



CORPORATE COMPLAINTS POLICY & PROCEDURE

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Stockport Council's Corporate Complaints Policy & Procedure

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1.0 Introduction

Stockport Council is committed to providing a high standard of service to all citizens. As part of our continuing effort to improve the services we provide, we rely on feedback from our service users. We want to know when we 'get it right', so that standards can be maintained. We need to know when someone is not happy with the service they have received and we also welcome suggestions from our service users on how we can improve.

1.1 Scope and purpose of the Policy

The purpose of this policy is to:

- define a formal complaint;
- clarify how a complaint can be made;
- explain the process once a complaint is raised;
- advise how non-Council Complaints are dealt with;
- set out how the Council monitors complaints, and how this information is used to improve services;
- advise staff members on how to deal with complaints.

1.2 For the purpose of this policy, Stockport Council defines a formal complaint as:

“An expression of dissatisfaction about the Council’s action, lack of action or standard of service, which the service user wishes to be treated as a complaint.”

1.3 A complaint or a service request?

It is important that we engage with the complainant to determine whether their dissatisfaction about a particular service is a complaint or a service request. For many of our services (for example, reporting faulty street lamps or missed bin collections) we rely partly on our service users to tell us when something is wrong. These initial 'requests for service' will not normally be treated as complaints, as the Council should be given the opportunity to try and resolve the matter.

There may also be other avenues for complainants to follow if they are dissatisfied with a Council decision. For example, there are

appeals processes in place for people dissatisfied with allocation of school places, blue badges, parking and planning matters.

If the matter is not addressed or there are significant delays in trying to resolve it, there may be grounds to deal with it under the formal complaints procedure.

A complaint may arise where we have not provided a service to the standard and quality expected by the service user. This would include:

- a lack of response;
- general quality of service provided; delays in dealing with matters;
- on-going or persistent service problems;
- poor customer care, or conduct of staff members;
- where the citizen has suffered additional costs; or
- inconvenience due to a mistake or failure to act by the Council.

1.4 Who can complain?

Any member of the public or their representative may make a complaint. The Council strongly encourages complainants to submit complaints online to allow for the expedient handling of the issues raised within the relevant service area. The online complaints form can be found by searching for 'complaints' on our website: www.stockport.gov.uk

However, complaints can also be made by other methods such as:

- meeting face to face with Council staff;
- completing the form in our freepost 'Compliments, Comments and Complaints leaflet' available at local libraries; and,
- writing to us at the following address:

Customer Feedback
Stockport Council
Stockport
SK1 3XE

1.5 Confidentiality

All complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998. The Council reserves the right to discuss complaints with relevant members of staff and / or relevant third parties. However, information will only be shared to assist with the processing of complaints.

1.6 Anonymous complaints

Anonymous complaints are unlikely to be effectively dealt with, as the Council needs to correspond with and, in some cases, meet with the complainant in order to address their concerns. However, these complaints will still be recorded and investigated by the relevant services involved in order to identify possible areas for service improvement.

1.7 Service standard

The Council aims to resolve issues raised in a complaint as quickly and efficiently as possible. The Council will aim to acknowledge complaints within 5 working days, and provide a full response to the complaint within 20 working days. If this is not possible, the complainant will be kept informed of progress and how long the investigation will take to conclude. There are no set timescales as such for dealing with service requests, which can take longer to resolve due to operational reasons.

1.8 Assistance in making complaints

The Council recognises that a citizen may need support to make their complaint or someone to act on their behalf. The Council will ensure it addresses any additional requirements e.g. Braille, large print copies, minicom facilities, physical access to buildings and an interpretation service if appropriate. The Council may undertake a home visit where a complainant may have difficulty accessing a face to face Council service to discuss their complaint. Prior to a home visit, the visiting officer is required to carry out a risk assessment.

The Council may also refer complainants to:

- their local councillor or their MP;
- seek independent legal advice; or,

- contact Stockport Citizens Advice.

