



## Corporate Complaints, Comments and Compliments Procedure

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## [Foreword](#)

## [Guiding principles](#)

### [1.0 Introduction](#)

#### [1.1 Our aims](#)

### [2.0 What is a complaint?](#)

#### [2.1 Handling anonymous complaints](#)

#### [2.2 Who can make a complaint?](#)

#### [2.3 How can someone make a complaint?](#)

#### [2.4 Supporting the customer](#)

#### [2.5 Complaints involving more than one service area](#)

#### [2.6 Complaints from Councillors](#)

### [3.0 The complaints handling procedure](#)

#### [3.1 Time limit for making complaints](#)

#### [3.2 Initial Contact Resolution](#)

##### [3.2.1 Stage One complaints:](#)

##### [3.2.2 When to escalate the complaint to Stage Two](#)

##### [3.2.3 Timelines](#)

##### [3.2.4 Extension to the timeline](#)

##### [3.2.5 The Local Government Ombudsman](#)

#### [3.3 Complaints Resolution](#)

### [4.0 Recording, reporting, learning and publicising](#)

#### [4.1 Reporting of complaints](#)

##### [4.1.2 Publicising complaints performance information](#)

### [5.0 Why are personal characteristics relevant?](#)

### [6.0 Commitment to confidentiality](#)

### [7.0 Managing unacceptable behaviour](#)

#### [7.1 How do we deal with unreasonable and unreasonably persistent complaints?](#)

### [8.0 Comments and Compliments](#)

## [Appendix A What complaints are not covered by this procedure?](#)

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

### **Foreword**

Our complaints handling procedure reflects the London Borough of Sutton commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough and fair investigations of customer complaints. This procedure aims to help us 'get it right first time'.

Complaints give us valuable information which can be used to improve customer satisfaction. Our complaints handling procedure will enable us to address customer dissatisfaction and may also prevent the same problems that led to the complaint from happening again. For our staff, complaints provide a first-hand account of the customer's views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give our customers a form of redress when things go wrong, and can also help us continuously improve our services.

Resolving complaints creates better customer relations. Sorting them out as close to the point of service delivery as possible means we can deal with them quickly, so they are less likely to escalate to the next stage of the procedure.

### **Guiding principles**

Our approach to handling feedback was guided by the Council's five core Values; People-focused, Responsible, Innovative, Diverse and Enterprising

- We will use feedback from our customers to drive improvements in the way we operate and welcome both negative and positive comments.
- We will always analyse feedback and have due regard to any relevant characteristic, such as disability, age or personal details, and working with our customers to find solutions or new ways of working.
- We will respond in a quick and effective manner putting our customers' First.

### **1.0 Introduction**

The London Borough of Sutton 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. Please refer to 'Getting the best from complaints' and the Children's Social Care complaints procedure flow chart.
- 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. Please refer to the Adult Social Care complaints procedure flow chart.
- Housing complaints are investigated under the Localism Act 2011. London Borough of Sutton 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.

See Appendix A - What complaints are not covered by this 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 about the standard of service, action or lack of action or decision taken by the Council, or the way in which the Council's staff carry out their duties."

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.
- 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.

Please refer to Appendix A - What complaints are not covered by this procedure?

## **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 London Borough of Sutton 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 to 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 will 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 who 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 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, members' items and their own contribution to relevant Council and Overview and Scrutiny discussions.

### **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 twelve 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 Initial Contact Resolution**

We will acknowledge your complaint within 7 working days. If we can deal with your feedback straight away we will let you know. Otherwise we will give you a detailed reply within 20 working days.

##### **3.2.1 Stage One complaints:**

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 20 working days. Occasionally it may not be possible to conclude an investigation and respond within 20 working days. In these circumstances the investigating manager will inform the complainant of the reasons for the delay and the expected response date.

##### **3.2.2 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 response they

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

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.

If it is deemed that the council's response will stay the same after a review of the complaint we may confirm a final decision at Stage One. When this happens complainants will be informed of their rights to refer the complaint to the Local Government Ombudsman or Housing Ombudsman or the council will refer the complaint directly.

### **3.2.3 Timelines**

Acknowledgments 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 20 working days.

### **3.2.4 Extension to the timeline**

Not all reviews will be able to meet this deadline. For example, some complaints require careful consideration and detailed review beyond the 20 working day limit. However, these would be the exception and you must always try to deliver a final response to a complaint within 20 working days.

If there are clear and justifiable reasons for extending the timescale, you may agree a reasonable extension to the review with the customer. You must keep the customer updated on the reason for the delay and give them 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.

### **3.2.5 The Local Government 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 (LGO).

The LGO is an independent national service that investigates complaints of injustice arising from maladministration by the council. Customers can complain to the LGO at any time, but the LGO will usually refer a complaint back to the council if it has not been through all stages of the complaints procedure.

