

Corporate complaints policy and procedure

Revised November 2023, updating and replacing the policy and procedure developed in 2008 and updated in 2010, 2015, 2019, 2020 and 2022.

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1. Scope

- 1.1 This policy and procedure applies to all Council employees and to employees and organisations who deliver services on behalf of the local authority.
- 1.2 Anyone who is affected by our services can make a complaint. This includes:
- Residents;
 - People who work or visit the borough;
 - Local businesses;
 - Community groups; and
 - Any person/s acting on behalf of an individual or group of individuals* (provided that the person affected has given their written consent).

* This includes concerned relatives, carers, Members, MPs, advice agencies and other advocacy groups.

2. Introduction

- 2.1 The way we handle customer complaints, resolve their problems and use the feedback to improve our services is a key component of the council's customer strategy. Our "Proud to serve" value also promises that we will "listen" and treat those who use our services as "valued customers". Delivering on these elements of our service is critical to support the council's priority of improving customer satisfaction.
- 2.2 This complaint policy and procedure is necessary for the efficient operation of services in delivering value for money and improving customer satisfaction. They have been developed in order to encourage customers to tell us what we are doing wrong so we can try to put it right. The policy is published on the Council's website for public view. The policy and procedure:
- Allows managers to address issues of unsatisfactory service and seek improvements in service delivery;
 - Ensures that customers are treated fairly and consistently;
 - Ensures that a proper and adequate investigation takes place before any action is taken;
 - Encourages all staff in all services to improve customer service delivery and service performance; and
 - Safeguards the integrity and good reputation of the Council.

2.3 In addition, the overarching objectives for the handling of and learning from complaints are:

- **Consistency** – the Council aims to give its customers a consistent, fair, structured and easy to follow process when they are unhappy about Council services and want to complain;
- **Quality** – the Council wants to continually improve the quality of its services; encourage and promote best practice amongst its staff; operate within statutory, regulatory and legal frameworks; and listen and improve its relationship with its customers;
- **Improvement** – the complaints procedure should be a positive experience for customers and staff alike, where the investigation outcome and resolution of complaints will be used to monitor the Council's performance and improve service delivery;
- **Inclusion** – the Council values customer opinions and so, wants to make it easy for anyone who wants to complain. Information can be provided in a range of languages, in large print, Braille or via audio-tape. Translation and interpretation services can be provided and if necessary, home visits. The Council will always do its best to meet customers particular needs and make it easier for them to use the complaint procedure; and
- **Learning** – the Council aims to learn from complaints, using customer feedback to inform service improvements or to develop training for staff.

2.4 A complaint is defined as, 'an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.'

2.5 A complaint could be for example in relation to:

- A delay in taking action without good reason;
- A failure to provide a service;
- Mistakes in the way a decision has been taken;
- Not following the law or the Council's own policies;
- Broken promises;
- Giving incorrect or misleading information;
- Bias or unfair discrimination;
- Rude, unhelpful or inappropriate behaviour by staff;
- Poor communication; and
- The conduct of staff when delivering the service

2.6 Therefore, a complaint can fall broadly into one of three categories:

- Complaints about a service
- Complaints about a member of staff
- Complaints about a policy

2.7 This procedure does not address complaints made in respect of Adult Social Care or Children's Social Care as these are covered by statutory complaints regulations, nor does it cover services where there is an appeals process in place. Details of these processes are provided later within this policy.

2.8 Not all customer contact is regarded as a complaint. Often the contact made relates to a service request. A service request could be described as the first time that a resident has asked us to do something.

An example of this would be a resident informing us of a street light that is not working, a bin that has not been collected or asking for a copy of their Council Tax bill. If we fail to act upon the first request / contact made by the resident and they contact us again in an attempt to resolve the issue, this should then be classed as a complaint and recorded as such.

2.9 There are some issues that cannot be covered by this complaint policy and procedure. For more information on these exceptions, please go to section 5 of this document.

2.10 Customers can make a complaint in the way that best suits them. Complaints should be made to the Council within 12 months of when a customer feels that something has gone wrong. If it is longer the Council may ask customers to explain why they could not complain sooner. The Council encourages any customer who has a concern or suggestion about a particular service to make contact with us straight away, where the aim will be to resolve the issue quickly at the first point of contact. Whether the complaint is completed informally at the first point of contact it should be recorded so the Council has greater visibility of customer issues. Contact can be via:

- The Council's complaint form (on-line);
- By letter;
- By email;
- Made in person at Access Croydon;
- By telephone;

- On audio-tape; and
- In different languages.