1.9 When can a service user make a complaint?

A service user should make a complaint within 12 months of when they first became aware of the matter. The Council may not be able to investigate if the service user tells us about a particular matter at a later date. However, there may be instances where exceptions may need to be made and these will be considered by the relevant Head of Service.

2.0 Corporate Complaints Process

2.1 The Council has a two-stage complaints process:

Stage 1 – investigation by the service

Each service within the Council will identify suitably qualified officers who would be responsible for investigating and responding to complaints. As a minimum, the investigating officer should follow the guidance in relation to good practice when a complaint is investigated (please refer to section 4.0 and Appendix A).

Once a complaint is received, it should be acknowledged within 5 working days and recorded on the case management system. The appropriate investigating officer should keep the complainant updated throughout the investigation process. A complainant can expect a full response to their complaint within 20 working days. If this is not possible, the complainant should be kept informed of progress and how long the investigation will take to conclude.

The complainant should receive a full and thorough response to their complaint in writing. Any further action or lessons learnt should be followed through and monitored as part of the service's performance management arrangements. In the response letter, the complainant should be made aware that they can escalate the matter to the next stage of the complaints process if they remain dissatisfied.

Stage 2 – independent investigation carried out on behalf of the Chief Executive

At this stage, the Corporate Complaints Manager, who is nominated by the Council and is independent of the service concerned, will deal with the complaint. The Officer will acknowledge the complaint within 5 working days and record details of the complaint on the case management system. Where necessary, the complainant will be contacted to identify and agree the issues they would like to be investigated.

The investigation of the complaint can involve a number of methods including:

- interviewing relevant members of staff and any others directly involved;
- reviewing relevant documents, policies and procedures;
- carrying out site visits; and,
- seeking specialist advice.

The Officer will aim to provide the complainant with a response by 20 working days. However, complaints at this stage often take longer to investigate and, if the response time cannot be met, the complainant will be told how long the investigation will take to conclude.

The complainant will receive a decision letter, which will advise them whether or not their complaint has been upheld and any action taken in respect of the issues raised. The letter will advise complainants that they have the right to contact the **Local Government & Social Care Ombudsman**, should they remain dissatisfied with the Council's overall handling of their complaint.

2.2 Complaints dealt with under other procedures

Some complaints are dealt with through separate procedures within the Council, which are laid down by statute. The Council may also receive complaints, which it cannot deal with. When such a complaint is received, the complainant will be informed of the relevant complaints procedure this will be addressed under, or if it needs to be redirected to a different service or outside body. Below is a list of other Council complaints procedures:

(If complainants are unsure which complaints procedure their complaint falls under, they are advised to visit www.stockport.gov.uk)

2.3 Adult Social Care complaints

The Services to People Directorate deals with complaints about adult social care. Complaints are dealt with under a single complaints stage.

2.4 Children's Social Care complaints

The Services to People Directorate also deals with children's social care. Complaints are dealt with under a three-stage statutory process.

2.5 Complaints about schools

Each school operates under a system of local management and has its own complaints procedure. Complaints should be directed to the relevant head teacher, staff or governors.

2.6 Staff & HR

Where a complaint is raised about a member of staff, or where staff members raise complaints about HR issues e.g. recruitment, harassment etc., these should be referred to the appropriate line manager / Human Resources and dealt with under the relevant policy.

2.7 Complaints about Members

Stockport Council expects all Members to meet the high ethical standards set out in our Code of Conduct. The Code of Conduct is available online at: www.stockport.gov.uk and can also be viewed at any of our libraries in Stockport. The responsibility for investigating allegations that Members' behaviour may have fallen short of the required standards rests with the Stockport Standards Committee. More information about the Standards Committee is available on our website.

If a complainant thinks a Member has broken the Council's Code of Conduct, they can report them to the Monitoring Officer:

The Monitoring Officer
Stockport Town Hall

Edward Street
Stockport
SK1 3XE

Email: monitoring.officer@stockport.gov.uk

2.8 Member / MP Enquiries

Members / MPs may request information or make a complaint on behalf of a constituent. Where it is not clear whether a formal complaint is being made, the Member / MP should be contacted to ascertain this.

