



## London Borough of Camden Complaints Policy & Procedure

We want to make Camden a better borough – a place where everyone has a chance to succeed and where nobody gets left behind.

Together, we will create a place that works for everyone, and where everybody has a voice.

We will make sure we put communities and citizens at the heart of everything that we do.

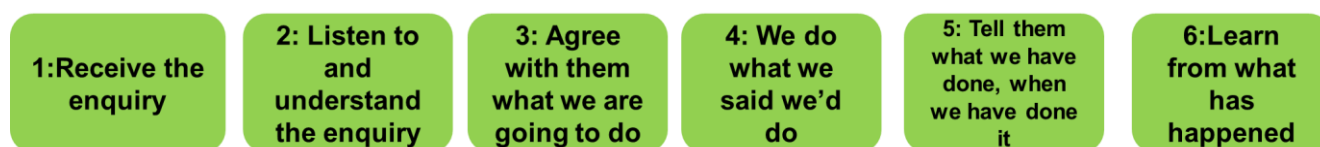
In order to do this, we encourage you - Camden's residents, tenants, businesses, visitors, community groups and any other group or individual that uses or are affected by our services (referred to here as citizens) - to get in touch when things go wrong. When they do go wrong, we need to know so we can put them right and learn from our mistakes.

This policy and procedure sets out how we handle complaints from our citizens in a simple and timely way that is open and transparent.

Camden Council's definition of a complaint is:

**'When someone lets us know that they are unhappy with our service and they want us to take action to resolve it'.**

The following steps are applied to all complaints received:



Good complaint handling means:

- Getting it right
- Being citizen focused
- Being open and accountable
- Acting fairly and proportionately
- Putting things right
- Doing it in a timely way
- Learning from complaints
- Seeking continuous improvement

## **Stages of complaint**

The council's aim is to resolve complaints for our citizens as quickly and simply as possible and initially this is done informally. If a complaint has not been dealt with satisfactorily then the formal procedure is started.

### **Stage 1**

- The local resolution stage
- Dealt with directly by the officers and managers responsible for the service.
- Emphasis is on trying to reach a resolution. If that resolution is not reached, the citizen has the right to escalate matters to stage 2

### **Stage 2**

- The review or appeal stage
- Dealt with by complaints officers who have not been involved previously [or in the case of statutory social care services, by an independent investigator]
- The process is overseen and monitored by the centralised information and records management [IRM] service

### **Stage 3**

- An independent review conducted by the Local Government & Social Care Ombudsman or Housing Ombudsman
- Usually ombudsman expects the complainant to have exhausted the council's complaints procedure before stepping in
- For children's social care complaints stage 3 is an independent review panel

The principle focus at all stages is to provide a high quality response that resolves all the issues you raise and finds a suitable outcome for you in a timely way.

## **How are we going to do this?**

We will:

- Ensure that citizens have a fair and effective way to provide feedback about our services
- Respond to feedback in a fair, consistent and professional manner
- Make the complaints experience as simple as possible
- Resolve any issues and find a suitable outcome
- Ensure our complaint policies are up to date and consistent with relevant legislation and standards

When we receive a complaint at Stage 1 or 2, we will:

- Acknowledge the complaint
- Contact you to ensure we have listened and understand the complaint
- Offer translation and interpretation services to those of you whose first language is not English
- For children and young people appoint an advocate to support you if requested using an external and appropriate advocacy service
- Tell you the name of the officer or team dealing with the complaint and in consultation with you agree when the response will be ready
- Contact you to discuss the complaint and agree in consultation with you what we are going to do
- Investigate the complaint and do what we say we will do to resolve the complaint
- Keep you informed and notify you if there is a delay and commit to a new timescale in which you will receive a response
- Contact you to tell you what we have done and why we have done it (the outcome and reasons for the decision)

For stage 2 complaints:

We will also:

- Ask you why you are dissatisfied with the response at stage 1
- Try to deal with the dissatisfaction to your satisfaction BEFORE it goes to stage 2
- If there are no grounds to investigate at Stage 2, contact you to explain our decision
- If there are grounds for stage 2 then follow the above procedures again from the start
- For Adult Social Care and Children's Social Care Services, arrange an independent investigation (Stage 2)

In our responses where applicable:

We will:

- Acknowledge when things go wrong
- Apologise
- Improve procedures so similar problems do not happen again
- Pay a financial remedy, if applicable

We are committed to learning from complaints and promoting a culture of continuous improvement.

We will:

Share and apply lessons learnt across the Council always respecting the privacy of our citizens

- Provide relevant training to staff
- Review and make changes to policies and procedures where necessary

### **How long will it take?**

We will discuss your concerns with you and agree timescales with you and keep you updated on the progress of your complaint. The following are guidelines which we will follow although some complaints may be resolved sooner than this and others that are more complex may take longer.

