

CORPORATE COMPLAINTS POLICY



1. Introduction

Islington Council aims to provide its customers with services that are of a consistently good quality. However, sometimes things go wrong and when they do, we want to make sure that we quickly put them right and learn from our mistakes.

The council recognises the importance of customer compliments and complaints in helping to achieve this aim and welcomes them as a valuable form of feedback about our services.

Responding positively and efficiently to customers' comments concerns and complaints is a very direct and practical way of achieving progress, and reflects our commitment to deliver basic services well. A well-managed and responsive complaints service can be a powerful tool to reassure our customers that we have:

- listened to their concerns
- taken them seriously
- learnt from our mistakes
- used the lessons from complaints to help improve services
- committed ourselves to providing good customer service
- made sure that complaints are investigated fully and fairly

2. Our commitment

Islington Council is committed to:

- Dealing with complaints impartially, objectively and professionally.
- Treating complainants with the same respect that we ourselves would like to be treated.
- Ensuring that complainants and their families do not receive adverse treatment because they have made a complaint.

- Emphasising resolution and remedies to improve customers' satisfaction with council services.
- Putting things right where possible and issuing an apology to the complainant when necessary.

3. The council's corporate complaints policy

This policy sets out the council's approach when dealing with customer complaints.

3.1 Definition

A complaint is an expression of dissatisfaction by a customer about the council's action, lack of action or standard of service.

Customers do not have to use the word "complaint" for a complaint to be regarded as a formal complaint.

3.2 What services can customers complain about?

In general, a complaint can be made about services delivered by the council as well as services delivered by contractors and external agencies on behalf of the council.

We will investigate all complaints with the exception of:

- **Service requests** – these are initial requests for a service provided by either the council, its partners or contractors, such as a missed bin collection or a repair. These should be reported to Contact Islington Customer Services and/or the relevant department.
- **Claims for damages/compensation** – these should be dealt with as an insurance claim.
- **Complaints that are more than 12 months old** – any complaint known about by the customer, that was not reported to us within 12 months will not be accepted unless there is good reason for the delay e.g. customer was in hospital, evidence may be required.

- **Appeals to tribunals** – these are issues that the customer should use the appeals process for, such as a parking fine, housing benefit assessment, council tax support and service charges.
- **Previous appeals** – the council cannot accept complaints about matters that have already been the subject of an appeal to a tribunal or to a government minister or are part of previous court action against the council.
- **Complaints that have already been investigated** – any complaints that have already been through the council’s complaints procedure or have been investigated by the Ombudsman should not be investigated again.
- **Complaints about council staff** – some complaints contain issues about council staff or staff working on behalf of the council. These complaints can be investigated under the usual complaints policy but there is also a separate Human Resources (HR) policy which governs such issues. Depending on the nature of these complaints, if the complaint is to be investigated under our HR policy and the code of conduct for officers it may not be possible to keep the complainant informed of the outcome or specific action that may be taken against the member of staff.
- **Personnel matters** – new and existing staff of the council, organisations who deliver services on behalf of the council cannot use the complaints process to address any employment related issues. These complaints are governed by the relevant Human Resources policy.
- **Housing Association (HA) or Social Landlord (RSL) complaints** – Complaints about any matters relating to services provided by a Housing Association will not be accepted and should be made directly to the relevant HA or RSL.
- **Tenancy Management Organisation (TMO)** – TMO’s have their own complaints investigation procedures but they are required to log complaints on the council’s complaints system and respond within the timescales set by the council.
- **Penalty Charge Notices (PCN)** – There are legally defined procedures for challenging a PCN e.g. parking incorrectly, driving in a bus lane or failing to

obey a sign. In these circumstances customers should follow the legal procedures which are provided on the actual PCN notice.