Residents may make contact via Social Media, but complaints will not be recorded and responded to via Social Media channels. Any resident expressing a dissatisfaction and wishing to make a complaint will be referred to the Complaints process.

2.11 Equality and Diversity

All complainants are treated fairly regardless of a person's protected characteristics under the Equality Act 2010. The council will provide information in a way which is clear, accessible and in an appropriate format.

3. Corporate complaint policy

3.1 The Council has a two stage procedure that is designed to support the effective management of complaints.

3.2 The target time for a response, for either stage, is **20 working days** from the receipt of the complaint. However, any complaint that falls within the remit of the Housing Directorate has a target response of **10 working days** at stage 1.

3.3 The person who first receives the complaint is responsible for logging the complaint on the Council's complaint system.

3.4 When a customer cannot be provided with a full response within the time-scale the customer will be notified immediately and given a revised time-scale as to when they can expect a full response to their complaint.

3.5 Stage one complaints

3.5.1 The service area the complaint has been made about will be responsible for recording, investigating and responding to the complaint.

3.5.2 Customers should direct their complaint to the service area responsible, detailing what they are unhappy about and what they would like the Council to do as a result of their complaint.

3.5.3 An investigating officer will be assigned by the relevant service.

3.5.4 The investigating officer should be independent of the complaint made. A complaint should not be responded to by a member of staff who has been named within a complaint. Wherever possible, the person responding to the complaint should be the manager of the person named within the complaint.

3.5.5 When a complaint is received which requires a response from more than once service, the service responsible for the main aspect of the complaint will lead the investigation and obtain responses from any additional service to include in the final response. These cases should be overseen by a manager.

- 3.5.6 The amount of time given for responding to a stage one complaint is **20 working days** (or **10 working days** for Housing complaints). If the complaint cannot be resolved on the spot, then the service must acknowledge the complaint within 5 working days and resolve to deal with the complaint in the remaining time left.
- 3.5.7 All services should aim to resolve and respond much quicker than the **20 working days** (or **10 working days** for Housing complaints), and as often as possible, aim to resolve on the spot.
- 3.5.8 In the event that a complaint takes longer than the **20 working days** (or **10 working days** for Housing complaints), the investigating officer will set and agree a revised timescale, of no more than **10 working days** as an extension, and keep the customer up to date on its progress.
- 3.5.9 A complaint may be upheld or not upheld. Any response to a complaint will determine and outline whether a complaint was justified or not, with clear reasons why.
- 3.5.10 Where complaints are upheld, the remedy needs to be appropriate to the complaint, taking into account the customer's desired outcome. The Local Government & Social Care Ombudsman (LGSCO) offers this general principle for guidance that,
- “Where we find that an injustice has been caused by maladministration, we seek a remedy that would, so far as possible, put the complainant back into the position he or she would have been in but for the fault”.***
- 3.5.11 The aim is to ensure as far as possible that broadly similar complaints, if justified, should receive broadly comparable remedies. There will be circumstances where the local authority is unable to put the customer back into the position he or she would have been in because of the amount of time lapsed or due to other events which may since have occurred. In such cases, financial compensation may be the most appropriate approach
- 3.5.12 If a customer is unhappy with the response to their complaint at stage one, they can ask for the complaint to be escalated to the second stage. In doing so, the customer is encouraged to clearly detail why they believe their complaint was not addressed in the first stage and why they remain unhappy.

Complaints should be escalated to stage two where the response at stage one is considered to be unclear, unhelpful or incomplete.

3.5.13 In order to request escalation of a complaint to Stage 2, the customer must have received a response to the Stage 1 complaint. Any request to escalate a complaint to Stage 2 due to non receipt of a Stage 1 response will be reviewed on a case by case basis by the Complaints Manager. Any request to escalate a complaint to Stage 2 should be made within 3 months of receipt of the Stage 1 response.

