

Corporate Complaint and Compliments Procedure

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1. Introduction

- 1.1 Redcar and Cleveland Borough Council welcomes customer feedback regarding its services and staff and has a process for customers to express their views and opinions.
- 1.2 We will aim to ensure that everyone is treated fairly and consistently in expressing their views and opinions and we will be mindful of equality and diversity issues.
- 1.3 We will also ensure that a customer's concerns are taken seriously, and that they receive a timely response and an explanation of how any decision about an issue raised has been reached.
- 1.4 All service requests, complaints and compliments will be recorded, with the intention that this will help us to:
 - monitor our performance,
 - learn lessons for future,
 - inform and shape service delivery.

2. Principles and Purpose

- 2.1 We will ensure that our customers are at the heart of our complaints management, and we will use information provided as a learning opportunity with a view to avoiding similar complaints where possible.
- 2.2 We will use the information gained from complaints to drive improvements in the quality of the services we provide, and our relationship with our customers. Complaints regarding the services we provide, either ourselves or via our service providers, will be addressed through this procedure, unless otherwise stated.

3. Responsibilities

- 3.1 The Council will deal with complaints impartially, objectively, professionally, ensuring confidentiality of all parties as appropriate. We will treat complainants with respect, as we ourselves would like to be treated.
- 3.2 Complainants, or their representatives will not receive adverse treatment because they have made a complaint.
- 3.3 We will let complainants know which complaints procedure is being followed (see 4.12), what stage their complaint is at and what the next stage will be within the relevant procedure.
- 3.4 Equality of access is key as the Council deals with a diverse population, including vulnerable individuals. In implementing this policy, the Council will seek to ensure that its actions are in accordance with its obligations under the Equality Act 2010 and other policies which may be relevant in the circumstances of an individual complaint.
- 3.5 The Council's complaint handling procedure will be conducted in line with the Local Government and Social Care Ombudsman's ('Ombudsman') Complaint Handling Code. The Code provides guidance about good administrative practice to organisations under section 23(12A) of the Local Government Act 1974.

4. Definitions

4.1 Effective complaint handling enables individuals to be heard and understood. A shared understanding of what constitutes a service request and what constitutes a complaint is necessary as, in most cases, issues can be resolved through normal service delivery.

4.2 What is a service request?

A service request is defined as:

“A request that the organisation provide or improves a service, fixes a problem or reconsiders a decision.”

4.3 Service requests are not complaints but may contain expressions of dissatisfaction. The Council reserves the right to consider action under a service request before a complaint is considered.

4.4 A complaint may be raised when the individual expresses dissatisfaction with the response to their service request.

4.5 What is a complaint?

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.”

4.6 You can make a complaint if you are not satisfied with the outcome of a service request or:

- You feel you have not been treated with courtesy or fairness.
- You are unhappy about the standard of service you have received.
- You feel we have failed to provide a service to which you are entitled.
- You are unhappy about the action taken.

4.7 What is a compliment?

A compliment is defined as:

“An unsolicited statement of satisfaction or praise received from an outside source regarding an aspect of the service or an individual member of staff.”

4.8 The Council wants to hear from people when it gets things right. This helps us to understand what services people value. When we know what is working for our customers, we can develop as well as share good practice. This ensures we can continue to learn and improve. Compliments also help us to recognise and reward our staff when they “go the extra mile”.

4.9 When a compliment is received, the information will be shared with our senior managers so that they are aware of what their staff are achieving.

4.10 What is not a Corporate Complaint - Exclusions

Although each complaint is considered on its own merits, there are occasions when there is a valid reason not to treat an issue as a complaint. The following exclusions are not generally regarded as a complaint, and we would not usually consider them under our Corporate Complaints procedure:

- The first request for a service or where we have been given insufficient time to deliver that service according to our service standards – this will be dealt with as a Service Request via the Service Request process.
- A request for information or service.
- An explanation of a Council Policy or Procedure.
- Complaints about personnel matters including recruitment, pay, grievances, discipline etc.
- Insurance Claims.
- An appeal against a decision where a right of appeal exists, for example, appeals for housing benefit, appeals to the Planning Inspectorate, Home to School Transport appeals and appeals against parking penalty charge notices etc.
- Anonymous complaints - these issues will be sent to the relevant services for consideration.
- Matters that occurred more than one year ago, discretion will be considered where there are extenuating circumstances.
- Repetitious complaints - for example, complaints which have already been handled once under the Corporate Complaints Procedure will not be re-investigated unless the complainant raises new issues in relation to the matter or unless requested to do so by the Ombudsman.
- The person complaining or their representative has already commenced legal proceedings about the matter.

