

**London Borough of Barnet**

# **Corporate Complaints Policy**

December 2019

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# Complaints

## Introduction

The London Borough of Barnet recognises the importance of complaints and welcomes them as a valuable form of feedback about our services and those provided by third party providers. We will use the information gained from complaints to help improve the quality of the services we provide and our relations with our customers.

## 1 Purpose and Scope

The Council recognises the importance of customer complaints and welcomes them as a valuable form of feedback about our services. We will use the information gained from complaints to help improve the quality of the services we provide and our relations with our customers. Complaints about services we provide or by our service providers will be addressed through this policy unless otherwise stated.

## 2 Responsibilities

The Council will deal with complaints impartially, objectively and professionally. We will treat complainants with respect, as we ourselves would like to be treated. Complainants and their families will not receive adverse treatment because they have made a complaint.

Complaints about services we provide or by our service providers will be addressed through this policy unless otherwise stated.

## 3 What is a Complaint?

A complaint is an expression of dissatisfaction of our services.

You can make a complaint if you are not satisfied with our service 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 by us.

Not every expression of dissatisfaction will be a complaint. If you are dissatisfied about something we have not done then you should [request](#) for us to do something. We will then deal with your request as part of our day to day business, not through our complaints process.

There are separate processes for Statutory Complaints in Family Services and also Adults and Communities.

## Who can complain?

Anyone who uses or is affected by our services can make a complaint. This includes:

- Residents
- People who work in or visit the borough
- Local businesses
- Community groups

Some people need help to make a complaint, and so we accept complaints made on their behalf, provided that the person affected has given their consent. So complaints could be made by a concerned relative or Carer, a Councillor or Member of Parliament, a Solicitor or other Advocate, or an advice agency.

In cases involving children or vulnerable people, if it seems that the person may be unable to give their consent, we will need to make a judgment as to whether it is appropriate to accept the complaint from their representative.

Councillors can use the complaints procedure in their capacity as citizens and service users – for example, they could complain as any other tenant about the failure to do repairs to their Council house, or about delay in dealing with their application for Housing Benefit. But the complaints procedure is not appropriate for complaints which arise from their role as Members of the Council.

## How can a complaint be made?

To make a complaint, please use our online complaints form which can be viewed [here](#): Alternatively, call 0208 359 2000 or write to Barnet Council, 2 Bristol Avenue, Colindale, London, NW9 4EW.

The Council is committed to ensuring that the services we provide are relevant and accessible to all sections of our community.

If customers have particular needs, we will do our best to meet these needs to make it easier to use the complaints procedure.

## 4 Timeline

We will acknowledge a complaint within two working days of receiving it. We should receive your complaint as soon as possible but not more than three months from the incident which led to your complaint, or if a series of incidents then not more than three months from the last incident.

The Council has a two Stage Complaint Policy in place. We encourage resolution at the first stage if possible.

**Stage 1** The Council will direct your complaint to the relevant Complaints Link Officer who will liaise with the Service Manager to respond directly to you. The Council will respond to your Stage 1 complaint within 10 working days of receipt.

**Stage 2** Where a proposed resolution is not accepted the complainant may appeal and the complaint will be passed to the relevant senior manager who will cause a further investigation to be made and sign off the final report. The Council will respond to your Stage 2 complaint within 30 working days of receipt.

It should be noted that whilst your complaint is being considered, the council is unable to place any relevant enforcement action or otherwise on hold.

Once your complaint has completed the council's complaints procedure, the council cannot re-open a complaint which deals with the same matters.

Please note, there are separate processes for Statutory Complaints in Family Services and also Adults and Communities. Please refer to section 9 - Complaints about Social Care.

**Please be advised that the Corporate Complaints Service will be closed from 23 December 2019 through to 1 January 2020. Complaints received during this period will be responded to after 2 January.**

### **Local Government & Social Care Ombudsman**

If you remain dissatisfied after completing the Council's complaints procedure, you may contact the Local Government & Social Care Ombudsman at PO Box 4771, Coventry, CV4 0EH.

## **5 Is there a deadline for making a complaint?**

We encourage complainants to make a complaint as soon as possible after the incident because it is easier to collate relevant documentation at the time. We request that you contact us within three months of the incident. If the complaint is not resolved at Stage 1 then you can advise the council of your wish to appeal to Stage 2 but this should be done within one month of the date of the decision at Stage 1.