3.6 Stage two complaints

- 3.6.1 All stage two complaints will be investigated independently by the Complaints Resolution Team, on behalf of the appropriate service Director or Corporate Director.
- 3.6.2 The Complaints Resolution Team are responsible for recording, investigating and providing a detailed response to customers.
- 3.6.3 If a decision to refuse a request to escalate a complaint to Stage 2 is taken by the Complaints Manager, a letter will be sent to the customer explaining the reasons for refusal. This will include details of how a customer can escalate their complaint to the relevant Ombudsman if they remain unhappy with our decision.
- 3.6.4 The maximum amount of time given for responding to a stage two complaint in full is **20 working days**, with a customer receiving an acknowledgement within the first 5 days of this time-frame.
- 3.6.5 If a complaint is complicated and likely to take longer to resolve the investigating officer will set and agree a revised timescale, of no more than **20 working days** as an extension, and keep the customer up to date on its progress.
- 3.6.6 All stage two complaints will be signed off by the Director or Corporate Director for the service area or a nominated deputy.
- 3.6.7 The response sent will inform a customer that if they remain dissatisfied with how the complaint has been handled that they can complain to the Local Government and Social Care Ombudsman or the Housing Ombudsman Service (HOS).
- 3.6.8 If a customer remains dissatisfied after Stage 2 and prior to LGSCO or HOS involvement, to ask that a designated resident panel who are all tenants within the Borough, review the complaint. The Croydon Housing Complaints Panel is a panel of twelve Council tenants and leaseholders, who review complaints about the Council's housing services when the complainant is dissatisfied with the outcome of the Council's formal complaints process. The panel conduct complaint hearings and work with both the complainant and the Council to identify resolutions to complaints. The panel do not have authority to

enforce decisions; rather, their purpose is to identify resolutions to complaints. Where appropriate, the panel will refer complaints to either the Housing Ombudsman or the Local Government Ombudsman.

3.7 Local Government and Social Care Ombudsman (LGSCO) and Housing Ombudsman Service (HOS) complaints

3.7.1 If, after a stage two investigation, a customer is still not satisfied then they have the right to refer their complaint to the LGSCO or the HOS. The Local Government and Social Care Ombudsman (LGSCO) is an independent service organisation which investigates complaints against Councils (excluding landlord/tenant functions). The Housing Ombudsman Service (HOS) is an independent organisation which investigates complaints relating to tenant and leaseholder matters and landlord functions. For more details of the areas these organisations cover please see the following website link:

<https://www.lgo.org.uk/make-a-complaint/fact-sheets/housing>

3.7.2 Although a customer can take their complaint to the LGSCO or HOS at any stage, customers are expected to give the Council the opportunity to investigate the complaint in the first instance. For more information please contact the Complaints Resolution Team on the details below:

Email: complaints@croydon.gov.uk or Telephone: 020 8726 6000 (ext.44010)

3.7.3 If the LGSCO or HOS does become involved, all contact is made through the Complaints Resolution Team who will co-ordinate a response to the LGSCO or HOS.

3.7.4 The Council must submit a response to the LGSCO or HOS within **20 working days** of receipt, or within the specified time scale provided.

When the Council receives a complaint from the LGSCO or HOS these cases must be highlighted to senior level management to ensure they have visibility of these issues and appropriate action is taken to resolve them.

4. Exceptions

4.1 Certain types of issues and complaints fall outside of the Council's corporate complaints policy and procedure because there are other processes more suitable for dealing with them, or because they are outside of the Council's control. These include:

- Matters of law or central government policy;
- Complaints from staff about HR issues; including appointments, dismissals, pay, pensions and discipline. These are dealt with separately under the Council's HR policies and procedures;

- Freedom of Information or Subject Access Requests for reviews, or complaints about the decision, the information provided or how a request was handled. These are dealt with under a separate policy and procedure.
- Commercial or contractual matters, for example contracts for the supply of goods and services to the Council. However, complaints about the negotiation of council leases, or the disposal of Council land should be dealt with through this policy and procedure, as such complaints are within the jurisdiction of the LGSCO;
- Complaints where a customer or the Council has **started** legal proceedings but not where a customer has only threatened legal action;
- Complaints where a safeguarding investigation is triggered or underway cannot be dealt with via the complaints policy
- Complaints that have already been decided by a court or independent tribunal should not be accepted but complaints about the implementation of a court or tribunal's decision should be investigated, for example the recovery of Council Tax after a Liability Order has been obtained;
- Services for which there are alternative statutory appeal or tribunal processes, including:
 - Appeals against the refusal of planning permission or planning enforcement;
 - Appeals against statutory notices;
 - Parking appeals;
 - Complaints about 'registered' housing providers
 - School admission or exclusion appeals;
 - Special Educational Needs (SEN) Tribunals; and
 - Housing benefit appeals.