4.11 Schools are responsible for managing their own complaints, the Council has no legal right or duty to deal with complaints regarding school business, save for the following statutory exceptions:

- Issues surrounding the national curriculum - for example if a parent believes that the Council or governing body is failing to deliver the national curriculum in the school for a particular child.
- Religious education and worship.
- Admissions - if a parent feels that the Admission and Appeals Code has not been applied.
- Transfers to maintained schools.
- Special Educational Needs.

4.12 Some areas/aspects of the Council have their own complaint procedures, for example:

- Statutory Complaints Procedure for Adult Social Care
- Statutory Complaints Procedure for Children's Social Care
- Vexatious Complainants Procedure – Management of Unreasonable Complainant Behaviour
- Complaints about the Conduct of a Councillor

4.13 On receipt of a complaint deemed to meet the criteria for one of the above complaint procedures, the complaint will be assigned to the relevant Officer responsible for the procedure.

4.14 Where the Council find that there is a valid reason for not treating an issue as a complaint, we will contact the complainant, to explain our rationale, and signpost the complainant to the Ombudsman.

5. Who Can Make a Complaint or a Compliment?

- 5.1 Anyone who uses or is affected by our services can make a complaint. These include:
- Residents
 - People who work in or visit the borough.
 - Local businesses.
 - Community groups.
- 5.2 Some people may need help to make a complaint and, so, we accept complaints made on their behalf, if they have the complainant's consent. Complaints could be made, for example, by a concerned relative / carer, a solicitor or other appointed advocate.
- 5.3 The Council reserves the right to limit correspondence with any such party that falls out of the above categories.
- 5.4 In cases involving children or vulnerable people, if it seems that the person may be unable to give their consent to proceed with a complaint or to appoint somebody to act on their behalf, we will need to make a judgment as to whether it is appropriate to accept the complaint from their representative.
- 5.5 Councillors can use the complaints procedure in their capacity as citizens and service users; however, the complaints procedure is not appropriate for complaints which arise from undertaking their roles as a member of the Council.

6. Vexatious Complaints - Management of Unreasonable Complainant Behaviour

- 6.1 The Council is committed to dealing with all complaints fairly and impartially and to provide a high-quality service to those who complain. In a very small number of cases, where a complainant's behaviour may become unacceptable the Council has a duty to protect its staff from behaviour, which is abusive, offensive, or threatening.
- 6.2 Unreasonable or vexatious behaviour by a complainant may include, but is not limited to:
- Repeated shouting at a member of staff, swearing, threats, and name-calling.
 - Obsessive, harassing, or prolific behaviour.
 - Making the same complaint repeatedly or with minor differences but never accepting the outcome.
 - Making unjustified complaints about staff who are trying to deal with the issue and seeking to have them replaced.
 - Seeking an unrealistic outcome and persisting until it is reached.
 - A history of making other unreasonably persistent complaints.
 - Sending unnecessarily persistent e-mail communications to numerous Officers.
- 6.3 Where it is considered that such behaviour means the relationship has become unworkable and/it is necessary to protect staff, the Vexatious Complainants Procedure may be instigated.

7. How Can a Complaint or Compliment be Made?

- 7.1 A complaint or a compliment can be made to any member of Council's staff, however, to assist, contact can also be made by the following methods:

Online: www.redcar-cleveland.gov.uk/about-the-council/compliments-and-complaints-procedures/corporate-complaints-and-compliments

Telephone:
01642 774774

By Post to:
Redcar & Cleveland House, Kirkleatham Street, Redcar
Yorkshire. TS10 1RT

In Person:
At any Council Office

By E-mail
Complaints@redcar-cleveland.gov.uk

- 7.2 The Council is committed to ensuring that all the services we provide are relevant and are fully accessible to all sections of the community who may need them. As part of the initial contact, we will ascertain if the complainant requires any reasonable adjustments under the Equality Act 2010. The Council will keep a record of any reasonable adjustment agreed and keep them under active review.