- **Initial reports of noise and neighbourhood nuisance** – there is a separate procedure to deal with complaints about noise nuisance. Complaints about the conduct of these reports will be investigated in accordance with the Corporate Complaints Policy.
- **Legal disrepair claims.**
- **Where the customer has informed us that they are taking legal action against the council.**
- **Alternative Remedy** – When an alternative remedy such as legal action, tribunals or other procedures are more appropriate the customer should be advised of them.
- **Data Protection and Freedom of Information** – Refer to FOIA@islington.gov.uk see 3.6

3.3 Complaints about Adult Social Services or Children's Services

Safeguarding vulnerable adults and children

Some complaints to Adult Social Services and Children's Services relate to the abuse or suspected abuse of a vulnerable adult or child. In these circumstances customers should immediately contact:

Adult Social Services

Adult Social Services Access Service

Tel: 020 7527 2299. Email: access.service@islington.gov.uk

Children and Families

Children's Social Care Referral and Advice Team

Tel: 020 7527 7400.

Complaints

Adult Social Services and Children's Services have their own statutory complaints procedures. Customers should first try to resolve the complaint with the line manager providing the service. If it cannot be resolved locally the customer should contact the relevant complaints officers at the offices below.

Customer Service Manager (Adult Social Services)

3rd floor, 7 Newington Barrow Way London N7 7EP

Email: socialservices.complaints@islington.gov.uk

Tel: 020 7527 8046

Text talk No. for deaf service users: 07860 026673

Children's Complaints Manager

3 Elwood Street

London N5 1EB

Email: jennifer.watson@islington.gov.uk

childrensocialcare.complaints@islington.gov.uk

Tel: 020 7527 8048

Looked after children and young people can use the following freepost address.

FREEPOST CHILDRENS COMPLAINTS

3 Elwood Street

London N5 1EB

Email: childrensocialcare.complaints@islington.gov.uk

3.4 Complaints about Councillors

Complaints about councillors are dealt with by the council's Monitoring Officer visit the councils Democracy web page for more details.

3.5 Educational establishments

Schools, Colleges, Universities and Commissioned Children Centres operate their own complaints procedures which are separate from the council's procedures. Customers should contact the Head Teacher or administration department of the institution concerned for information on how to complain. If they are not satisfied after that they can ask the governing body to look at their complaint.

3.6 Access to Information requests

Standard Information Complaints, Internal Reviews, Data Protection Complaints and Information Commissioners Officers complaints are not dealt with under the corporate complaints procedure. There is a separate complaint route, which leads to the Information Commissioner (ICO), if the complaint is not resolved satisfactorily. Detailed guidance can be found in the Access to Information policy.

3.7 Who can complain

Anyone who uses or is affected by our services can make a complaint. This includes:

- Residents
- Service users
- Carers
- People who work in or visit the borough
- Local businesses
- Community groups

We acknowledge that some people need help to make a complaint and as such, we will normally accept complaints made on behalf of someone who is unable to do so themselves. Complaints can be made by a third party e.g. a relative or carer, a Councillor or Member of Parliament, a solicitor or other advocate and advice agency.

These complaints should be dealt with in exactly the same way as a complaint made directly by the customer. In some instances, it may be necessary to ask for appropriate consent from the complainant. For further advice on consent issues, please contact the Corporate Customer Service Team.

3.8 How are complaints made

Customers can make a complaint using a variety of methods. These include:

- by online complaint form
- by e-mail
- by letter
- face to face (in person)

Some disabled customers may choose to use other methods to make a complaint. Further information on this can be obtained from the council's website <https://www.islington.gov.uk/accessibility>

Where a complaint is received in person, it is the responsibility of the person receiving the complaint to ensure that a full written record of the complaint is retained. This is important to ensure the customer receives a suitable response and will be reviewed should the customer wish to exercise their right to request a subsequent further review of the complaint by the council or the Ombudsman.

It should be noted that the Housing Ombudsman insists that all complaints are made in writing. Written complaints provide a signed, accurate record of the issues complained about which is important to have and complainants should be encouraged to put their concerns in writing. If there are reasons why this might not be possible the alternative of face to face is available and complaints countersigned by the complainant.

3.9 Anonymous complaints

A judgement needs to be made on a case by case basis whether to look into the substance of anonymous complaints, since they might highlight management issues which need to be investigated and addressed. Further guidance on this can be obtained from the Corporate Customer Service Team.

3.10 Recording complaints

The council has a corporate system that is used to record customer complaints. This is known as Customer Relations Management (CRM): Complaints.

