

# MIDDLESBROUGH BOROUGH COUNCIL

## CORPORATE COMPLAINTS PROCEDURE

### Summary

We are committed to providing excellent customer service. Our Customer Strategy and Charter sets out the standards our customers can expect from us, and what we expect from our customers in return.

Where you think we have fallen short of these standards, we want you to tell us so that we can put things right where we need to, and improve our performance in the future.

This policy sets out how we will respond to your complaint, and what you can expect when making a complaint to us.

The following sections outline:

- the purpose of this policy;
- definitions;
- scope;
- the legislative and regulatory framework;
- the corporate complaints process;
- roles and responsibilities;
- supporting policies, procedures and standards; and
- monitoring and review arrangements.

### Purpose

Through the implementation of this policy we aim to:

- deal with complaints as soon as we can;
- put things right for our customers where we need to; and
- learn from complaints to improve outcomes for all customers.

### Definitions

A **complaint** is an expression of dissatisfaction about our services (whether provided directly by us, or by one of our contractors or partners) that requires a response from us.

One-off issues, such as a missed bin collection, are usually classed as service requests, rather than complaints.

A complaint can be made by any person or organisation that has received a service, or anyone legally acting on their behalf. We require complaints to be made in writing so that there is a clear basis for investigation.

We will not investigate complaints:

- about matters that occurred more than one year ago, unless there are extenuating circumstances;
- about a matter previously investigated by us, and which we consider concluded; or
- where legal action is being pursued.

We will not usually investigate anonymous complaints, but they will be forwarded to services for consideration.

## **Scope**

This policy applies to complaints about all services, either provided directly, by a contractor or through a partnership which we lead, except certain complaints about adult social care and children's services, which are dealt through separate statutory processes (outlined below).

Separate processes are in place for:

- complaints about schools
- complaints about councillor misconduct
- complaints about staff misconduct
- a potential insurance claim
- a potential data protection breach
- appeals regarding:
  - parking penalty charge notices
  - requests for information
  - refusals of planning permission
  - school admissions or exclusions.

If your complaint or request falls outside of the scope of this policy we will tell you, let you know how it will be dealt with and who will deal with it.

## **Legislative and regulatory framework**

There are three processes for complaints about the Council's services.

Complaints about adult social care and public health are typically dealt with under The Local Authority Social Services and NHS Complaints (England) Regulations 2009.

[http://middlesbrough.gov.uk/sites/default/files/SocCare-Complaints\\_Procedure.pdf](http://middlesbrough.gov.uk/sites/default/files/SocCare-Complaints_Procedure.pdf)

Complaints about children's services are dealt with under statutory guidance for local authority children's services on representations and complaints procedures.

<https://www.middlesbrough.gov.uk/children-families-and-safeguarding/get-involved-and-have-your-say/childrens-services-comments-and-complaints>

All other complaints about our services are dealt with under the corporate complaints process outlined within this policy. Our process complies with the Local Government and Social Care Ombudsman's principles for effective complaints handling:

- Our policy is simple, in Plain English, and is well-publicised.
- Our staff understand our policy, and will receive your complaint positively.
- We will tell you who is dealing with your complaint.
- Wherever possible, we will deal your complaint at the earliest opportunity.

- Where not possible, we will agree a timescale for our response with you.
- We will train our staff to handle complaints effectively.
- We will carry out fair and confidential investigations.
- We will make sure that you are updated on the progress of your complaint.
- We will tell you how we made our decisions.
- If we have got things wrong, we will apologise and put things right where we can.
- We will learn from what you tell us, and use your feedback to improve.

All complainants will be treated fairly and with dignity and respect, in line with our Equality Policy, and our obligations to those with protected characteristics under equality law. Reasonable adjustments to our complaints processes will be made for people with disabilities.

## **Corporate complaints process**

### ***How to make a complaint***

You can make a complaint to us in whichever way is easiest for you.

- Use our online form at [www.middlesbrough.gov.uk](http://www.middlesbrough.gov.uk)
- Email us at [complaints@middlesbrough.gov.uk](mailto:complaints@middlesbrough.gov.uk)
- Phone us on 01642 729814
- Write to us at PO Box 506, Middlesbrough, TS1 9GA
- Or call into the Customer Centre, Middlesbrough House, TS1 2DA.

We take all complaints seriously and will deal with them in the strictest of confidence. Making a complaint will have no impact on your future dealings with us.

All personal information disclosed as part of a complaint is stored in accordance with data protection law. We will keep records of all complaints for a minimum of two years.

### ***How we will deal with your complaint***

Your complaint will be first considered by our complaints team, who will:

- aim to acknowledge your complaint within one working day;
- engage with you to fully understand your issue(s) and your expectations;
- fully and accurately record the details of your complaint;
- advise you of what we will do about your complaint, and what will happen next; and
- tell you about support and advocacy services, should you need these.

If we can take action straight away to resolve your complaint satisfactorily without going through our formal complaints process then we will do this in agreement with you.

If we are unable to do this within three working days of receiving your complaint, then our formal complaints process will be used. This has two stages:

- Stage 1** – investigation by the service complained about
- Stage 2** – reinvestigation by an independent senior officer

## **Stage 1**

A complaint will be progressed to Stage 1 when:

- we can't resolve your complaint informally within three working days;
- you tell us that you want to make a formal complaint; or
- we think it is necessary to use the formal process.

At Stage 1, the complaint will be investigated by the Directorate that you have complained about, by someone who was not directly involved in the reason for your complaint. The investigating officer will aim to contact you within one working day to acknowledge and confirm the basis of your complaint. S/he will agree a timescale for responding to your complaint with you, which will not be longer than 20 working days. During the investigation, you will be informed if there will be any delay in meeting this agreed timescale for response.