Where a customer is unhappy about the outcomes of their appeal or tribunal decision these have separate review procedures that remain outside of the Council's complaint policy and procedure

- 4.2 However, when a customer is unhappy about **the way that an appeal was handled**, for example a delay in preparing the Council's submission to the Housing Benefit Appeals Services, this should be dealt with under the Council's complaint policy and procedure.
- 4.3 If the complaint is about the attitude of staff when handling a planning application this falls under the Council's corporate complaint policy and procedure. The Council's complaints policy cannot overturn a Planning application decision.
- 4.4 If in doubt, it should be recorded and investigated as a complaint. If it is decided not to accept the complaint, a customer should be given a clear explanation as to why and if possible, an alternative route should be given. Details for the relevant Ombudsman should also be provided to the customer if they chose to challenge our decision.

4.5 A judgement needs to be made on a case by case basis as to whether to look into the substance of anonymous complaints. When an anonymous complaint is made it will obviously not be possible for a response to be provided back to that customer.

5. Link with other policies and procedures

5.1 Complaints about social care services

5.1.1 Different complaint procedures and time-scales apply to some complaints by users of the Council's social care services. These are dealt with under The Children Act 1989 Representations Procedure (England) Regulations 2006; and the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009.

5.2 Adult Social Care Statutory Complaints Procedure

5.2.1 This procedure only covers those services provided by, or commissioned by, Croydon Adult Social Care.

5.2.2 The procedure for the Adult's Social Care Statutory complaints only begins after we have checked that the person making the complaint has permission and consent of person who is subject of the complaint. This is particularly important when someone is making a complaint on behalf of someone else. The Adult's Social Care complaints procedure is a 1 Stage process.

5.2.3 All Stage 1 complaints will be acknowledged within 3 working days. Full consideration must be given as to whether the complaint received should be dealt with under the Local Authority Social Services and National Health Services complaint (England) Regulations 2009 statutory complaints procedure or the Council's own Corporate Complaints Procedure.

5.2.4 A full written response providing the complaint outcome will be sent to the complainant within 10 working days from the date the complaint was sent for investigation.

5.2.5 There will be occasions where statutory complaints due to their complexity exceed the service level agreement of 10 working days. In these cases as per the complaints regulations <https://www.legislation.gov.uk/ukxi/2009/309/regulation/14/made> We will aim to respond as soon as possible and will keep the complainant informed about the progress of their complaint throughout the investigation.

5.2.6 Next Steps - Ombudsman

If there is dissatisfaction with the outcome of the Stage 1 investigation, then the complainant may wish to refer the complaint to the Local Government and Social Care Ombudsman for consideration.

5.3 Children's Social Care Statutory Complaints Procedure

- 5.3.1 This procedure only covers those services provided by, or commissioned by, Croydon Children's Social Care. The Children's Statutory Complaints procedure is a 3 Stage process, in line with the Ombudsman guidance document 'Getting the best from Complaints'.
- 5.3.2 All Stage 1 complaints will be acknowledged within 3 working days. Full consideration must be given as to whether the complaint received should be dealt with under the Local Authority Social Services and National Health Services complaint (England) Regulations 2009 statutory complaints procedure or the Council's own Corporate Complaints Procedure.
- 5.3.3 A full written response providing the complaint outcome will be sent to the complainant within 10 working days from the date the complaint was sent for investigation.
- 5.3.4 There will be occasions where statutory complaints due to their complexity exceed the service level agreement of 10 working days. In these cases as per the complaints regulations <https://www.legislation.gov.uk/uksi/2009/309/regulation/14/made> we will aim to respond as soon as possible and will keep the complainant informed about the progress of their complaint throughout the investigation.
- 5.3.5 If there is dissatisfaction with the outcome of the Stage 1 complaint, the complainant may request to escalate their complaint to Stage 2. Any request for a Stage 2 Statutory Complaint must be made to the Complaints Manager.
- 5.3.6 The complainants request to escalate the complaint should be acknowledged within three working days.
- 5.3.7 At Stage 2, Children's social services complaints are investigated by an Independent Investigator and an Independent Person from outside of the Council.
- 5.3.8 Once an Independent Investigator and Independent Person have been instructed they will contact the complainant to take a statement of complaint.

