

# Ealing Council Corporate Complaints Policy

## Introduction

This policy covers Corporate Complaints to Ealing Council. It sets out the stages of the complaints process, required timescales and who should be involved in handling the complaint.

There are some complaints that are not managed under the corporate complaints policy.

### Adults and children's social care:

[https://www.ealing.gov.uk/downloads/download/666/adults\\_services\\_complaints\\_policy\\_and\\_procedure](https://www.ealing.gov.uk/downloads/download/666/adults_services_complaints_policy_and_procedure) (pdf)

[https://www.ealing.gov.uk/downloads/download/654/representations\\_and\\_complaints\\_policy\\_children\\_and\\_families](https://www.ealing.gov.uk/downloads/download/654/representations_and_complaints_policy_children_and_families) (pdf)

### Housing Complaints (Landlord services only):

[https://www.ealing.gov.uk/info/201088/council\\_housing/3260/council\\_housing\\_complaints](https://www.ealing.gov.uk/info/201088/council_housing/3260/council_housing_complaints)

### Complaints about councillors:

Complaints about councillors are managed through the Council's Standards Committee. Further information about this can be found at

<https://www.ealing.gov.uk/info/201044/councillors>

The purpose of the policy is to clarify how the public can make a complaint or appeal and define the standards they can expect. The policy seeks to create a positive approach to complaints where they are valued as a means of continuously reviewing and improving the services we offer.

## 1. What is a complaint?

The Council defines as a complaint:

*“Any 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 several individuals.”*

However, we do not consider the following as fitting within the scope of the Corporate Complaints policy as there are other separate points of resolution for them:

- An initial request for a service such as reporting a faulty streetlight or requesting a single missed bin collection. We must have had the chance to provide the service or put something right which we can only do if we have received a request or been informed of a problem.
- Where the complainant intends to take legal proceedings in relation the substance of the complaint.
- Where there is an appeals procedure within the Council or where there is a right of appeal to an independent tribunal. At Ealing this includes:
  - Benefit appeals
  - Penalty Charge Notice (PCN) appeals
  - Planning appeals
  - Special Education Needs Tribunals and
  - School admission and exclusion appeals
  - Complaints about councillors

## **2. How can complaints be made?**

The Council encourages any customer who has a concern to first speak to a member of staff in the relevant service area. If the problem can be solved on the spot, then there is no need for the issue to go through the formal complaints process. However, if the complaint cannot be dealt with immediately or the service user wishes to have a formal response, we must make it easy for them to do so. A complaint can be made using the online portal, in writing, via email, by telephone or in person.

## **3. When can a complaint be made?**

It is far easier to find out what happened and put things right if a complaint is received close to the time the dissatisfaction with the service occurred. As time passes it becomes more difficult to investigate events fully and fairly, and for this reason the Council will normally only accept complaints made within twelve months of the incident or circumstances that led to the complaint being made.

When a customer receives a response to a complaint from the Council and wishes to escalate the complaint to the next stage in the process, they should respond within 28 days of receipt of the response and outline the reasons why they are not satisfied and what outcome they would like to see.

If there are exceptional circumstances (illness, changes in personal circumstances etc) provided by the complainant for the delay in submitting the complaint, the relevant Director may make a discretionary decision to consider a late complaint providing the circumstances are evidenced.

If the Council receives a complaint and decides not to accept it, the customer should be told why.

## 4. Anonymous complaints

- 4.1 We do not encourage customers to make anonymous complaints, however we accept that on occasion individuals may choose to make them. Whilst we cannot acknowledge or reply to any unnamed individual, we owe it to ourselves as a professional organisation to investigate each complaint and resolve any relevant service improvement issues identified as quickly as time and resources allow.

## 5. Response timescales

- 5.1 The council's corporate complaints process has two stages. Response timescales will be dependent on the type of complaint. Corporate complaints will be acknowledged within five working days and include an agreed corporate timescale for dealing with the complaint. The table below sets out agreed timescales and signatories at each stage of the process:

Corporate Complaint timescales:

Stage	Timescale	Response agreed by
Stage 1	20 working days	Head of Service (or designated representative)
Stage 2	20 working days	Director/ Assistant Director

We will always try to keep to our published timescales for dealing with complaints. But sometimes investigations take longer because the complaint is unusually complex. In such cases the complainant will be provided with the reasons the timescale cannot be met and provided with a clear timeframe for when a response will be received.

