



Corporate Complaints Policy

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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 delivered 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' rights 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 ask 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 that 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 other legal proceedings, or investigations by other appropriate bodies e.g. the Police
 - Matters upon which a Court, Tribunal or Appeal body has already ruled, or is in the process of considering
 - Complaints that have been previously withdrawn by the customer
 - 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 customers 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, or within 12 months of the customer being made aware of the issue(s). However, if there are exceptional reasons provided by the customer 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 customer'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 customer 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 customer 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 customers 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 customer.

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 ask our customers to submit any feedback or complaint in the first instance via the online form (compliments and comments about services 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.
- 7.4 The Complaints Team offers a predominantly digital service. However, for vulnerable adults, children and young people who are unable to access online services, the team operate a telephone message and call back service, which is available on 0161 770 8122.
- 7.5 Customers are requested to provide any relevant supporting evidence/ documentation at the time of making the complaint in order that the issues raised can be fully investigated.
- 7.6 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 is 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 complaints cover multiple issues and several different service areas, we will normally provide customers with a single response. We may ask customers to agree a statement of complaint to ensure we have fully understood all the issues they 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.
- 8.4 Customers can expect to be asked for supporting evidence or additional information where it is felt this is required to complete a robust investigation. Customers will be provided with a timeframe in which to provide the evidence/ information. If the necessary evidence/ information is not provided to enable an investigation to be completed, the complaint may be placed on hold until the Council has enough information to enable it to investigate fully.
- 8.5 Where customers fail to engage with the complaints process and refuse to provide the necessary information to complete a complaint investigation, the Council may treat the complaint as withdrawn.

9.0 Timescales

- 9.1 Customers will receive an e-acknowledgement of their 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 20 working days. If the matters at hand are complex, the council may need to extend this timescale and will inform the customer of this.
- 9.3 In complex cases, the Complaints Team may send customers a statement of complaint to agree before arranging for an investigation to take place (this is a summary of the issues the team believes the customer has raised in their complaint and is sent to ensure all issues are understood and captured).
- 9.4 In complex cases, the Complaints Team will also make an assessment about the likely timescales for investigating and responding to the complaint. The team 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 customer pursue the complaint to a conclusion. If timescales need to be increased, an explanation as to why will be provided to customers by telephone or in writing. The Council will always try to resolve a complaint as quickly as possible.
- 9.5 Once the complaint has been investigated, a response will normally be sent to the complaint by email or letter. Where it is felt a meeting or telephone call would best address the issues, this will be discussed with the customer and the Complaints Team will establish whether a follow-up letter or email is required to confirm the outcome of the discussions.
- 9.6 The complaint will be closed once the response has been provided to the customer.
- 9.7 The Council operates a one stage complaints procedure, and after the response is received, the customer has the right to contact the LGSCO should they disagree with the outcome. However, the Council is keen to resolve issues locally where this is possible. Therefore, if the customer is unhappy with the response to their complaint for one of the following reasons, they can ask the Council to complete a review of the response:
- Key issues raised as part of their complaint have not been addressed
 - They have become aware of fundamental evidence which may affect the outcome
 - The Council has misunderstood the basis of their complaint
- 9.8 If upon reviewing the information provided by the customer, the Council feels that the criteria in paragraph 9.7 is met, and that further investigation/ consideration of the matters may lead to an alternative outcome, it will re-open the complaint. A further response will then be issued to the customer.
- 9.9 If the Council feels that the criteria outlined in paragraph 9.7 is not met, and that no further investigation into the complaint will allow it to reach an alternative conclusion, the customer will be reminded of their right to

take their complaint to the LGSCO should they wish to take their complaint further.

10.0 Third Party complaints

- 10.1 Where the Council receives a complaint relating to work carried out by a third party it has commissioned to provide services on its behalf, it will acknowledge receipt of these automatically if submitted via email or the online form.
- 10.2 Details of the complaint will be recorded on the Council's complaints database.
- 10.3 In order for the matters to be investigated, the Council will need to share the details of the complaint with the third-party organisation and will inform the customer of this.
- 10.4 The third party will normally lead the investigation into the complaint and provide a response where there are no internal Council services involved in the matter complained about.
- 10.5 The Council will ask to be sent a copy of the third party's investigation report or response to the complaint and this will be recorded on the Council's complaints database. Where appropriate, the Council may ask the third party to undertake additional enquiries or amend the response should it feel the complaint has not been appropriately addressed.

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

- 11.1 The Local Government and Social Care Ombudsman (LGSCO) looks at individual complaints about Councils and some other organisations providing local public services. It also investigates complaints about all adult social care providers (including care homes and home care agencies) for people who self-fund their care.
- 11.2 If customers have been through all stages of the Council's complaints procedure and are still unhappy, they can ask the LGSCO to review their complaint. The Ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service.
- 11.3 The Ombudsman expects customers to have given the Council the opportunity to deal with their complaint before contacting them. If customers have not heard from the Council within a reasonable time, the Ombudsman may decide to investigate their complaint anyway; this is usually up to 12 weeks.
- 11.4 Contact details for the LGSCO are:
Website: www.lgo.org.uk
Telephone: 0300 061 0614

12.0 Remedies

- 12.1 The Council will offer appropriate remedy and redress, in accordance with guidance provided by the LGSCO.
- 12.2 The general principle is that, as far as possible, customers should be put in the position they would have been in, had things not gone wrong.
- 12.3 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
- 12.4 The service will agree the proposed remedy before a response is issued to the customer. Where agreement cannot be reached between the Complaints Manager and the Head of Service about a remedy, this will be escalated to the relevant Director for a final decision.

13.0 Withdrawal of complaints

- 13.1 Customers 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.

14.0 Monitoring and Performance

- 14.1 The monitoring and review of complaints gives valuable information about customer perception and service performance and helps to identify areas for organisational learning from complaints to drive service improvement.
- 14.2 Quarterly monitoring of complaints handling and resolution will be reported to Senior Managers and Members. (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).
- 14.3 An annual report will also be produced on the overall performance of complaints across the Council and presented to the Overview and Scrutiny Committee.

15.0 Review of policies

- 15.1 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.