CRM: Complaints must be used to record all customer complaints, as well as to attach any accompanying notes and documentation. This will help to ensure a thorough investigation is carried out and will be used should the customer request a subsequent further review of the complaint by the council or the Ombudsman. The failure to accurately record complaints and any additional documentation and notes on CRM can lead to delays for the customer and additional and unnecessary work and costs for Directorates.

Guidance on how to use the CRM: Complaints system or to request training can be found on izzi.

3.11 Privacy Notice

Information provided can be used for the purposes of complaint investigation. All data must be held securely and processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation. In order to investigate a complaint, the council might share the customer's name and contact details and details of the complaint with other services in the council so that a response can be made. If the complainant is escalated to the Local Government and Social Care Ombudsman (LGSCO) and/or the Housing Ombudsman (HO) to investigate the council may share information with them, however this will always be limited to what is required for the investigation. Further details can be found at www.islington.gov.uk/about-the-council/information-governance/data-protection/privacy-notice

4. Unreasonable an/or Unreasonable Persistent Complainants

On occasions, staff will inevitably have contact with a small number of complainants who absorb a disproportionate amount of resources when dealing with their complaint. This is despite there being nothing further that can reasonably be done to assist them or rectify a real or perceived problem. In these situations, the decision may be made to classify the complainants' behaviour as unreasonable and/or persistent.

The Unreasonable Behaviour Policy which is to be used in conjunction with the council's Corporate Complaints Policy, provides a framework to aid the decision-making process when a complainant may be thought to be unreasonable or persistent. It stresses the importance of discretion prior to policy application and the importance of balancing the rights of the individual to have their complaint(s) addressed thoroughly and appropriately with the rights of staff involved in complaints handling to be treated reasonably.

It should be emphasised that this policy should only be applied after all appropriate and reasonable measures have been taken to try to resolve complaints. A complainant may not be regarded as unreasonable or persistent until all the requirements of the complaints procedure have been reasonably addressed or implemented. Every effort must therefore be taken to ensure material or substantial aspects of a complaint are thoroughly addressed while the Unreasonable Behaviour Policy is being considered as a course of action. This ensures that all initial complaints are handled in a fair and equitable manner.

Any member of staff who believes that the Unreasonable Behaviour Policy might apply, or come to apply in the future, must ensure that full and detailed documentation is maintained.

The policy will only be applied following careful **consideration** by the Service Manager, and with the **authorisation** of, Director of Customer Service and/or the Customer Services and Improvement Manager. This policy may also apply to any of the council's partners whose customers might not have accessed other council services. Further details of the Unreasonable Behaviour Policy can be obtained from the Corporate Customer Service Team.

5. Resolving complaints before they reach the formal stage of the procedure.

It is possible to identify potential problems that could become complaints and resolve them before they reach the formal procedure. Every effort should be made to do this as the best way of resolving complaints is by dealing with the problem as soon as possible.

If someone says they want to make a complaint it should always be dealt with as a complaint but it is worth asking the customer if they will give the council, the opportunity to try and resolve it before it is recorded as a stage 1 complaint. If the customer agrees to this, the issue should be resolved as quickly as possible (no longer than 10 working days) before it is registered formally as a stage 1.

6. The council's complaints procedure

The council operates a two-stage complaints procedure:

- Stage 1 – The first stage and first stage review is investigated and responded to locally by the service area in which the complaint originated.
- Stage 2 - Chief Executive's stage this second stage of the complaints procedure gives the customer the right to request that an investigation of their complaint is undertaken by the Corporate Customer Service Team on behalf of the Chief Executive.

Emphasis should always be placed on resolving complaints at the earliest possible stage of the process. The key to delivering a satisfactory resolution for the complainant is to ensure that there is a clear understanding of the outcome the customer expects. Often when a customer complains, they simply expect an apology and an assurance that the problem will not recur. This can often be addressed in the initial stages of the complaint by way of a simple phone call. Notes of any contacts must be made on CRM and internal systems.

