

Enfield Council

Corporate Complaints Policy

Contents

1	Introduction	1
2	What is a complaint?	1
3	What is the time limit for making complaints?	3
4	How complaints can be made?	3
5	Who can make a complaint?	4
6	Stages in the Complaints Procedure	5
7	Remedies and Redress	6
8	The Ombudsman	7
9	Complaints spanning more than one service area	8
10	Complaints involving other agencies/contractors	8
11	Performance Monitoring	8
12	Publishing Complaints Data	9
13	Relevant legislation	9
14	Persistent, threatening or vexatious behaviour	10
15	Review	11

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1 Introduction

We acknowledge that – despite our best intentions – things do sometimes go wrong. When this happens, we want to put things right. We want our customers to be satisfied with our services. We welcome hearing our customers' comments, compliments and complaints to better understand how they view our services and to use these valuable opportunities to learn and improve for the future.

This policy provides the framework for ensuring that complaints received across the Council relating to corporate services are handled consistently, fairly and effectively.

1.1 Aims and Objectives

This policy will deliver the following results:

- enabling our customers to provide feedback about their experience
- ensuring that complaints are handled consistently, appropriately and effectively
- resolving customer concerns at the first point of contact, where possible
- ensuring that complaints are addressed and responded to in a timely manner.
- remedying failures appropriately and proportionately
- learning from complaints and making improvement to services
- monitoring the effectiveness of the complaints' process

1.2 Scope

This policy applies to complaints about any of the services provided by the Council, except:

- Statutory appeals (parking, housing, council tax, benefits, school admissions, school exclusions etc.)
- School complaints
- Complaints concerning children's or adult social care.

Complaints regarding these matters are handled through separate procedures. Further information can be obtained from the Complaints and Access to Information Team.

2 What is a complaint?

2.1 A complaint is an expression of dissatisfaction, however made about the standard of service, actions or lack of actions by the Council, its own staff, or those acting on its behalf, affecting an individual resident/ service user or group of residents.

2.2 Complaints may, for example, be about:

- The fairness or professionalism of interaction with officers
- 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

2.2 The majority of issues can be successfully resolved at the point of service delivery. Services should be proactive in speaking directly with customers and working together to address any issues as they arise. We therefore encourage customers to contact the service concerned before submitting a formal complaint as this may enable the service to quickly put right or resolve an issue for the customer who simply would want the matter swiftly resolved.

2.3 The following will not be considered under the Council's complaint procedure:

- Initial request for a service
- Requests for information
- Staff grievances
- Disagreement with Council policy or decisions
- Matters that would be more appropriately considered by an insurer
- Matters subject to a legal right to appeal or a review
- Matters relating to court proceedings or investigations by other appropriate bodies (e.g. Police)
- Matters upon which a Court, Tribunal or Appeal body has already ruled.
- Persistent and Vexatious complainants (please refer to separate policy)

2.4 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.

2.5 **Anonymous complaints**

Anonymous complaints fall outside of the scope of the corporate procedure and it is for the Council to decide what action it should take. A decision will be made on a case-by-case basis about whether it is possible or appropriate to consider anonymous complaints.

3 What is the time limit for making complaints?

- 3.1 It is far easier to find out what happened and to put things right if complaints are received at the time. As time passes it becomes more difficult to investigate events fairly and fully – people’s memories fade, staff who were closely involved may have left the Council, or records may no longer be available.
- 3.2 For these reasons, the Council will normally only accept complaints made within twelve months of the incident or circumstances that led to it. However, if there are exceptional circumstances provided by the complainant for the delay in submitting the complaint, the Council may make a discretionary decision to consider the matter.
- 3.3 If the Council receives a complaint and decides not to accept it because it is out of time we will advise the customer and explain why.