If a Member / MP raises a formal complaint, it should be dealt with under the appropriate complaints process within the normal timescale (20 working days for Corporate Complaints) and recorded on the case management system.

If a Member / MP raises an 'enquiry', the timescale for response is 10 working days and the case should still be recorded on the case management system.

3.0 Roles and Responsibilities

Each Directorate has arrangements in place for:

- recording complaints on the case management system;
- reporting complaints data at Directorate and Corporate level;
- advising on complaints procedures;
- keeping records of the number and nature of complaints;
- drawing up a 'lesson learnt' action plan after a complaint has been dealt with; and,
- providing feedback to the service complained about.

3.1 Equality & Diversity

The Council is committed to giving an equal service to all members of our community. We treat all citizens with respect and dignity irrespective of their colour, race, nationality, ethnic group, age, marital status, disability, religious belief, sexuality, gender identity, or socio-economic status. English is the principal language we use, however, we will provide information in other formats and languages on request.

3.2 Freedom of Information (FOI) requests

The Council complies with the Data Protection Act 1998 (DPA), Freedom of Information Act 2000 (FOIA) and other information legislation. It should be noted that:

- any person or organisation is allowed to make a request for official information held by the Council;
- the request must be a request for recorded information; and information can be recorded in any form, e.g. emails, audio recordings, paper information etc.

Requests for information under the DPA or FOIA should be made by contacting the following Officer:

Freedom of Information & Data Protection Officer
Stopford House
Stockport
SK1 3XE

Email: foi.officer@stockport.gov.uk

3.3 Complaints documentation retention policy

It is the Council's policy to retain complaints documentation for up to 3 years only from the date of the complaint being closed.

4.0 Good Practice

4.1 How to handle Corporate Complaints

All staff members who deal with complaints are required to undertake complaint handling training. This ensures that they have the necessary skills to investigate complaints and helps to provide a consistent standard of service to complainants.

4.2 Good customer service

Good communication and managing expectations are key aspects to good customer service. When dealing with complaints, we advise complainants how their complaints will be handled and the stages involved in the complaints process. We aim to be polite, courteous and speak to the

complainant if we are unsure of the issues they would like investigated. We aim to keep complainants updated regarding the progress of the investigation and explain how long the complaint will take to resolve if there are delays in the process.

4.3 Complaints data

Complaints data should be analysed on a quarterly basis and included in corporate performance reports. Trends identified will be shared with the relevant service concerned to ensure lessons are learnt and service improvements are planned.

4.4 Complaints about our Partners

Complaints about our partners made directly to the Council will be passed to the relevant organisation to deal with via their own complaints policies. However, if the complaints relate to a service provided by a partner on the Council's behalf, these will be dealt with under the terms of this policy. When such complaints are received, we will work with the relevant parties to ensure the complaint is dealt with expeditiously, which may involve a joint response being provided to the complainant.

4.5 Learning from complaints

The decision letter to the complainant will clearly identify the issues that were investigated along with the outcome in respect of each issue. We aim to ensure that our letters are clear, succinct and avoid jargon or technical language where appropriate. We will apologise where mistakes have been made and inform the complainant of the remedial action we have taken to try to ensure that mistakes are not repeated.

The Council recognises that learning from complaints is a powerful way of helping to develop and improve the services we provide and to increase trust among the people who use our services. We have systems to:

- record, analyse and report on the outcomes of complaints and remedies; and
- apply the information to improve services to our residents.

4.6 Remedies

If something has gone wrong and the complainant has suffered as a result, the Council will consider the action to be taken. The general principle the Local Government & Social Care Ombudsman promotes is that the complainant should, so far as possible, be put in the position he or she would have been in, had things not gone wrong. The investigation should establish with the complainant what they consider to be a reasonable and fair outcome of the complaint.

