Ombudsman**

#### **The Local Government and Social Care Ombudsman**

In the event that a customer is still not satisfied that we have resolved their complaint after proceeding through the complaints procedure, they can complain to the Local Government Ombudsman.

The Local Government Ombudsman is an independent national service that investigates complaints of injustice arising from maladministration by the council. Customers can complain to them at any time but the Ombudsman will usually refer a complaint back to the Council if it has not completed the required stages.

The Ombudsman's contact details are below.

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Telephone: 0300 061 0614

#### **The Housing Ombudsman**

In the event that a customer is still not satisfied that we have resolved their complaint after proceeding through the complaints procedure, they can complain to the Housing Ombudsman.

The contact details are:

Telephone: 0300 111 3000

Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

Web: [www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

Post: Housing Ombudsman Service, PO Box 152, Liverpool, L33 7WQ).

The Housing Ombudsman is unable to consider cases until eight weeks after our final response.

### **3.5 Complaints Resolution**

The Royal Borough of Kingston upon Thames aims to resolve complaints by putting things right where there has been a failure. Our approach will be fair and consistent across all the complaints we uphold. Where the Council is at fault, we will provide appropriate redress by:

- Apologising for the failure
- Explaining what went wrong
- Saying what we have done to put things right
- Where appropriate, say how we have learned from the complaint.

Where our service has met our standards no fault found:



- Thank the customer for providing their feedback
- Explain the outcome of your findings
- Where appropriate, say how we have learned from their feedback

#### **4.0 Recording, reporting and learning**

Complaints provide valuable customer feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across the Royal Borough of Kingston upon Thames. We actively record, monitor and use complaints data to help us change for the better.

#### **4.1 Reporting of complaints**

To support complaint reporting the Local Government Ombudsman publish council performance annually

<https://www.lgo.org.uk/your-councils-performance/royal-borough-of-kingston-upon-thames/statistics>

#### **5.0 Commitment to confidentiality**

Complaints will be treated confidentially, while ensuring fairness to all concerned, and people will not be treated adversely as a result of making a complaint.

The Data Protection Act 1998 regulates the way in which organisations can use personal information. When dealing with local authority complaints there are specific issues which need to be kept in mind.

- A complaint cannot be discussed with, or information disclosed to, a third party without the written permission of the customer
- An exception to this rule allows a constituent's own ward councillor or MP to be given information when following up a complaint made on their behalf
- However, where a councillor is acting on behalf of a constituent of a different ward the customer's permission must be sought before disclosing

#### **6.0 Managing unacceptable behaviour**

Our staff are there to help and we have a responsibility to protect them and ensure all our publicly funded resources are used appropriately. In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably towards staff for example or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues. These actions can occur either while their complaint is being investigated, or once the complaint investigation has concluded. Our procedures for managing unreasonable behaviour ensure all complaints are dealt with in an open, fair and proportionate way but to protect our staff and our resources.

A link to our procedure on Managing Unreasonable Behaviour can be found [here](#).

## **7.0 Comments and Compliments**

The Royal Borough of Kingston upon Thames is committed to providing high quality services. We are always looking for ideas on how to improve things and recognising when we have done things well. Comments and compliments are another form of customer feedback which provides an opportunity for identifying service areas strengths and weaknesses and learn and develop from this. The link below allows anyone to communicate their compliments and comments in the same way as complaints.

<https://www.kingston.gov.uk/feedback>