4 How complaints can be made?

- 4.1 A key priority of the Council is to improve the efficiency of communication with our customers and we consider that online systems are useful in helping to achieve this aim. As such, we encourage our customers to submit any feedback or complaint via the online form which can be found at: www.enfield.gov.uk/tellus
- 4.2 Where electronic access is not possible, complaints may be made by telephone or face-to-face, by visiting any Council office (during office hours) or by post.
- 4.3 Complaints received via social media (e.g. twitter: twitter.com/EnfieldCouncil; and Facebook: www.facebook.com/pages/Enfield-Council/252946378095154) will be forwarded to the relevant service area and handled in keeping with this policy.
- 4.4 In order for us to deal effectively with a complaint, it is helpful for the complainant to provide information on any prior contact with the service. This may include the name of the officer who has been involved in matters, copies of correspondence and any other useful background information. All complaints are recorded and tracked by the central complaints and information

team; customers will also receive acknowledgement that their complaint has been received and logged.

5 Who can make a complaint?

- 5.1 Complaints may be made by anyone who is affected, either because the Council (or someone acting on its behalf) has failed to do something we should have done or have done something to an unsatisfactory standard.
- 5.2 The person affected may choose to ask someone else to complain on their behalf, such as relative, carer or friend.
- 5.3 Complaints can also be made through a Councillor, Member of Parliament, or another elected person. Correspondence from these individuals will continue to be dealt with in keeping with the Corporate Complaint.
- 5.4 Where appropriate, the Council will seek consent from the service user for us to correspond with any third party on their behalf. This ensures compliance with data protection requirements and that the service user's wishes are being fulfilled. We will require written authority from the person that is being represented, that they give permission for you to act on their behalf. This permission would only be for dealing with this complaint/case and not for other matters across the council. If you have power of attorney, you would need to provide the proof and that would cover you for all communications with the council.
- 5.5 The person affected may also choose to ask an advocate or representative to act on their behalf. We will require signed consent from the person to authorise that they are happy for a representative to bring a complaint to the Service on their behalf. We will also need confirmation (where applicable) from the person to confirm if they wish to be contacted about their case directly or if case updates should be provided to their representative/advocate.
- 5.6 Where the service user is a child their consent to sharing information will be gained where they are of sufficient age and understanding. If they are not of sufficient age and understanding the Council will determine whether the third party is acting in the service user's best interest.
- 5.7 Regarding vulnerable adults, who do not have the capacity to consent, we will decide how to progress the matter in accordance with the Mental Capacity Act 2005.

- 5.8 Where appropriate, we will signpost complainants to relevant advocacy services. Where the complainant or service user is a child, we will provide an advocacy service if required.

6 Stages in the Complaints Procedure

First Stage

- 6.1 Our priority is to resolve concerns and complaints as soon as they come to our attention. We therefore expect customers to first approach the team or person responsible for delivering the service they are unhappy with so that the matter can be addressed. Where appropriate, we may refer concerns and complaints to the relevant team, in the first instance, to be dealt with, as a service request. The timescales of which would be outside of the complaints process
- 6.2 We aim to acknowledge the matter within 5 working days. From this point, the timescale will commence. Matters should be resolved locally by the service area as soon as possible and within 10 working days of the acknowledgement; for complex cases, this may be extended for up to a further 10 working days. If matters cannot be resolved within the maximum timescale of 20 working days, we will contact the complainant to let them know of delay and advise when we are able to respond by.
- 6.3 Where further information is required from the complainant, we will put on hold the response timeframe until such information has been received. The complainant will therefore be notified that their complaint will be reopened and progressed further once we have received the necessary information.
- 6.4 On receipt of a response to your 1st stage complaint, if you remain unhappy with the response you can request an escalation to the final stage of the complaints process. The timescales for handling complaints are outlined on Appendix A.

Final Stage

- 6.5 The complaint is investigated and responded to by a senior manager who has direct responsibility for the staff involved or the issue complained about. At this point, we will seek to clarify the complaint (if appropriate), together with the expectations and remedy sought from the complainant. Where further information is required from the complainant, we will put the case on hold until such information has

been received. The complainant will also be notified that their complaint will be reopened and progressed further once we have received the necessary information.