## **6 Complaints outside the Council's responsibility**

Certain types of complaint will not be dealt with through the Council's complaints procedure because there are other processes more suitable for dealing with them, or because they are outside the Council's control. These include:

- Matters of law or central government policy.
- Complaints where the customer or the Council has started legal proceedings.
- Complaints that have already been decided by a court or independent tribunal.
- Complaints from staff about personnel matters, including appointments, dismissals, pay, pensions and discipline. These are dealt with under the Council's HR procedures.
- Services for which there are alternative statutory appeal or tribunal processes, including:
  - Appeals against planning consent and enforcement decisions
  - Appeals against statutory notices
  - Appeals against parking tickets (PCN's) or enforcement actions
  - School admission or exclusion appeals

- Special Educational Needs Tribunals
- Housing Benefit appeals
- Housing appeals
- Reviews/appeals against the Fairer Contribution Policy
- Insurance claims
- Council Committee decisions

## **7 Management of unreasonable complainant behaviour Policy**

Further consideration will be given to whether a complaint falls under our Management of unreasonable complainant behaviour Policy. However, this would only apply to persistent, vexatious or complainants who display aggressive or unreasonable behaviour. We may at any stage of the complaints policy review a complaint and give a decision, without a formal investigation, where a Senior Officer or the Corporate Customer Complaints Manager considers it to be deliberately repetitious or vexatious. Separate guidance for this can be found in the Management of unreasonable complainant behaviour Policy.

A copy of this policy can be found at: <http://www.barnet.gov.uk/complaints>

## **8 Anonymous Complaints**

Anonymous complaints will be dealt with on a case by case basis because they might highlight areas for investigation by the Corporate Anti-Fraud Team (CAFT) under the whistle blowing policy. A separate policy can be found at:

<https://www.barnet.gov.uk/citizen-home/council-tax-and-benefits/housing-benefit-and-council-tax-support/fraud.html>

## **9 Complaints about Social Care**

Complainants who receive or use a service from Family Services will be dealt with under separate guidelines. These can be found at:

<https://www.barnet.gov.uk/citizen-home/children-young-people-and-families/childrens-social-care-complaints-process.html>

Complainants who receive or use a service from Adults and Communities will be dealt with under separate guidelines. These can be found at:

<https://www.barnet.gov.uk/citizen-home/adult-social-care/comments-and-complaints-adult-social-care.html>

These complaints are dealt with under the NHS and Community Care Act 1990 or Children Act 1989 complaint procedures.

## **10 Complaints about Councillors**

Information about making a complaint about a Councillors' conduct can be found at:

<https://www.barnet.gov.uk/citizen-home/council-and-democracy/council-and-community/comments-compliments-and-complaints/complaints-about-the-conduct-of-a-councillor.html>

## **11 Complaints about Schools**

Schools have their own complaint procedures. Complaints about a school or a member of the school staff should be made to the Head Teacher and then the school's governing body.

## **12 Parking Complaints**

Challenges and representations against the validity of a Penalty Charge Notice (PCN) are dealt with under a statutory appeals process. This process is designated by the Traffic Management Act 2004 and designed to safeguard the interest of the appellant. Details on how to challenge a PCN is contained within the notice. Alternatively, you can visit our website: [www.barnet.gov.uk/parking](http://www.barnet.gov.uk/parking) where you will find helpful information regarding the PCN, including how to submit an online challenge or make a payment.

However, if you wish to complain about our enforcement practices or the behaviour of a member of staff, we may be able to consider this under our Corporate Complaints Policy.

## **13 Freedom of Information, Environmental Impact Assessments, Environmental Information Regulations, Re- use of Public Sector Information Regulations**

Complaints regarding Freedom of Information (FOI), Environmental Impact Assessments (EIA) will not be dealt with under the Council's Corporate Complaints Policy. There is a separate review, appeal and complaint route, which leads to the Information Commissioner if the complaint is not resolved satisfactorily internally. Please email [foi@barnet.gov.uk](mailto:foi@barnet.gov.uk)

## **14 Data Protection Act 1998**

Complaints made in connection with the Data Protection Act 1998 for example complaints in relation to a subject access request, the accidental disclosure of information, or the inappropriate sharing of personal data will not be dealt with under the Council's Corporate Complaints Policy. There is a separate review, appeal and complaint route for these types of complaint, which leads to the Information Commissioner if the complaint is not resolved satisfactorily internally. Please email [data.protection@barnet.gov.uk](mailto:data.protection@barnet.gov.uk)

## **15 Complaints about Barnet Homes**

Barnet Homes is responsible for managing the Council's housing stock and has its own complaints procedure.

For further information on how to make a complaint to Barnet Homes, please see:

<http://www.barnethomes.org/contact-us/complaints/>

## **16 Complaints about staff**

The Council takes complaints about staff very seriously. Complaints about staff should be made directly to the Council however; these will not be dealt with under the Council's Corporate Complaints Policy, as these will usually be managed under the Council's HR procedures. Where the complaint concerns an agency worker then the Council will coordinate any investigation with the relevant recruitment agency.

## **17 Complaints spanning more than one area**

Sometimes complaints concern two or more service areas or departments. The council will usually provide one co-ordinated response unless agreed otherwise. To make a complaint, please refer to sections 3-4.

## **18 Whistle Blowing**

There is separate guidance in place for whistle blowing, please see:

<https://www.barnet.gov.uk/citizen-home/council-and-democracy/finance-and-funding/fraud-investigation.html> - for further information, or call 020 8359 6123. You can also email [whistleblowing@barnet.gov.uk](mailto:whistleblowing@barnet.gov.uk).