- 5.3.9 Following a Stage 2 complaint investigation the Complaint's Team will work with the Director of Children's Services to provide a formal outcome adjudication letter.
- 5.3.10 An independent investigation usually takes between 25 and 65 working days. The complainant must be kept informed of progress.
- 5.3.11 If the complainant remains unhappy after receipt of the adjudication letter, they can request to be escalated to Stage 3 of the complaints process; this is a review panel, carried out by an independent Chair.
- 5.3.12 All requests for a Stage 3 complaints panel should be made to the Complaints Manager, who will be responsible for the arrangement of the panel hearing. The Complaint's Manager will ensure that the timescales as stated in the 'Getting the Best from Complaints' Ombudsman document, are adhered to.
- 5.3.13 Following the Stage 3 panel hearing, the Complaints Manager will work with the Corporate Director of Children's Services to provide a formal outcome adjudication letter.
- 5.3.14 If the complainant remain dissatisfied once they have received the Stage 3 adjudication letter they may wish to refer their complaint to the Local Government and Social Care Ombudsman to consider it further.
- 5.3.15 More information can be found on the Council's website:

Adult social care:

<https://www.croydon.gov.uk/democracy/feedback/complaints-procedure/acccomplaints>

Children's social care

<http://www.croydon.gov.uk/democracy/feedback/complaint/cssscomplaints>

5.4 Complaints about the conduct of Councillors

- 5.4.1 The local authority ethics committee is responsible for considering complaints where a Member may have breached the Code of Conduct.
- 5.4.2 The local authority ethics committee is responsible for considering complaints where a Member may have breached the Code of Conduct. Please see relevant information on the Council's website : <https://www.croydon.gov.uk/democracy/dande/ethics-committee/complaints> which includes details regarding the process which is followed in relation to such matters.

- 5.4.3 A complaint about the conduct of a Member of the London Borough of Croydon must be submitted in writing using the form:
<https://www.croydon.gov.uk/sites/default/files/articles/downloads/complaintform.pdf> via a letter or email, to:

Email: ethics@croydon.gov.uk

Write to:
(c/o Monitoring officer)
Legal Services
Resources Department
7th Flr , Zone C
Bernard Weatherill House
8 Mint Walk
CR0 1EA

5.5 Complaints about schools

- 5.5.1 Schools have their own complaints procedures and the Local Authority no longer has a role to play in investigating complaints. All schools are required to provide their Complaints Policy on their website and provide a paper copy on request.

- 5.5.2 Complaints about a school or a member of school staff should be made to the Head Teacher. Where a resolution is not found at this stage the complaint should be referred to the governing body. Complaints about the Head Teacher should be made to the Chair of Governors.

- 5.5.3 The contact details for schools in Croydon can be found via the following link:

<https://www.croydon.gov.uk/education/schools-new>

5.6 Complaints by persistent or vexatious customers

- 5.6.1 Croydon Council now has a separate policy and procedure as to how it manages customers who may be either persistent or vexatious. The link to this policy and procedure can be found at on our website.

5.7 Members, MP and Mayoral enquiries

- 5.7.1 Council Members, MPs and the Mayor can make a complaint on a customer's behalf under the corporate complaints procedure. However, if the matter raised does not come under the corporate procedure then Members, MPs and the Mayor can raise these issues as follows:

Council Members:

- Via the InFreemation App

MPs:

- To the director of the service concerned
- To the chief Executive

Mayor:

- Via the InFreemation App
- Directly on to InFreemation via Mayoral support workers

5.7.2 These enquiries are referred to the relevant Departmental Complaints Officer or will be dealt with under the departmental Members' Enquiries procedure.

5.7.3 The response time for enquiries from Members or MPs is within ten days from receipt of the enquiry. If the complaint is urgent it may be fast tracked and a response sent sooner.

6. Contact information

6.1 For more help or information, customers and staff can contact the complaint resolution team.

Email: complaints@croydon.gov.uk

Telephone: 020 8726 6000 (ext.44010)

6.2 Contact details for the LGSO are as follows:

Website: www.lgo.org.uk

Address:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Telephone: 0300 061 0614

6.3 Contact details for the Housing Ombudsman Service are:

Website: www.housing-ombudsman.org.uk

Address:

Housing Ombudsman Service
81 Aldwych
London
WC2B 4HN

Telephone: 0300 111 3000

Email : info@housing-ombudsman.org.uk