6.1 Stage 1 departmental and service area investigation

Services must ensure that the complaint is acknowledged within 3 calendar days (excluding bank holidays) of it being received in the council. A full investigation will be conducted and a final response will be sent within 21 calendar days of receipt. This is the maximum time allowed. If it is possible to respond more quickly, then every effort should be made to do so.

Final responses should always be reviewed and signed off by either a Senior Manager or Head of Service before being sent.

A full audit trail of the complaint, acknowledgement, response and supporting documentary evidence, including but not limited to e-mails and interview notes, should be recorded on the CRM: Complaints system. The information held on CRM will be used to review the complaint if the complaint is escalated to the Chief Executive stage.

The system should also be updated at each stage of the investigation for monitoring purposes. For example, a date should be entered into the system as soon as the acknowledgement letter is sent; a copy of the letter should be attached to the complaint record.

A complaint response should be sent in letter form but may be attached to an email.

The failure to record all notes and documentation relating to the complaint will cause delays and may result in complaint not being accepted at the Chief Executive stage of the complaint process.

Responses should address all of the complainant's concerns and be;

- Clear and concise.
- Honest and accurate.
- Professional and courteous.
- Jargon free and written in plain English.
- Free from spelling and grammatical errors.

6.1.1 Responses to complaints which are upheld or partially upheld should contain:

- a detailed explanation of what happened and why things went wrong
- an apology
- details of the action to be taken and remedies to put things right

- information on any payment agreed to compensate the customer
See Point 7.3 Resolutions, Remedies and Compensation for full details
- the name and contact details of the officer responsible for ensuring that action is taken
- the timescale within which the action will be taken
- where appropriate, details of the measures to be taken to prevent a recurrence of the problem
- At the stage 1 review, details of how to request a Chief Executive's stage investigation and the timescales should they wish to do so.

6.1.2 Where a complaint is not upheld the response should provide:

- An explanation detailing the investigation that was made into the complaint and why the complaint was not upheld.
- Details of how the complainant can request a stage 1 review *or an escalation of their complaint to the next stage* and the timescales if they are dissatisfied with the response.

6.2 Escalation to Chief Executive stage

Chief Executive (CE) Investigations are carried out by the Corporate Customer Service team (CCST) on behalf of the Chief Executive.

When a complainant makes a request for an investigation at Chief Executive's Stage of the complaints procedure, the department where the complaint originated and the receiving office/officer should clarify with the complainant why they are making the request. This could include asking the customer which part of the Stage 1 or Stage 1 review response they are dissatisfied with; and what remedy they seek. The complainant is expected to provide copies of any additional documentary evidence they have to support their request.

The reasons for a request for an investigation at the CE stage and any new supporting evidence must be looked at by the receiving officer/service. If not yet done, a review of the stage 1 investigation and its findings must be conducted. This

can be dealt with as a **Stage 1 review** and must be acknowledged within 3 working days and completed within 10 working days of receiving the new information. The complainant has the same rights for an escalation as given for the stage 1 complaint.

If a stage 1 and stage 1 review is completed and the complainant requests an investigation at the CE stage of the complaint process the receiving officer should email all the documents to the CE team using the generic email address central.complaints@islington.gov.uk with a clear explanation of what consideration has been given to the complainants' request.

The Corporate Customer Service Team will undertake an initial desktop review of the complaint using all of the evidence that has been provided. If the stage 1 investigation has not been completed or any issue still remains outstanding it will be referred back to the department to have all the issues addressed within the agreed timeframe.

CE stage escalations will only be accepted after all the issues raised at stage 1 have been responded to. This includes arrangements or completion of any outstanding work or provision of service. A remedy must always be addressed at stage 1 or the complaint will be returned as incomplete.

In certain circumstances, if the complainant insists on an escalation and if it is considered that not escalating the complaint would cause more problems, the complaint should be escalated. The complainant must request an escalation within one calendar month of the date of the stage 1 process, unless there are exceptional circumstances.

Once the CE escalation has been accepted the Corporate Customer Service Team will acknowledge receipt of the complaint within 3 calendar days (Excluding bank holidays).

6.3 Chief Executive Stage

The CCST will be responsible for ensuring that when an investigation is undertaken, a full response is provided to the customer within 28 calendar days of receiving the complaint. (excluding bank holidays).