## **19 Corporate Anti-Fraud**

The council has a Corporate Anti-Fraud Team (CAFT), which is a specialist investigative unit established to investigate allegations of fraud and irregularities. CAFT's role is to assist the council in protecting the public purse through the facilitation of sound strategies, procedures and controls in the prevention, detection, investigation and deterrence of fraud, corruption and bribery.

If you think that someone is committing a fraud against the London Borough of Barnet, please contact our Fraud hotline on 020 8359 2007 or you can report this on our website, please see:

<https://barnet.gov.uk/citizen-home/council-and-democracy/forms/Report-a-fraud.html>

For more detail on the work of the council's Corporate Anti-Fraud Team, or on different types of fraud, please visit the Fraud Investigation pages of Barnet's Website, as follows:



<https://barnet.gov.uk/citizen-home/council-and-democracy/finance-and-funding/fraud-investigation.html>

## 20 Complaints involving other agencies

The Council works closely with other agencies and in some cases, have commissioned other organisations to provide services on its behalf. Complaints about these other agencies should be made directly to the Council. We will liaise with the agency in question to ensure that your complaint is investigated fully and recorded on our system.

## 21 Enquiries by Members of Parliament and Councillors

The complaints policy is intended for us to allow those who are dissatisfied with our service to tell us in order for us to rectify mistakes and prevent them from happening again. Councillors and MPs may bring a formal complaint by acting as their constituent's advocate.

## 22 Environmental Health

Some services deal with matters that the customer might consider to be a complaint, but which are routine everyday business for their department. Examples may include complaints about noisy neighbours, barking dogs, dumped rubbish, bonfires, blocked drains, abandoned cars, rogue traders, dirty restaurants or food poisoning. These initial and even subsequent complaints are deemed to be service requests and although the customer may say they wish to 'complain' about e.g. a noise, they should not be dealt with as a formal complaint, but should be referred to and dealt with by the department in the usual way and within the departments own target response time for the issue. However, if a customer wishes to complain about how their initial or follow up service request was dealt with or not dealt with, then this would fall under the complaints procedure.

More information about the Environmental Health Team can be found at:

<https://www.barnet.gov.uk/citizen-home/environmental-health.html>

## 23 Putting things right

When the Council is at fault, 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. This should happen at the earliest possible point in the process.

So far as possible, we will put the customer 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 mending a leaking roof, backdating a re-housing application, assessing paying Housing Benefit, or reconsidering a decision.

- **Paying some compensation** - money is not the only, or the best, remedy in every case but the Council will pay compensation if people are out of pocket because of our mistakes, or if they have been caused undue hardship, inconvenience or distress. We follow the guidelines issued by the Local Government & Social Care Ombudsman in deciding the appropriate amount of compensation. These can be found on the Ombudsman's website at <http://www.lgo.org.uk/publications/guidance-notes/> under the title 'Remedies'.

Where the customer owes money to the Council, for example rent or Council Tax arrears, any compensation will normally be offset against those arrears. But this will not normally apply where there is a legitimate dispute about the debt (for example, if there is a Housing Benefit claim pending), or if the compensation is for a specific purpose, such as replacing damaged possessions.

## **24 Learning from complaints**

The Council is committed to learning the lessons of complaints and using them to improve services. As part of the corporate complaints process, it will be necessary to discuss your complaint directly with the service you have complained about.

Regular surveys of customers who have made complaints should be undertaken and the feedback used to help improve both service delivery and the complaints procedure.

## **25 Performance management**

All complaints must be accurately recorded on the Council's customer relationship management system. Departmental Complaints Officers are responsible for adhering to the Council's Complaints Standards.

The Corporate Customer Complaints Manager will report quarterly to the Strategic Commissioning Board. This report will identify any trends in the complaints data and on the performance of the Council's Complaints Procedure. The quarterly report will include complaints which highlight areas of in which the Council can learn from complaints and improve our service delivery.

## **26 Confidentiality**

All complaints will be dealt with in accordance with the requirements of the Data Protection Act 1998 and Freedom of Information Act 2000.

The identity of the person making a complaint will be made known only to those who need to know in order to consider the complaint and will not be made public by the Council.

## **27 Retention of complaint documents**

Retention of complaint documents will adhere to the Council's Records Retention and Disposal Policy.

## 28 Equality and diversity

The Equality Act 2010 places a duty on Barnet Council to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not share them.
- (c) Foster good relations between persons who share a protected characteristic and those persons who do not share them.

We have sought to do this through our Equalities Policy, which defines our commitments and values and seeks to ensure that fairness and transparency are key elements of this policy. Please refer to:

<https://www.barnet.gov.uk/citizen-home/council-and-democracy/policy-and-performance/equality-and-diversity.html>

## 29 Associated Policies / Legislation

Policy/Legislation
Management of Unreasonable Complainant Behaviour Policy
Equalities Policy
Adults and Communities Statutory Complaints Policy
Family Services Statutory Complaints Policy
Data Protection Policy
General Data Protection Regulation (GDPR)
Records Retention and Disposal Policy

## 30 Review Policy

This policy will be reviewed annually and when the council receives best practice guidelines and updates from the Local Government & Social Care Ombudsman.