



## Corporate Complaints Policy

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Owner	Customer Experience

## **1.0 Introduction**

The Royal Borough of Kingston upon Thames (the Council) acknowledges that sometimes things go wrong and when this happens, we will be accountable, apologise and put things right. Our commitment to our residents and customers is central to everything we do.

This policy provides the framework for dealing with our customers' views and it explains our processes and our obligations to our customers.

### **1.1 Our aims**

The Council provides a range of services and on occasion, things go wrong and customers may be dissatisfied and wish to complain about the service they have received. The Council aims to:

- Resolve matters locally and as quickly as possible by being open, accountable and outcome focused.
- Make sure it is easy for our customers to voice their concerns
- Provide good quality services to all customers
- Treat customers fairly
- View complaints positively
- Take action promptly to carry out an investigation
- Provide an opportunity to put things right
- Use complaints as an opportunity to rebuild trust
- Learn from our mistakes
- Use and continue to use the lessons from complaints to help improve services
- Encourage all staff in all services to improve customer service and service performance

The policy reflects the requirements of the Equalities Act 2010 and the Council will make reasonable adjustments to this policy to avoid or correct the disadvantage to a person with a disability.

## **2.0 Complaints definition**

Effective complaint handling enables our customers to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint.

The definition of a complaint is:

*'An 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 group of individuals.'*

A complaint could be about:-

- A failure to provide a service
- An inadequate level of service
- Mistakes in the way a decision has been taken
- Not following the law or the Council's own policies
- Giving incorrect or misleading information
- Unhelpful or treatment by a member of staff
- Poor communication
- The conduct of staff when delivering the service

The Council sees complaints as an opportunity, as such staff (officers) are encouraged to actively identify issues. A resident does not have to use the word 'complaint' for it to be treated as such.

Whenever a resident expresses dissatisfaction, the Council will give them the choice to make a complaint. If a complaint is submitted via a third party or representative it will also be handled in line with this policy, as long as the correct permissions are given.

A service request is defined as:

*'A request that the organisation provides or improves a service or fixes a problem'.*

A service request could be described as the first time that a customer has asked us to do something. An example of this would be a report of a street light that is not working, a bin that has not been collected or asking for a copy of their Council Tax bill.

This allows the Council the opportunity to resolve matters before they become a complaint.

Service requests are recorded, monitored and reviewed regularly by the appropriate services.

A complaint will be raised when the resident expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. The Council will not stop their efforts to address the service request if the resident complains.

An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey will be made aware of how they can pursue a complaint if they wish to.

## 2.1 Exclusions

The Council will accept a complaint unless there is a valid reason not to do so.

However, there may be areas where the Council is unable, or limited in, what it can do to investigate. For example:

- The issue giving rise to the complaint occurred over twelve months ago (the Council will consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so).
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Matters that have previously been considered under the complaints policy.
- Complaints that fall outside our jurisdiction (e.g. complaints about utilities).
- Appeals and tribunals – e.g. Housing Register or banding and service charges, Housing Benefit appeals, planning decisions and appeals, council tax banding. These all have their own procedures.
- Issues that concern employment, prospective employment or other personnel issues.
- Matters where the complainant is seeking an outcome which is not within the Council's remit.
- Requests for compensation.
- Matters where there is a legal remedy (e.g a Penalty Charge Notice, School admissions, insurance claims).
- Complaints that have been allocated or investigated as members or MP's casework - these can be escalated to the LGSCO.
- Commercial or contractual matters, for example contracts for the supply of goods and services to the council.
- Freedom of information and data protection Subject Access Requests complaints, or complaints about the decision these should be directed here [FOI@Kingston.gov.uk](mailto:FOI@Kingston.gov.uk) for Childrens Services they should be directed here [foi.sar@achievingforchildren.org.uk](mailto:foi.sar@achievingforchildren.org.uk)

Please note this list is not exhaustive, complaints will be dealt with on a case by case basis.

If the Council decides not to accept a complaint, a detailed explanation will be provided setting out the reasons why the matter is not suitable for the complaints process, and the Council will clearly communicate a complainant's right to take that decision to the Local Government and Social Care Ombudsman (LGSCO). If the

LGSCO does not agree that the exclusion has been fairly applied, the LGSCO may tell the Council to investigate the complaint.

The Council reserves the right to use discretion when applying the policy and may deal with a complaint differently where individual circumstances merit it. Discretion will be applied fairly and appropriately and complaints will be progressed as far as possible to maximise the opportunity to resolve a dispute.

## **2.2 Policy Complaints**

Complaints relating to an established Council policy, a new Council policy decision or the Council's implementation of government policy will be considered as policy complaints unless there is an allegation that the policy was not implemented correctly.

