

# Corporate Complaint Policy

## Document Control

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## Change History

Version	Date	Description	Change ID
1		Corporate complaints and Comments Procedure V1 2002	
2		Corporate complaints and comments procedure V2 2005	
3		Corporate Complaints Policy V3 2008	
4		Corporate complaints Policy	
5		Updated contact information and timescales for responding to Stage 1 and stage 2 complaints	
6		Corporate complaints policy and produced to be in line with LGO Complaint Handling code.	



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## 1. Purpose

1.1 The purpose of this policy is to assist employees in understanding their responsibilities in respect of complaints from members of the public, organisations and other complainants regarding services provided by or actions taken by the Council.

1.2. This policy applies to Corporate Complaints made to West Berkshire Council, whether written or verbal, but excludes complaints regarding social care or complaints made to schools for which other policies exist. Employees wishing to make a complaint about the Council should refer to the Grievance Procedure and the Whistleblowing Policy.

1.3. The Chief Executive and Corporate Board have approved the Corporate Complaints Policy.

## 2. Applicability

2.1 This Policy applies to:

2.1.1 All non-school based employees working for the Council, including those working from home or at non-Council locations.

2.1.2 Other persons including Elected Members, Consultants, Agency staff and Contractors working for the Council, external organisations working with the Council, whilst engaged on Council business.

2.2 It is the responsibility of each employee and other person mentioned in Section 2.1.2 to familiarise themselves with and adhere to this Policy.

2.3 Adherence to this Policy is a condition of working for the council or using its assets.

2.4 This document is published on the Council's website here:

<https://www.westberks.gov.uk/complaints>

2.5 This Policy has had consultation with Service Directors and Service Leads and has been ratified by the Council's Corporate Board.

2.6 This Policy does not apply to complaints involving social care as separate statutory processes exist for these. See :-<https://www.westberks.gov.uk/article/38998/Adult-Social-Care-Complaints-and-Feedback> and <https://www.westberks.gov.uk/article/39726/Children-and-Family-Services-Complaints>.

## 3. Policy

3.1 It is the Policy of the Council to ensure that:

3.1.1 All complaints shall be processed promptly and where possible within the published timescales in 3.2

3.1.2 All complaints shall be handled confidentially.

3.1.3 Advise and assistance shall be offered to help any enquirer frame their complaint. Complaints may be accepted verbally or resolved verbally

where a written complaint or written response cannot be provided, for whatever reason.

- 3.1.4 Where complaints are made to a Councillor(s) they will be referred to the appropriate officer for investigation. The councillor(s) will be copied on any response to the complainant.
- 3.1.5 Where complaints are made to an MP and referred to the authority, as a response will be provided by the Chief Executive (or in his absence, a senior manager) to the MP.
- 3.1.6 All complainants shall be kept informed of the progress of their complaint and of any delays
- 3.1.7 All complainants shall be advised of their right to question the response received and request a formal review (Stage 2).
- 3.1.8 All enquirers shall be advised of their right, if they remain dissatisfied, to take any complaint to the Local Government and Social Care Ombudsman once the Council's Complaint process has been completed,
- 3.1.9 The Council aims to handle all complaints fairly and honestly regardless of who makes the complaint. The Council will treat members of the public equitably and will not show bias to any particular individual or group.
- 3.1.10 The council will only consider a complaint which has been made to the authority or a member of the Council within twelve months of the date on which the person framing the complaint first had notice of the matters alleged in the complaint, unless it is reasonable for the Council to investigate the complaint outside this timescale.
- 3.1.11 The Council will only consider a complaint about an ongoing statutory or regulatory process (such as enforcement) where the complaint relates to maladministration in its operational or administrative processes.
- 3.1.12 The Council will not consider a complaint about an issue where an alternative statutory remedy for the complainant to pursue their complaint exists (e.g. school admissions, penalty charge notices etc.), or where an alternative remedy such as legal action is being sought.
- 3.1.13 The council will not re-address a complaint on broadly the same or similar lines where the issue has already been addressed through the complaints process and has reached a resolution, unless new evidence or information is provided, or a completely new issue is raised. Such complaints may be designated persistent and prolific and be managed in accordance with the relevant procedure.
- 3.1.14 The Council will not re-consider a complaint where resolution has already been proposed by the Local Government and Social Care Ombudsman (LGO) unless requested to do so by the LGO following a review.