8. Stages of the Corporate Complaints Procedure

Please see Appendix 1 for a flow chart of the two stages of the Corporate Complaint's procedure

8.1 Acknowledging Corporate Complaints

- 8.2 Once the complaint process is instigated, the Complaints Team will acknowledge a complaint within 5 working days of receiving it.

- 8.3 All acknowledgement letters will include a link to the Corporate Complaints and Compliments Procedure.

8.4 Stage 1 Complaint – Corporate Complaints Procedure

An Investigating Officer in the Directorate concerned will be designated the task of considering the complaint and addressing the issues raised where appropriate. A response in writing must generally be sent to the complainant within 10 working days of the complaint being acknowledged by the Complaints Team.

- 8.5 Where it is not possible to reply to the complaint within this length of time, the Investigating Officer can request an extension of up to 10 working days. This provision for an extension should not be used as a matter of course and only utilised where a complaint may be:

- more complex to resolve.
- a key witness is unavailable for part of the time.
- the complaint involves several agencies.
- all or some of the matters concerned are the subject of a concurrent investigation.
- there are other extenuating circumstances in which it is reasonable for the timescale to be extended.

- 8.6 If an extension is required, the Complaints Team will contact the complainant and advise them of the reason for the extension and the expected timescales of the response. Additionally, the contact details of the Ombudsman will be included in the letter.
- 8.7 The Stage 1 response letter should address all points raised by the complainant and provide clear reasons for any decisions, referencing relevant policy, law, and good practice where appropriate.
- 8.8 Stage 1 response letters should advise that any request made by the complainant to move to Stage 2 of the Corporate Complaints Procedure should be received by the Complaints Team within 20 working days of the Stage 1 response letter. In addition, the Stage 1 response letter should confirm that the complainant may refer the complaint to the Local Government & Social Care Ombudsman at any point during the Corporate Complaints process.
- 8.9 If dissatisfied with the outcome set out in the Stage 1 response letter, the complainant should notify the Complaints Team in writing within the 20 working days timescale set out above.
- 8.10 Stage 2 Complaint – Final Response – Corporate Complaints Procedure
- Once a complainant has notified the Council that they are dissatisfied with the response at Stage 1, the Complaints Team will acknowledge receipt of the escalation request. The acknowledgement letter should be sent within 5 working days of the receipt to move to Stage 2 of the Corporate Complaint Procedure.
- 8.11 A Stage 2 Final Response review will then be undertaken by a relevant senior officer from the service area concerned or, where appropriate, another senior officer who has not been party to any issue relating to the complaint.
- 8.12 The Stage 2 complaint Final Response should be notified to the complainant within 20 working days of the acknowledgement letter. Where it is not possible to reply to the complainant in this length of time, the Investigating Officer can request an extension of up to 20 working days, following the extension requirements as set out in paragraph 8.5.
- 8.13 If an extension is required, the Complaints Team will contact the complainant and advise them of the reason for the extension and the expected timescales of the response. Additionally, the contact details of the Ombudsman will be included in the letter. As per Stage 1, use of the provisions for extensions should be used as a matter of course.
- 8.14 The Stage 2 Final Response letter should address all points raised by the complainant and provide clear reasons for any decisions, details of any remedies offered, details of any outstanding actions and details of how to escalate the matter to the Ombudsman if the complainant remains dissatisfied.
- 8.15 If the complainant remains unhappy following the Stage 2 Final Response, they have the right to refer the matter to the Ombudsman, which is the independent body that investigates complaints about councils. However, the Ombudsman will usually only investigate complaints when the council's own complaint procedure has been exhausted or if there has been advice from the council to contact the Ombudsman.