The complaints function does not act as an appeals body for decisions, a discussion forum about the merits of the policy or a way to disagree with a Council policy or government decision. It can only consider if there was fault in the way the Council has followed the policy or interpreted the law.

If a complaint relates to a policy, the appropriate service will respond within the stage one timescales with a final position from the Council and details of the Local Government and Social Care Ombudsman should they wish to escalate the matter.

## **3.0 Accessibility and awareness**

The Council acknowledges that some people need help to make a complaint and as such, we will normally accept complaints made on behalf of someone who is unable to do so themselves. However, for reasons of customer confidentiality, the Council will not accept complaints from one person on behalf of another unless we have their written (digital or otherwise) permission to do so. If consent is not received, the complaint can still be reviewed on the basis that any personal data will not be shared with the individual complaining. Those wishing to complain can be supported by a representative at any time.

You can make a complaint yourself or if you need help and support making a complaint you can ask a friend, relative, or someone you trust to make a complaint on your behalf or ask them to accompany you if you meet with us.

You may wish to contact [Citizens Advice](#) for further advice.

We will assist customers in the most appropriate way to resolve their issue. In line with equality legislation we will provide reasonable assistance or adjustments to

enable a complaint to be made in a fair and equitable way. Some customers with disabilities may choose to use other methods to make a complaint.

The Council takes its duties under the Equality Act 2010 seriously and will anticipate the needs and reasonable adjustments of residents who may need to access the complaints process by recording and reviewing any reasonable adjustments made, ensuring that the complaints policy is available online and in hard copy and via other formats.

Complaints can be made in any format (not social media) and to any member of staff, these will be passed to the Customer Care team for action.

#### **4.0 Complaints Process**

Complaints can be made in any format including:

- Online complaint [form](#)
- In writing by email to [crm.complaints@kingston.gov.uk](mailto:crm.complaints@kingston.gov.uk) or Letter to the Customer Care Team, Guildhall 2, High Street, Kingston, KT1 1EU
- By telephone 0208 547 5000
- By appointment in person or online by contacting the Customer Care Team on the details above

If there is a group of residents / customers wishing to complain about the same issue, there will be one complaint investigation and the response will be issued to all interested parties.

#### **4.1 Handling anonymous complaints**

Anonymous complaints will be considered on a case by case basis as to the substance of the complaint, especially where an anonymous complaint might relate to a vulnerable person who might be at risk. If a customer has concerns about giving their name they can speak to a member of the Customer Care team who can answer questions about how the complaint will be handled.

Should there be any safeguarding concerns these should be reported via the following links rather than via a complaint.

Children's Safeguarding Concerns -

<https://www.kingston.gov.uk/supporting-safeguarding-children/concerned-child>

Adults Safeguarding Concerns -

<https://www.kingston.gov.uk/adult-safeguarding/safeguarding-adults-mean>

## 4.2 Stage One Complaints

Complaints will be acknowledged, defined and logged at stage one within five working days of the complaint being received.

A full response should be issued by the relevant officer within 10 working days of the complaint being acknowledged.

Where a complaint involves a member of staff, the staff member will be interviewed as part of the initial investigation and kept up to date following each stage of the process, but will not be the investigating officer.

## 4.3 Stage Two Complaints (Final Response)

If all or part of the complaint is not resolved to the customer's satisfaction at stage one, upon request it will be progressed to a stage two complaint unless there is an exclusion as set out in section 2. For example legal proceedings have started or it has been over 12 months since the date of the stage one complaint response.

They will be acknowledged, defined and logged as a stage two complaint within five working days of the escalation request being received.

A full response should be issued by the appropriate manager within 20 working days of the complaint being acknowledged.

## 4.4 Where different procedures apply

- Children's Social Care complaints are investigated under Section 26 of the Children's Act 1989. More information is here [Complaints about Children's Social Care](#)
- Adult Social Care complaints are investigated under the NHS and Community Care Act 1990 as amended by the Care Standards Act 2000 [Complaints](#)
- Housing complaints are investigated under the [Housing Landlord Complaints Policy .pdf](#)
- Complaints about Councillors are dealt with by the Monitoring Officer. More information here [Make a complaint about a councillor](#) [Councillor Complaint Form | Kingston Council](#) or write to:-

Monitoring Officer  
Royal Borough of Kingston upon Thames  
Guildhall

High Street  
Kingston upon Thames  
KT1 1EU

- Complaints regarding Contractors, Partners and Commissioned Services, The law says that any actions of third parties can be treated as if they were actions of the Council, where any such third party arrangements exist. This means the Council keeps responsibility for third party actions, including complaint handling, no matter what the arrangements are with that party.