Once the investigation is completed, the investigating officer will write to you with their findings and will advise you whether your complaint is upheld, partially upheld, or not upheld. If we are at fault, we will apologise and tell you how we plan to put things right. The investigating officer's letter will advise you how to request a Stage 2 investigation if you are unhappy with the outcome of the investigation.

## **Stage 2**

Stage 2 is a complete reinvestigation of your complaint by an independent senior officer.

You can request a Stage 2 investigation if:

- you are unhappy with how your complaint was handled at Stage 1; or
- you are unhappy with the response you have received.

We will only agree to a Stage 2 investigation if we think further investigation is merited. If we think further investigation would be unlikely to produce the outcome that you are seeking, we will advise you to contact the Local Government and Social Care Ombudsman (see below).

As with Stage 1, the investigating officer will aim to contact you within one working day to acknowledge and confirm your reasons for requesting a Stage 2 investigation. Again, the officer will agree a timescale for responding to your complaint with you, which will not be longer than 20 working days. During the investigation, you will be informed if there will be any delay in meeting this agreed timescale for response.

Once the investigation is completed, the investigating officer will write to the Head of Service responsible for the service or issue you have complained about with their findings. The Head of Service will consider the investigating officer's report and then advise you whether your complaint is upheld, partially upheld or not upheld. If we are at fault, we will apologise and tell you how we plan to put things right.

At this point, the Council's corporate complaints process ends. If you are still unhappy with the outcome, we will advise you how to contact the Local Government and Social Care Ombudsman.

## **The Local Government and Social Care Ombudsman**

The Local Government and Social Care Ombudsman is an independent body that provides impartial and prompt investigation and resolution of complaints of injustice through maladministration by local authorities. The Ombudsman can investigate complaints about how the Council has done something, but they can't question what a council has done simply because someone does not agree with the Council's decision.

The Ombudsman is unlikely to investigate your complaint unless you have given us the opportunity to consider your complaint under this, or other appropriate process. If, however, there is little prospect of a satisfactory outcome, we may advise you to contact the Ombudsman before our process has run its course.

To contact the Ombudsman, you can:

- Use their online form at [www.lgo.org.uk](http://www.lgo.org.uk).
- Phone them on 0300 061 0614.
- Text the words 'call back' to 0762 481 1595.

The Ombudsman publishes statistics on the investigations it undertakes. Statistics about Middlesbrough Council can be found here:

<https://www.lgo.org.uk/your-councils-performance/middlesbrough-borough-council/statistics>

### **Roles and responsibilities**

Effective complaints management is the collective responsibility of all service managers and commissioners. Key roles and responsibilities under this policy are outlined below.

<b>Executive</b>	Responsible for agreeing the Council's Customer Strategy.
<b>Corporate Affairs and Audit Committee</b>	Responsible for ensuring that effective systems are in place that will underpin the processes of the Council and ensure the highest standards in respect of audit and corporate governance matters.
<b>Standards Committee</b>	Responsible for maintaining an overview of the Council's whistle-blowing policy, complaints handling and Ombudsman investigations.
<b>Corporate Management Team</b>	Responsible for agreeing the Council's overall approach to service complaints.
<b>Head of Strategy, Information and Governance</b>	Responsible for the development and implementation of the Council's Customer Strategy and management of complaints processes.
<b>Customer Experience Manager</b>	Responsible for development of the Council's Customer Charter and Strategy, representing the voice of our customers, and leading on the approach to customer excellence across the organisation.

<b>Complaints Manager and Team</b>	The Complaints Manager acts as the Council's designated complaints lead and as the Council's link officer with LGSCO. The team works with Heads of Service, team managers and complainants on a day-to-day basis to ensure that complaints, providing information, advice and guidance as appropriate.
<b>Heads of Service</b>	Responsible for overseeing compliance with this policy within their service, in particular achieving early resolution of complaints wherever possible and ensuring that learning from complaints is applied effectively to minimise repeat complaints and improve outcomes for all customers.
<b>All managers</b>	Responsible for overseeing day-to-day compliance with this policy by their staff and other personnel they manage.
<b>All staff, contractors, consultants, interns and any other interim or third parties</b>	Responsible for compliance with this policy, and referring all complaints to the corporate complaints team in the first instance.

### **Supporting policies, procedures and standards**

This policy should be read in conjunction with the following other key documents.

<b>Unacceptable Contact Policy</b>	This sets out how the Council will act to address unacceptable (i.e. abusive, vexatious, unreasonable or unreasonably persistent) contact from customers, in order to prevent harm, distress or stress to our elected members, employees, or service providers, and remove disproportionate burdens on our time and resources.
<b>Potentially Violent Persons Policy</b>	This sets out specifically how the Council will act in response to violence or threats of violence against our elected members, employees, or service providers.

### **Monitoring and review arrangements**

We will learn from complaints to improve outcomes for our customers.

Information on numbers, type, trends, and outcomes from complaints will be available to senior management on a real-time basis.

Complaints investigations may include recommendations for changes to our policies and procedures. Where these are agreed and implemented before complaints are determined, we will advise the complainant of the changes we have made as part of our response.

The implementation and effectiveness of this policy will be reviewed on a quarterly basis by Corporate Management Team, using the following metrics:

- the total numbers of and reasons for complaints by service area;
- the early resolution rate by service area;
- the proportion of complaints formally investigated by service area; and
- the proportion of formally investigated complaints upheld or partially upheld by service area.

An annual complaints report will be presented to the Council's Standards Committee and published on our website.

This policy will be reviewed every three years, unless there is significant development that would require a more urgent review e.g. new legislation.

**September 2019**