- 6.6 We aim to acknowledge the matter within 5 working days. The response will be provided as soon as possible and within 30 working days of the acknowledgement. If the response will not be completed within this timeframe, we will contact the complainant to let them know of the delay and advise when we are able to respond by.
- 6.7 For complaints covering tenancy matters, services provided as a landlord or freeholder, the Council will adhere to the requirements of the Housing Ombudsman's [Complaints Handling Code](#).
- 6.8 In the vast majority of cases a written response will be provided to the complainant. However, in some cases, it may be more appropriate to first respond verbally (via telephone or face-to-face), followed by a written confirmation of the conversation and outcome.
- 6.9 The response will clearly state what decision has been reached regarding the complaint. Where the complaint has been upheld or partially upheld, the response will contain:
- an explanation of what happened and why things went wrong
 - an apology for service failures
 - details of the corrective action to be taken and appropriate redress
 - the timescale within which the action will be taken
 - the name of the officer responsible for ensuring that action is taken and their contact details
 - appropriate and clear instructions about anything the complainant needs to do
 - where appropriate, details of the actions to be taken to prevent a recurrence of the problem

Where the complaint is not upheld the response will provide:

- background information relevant to the complaint
 - an explanation of the decision
- 6.10 A draft of the final stage response will be sent to the customer a minimum of 5 working days before the due date, to enable them to comment on the response and identify any corrections. If no response is received from the customer within working 5 days, it will be assumed that the customer has no comments and the Final Stage response sent out again as a completed and the case will be closed.
- 6.11 The response usually represents the Council's final response and will advise the complainant of their right to escalate matters to the Ombudsman, should they remain dissatisfied.

7 Remedies and Redress

- 7.1 The Council will offer appropriate remedy and redress, in accordance with guidance provided by the Local Government and Social Care Ombudsman or Housing Ombudsman Service as appropriate.
- 7.2 When a complaint is upheld, we will consider the appropriate remedy, examples of which include:
- A written apology and full explanation. Where appropriate, this may be conveyed in person and confirmed in writing.
 - Taking action that will make up for, as much as is reasonably practicable, any harm or inconvenience caused as a result of the issue that led to the complaint.
 - Where a service has been wrongly denied to anyone, or has been wrongly withdrawn, it shall be provided or restored as appropriate.
 - Where a complaint has revealed defective procedures within the Council, we will take action to change those procedures to prevent a recurrence.
 - If the financial loss or damage is specifically attributable to the Council's wrongful action or inaction, the Council shall consider full, or appropriate, reimbursement of that loss or damage.

8 The Ombudsman

- 8.1 The Local Government and Social Care Ombudsman and the Housing Ombudsman ('The Ombudsman') considers complaints about public bodies including local authorities. The Ombudsman investigates complaints about poor service, failure to provide a service and administrative failure.
- 8.2 If after going through the Final Stage of the procedure a complainant remains unhappy with the way their complaint has been handled by the Council, they have the right to complain to the Ombudsman.
- 8.3 In most cases, the Ombudsman will normally only consider complaints if the complainant has exhausted the Council's complaints procedure. However, the Ombudsman has discretion to investigate a complaint prior to the Council conducting its own investigation. For example, where the Ombudsman deems the complainant to be vulnerable or the case raises an issue of general concern to the public.

9 Complaints spanning more than one service area

9.1 In the event that a complaint involves more than one service, we will aim to send a co-ordinated single response to the complainant. We will advise the complainant of how the matter will be handled when we acknowledge their complaint. Due to the increased complexity and oversight in co-ordinating a response, such complaints are more likely to be classed as complex and require additional time to respond.

10 Complaints involving other agencies/contractors

10.1 Some Council services are provided by external contractors. In those cases the contractor may be required to reply to a complaint, but they are expected to conform to the Council's standards for dealing with complaints.

10.2 Where the service is provided jointly with another agency we will endeavour to resolve matters with our customers and the agency. Where attempts have been unsuccessful or where the complainant is dissatisfied, we will consider the complaint under our corporate policy at escalated stage.

11 Performance and monitoring

11.1 The monitoring and review of complaints give valuable information about customer perception and service performance and identify areas of organisational learning from complaints to drive service improvement.

11.2 The Council will collect information on the total number of complaints received across each stage of the process. Number of complaints answered within timescales, and their outcomes, are also monitored.