- 5.2 Where a complaint may lead to a possible insurance claim, the insurance team should be notified immediately at [insurance@ealing.gov.uk](mailto:insurance@ealing.gov.uk)

## 6. Complaints about policies

Some complaints are expressions of dissatisfaction with the Council or Government policy in a specific service area as opposed to the Council's failure to live up to service standards. Such complaints should be treated at Stage 1 regarding the timescale and level of officer responding. The Council will do its best to explain the policy and the reasons for it, however it may not be appropriate to escalate a complaint about policy where it involves matters beyond our control.

Customers may appeal against a decision to classify their complaint as a policy issue rather than a performance complaint, and this should be made clear in the stage 1 reply. Any appeal will be treated as a stage 2 complaint. Customers wishing to make a further appeal should be directed to the Local and Social Care Ombudsman (LGSCO) or the Housing Ombudsman (HOS).

## **7. Local Government and Social Care Ombudsman**

If you remain dissatisfied once you have completed the council's formal complaints process you have the right to refer your complaint to the Local Government and Social Care Ombudsman or the Housing Ombudsman.

The Local Government and Social Care Ombudsman investigates complaints about councils and all adult social care providers.

Further information can be found at the following link:

[www.lgo.org.uk/contactus](http://www.lgo.org.uk/contactus)

The Housing Ombudsman investigates for council housing stock, repairs, tenant, and leaseholder matters or landlord functions you can contact the Housing Ombudsman. You can raise your concerns with the Housing Ombudsman at any time.

Further information can be found at:

[www.housing-ombudsman.org](http://www.housing-ombudsman.org)

## **8. Complaints against contractors**

The Council recognises complaints regarding the Council's contractors and any organisation contracted to work for the Council. Complaints about the Council's contractors are handled under the Council's complaints procedure and can be made directly to the Council.

Complaints about funded voluntary and community organisations should be dealt with by the organisations unless the complaint concerns serious fraud, financial or governance malpractice.

## **9. Redress**

Some complaints may be resolved by providing the service desired by the complainant. In other cases, a change of procedure to prevent future difficulties of a similar kind may be the appropriate action. Consideration will be given to whether there is some practical action that would provide all or part of a suitable remedy such as repairs or maintenance to a property or gardens.

- 9.1 There may also be some circumstances where the customer has sustained loss, and the Council may consider compensation. Further guidance can be found at:

### **Local Government and Social Care Ombudsman**

<http://www.lgo.org.uk>

### **Housing Ombudsman**

<http://www.housing-ombudsman.org.uk>

9.2 If a complaint relates to a potential insurance claim against the Council, the insurance section should be contacted at [insurance@ealing.gov.uk](mailto:insurance@ealing.gov.uk)

## **10. Customer rights**

Our customers have the right:

- To be treated with courtesy and respect at all times
- To have a friend or other representative help them with their complaint (a letter of authority may be required)
- To confidentiality (if an investigation cannot proceed without the complainant being identified, the complainant will be given the option whether or not to continue)
- To be kept informed of the progress of their complaint
- To receive an apology if a complaint is upheld
- To be informed of any changes to Council policy or procedures arising from a complaint

## **11. Vexatious complaints**

In a minority of cases some complainants pursue their cases in a way that can impede the investigation of their complaint or have significant resource issues for the Council. We do not expect Council staff to waste time on dealing with unreasonable complainants. Nor do we expect staff to tolerate threatening or abusive behaviour by complainants and we will take action to protect staff from such behaviour. The Council has a separate policy for dealing with 'unreasonably persistent' complainants and 'unreasonable complainant behaviour'.

[https://www.ealing.gov.uk/info/201033/council\\_and\\_local\\_decisions/516/complaints/6](https://www.ealing.gov.uk/info/201033/council_and_local_decisions/516/complaints/6)