- All stages (acknowledgement) - 2 working days
- Stage 1 - 10 working days  
(Extended to 20 working days in complex adult or children social care cases)
- Stage 2 - 25 working days  
(Extended to 65 working days in complex adult or children social care cases)
- Stage 3 - dependent on the Ombudsman timescales as laid out by them.  
In the case of Children's social care services complaints:
  - Arrangement of an Independent Review - 30 working days
  - Issue of findings of stage 3 Panel - 5 working days
  - Response from the council to findings (when applicable) - 15 working days

### **What do you need to do?**

We ask that you:

- Submit the complaint within 12 months after the date of the incident
- Submit a request for a stage 2 review within 28 calendar days of the stage 1 response

We will not accept a complaint outside of these timescales except where exceptional reasons for the delay can be demonstrated.

If we receive persistent malicious, rude, offensive or vexatious communications that we consider to be unreasonable behaviour, we may:

- refuse to handle the complaint (and close the complaint)
- if the citizen is a tenant, refer to the Ward Manager for tenancy action
- take legal action
- implement the unreasonable behaviour policy

## **More information about the policy and procedure**

### **Format of complaint**

We accept complaints in a variety of formats, including, e-form, phone, letter, email and in person.

### **Examples of a complaint**

- Failure to follow process
- Failure to follow the Council's own policy
- Significant or repeated failure to provide a service
- Failure to do what we said we would do
- Failure to respond

### **Other types of feedback or enquiries**

There are some types of feedback or enquiries that fall outside the scope of this policy because there are other more suitable processes for dealing with them.

These may include:

- Requests covered by legislation such as a Freedom of Information or Subject Access requests.
- Claims for compensation. In most cases claims for compensation against the Council will be referred to the insurer.
- We will deal with service requests as part of the Council's day to day business, rather than through our complaints process. Examples of a service request are;
- A request to carry out a repair
- When we are advised of a missed waste collection
- Reports of anti-social behaviour
- Enquiries from Councillors and Members of Parliament (MPs)

### **When we are unable or may not investigate a complaint**

- We may not investigate if legal proceedings are pending. The complaints manager will decide whether to investigate each case on an individual basis having taken legal advice when necessary
- We cannot investigate any complaints where the Court has made a decision about the subject of the complaint
- We cannot investigate when the complaint is not about Camden Council or a contractor or partner acting on our behalf

## Other types of complaints procedures

There are some types of complaints that fall outside the scope of this policy because there are other more suitable processes for dealing with them.

- Complaints about Councillors. Complaints of this nature are dealt with by Camden's Standards Committee  
[How to make a complaint](#)
- Complaints about your planning application. If we have refused your planning application for development or works where consent is required by planning law, in most cases you have a right to appeal to the Planning Inspectorate. We cannot investigate any decisions made by the Planning Inspectorate  
[Make an appeal to the Planning Inspectorate](#)
- You disagree with a housing benefit decision. You can ask us to explain the reasons for the decision. If you still disagree, you can:
  - Ask us to reconsider the decision or
  - Appeal to an independent appeals tribunal  
[Dispute a housing benefit decision](#)
- You want to challenge a Penalty Charge Notice (PCN), you can:
  - Ask us to reconsider the decision or
  - Appeal to the Environment and Traffic Adjudicators  
[Dispute a Penalty Charge Notice](#)

## Our contractors and partners

A number of services are delivered by our partners or private suppliers. This policy applies to services that Camden Council currently provide directly and the procedure can be used for any council service regardless of how it is delivered. It is flexible to allow for complaints to be at least taken through stage one of the process before a referral to a contractor is made. We encourage you to feedback to us your experiences with our contractors or partners. We may ask them to put things right and respond to your complaint directly at Stage one.

## Third Parties

We accept feedback from third parties on behalf of someone else, such as family members, friends or representatives, solicitors, advice agencies or advocacy workers. This also includes ward councillors who are able to assist people through the process. To comply with the Data Protection Laws, we must have written and signed consent from the citizen before we respond to a third party.

## **Statutory Requirements**

Complaints relating to Children's Services and Adult Social Care are governed by statutory guidelines. Those statutory requirements have been incorporated into this policy and therefore this policy covers those areas of council activity.

## **Previous policies and procedures**

This Policy and associated documentation replaces Camden Council's:

- Corporate Complaints Policy Version 3.6 (September 2008)
- Children Schools & Families Complaints Policy and Procedure (June 2007)
- Adult Social Care Complaints Policy and Procedure (June 2009)

## **Policy ownership and effective dates**

<b>Policy owner:</b>	Andrew Maughan, Borough Solicitor
<b>Approving body:</b>	Audit and Corporate Governance Committee
<b>Date approved:</b>	21/02/19
<b>Effective date:</b>	01/04/19
<b>Review date:</b>	01/04/20
<b>Version:</b>	1.1 Apr19

# Complaints Policy

LE Louise

Camden Council

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