## **5.0 Local Government and Social Care Ombudsman (LGSCO)**

A complainant has the right to access the LGSCO at any time throughout the complaints process. However, the LGSCO will not usually investigate a complaint whilst it is going through the internal complaints process.

Once a complaint has completed the Council's internal complaints process, complainants are entitled to refer their complaint to the LGSCO if they remain dissatisfied with the Council's response.

**Telephone:** Call 0300 061 0614

**Post:** Local Government and Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH

**Online:** [complaint form](#)

## **6.0 Managing Unacceptable Behaviour**

The Council has a responsibility to protect and ensure all our publicly funded resources are used appropriately. In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably towards staff for example, or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues. These actions can occur either while their complaint is being investigated, or once the complaint investigation has concluded.

Our procedures for managing unreasonable behaviour ensure all complaints are dealt with in an open, fair and proportionate way but to protect our staff and our resources. A link to our procedure on Managing Unreasonable Behaviour can be found [here](#)

Any restrictions placed on a resident's contact due to unacceptable behaviour will be appropriate to their needs and will demonstrate regard for the provisions of the Equality Act 2010. The Council is committed to ensuring that disabled people are not disadvantaged in accessing its housing services. To this end, we will make



reasonable adjustments for disabled people and those with support needs in applying this policy and our complaints process.

## **7.0 Redress**

The Council is committed to providing a high quality service to all our customers at all times. We recognise however, that there are times when services do not meet our high standards and customers are inconvenienced as a result.

When there has been an error by the Council, we will try to put the person back in the position they would have been had that error not occurred. The Council's focus is on restoring services that have been denied and taking practical steps to put things right. Where that isn't possible, we will try to think of remedies that acknowledge the impact of the error.

A remedy can include:

- Apologising;
- Acknowledging where things have gone wrong;
- Providing an explanation, assistance or reasons;
- Taking action if there has been delay;
- Reconsidering or changing a decision;
- Amending a record or adding a correction or addendum;
- Providing a financial remedy;
- Changing policies, procedures or practices.

Where the remedy takes the form of a payment, it is often a modest amount whose value is intended to be largely symbolic, rather than purely financial.

The complaints function does not assess economic loss or award compensation, we will direct people to the courts where this is their primary goal.

## **8.0 Recording, reporting and learning**

The Council sees complaints as opportunities to put things right and learn lessons to prevent similar errors from reoccurring. In the resolution of a complaint, both the investigating officer and the relevant service may find that there are recommendations and actions for improvement that can be agreed upon, with follow-on actions that can be put in place, and monitored. If this is the case, these recommendations will be captured within the conclusion of the complaint response.

We record all complaints, analyse any escalations and monitor our complaints on a monthly, quarterly and annual basis. The Council will monitor performance in order to

identify underperformance, address any issues, identify any trends and learn from complaints.

The Council will produce an annual self assessment accompanied by an annual complaints report which is published on the complaints section of the [Council's website](#)

## **9.0 Commitment to confidentiality**

All complaints will be dealt with in accordance with the requirements of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. 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. The Council aims to be open and honest in its responses to complaints but sometimes it is necessary to maintain confidentiality.

We will collect sufficient information for us to investigate and respond to the complaint. The Council works in partnership with other councils and organisations to deliver services, and it will sometimes be necessary to share information with those partners in order to resolve the complaint. We will share the minimum amount of information necessary for that purpose. For further details as to how the council processes your personal information, please see the council's corporate and service specific Privacy Statements via the website [privacy notice](#)

## **10. Comments and Compliments**

The Council is committed to providing high quality services. Comments and compliments are another form of customer feedback which provide opportunities for identifying service areas strengths and weaknesses. Customers can communicate these to teams directly or to the Customer Care team via the feedback form available on the [Council's website](#)

A comment is defined as:

*'A personal opinion or belief, feedback or remark expressed by a customer. Where the customer indicates they expect a reply, or where it is otherwise thought appropriate to do so, should be dealt with as general correspondence'.*

Where a matter is considered a comment it will be passed to the appropriate team.

A compliment is defined as:

*'A customer statement of positive recognition or praise for a service or individual'.*

Where appropriate officers may acknowledge compliments, share with the appropriate individual / team and reported on with complaints data.

## **11. Complaints where Discrimination is alleged**

The Equality Act 2010 provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It offers protection, in employment, education, the provision of goods and services, housing, transport and the carrying out of public functions.

Protection from unlawful discrimination is provided by the Equality Act in relation to the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion and belief
- sex
- sexual orientation

The complaints function cannot determine if the Council has breached the Equality Act as this can only be done by a court of law. However, it can make decisions about whether or not the Council has properly followed due process and taken account of an individual's rights in its treatment of them.

The Equality Advisory Support Service (EASS) can offer advice to people who may feel they have experienced discrimination [EASS](#)