The CCST will advise the customer of the following within 28 days:

- The complaint has been investigated and a decision on the outcome and remedy (if appropriate) has been made.

The CCST will keep the relevant service area informed.

6.3.1 Decisions on redress

The CCST will provide the service with a draft copy of the response and suggest appropriate remedies before the response is sent to the complainant. The CCST has the authority to award or increase the level of compensation which must be paid by the service areas. The CCST will also decide how compensation is apportioned between departments. Any other suitable remedy can be determined by the CCST team without challenge this will ensure recommendations are consistent and fair.

6.4 Local Government and Social Care Ombudsman/Housing Ombudsman complaints

If the complainant still feels that their complaint has not been dealt with properly or fairly, they make a request for their case to be considered by the Local Government and Social Care Ombudsman/Housing Ombudsman (LGSCO/HO). The LGSCO/HO is fully independent of local councils and is answerable to parliament

A complaint can be made to the LGSCO at any time, although the LGSCO will usually refer any back to the council that have not been through the internal complaints procedure.

Complaints to the Housing Ombudsman can be made directly by complainants **after** eight weeks of the Council Complaints Policy has elapsed. However, if they wish to do so within eight weeks, a ward Councillor must give permission for this to happen.

All Ombudsman complaints are managed by the Customer Services and Improvement Manager who will record the complaint onto the CRM: Complaint system before coordinating a suitable response. This may include liaising with the appropriate service should the LGSCO/HO ask for additional information that was either not included as part of the original complaint, or is not available on CRM: Complaints.

When an enquiry is received from the LGSCO/HO and further information is needed from the service area, the Customer Services and Improvement Manager will send a template to the service area outlining:

- The subject of the complaint
- The questions and/or issues to be addressed as specified by the LGSCO
- The date for the response to be completed (this is normally 21 calendar days of receipt by the Corporate Customer Service Team).

The Customer Services and Improvement Manager will be responsible for signing off the response and ensuring that it is returned to the LGSCO/HO within the designated timescale.

The Ombudsman will then make a decision based on the information provided and write to the complainant and the Corporate Customer Service Team explaining their decision and outlining any remedies and actions to be taken, such as a compensation payment. The CCST will be responsible for ensuring that the decision is communicated to the relevant service area, co-ordinating any actions that may have been recommended and for updating the CRM: Complaints system.

NOTE: The LGSCO/HO investigator may at some point during their investigation want to look at files or interview members of staff – the Customer Services and Improvement Manager will in such cases be responsible for co-ordinating these interviews.

The Customer Services and Improvement Manager is the LGSCO/HO link officer. All enquiries from the LGSCO/HO and responses to their enquiries **should only** be made through the Customer Services and Improvement Manager.

7. Good practice (All stages)

7.1 Timescales

It is important to keep to the published timescales for dealing with complaints. However, if the investigating officer thinks that they need more time to carry out a full investigation they should contact the customer to agree a reasonable extension of the timescale.

7.2 CONTACTS WITH CUSTOMERS

Experience tells us that often when customers make a complaint, they simply want the council to acknowledge their mistake and to ensure that remedial action is

taken. This can be achieved by way of a simple telephone call and follow up letter advising the customer of the action that has been taken to resolve the issue. Complaint investigators are therefore encouraged to:

- telephone the customer at the earliest opportunity where it is felt that this will help
- take action to ensure a follow up letter is sent
- to ensure remedial actions are implemented within the agreed timescales.

These actions should also be recorded in the CRM: Complaints system in order to provide a full audit trail.

7.3 Resolution, Remedies and Compensation

When the council is at fault, we need to put things right by acknowledging our mistakes and apologising for them, explaining why things went wrong and what the council will do to prevent the same mistake happening again. This should happen at the earliest possible point in the process.

So far as possible, we should seek to put the customer back to the position they would have been in if there had been no fault. Sometimes however, it is not possible to “put the clock back” in this way and in these cases, financial compensation may be appropriate. This will help avoid unnecessary escalations.