The Local Government and Social Care Ombudsman can be contacted in the following ways:

Website: www.lgo.org.uk

Telephone: 0300 061 0614

On-line: www.lgo.org.uk/making-a-complaint

Post: The Local Government & Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH

9. Putting Things Right - Remedies

- 9.1 When it is found there has been fault on the part of the Council, we need to put things right by acknowledging our mistakes and apologising for them, explaining why things went wrong and what the Council will do to prevent the same mistake happening again.
- 9.2 Any remedy offered should reflect the impact on the individual(s).
- 9.3 So far as possible, we will aim to place the complainant back in the position they would have been if there had been no fault. Sometimes it is not possible to do this, and, in such cases, compensation may be appropriate. In other cases, a remedy could include:
- **Taking some specific action** – such as assessing payment of Housing Benefit or reconsidering a decision.
 - **Paying some compensation** – money is not the only, or necessarily the best, remedy in every case, but the Council will generally consider payment of compensation if people are out of pocket because of its mistakes, or if they have been caused undue hardship, inconvenience, or distress. In making such payments, the Council will follow the guidelines issued by the Ombudsman in deciding the appropriate amount of compensation. These can be found on the Ombudsman's website at www.lgo.org.uk/information-centre/staff-guidance/guidance-on-remedies

10. Performance Reporting and Continuous Learning Improvements

- 10.1 To demonstrate the Council's accountability and transparency to promote a positive organisational performance culture the Council's Monitoring Officer will oversee the Council's complaint handling performance. The Monitoring Officer will assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.
- 10.2 In addition, the Governance Committee will lead on responsibility for complaints in governance arrangements acting collectively as the 'Member responsible for Complaints'.
- 10.3 The Committee will receive regular information on complaints that will provide insight on the Council's complaint handling performance, this will include:
- Regular updates on the volume, categories, and outcomes of complaints, alongside complaint handling performance.
 - Regular reviews of issues and trends arising from complaint handling.
 - An annual complaints performance and service improvement report.
- 10.4 An annual complaints performance and service improvement report will be produced for the Committee and will be published on the Complaints section of the Council's website. It will include the following:
- An annual self-assessment against the Ombudsman's Complaint Handling Code.
 - A qualitative and quantitative analysis of the Council's complaint handling performance. This will include a summary of the types of complaints and complaints that the Council has refused to accept.
 - Findings of non-compliance with the Ombudsman's Complaint Handling Code.

- Service improvements made because of the learning from complaints.
- The annual letter about the Council's performance from the Ombudsman.
- Any other relevant reports or publications produced the Ombudsman in relation to the work of the Council.

10.5 In addition to the annual self-assessment, where significant changes within the Council occur, for example, restructures, changes in procedures and unforeseen events such as cyber-attacks or industrial action a self-assessment will be undertaken immediately.

11. Confidentiality

- 11.1 The Council considers the importance of confidentiality when handling any complaints. However, to enable a complaint investigation to be undertaken, a person's information will be shared with the investigating officers and, on occasion, other officers as reasonably necessary in order to consider the complaint effectively.
- 11.2 Personal information will not be shared with anyone unnecessarily and will be handled in accordance with the requirements of the Council's Data Protection Policy and the provisions of the General Data Protection Regulations (GDPR) and the Data Protection Act 2018.
- 11.3 If information is given to the Council in confidence, the information will not be disclosed without consent, unless the Council has a legitimate or legal reason to do so, for example a safeguarding concern.

12. Retention of Documents

- 12.1 All records will be kept in line with the Council's retention periods. Complaints, compliments and case records are kept for six years from the close of the case, after this time all details will be deleted from the Council's systems permanently.

13. Use of Artificial Intelligence

- 13.1 Artificial intelligence (AI) is growing in use, and we are aware that many complainants are submitting AI generated complaints. While complainants are entitled to choose how they submit, review and respond to our correspondence, we would like to advise that AI-generated content can sometimes include false or unsupported claims.

To maintain the integrity and reliability of communications with us, we advise that any AI generated material is verified before including in your communications with us. This will help to avoid any potential misinterpretations or the inclusion of incorrect information.

14. Review of the Corporate Complaint and Compliment Procedure

- 14.1 The Corporate Complaint and Compliment Procedure will be reviewed biennially as a minimum or where the Council deem it necessary, following the notification of Complaint Handling Code changes or best practice guidance from the Local Government and Social Care Ombudsman.
- 14.2 The Council reserves the right to make amendments to this procedure at short notice, or in any situation that warrants an immediate amendment being introduced.

Appendix 1 - Redcar and Cleveland Borough Council Corporate Complaints Procedure