11.3 The following information is captured, where possible, for every complaint:

- name, address and contact details of the complainant;
- details of the complaint;
- equality monitoring details - age, gender, disability and ethnicity.
- complaint tracking information (date of receipt, acknowledgement and response);
- complaint resolution details
- lessons learnt

- 11.4 This information will be used to produce management reports to monitor service performance, highlight areas of service failure and gaps in provision and identify areas for service improvement.
- 11.5 To assist with our service improvement agenda we may, where appropriate, contact individuals who have made complaints to seek their views on their experience of the process.
- 11.6 The Council is committed to equal opportunities and tackling all forms of discrimination. To assist the Council in identifying areas where there may be discrimination in service provision, we will undertake periodic equality monitoring to assess whether there is any underrepresentation of any parts of the community and whether there are any equalities issues underpinning the issues raised by complainants.

12 Publishing complaints data

- 12.1 The complaints procedure and annual reports will be reported to the appropriate Committee or Scrutiny Panel of the Council, and published via the Council's website. All publicity materials for the procedure will be presented in plain English.

13 Relevant Legislation

- 13.1 There are a number of key areas of legislation that the Council must adhere to in the course of dealing with complaints.

Data Protection

- 13.2 The Data Protection Act 2018 provides protection for personal information, which is information which affects someone's privacy, and gives individuals the rights to access information held about them, and to correct wrong information held about them. Also, the Council must notify the Information Commissioner of all processing of personal information which is carried out on its behalf.
- 13.3 In accordance with the Council's obligations under the Data Protection Act 2018, all personal information provided by complainants is only retained by the Council for as long as necessary and shared with other Council departments where necessary.

Freedom of Information

13.4 The Freedom of Information 2000 gives people the right to access information held by public authorities. The Act ensures that, subject to certain limited exemptions, anyone can receive information that they request from a public authority. The Council is committed to the principles of openness, transparency and accountability in its activities and supports the right of any person to seek information under the Act.

Human Rights

13.5 The Human Rights Act 1998 came into force on 2nd October 2000. So far as is possible, public authorities should interpret the legislation and regulations with which we work, and act in a way which is compatible with The European Convention on Human Rights.

13.6 Our Corporate Complaints policy and procedure reflects some of the main principles of the European Convention of Human Rights by:

- providing a fair and accessible procedure;
- providing a two-stage process, with review by the Corporate Complaints Manager;
- providing for disclosure of relevant information to all parties; and
- reflecting the Council's equality policy by seeking to ensure that no person is the subject of discrimination

Equality Act 2010

13.7 The Equality Act ensures that an individual should not be discriminated against on any of the following grounds: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity.

Localism Act 2011

13.8 Please refer to paragraph 8.4, above, regarding referring a complaint to the Housing Ombudsman.

14 Persistent, Vexatious or threatening behaviour by complainants

14.1 People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint being made to the Council. As a Council we do not view behaviour as unacceptable just because a claimant is forceful or determined, however the

actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the Council and unacceptable behaviour towards the Council's staff.

- 14.2 In such exceptional circumstances, the Council has the right to specify how the individual complaint will be handled and how future contact from the complainant will be permitted. A separate policy on Responding to Persistent and Vexatious Complainants sets out the procedures for handling such complaints.

15 Review

- 15.1 This policy will be reviewed annually to ensure that it continues to meet the needs of customers and compliance with legislation and best practice.

Appendix A

Timescales

Activity	Standard Timeframe	Extended Timeframe
Making a complaint	12 months from the incident occurring	At the discretion of the Council
Acknowledging an initial complaint	5 working days	N/A
Responding to an initial complaint	10 working days (from acknowledgement)	A further 10-days (so maximum 20 working day response timescale)
Escalating a complaint from Initial Review to Final Review	20 working days	At the discretion of the Council
Acknowledging a final complaint	5 working days	N/A
Responding to a final complaint	30 working days (from acknowledgement) (or in compliance with Housing Ombudsman Code for tenancy complaints)	N/A
Complaining to the Local Government and Social Care Ombudsman	12 Months after the complainant becomes aware of the issue	At the discretion of the Local Government and Social Care Ombudsman
Complaining to the Housing Ombudsman	With the assistance of a Councillor or MP. Otherwise, no earlier than 8 weeks. In all cases the complaint must be made within 12 months after the Council's final stage response.	At the discretion of the Housing Ombudsman