- 3.1.15 All complaints shall be monitored and performance indicators made available to demonstrate compliance with the agreed timescales
- 3.1.16 All staff shall be provided with training, guidance and procedures to enable them to manage complaints.
- 3.1.17 A member, or members, of staff shall be assigned specific responsibility for the management and monitoring of complaints.
- 3.1.18 The management of the complaints process shall be regularly audited to ensure compliance with the Council's Standard Procedures.

3.2 Timescales for responses shall be: 5 working days for acknowledgement, 10 working days for providing a response at Stage 1 and 20 days for providing a response at Stage 2. Where the timescales for a response will be exceeded, the appropriate officer shall notify the complainant in writing of the delay and the revised date for a response. Complainants shall be allowed 30 working days in which to raise a Stage 2 complaint after the provision of a response at Stage 1. These and other processes are detailed within the Complaints Procedure.

#### **4. Implementation**

4.1 This Policy will be supported and implemented by the development and publication of Standards (requirements), Procedures (how to) and Guidance (advice).

#### **5. Roles and Responsibilities**

5.1 The overall responsibility for Corporate Complaints management and monitoring within West Berks Council rests with Executive Director for Resources.

5.2 The responsibility for day-to-day management of Corporate Complaints management and monitoring throughout West Berkshire Council rests with the Service Directors for the service area of the complaint. The Service Lead for Customer Engagement and Transformation (or their nominated representative) will be responsible for maintaining this Policy, for reviewing all other security policies and procedures and for providing advice and guidance on their implementation.

5.3 All managers are directly responsible for implementing this Policy and any sub policies and procedures within their service areas, and for the adherence of their staff and others (2.1.2).

5.4 All personnel detailed at 2.1.1 and 2.1.2 have an individual responsibility to adhere to this Policy and any relevant Standards and/or Procedures.

#### **6. Failure to comply with WBC Complaints Policy**

6.1 This document provides Council employees and others with essential information regarding Corporate Complaints and sets out conditions to be followed. It is the responsibility of all to whom this Policy document applies to adhere to these conditions. Failure to do so may result in:

- withdrawal of access to relevant services
- informal disciplinary processes

- formal disciplinary action (in accordance with Section \* of the Employee Handbooks)

6.2 Additionally, if, after internal investigation, a criminal offence is suspected the Council may contact the police or other appropriate enforcement authority to investigate whether a criminal offence has been committed.

## 7. Review

7.1 This policy will be reviewed to respond to any changes and at least every 1year.

7.2 The Service Lead for Customer Engagement and Transformation is responsible for reviewing and maintaining this Policy.

## 8. Further Information

The Corporate Complaints Procedure, Persistent and Prolific Complaints Handling Procedure and copies of the 'Complaint leaflet', 'Your Right to a review- Stage 2 Complaints' and the staff guide 'Corporate Complaints: Guidance for Staff' are available on the complaints page on the website <https://info.westberks.gov.uk/complaints> and the intranet <http://intranet/index.aspx?articleid=32582>.

## 9. Glossary

A **complaint** is defined as..

*“an expression of a dissatisfaction about the standard of service and/or its delivery, lack of action by the council, its staff or those acting on our behalf, council policy or attitude/behaviour of council staff, affecting an individual or group of individuals.”*

A **justified complaint** (or upheld complaint) is defined as

*“an instance where the Council is at fault because it has failed to do something it should have, or it is has done something it should not have”.*

An example would be a failure to respond to correspondence within the timescale set as a target.

A **grievance** is defined as

*“an instance where the customer is dissatisfied but the Council is not at fault because it is following an agreed policy or procedure”.*

Examples of grievances might include concerns about an increase in Council Tax, or the absence of a pavement alongside a road.

The **Local Government and Social Care Ombudsman** is the independent regulator for complaints to Local Authorities.

## **Glossary**

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## **Other Relevant Documentation**

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