



Appendix 2

Corporate Complaints Policy

Draft July 2020

Corporate Complaints Policy

1.0 Introduction

- 1.1 Oldham Council recognises the importance of complaints and welcomes them as a valuable form of feedback about our services and those provided by third party providers on our behalf. We want our customers to be satisfied with our services. We welcome hearing our customers' comments, compliments and complaints to better understand how customers view our services and to use these valuable opportunities to learn and improve for the future.
- 1.2 In setting out this policy, we recognise Customers' right to be heard, understood and respected. We will ensure that you are treated fairly, openly, honestly, consistently and appropriately in accordance with our co-operative values.

2.0 Purpose of the policy

- 2.1 The aim of this policy is to provide a fair and consistent approach to dealing with all expressions of dissatisfaction and to ensure they are handled appropriately and professionally in a manner that upholds the principles of good complaints handling as set out by the Local Government and Social Care Ombudsman (LGSCO).
- 2.2 Emphasis will be placed on resolving complaints as quickly as possible by the Service concerned. We will ensure that staff are equipped to deal with complaints efficiently and effectively and lessons learned from complaint investigations will be used to directly inform service improvements.

3.0 What is a complaint?

- 3.1 The following definition is provided by the LGSCO.

'A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council.'

- 3.2 Complaints may, for example, be about
 - The fairness or professionalism of interaction with employees
 - Failure to do something we should have done
 - Refusal to provide a service or delivery of poor service
 - Failure to follow the correct policy or procedure
 - An observation about our services or people which requires action
 - A suggestion about how things can be improved
 - Any feedback that is not complimentary
- 3.3 The majority of issues can be successfully resolved at the point of service delivery. Services should be pro-active in communicating directly with customers and working together to address any issues as they arise. We encourage customers to contact the service concerned before submitting a

formal complaint as this may enable the service to put things right or resolve an issue for the customer who would want the matter swiftly resolved.

3.4 Complaints cannot be dealt with under the Corporate Complaints Policy if they are dealt with according to a different internal or statutory requirement. These include

- Adult Social Care complaints
- Children's Social Care complaints
- Complaints about a school or education provision

3.5 The following would not be dealt with under the Council's complaints procedure

- An initial request for a service (this is generally the first contact from a customer to ask that a service be considered or carried out)
- Requests for information (these will be dealt with by the Information Management Team according to the requirements of the Freedom of Information Act 2000 or Data Protection Act 2018 and accompanying policies, depending on the nature of the request. NB Where there is a crossover of issues the Complaints Team and Information Management Team will work together to resolve).
- Employee grievances
- Matters than would more appropriately be dealt with by an insurer
- Matters subject to a legal right to appeal or review
- Matters relating to court proceedings or investigations by other appropriate bodies e.g. the Police
- Matters upon which a Court, Tribunal or Appeal body has already ruled
- Complaints that have been withdrawn by the complainant
- Complaints about Elected Member conduct (these will be dealt with in accordance with the standard's procedures)
- A complaint that has already been investigated and a final response has been issued
- Where the issues involved are covered by the Council's disciplinary policy
- Where the grounds of the complaint are unclear, frivolous or vexatious (Please note the process to manage unreasonable complaints or unreasonably persistent and abusive complainants is set out separately in the Unreasonable Behaviour Policy).

3.6 We will normally only accept complaints made within **12 months** of the issue(s) giving rise to the complaint. However, if there are exceptional reasons provide by the complainant for the delay in submitting the complaint, the Council may make a discretionary decision to consider the matter.

3.7 If for any reason we decide not to deal with a complaint under this policy, we will provide an explanation of that decision in writing.

4.0 Who can make a complaint?

- 4.1 Anybody in receipt of services provided directly by the Council (or third parties conducting activity on behalf of the Council) or their representative can make a complaint directly to the Council. This includes complaints made via an Elected Member of the Council or Member of Parliament or other elected official.
- 4.2 Where a complaint is received from a representative of a service user, the Council may request completion of a form of authority to indicate that the representative has permission to act on their behalf. This ensures compliance with Data Protection requirements and that the complainant's wishes are being fulfilled.

5.0 Anonymous complaints

- 5.1 We understand that sometimes people find it difficult to make a complaint. Where complaints are received anonymously, the Council will try to take as much information as is possible from the complainant to ensure an investigation can be carried out. A decision will be made on a case by case basis about whether it is possible or appropriate to consider anonymous complaints.
- 5.2 If a complainant does not provide us with a contact name or address or email address, it will not be possible for us to reply with the outcome of the investigation. However, on most occasions anonymous complaints will be brought to the attention of the relevant service for consideration.

6.0 Equalities and Diversity and reasonable adjustments

- 6.1 When implementing this policy, we will have regard to the Equalities Act 2020 and show due regard to an individual's medical condition or vulnerability such as mental health and learning disabilities. We will help and support complainants to overcome any difficulties in pursuing their complaint for example suggesting advocacy support where this may be helpful or helping to ensure language barriers are overcome. Any support or adjustment made will be determined on a case by case basis and with the agreement of the complainant.