The LGO can be contacted at:  
Local Government Ombudsman  
PO Box 4771,  
Coventry  
CV4 0EH  
Telephone: 0300 061 0614  
website [www.lgo.org.uk](http://www.lgo.org.uk)



### **3.3 Complaints Resolution**

The London Borough of Sutton 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 and the complaint is not upheld we will:

- Thank the customer for providing their feedback
- Explain why the complaint is not upheld
- Where appropriate, say how we have learned from their feedback

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

Complaints provide valuable customer feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across the London Borough of Sutton. We must record all complaints in a systematic way so that we can use complaints data for analysis and management reporting. By recording and using complaints information in this way, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvement.

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

Complaints details are analysed for trend information to ensure we identify service failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

##### **4.1.2 Publicising complaints performance information**

Corporate Management Team will receive reports on a quarterly basis from the Head of Customer Experience on the implementation of the complaints procedure including data on the nature, volume of complaints received, lessons learnt and actions taken and details of any relevant characteristics. These reports will be published on the Council's website, and a summary will appear in the Council's Annual Equality Performance Report.

### **5.0 Why are personal characteristics relevant?**

We require this information to monitor our procedures and ensure we are meeting our obligations under the Equality Act 2010. This information can help to eliminate potential discrimination by understanding if a personal characteristic is relevant to a customer's

complaint. We therefore ask for a complainant's age, ethnicity and gender and if there is a relevant characteristic such as a disability or sexual orientation which may be relevant to the complaint. This information is confidential.

## **6.0 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 2018 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

## **7.0 Managing unacceptable behaviour**

It is important to be aware that complainants may approach the Council in an abusive or hostile manner. If something has gone wrong or not been done, then it is no surprise that a person may get angry, and in some cases complainants appear only to be able to express their anger as being abusive.

Whilst it is appreciated that these situations are not be easy to deal with, and indeed staff are not expected to deal with customers who are being abusive, by remaining calm, listening and empathising it is often possible to diffuse the situation, and actually assist the complainant.

### **7.1 How do we deal with unreasonable and unreasonably persistent complaints?**

In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede the effective investigation of their complaint (or complaints by others) and can have a significant impact on staff resources.

These actions can occur either while their complaint is being investigated, or once the complaint investigation has finished.

Examples of unreasonable behaviour include the following:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.

- Insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have the staff members replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered. Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the complaint decision and repeatedly arguing points with no new evidence.

In these circumstances, the following actions may be taken, either alone or in combination depending on the circumstances of the case and whether the complaint process is on-going or concluded:

Writing to the complainant setting out responsibilities for the parties involved if the council is to continue processing the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.

- Notifying the complainant, in writing, that the council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end. They may be advised that they will be treated as a persistent or vexatious complainant and as such the council does not intend to engage in further correspondence dealing with the complaint.
- Declining contact with the complainant, either in person, by telephone, by fax, by letter, by e-mail or any combination of these, provided that one form of contact is maintained. Nominating a named officer as the only point of contact (with a named deputy in their absence). The complainant will be notified of this person. Informing the complainant that in extreme circumstances the council will seek legal advice on persistent or vexatious complaints.
- Temporarily suspending all contact with the complainant, in connection with the issues relating to the complaint being considered persistent and/or vexatious, while seeking advice or guidance from its solicitor or other relevant agencies, such as the Local Government Ombudsman

## **8.0 Comments and Compliments**

The London Borough of Sutton 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. Comments and compliments should be recorded on our customer feedback recording system and fed back to the relevant service areas. This information will also be passed to the Corporate Management Team for review.

### **Appendix A What complaints are not covered by this procedure?**

There are certain types of complaints that will not be dealt with under the Complaints procedure because there are specific policies for dealing with these including:

- Specialised processes operate for appeals against Planning decisions, Benefits, School exclusions, School admissions, Student awards, and School Transport decisions.
- An initial complaint is a necessary part of a request for a service e.g. to Environmental Health, or Trading Standards, or for clearance of obstacles or a Housing repair.
- A routine service failure occurs for which a standard remedy or any other similar process applies.
- A complaint in respect of care provided in an independent care home subject to statutory registration procedures.
- In law, different arrangements exist for complaints about schools in relation to the curriculum. Complaints about school's curriculum issues will usually be received and responded to by the schools concerned under their procedures.
- Separate statutory procedures exist for complaints under Section 26 of the Children Act 1989, NHS and Community Care Act 1990 and the Localism Act 2011.
- Separate procedures exist for staff grievances, disciplinary matters and "whistle blowing".
- Separate procedures exist for complaints about the mayoral function, councillors, council policy, or the merits of decisions taken by the committees acting within their legal powers. This includes complaints made by Councillors about the performance of individual officers.