- It is advisable to get the agreement from the complainant for any compensation payment above £50.
- The complaint response must stipulate that the payment is offered in full and final settlement of the complaint and where appropriate the total sum must be specified.
- State in your letter that the complainant has up to 3 months from the date of the letter to accept the monetary offer.
Acceptance after the date can still be considered at the discretion of the service area and the Corporate Customer Service Team.
- The council may exercise its discretion/rights in offsetting compensation payments against any monies owed to the council. However, please note that

if monies owed are in dispute advice should be sought from the Corporate Customer Service Team.

Further guidance from the Cooperate Complaints team and the Local Government Social Care Ombudsman can be found on the izzi page **Dealing with Complaints**.

Even where it is not clear that the council has failed in its duty of care, it may still be appropriate to offer a remedy payment for the customer for time and trouble. This again will often head off escalations and prevent further unnecessary costs to the council. Directorates will therefore need to consider compensation as a matter of course.

Other remedies that could be considered to resolve the situation include taking proactive action such as mending a leaking roof, backdating a re-housing application, or a Benefit decision. This can save time, reduce stress and is cost effective in the long term.

7.4 Learning from complaints

The council is committed to learning the lessons from complaints and using them to improve services. Where a complaint highlights the need for changes to working practices, procedures or policies, the Head of Service must make sure that necessary action is taken to bring about the change.

Regular surveys of customers who have made complaints can also be undertaken and the feedback passed on to the relevant service areas to help improve service delivery and the way complaints are handled.

7.5 Performance management

All complaints must be accurately recorded on the council's complaints system CRM: Complaints.

Quarterly reports are produced by the Corporate Customer Service Team using the information in the CRM database. These reports are presented to the appropriate Director.

The Director of Customer Service will report quarterly to the Members Performance Board and to the Council's Executive on the operation of the council's complaints procedure and on complaints considered by the LGSCO/HO.

7.6 Confidentiality

All complaints will be dealt with in accordance with the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000. The identity of the person making a complaint will be made known only to those who need to know in order to consider the complaint, and will not be made public by the council.

The council aims to be open and honest in its responses to complaints but sometimes it is necessary to maintain confidentiality. For example, we will generally not provide information about third parties to a complainant, although the investigation process might well involve the comparison of the complainant's circumstances with that of other people.

7.7 Retention of complaints related documents and correspondence

In general, copies of all enquiries and complaints, together with the responses, should be put on the relevant case file and kept for the period appropriate to the case.

Hard copies of correspondence on complaints which do not progress beyond Stage 1 of the council's complaints procedure can be destroyed two years after any remedy has been implemented.

Correspondence for complaints dealt with during the Chief Executive's stages of the council's complaints procedure, or which are the subject of investigation by the Local Government and Social Care Ombudsman, can be destroyed six years after any remedy has been implemented. Children Services responses must be kept for 25 years.

If complaints files or records are sent to archive, accurate records must be maintained to facilitate their retrieval. There is separate detailed guidance for officers on this.

7.8 Equalities and diversity

Islington Council is committed to ensuring that the services we provide are relevant to the needs of all sections of the local community. The council aims to ensure that services meet the individual needs and expectations of local people and that everyone has equal access to services, regardless of their race, heritage, gender,

religious or non-religious belief, nationality, family background, age, disability, or sexuality.

The council recognises that services must be relevant, responsive and sensitive, and that it must be perceived as fair and equitable by its service users and the wider community. The council also aims to ensure that contractors also share its vision and values.

We want to make the council's complaints procedure as accessible as possible, so we accept complaints in any format and in any language. We will also encourage a wide take up of the complaints procedure through contacts with advice agencies and organisations representing various community groups. The complaints leaflet can be made available in a wide range of formats, including Braille and audio tapes.

Complainants must be treated with respect, as we ourselves would like to be treated and should not receive any adverse treatment because they have complained. Council contractors and any external investigators must deal with complaints in a way that is consistent with the council's policy, respecting the council's standards on equalities and customer care.

Where requested complainants should be encouraged to provide equalities monitoring data. They will need to be assured that their complaint will not be treated less favourably if they do give the information. This information should also be recorded on the customer record in the CRM: Complaints system.