The following is a list of possible remedies which could be considered when responding to a complaint. The remedy may be just one, or a combination of these actions. The remedy chosen needs to be proportionate and appropriate to the failure in service, and take into account what the complainant was looking for when the complaint was made. The following actions should be considered when addressing a complaint:

- offering a suitably worded apology (an apology is not an acceptance of liability under section 2 of the Compensation Act 2006);
- an explanation of what took place;
- provide the service requested by the complainant (immediately, if appropriate);
- change procedures to prevent future difficulties of a similar kind, either for the complainant or others; or
- financial compensation may be appropriate if, for example:
 - o the Council has taken the appropriate action but has delayed in doing so and the delay has caused injustice to the complainant;
 - o there is no practical action which would provide a full and appropriate remedy; or
 - o the complainant has incurred financial loss or has suffered stress and anxiety.

Please also refer to 'Guidance Notes for the Investigating Officer' under Appendix A.

APPENDIX A

GUIDANCE NOTES FOR THE INVESTIGATING OFFICER

Stage 1 Complaints

A Stage 1 complaint should be dealt with by an appropriate officer skilled with dealing with complaints within the service area concerned.

Upon receipt of the complaint, you have 20 working days in which to complete your investigation and respond to the complainant.

You should input relevant complaint documentation onto the case management system.

Your response should advise whether or not the complaint has been upheld and it should address each point the complainant has raised. It should also include details of the next stage of the complaint's procedure should they remain unhappy with the response.

If the information you receive is from a Councillor or MP, your response should be sent directly to them rather than the person who originally made the complaint. Please be mindful that any correspondence you share with the Councillor or MP can be passed directly by them to the complainant.

Any complaints received regarding a member of staff should NOT be dealt with by the member of staff concerned. If you receive information detailing a complaint against you or a colleague, you should discuss with the appropriate line manager and arrangements should be made to investigate the complaint confidentially (seeking advice from HR where necessary).

Meeting with Complainants

In order to progress complaints, sometimes it may be appropriate to meet with the complainant. Wherever possible such meetings should take place in public meeting rooms or at local advice centres situated in libraries. However, in some circumstances a home visit may be required. Where home visits are undertaken, you should always carry out a risk assessment and should consider having a colleague accompany you.

Following a meeting with a complainant, details of the issues discussed or details of any decisions made should be confirmed in writing to them. If possible, you should try to resolve the complaint at such a meeting.

If a Complaint is becoming 'Out of Time'

If you are unable to respond to the complaint within the given timescale, please ensure that you inform the complainant of the new date and reason for the delay.

Your response should then be sent as soon as possible within the new timescale.

Request for Further Information

If the complainant remains unhappy with the response they receive they may write to you requesting further information. This should not, in itself, be treated as a Stage 2 complaint but can be simply replied to with the information they have requested.

Good Investigative Practice When Dealing with a Stage 1 Complaints

- Be aware of any previous complaints from the person who is complaining;
- clarify the complaint;
- be aware of relevant legal, policy and administrative background to the complaint;
- ensure that the Corporate Complaints process is the most appropriate way of handling the complaint. It may be more appropriate for the complainant to appeal to a tribunal or take legal action, for example. If an alternative procedure is deemed appropriate the complainant should be notified immediately;
- if the complaint can be resolved immediately then further investigation is unnecessary;
- if the complaint relates to proposed action by the Council, consider whether the action should be postponed until the complaint has been investigated;
- be familiar with all relevant documents;

- arrange meetings/interviews/telephone conversations with all relevant officers and the complainant if necessary;
- all staff to be interviewed can be accompanied by a colleague or Union Representative if required;
- Separate 'hearsay' from fact;
- conflicting evidence should be backed up with corroborative evidence;
- formal notes should be made during an interview and summarised at the end. Opportunity for any additional information to be included must be given;
- make an informed and fair decision as to whether the complaint is justified;
- ensure that there is a valid and clear reason for finding a complaint to be justified or unjustified; and,
- ensure the complainant is kept informed of progress.