7.0 How can a complaint be made

- 7.1 A key priority of the Council is to improve the efficiency of communication with our customers and online systems are useful in helping to achieve this aim. We encourage our customers to submit any feedback or complaint in the first instance via the online form.(Compliments and comments about the service can also be submitted using this link) https://www.oldham.gov.uk/info/200143/complaints_and_feedback/630/complaints_or_feedback_about_the_council
- 7.2 Where this is not possible, complaints can be made by email customer.feedback@oldham.gov.uk

- 7.3 Complaints can also be submitted by post to The Complaints Team, PO Box 33, Civic Centre, West Street, Oldham OL1 1UG or by telephone on 0161 770 8122 (however, please note that during the COVID- 19 period, many employees are working remotely and access to the Civic Centre is limited. This may impact on the timescales for responding to your complaint).
- 7.4 Customers sometimes make contact about Council services on social media e.g. via the Council's Twitter or Facebook accounts. Details of this contact is forwarded to the relevant service by the Communications Team to determine if the contact should be treated as a request for service or handled as a complaint. If the contact should be treated as a complaint, the service will ensure that the Complaints team are made aware and the complaint will be handled offline and in keeping with this policy.

8.0 What a customer can expect

- 8.1 Customers can expect to receive a consistently high-quality service when they contact any member of staff with a complaint and we will deal with all complaints promptly, respectfully and efficiently.
- 8.2 Where your complaint covers multiple issues and covers several different service areas, we will normally provide you with a single response. We may ask you to agree a statement of complaint to ensure we have fully understood all the issues you would like us to consider.
- 8.3 If multiple complaints include issues relating to areas covered by other complaints' legislation e.g. Adult Social Care, then those complaints must be managed separately.

9.0 Timescales

- 9.1 You will receive an e-acknowledgement of your complaint as soon as it is submitted by email or via the online form.
- 9.2 The timescales for dealing with most corporate complaints is 15 working days.
- 9.3 In complex cases, we may send you a statement of complaint for you to agree before we start investigating your complaint (this is a summary of the issues we believe you have raised in your complaint to ensure we all understand and have captured everything you want us to investigate).
- 9.4 In complex cases, we will also make an assessment about the likely timescales for investigating and responding to the complaint. We will consider a range of factors to determine whether timescales should be increased such as the number of issues raised, the severity of those issues, the resources needed to investigate the complaint and the support required to help the complainant pursue the complaint to a conclusion. If we do increase timescales, we will explain our reasons to you for doing this by telephone or in writing. We will always try to resolve a complaint as quickly as possible.

- 9.5 Once the complaint has been investigated, a final response should be sent to the complainant by email or letter. The complainant will be signposted to the LGSCO if they are dissatisfied with the outcome of the complaint and wish to take it further.
- 9.6 If the complainant is happy with the outcome of the complaint, it will be closed.

10.0 The role of the Local Government and Social Care Ombudsman (LGSCO)

- 10.1 The LGSCO investigates complaints about Local Authorities and other bodies. The LGSCO normally allows the Council to fully investigate and respond to the complaint. If the complainant is not satisfied with the Council's response, then the complainant can bring their complaint to the LGSCO for further review and investigation. The LGSCO can be contacted on

Telephone: 0300 061 0614

Address: The Local Government and Social Care Ombudsman
PO Box 4771
Coventry, CV4 0EH

Website: www.lgo.org.uk

11.0 Remedies

- 11.1 The Council will offer appropriate remedy and redress, in accordance with guidance provided by the LGSCO.
- 11.2 The general principle is that, as far as possible, complainants should be put in the position they would have been in, had things not gone wrong.
- 11.3 Examples of remedies include:
- An apology
 - Delivery of the service required
 - A change of procedures to prevent a recurrence of the incident
 - Financial compensation where appropriate
- 11.4 The service will agree the proposed remedy before a response is issued to the complainant. Where agreement cannot be reached between the Complaints Manager and the Service Manager about a remedy, this will be escalated to the relevant Director for a final decision.

12.0 Withdrawal of complaints

- 12.1 Complainants may decide to withdraw their complaint verbally or by email or letter. We will confirm the withdrawal of the complaint by email or letter. In some instances, the Council may continue to investigate the matter internally.

13.0 Monitoring and Performance

- 13.1 The monitoring and review of complaints gives valuable information about customer perception and service performance and identify areas for organisational learning from complaints to drive service improvement.
- 13.2 Quarterly monitoring of complaints handling and resolution will be reported to Senior Managers and Members each quarter. (NB COVID-19 has impacted complaints handling by the Council and also by the LGSCO. The Council's website has been updated to reflect this disruption).
- 13.3 An annual report will also be produced on the overall performance of complaints across the Council and presented to the Overview and Scrutiny Committee.

14.0 Review of policies

- 14.1 The Complaints Policy and Unreasonable Behaviour Policy will be published on www.oldham.gov.uk These policies will be reviewed annually (or as a change is required). The Deputy Leader and Cabinet Member for Finance and Green has delegated authority to agree these changes in consultation with the Director of Finance.