Guidance for what needs to be addressed in a response letter:

Where a complaint is upheld

- An apology for the lack of service, error etc.;
- specific statement to the effect that the complaint has been found to be justified e.g. 'following my investigation of your complaint about -----I am writing to inform you that your complaint has been upheld';
- explanation of what went wrong, why, how and when;
- what has been put in place to ensure that the same situation does not occur in future e.g. any changes to policies or procedures made as a result of the complaint;
- do not just respond to the complaint; explain how the Council is going to rectify the situation complained about;
- identify the complaint as being the fault of the Council as a whole rather than an individual or a specific section;
- the response should be made in letter format and not in the style of a formal report; and,
- response should advise the right to escalate complaint to Stage 2.

Where a complaint is partially upheld

- Ensure that it is clear in your response which part of the complaint has been found to be justified and why;
- include information relating to what action will be taken to deal with the part of the complaint found to be justified; and,
- response should advise the right to escalate complaint to Stage 2.

Where a complaint is not upheld

- The decision letter should convey an apology for the complainant feeling the way they do. Remember that the complainant will have a genuine sense of grievance so care should be taken not to increase that sense of grievance where their complaint has been found to be unjustified;
- specific statement to the effect that the complaint is not upheld e.g. 'following my investigation of your complaint about -----I am writing to inform you that I have not upheld your complaint';
- go through each relevant issue raised and explain why this cannot be justified as bad practice/incorrect procedure etc. A full and sympathetic explanation should be given; and,
- close with advice on what to do if they are unhappy with your response (escalating their complaint to Stage 2).

Where a complaint is withdrawn

- When a complainant contacts you to withdraw their complaint, you should confirm this to them in writing, or keep a record of any telephone discussions or meetings undertaken; and,
- response should still advise the right to escalate complaint to Stage 2.

Where a complaint is settled

If you have dealt with a complaint to the complainant's satisfaction (prior to carrying out a detailed investigation), you should write to them to confirm the terms of the settlement, i.e. offering compensation, detailing changes to policies and procedures etc. However, you should still provide the contact details for the Corporate Complaints Manager who is responsible for investigating complaints at Stage 2 of the Corporate Complaints process. All relevant information including the decision letter should be uploaded on the case management system.

Stage 2 Complaints

If the complainant disagrees with the outcome of your investigation, they can decide to request a further investigation at Stage 2 of the complaints procedure. If they contact you directly, inform them that you will liaise with the Corporate Complaints Manager to ensure the complaint is investigated further.

If it is decided that a Stage 2 investigation will take place, the information and relevant files should be forwarded to the Corporate Complaints Manager, or you should ensure that all relevant documents are scanned onto the case management system.

The Stage 2 investigation will broadly follow the same good practice guidance undertaken by officers investigating complaints at Stage 1. At Stage 2, it is important to understand the scope of the complaint as the issues are often more complex than at Stage 1.

APPENDIX B

EXAMPLE OF DRAFT RESPONSE TO COMPLAINANT (STAGE 1)

Dear ****

Re: (issues raised in complaint and complaint reference number)

Thank you for your complaint which we received on (insert date).

Firstly I am sorry that you have not been happy with an aspect of our service. We take all complaints seriously and look to improve the service from the comments we receive.

ANSWER THE COMPLAINT

ISSUE 1

...

ISSUE 2

...

Thank you for bringing these issues to our attention. I hope our detailed reply reassures you that where things have gone wrong we aim to put them right and welcome feedback regarding our services. However, should you remain dissatisfied you can proceed to Stage 2 of the Corporate Complaints process by contacting the Corporate Complaints Manager whose contact details are as follows:

Corporate Complaints Manager
Stockport Council
Stopford House
Stockport
SK1 3XE

Tel: 0161 474 3182

Email: Stage2.complaints@stockport.gov.uk

Yours sincerely,