

Luton Council complaints procedure

May 2020

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Introduction

Luton Council is committed to listening to the views of its customers in order to improve the services we provide. Customers raise complaints to voice their concerns about the council's services and are an important indicator of where services may not be delivering best performance.

Where possible we will resolve complaints informally, with the aim of providing a speedy resolution for customers. The effective resolution of complaints should improve the confidence of customers and identify service improvements.

Objectives

The objectives of the Complaints Procedure include:

- provide customers with a fair and effective way to complain about our services.
- ensure complaints are dealt with consistently across the council.
- improve customer confidence in the way the council handles complaints and provides its services.
- ensure complaints are monitored and used to improve services.

What is a Complaint?

A complaint is defined as an expression of dissatisfaction by a member of the public about a council service, whether the service is provided directly by the council or a person or body acting on behalf of the council that requires a response. There is no difference between a 'formal' and an 'informal' complaint. Both are expressions of dissatisfaction that require a response.

A member of the public may be dissatisfied and feel the council has:

- not provided a service to an acceptable standard.
- failed to provide a service.
- have not delivered our statutory responsibilities.
- given misleading or incorrect information.
- demonstrated poor customer service.
- been unhelpful, rude or shown inappropriate behaviour.
- failed to act in accordance with the Council's own policies.
- where it relates to a service provided in the last 12 months (unless it is an issue which has been made aware of in the past 12 months).

Complaints not covered by this procedure

Some complaints should not be resolved under the Complaint's Procedure these

include:

- matters for which there is a statutory right of appeal.
- complaints connected with other procedures, such as legal or disciplinary proceedings.
- Adult and Children's care services.
- complaints about schools.
- complaints about elected members of the council.
- employee complaints about terms and conditions of employment, working conditions or personnel issues which come under the [Grievance Resolution Procedure](#)

Out of time complaints

Complaints about matters which took place more than 12 months before the date of the complaint will not normally be considered, this is because it is difficult to ensure a fair investigation if many months have passed since the original incident took place.

Complaints covering more than one service area

If a complaint involves more than one service area, a single coordinated response will be sent to the complainant. This will normally be managed by the Business Intelligence Team.

Monitoring and reporting

We will keep a record of complaints, including dates received, acknowledged, and responded, category of the complaint, actions taken and lessons learned.

Maintaining confidentiality

The Data Protection Act 2018 and General Data Protection Regulations (GDPR) regulates the way in which Councils can use personal data. We are committed to protecting the rights of all complainants and follow the [Data Protection Policy](#) at all times.

Unreasonable complainant behaviour

Luton Council has a separate policy on how to manage customer's whose behaviour may cause unreasonable or unacceptable demands on the Council and/or staff. In

these circumstances the council has the right to decide how the complaint will be handled and how future contact from the complainant will be permitted. This policy should be read alongside the council's policy on the Unreasonable Behaviour of Complainants ([Appendix A](#))

The Procedure

The Complaints Policy has a two stage procedure:

- Stage 1 – Investigation
- Stage 2 – Complaint Review

Stage 1 – Investigation

Luton Council aims to settle complaints quickly and efficiently.

- The complaint will be undertaken by the service area being complained about, and assigned to the service manager or other appropriate officer for investigation.
- The complaint may be resolved informally at the discretion of the service manager and if the complainant is satisfied with the decision. If this is possible a written response will not be required; the Council has 3 working days to resolve a complaint informally.
- If the complaint is not resolved informally an acknowledgement confirming receipt of the complaint, will be sent within 3 working days by the Business Intelligence Team.
- The acknowledgement will include the complaint details, contact details of who will be dealing with the complaint and when a response can be expected.
- The council aims to respond to a complaint within 15 working days. This is not always possible and may take longer to respond if the matter is complicated or if a member of staff who has been involved in the matter is absent.
- Where the complaint cannot be responded to within the 15 working days, the Business Intelligence Team will send a holding letter to advise of the delay to the complainant.
- The stage 1 written response should answer all the complaint points raised and also advise the complainant how they can take their complaint further if they are not satisfied with the outcome.

Stage 2 – Complaint Review

If the complainant remains dissatisfied with the actions taken in Stage 1 they can request a Stage 2 review.

- The complainant will be asked to provide details explaining why they are dissatisfied with the outcome of Stage 1, what was their expected outcome and asked to provide any further information related to the complaint.
- The appropriate Service Manager or senior officer will review the complaint.
- The complaint will be acknowledged in the same way as Stage 1.
- The officer reviewing the complaint will ensure the complainant was not treated unfairly at Stage 1 and ensure the relevant council's policies and procedures are followed.
- Consider any other ways the complaint can be resolved.
- A full response is required within 25 working days unless there are exceptional circumstances.
- If more time is required to investigate the complaint the service area will notify the Business Intelligence Team who will send a holding letter which includes:
 - an apology for the delay
 - an explanation for the delay
 - the date a full response can be expected
- Respond in writing to the complainant setting out the findings of the review, with a full explanation of the reasons for their conclusions and any further proposal for resolution.
- The final response needs to inform the complainant of their right to take the complaint further if they remain dissatisfied, and include the contact details for the relevant [Ombudsman](#).
- The Local Government and Social Care Ombudsman will usually only consider a complaint after it has been through the council's Complaints Procedure and the customer is still dissatisfied.

Ombudsman contact details

Local Government & Social Care Ombudsman

Address: Local Government & Social Care Ombudsman
PO Box4471
Coventry
CV4 0EH

Telephone: 0300 061 0614
0845 602 1983

Website: www.lgo.org.uk

Housing Ombudsman Service

Address: Housing Ombudsman Service
PO Box152
Liverpool
L33 7WQ

Telephone: 0300 111 3000

Website: www.housing-ombudsman.org.uk

Appendix A

Unreasonable Behaviour by Complainants Policy

May 2020

Introduction

Luton Council is committed to dealing with all complaints fairly and impartially in accordance with its Complaints Procedure. In a small number of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can hinder investigating their complaint (or complaints by others) and can have significant resource issues for the Council. These actions can occur either while their complaint is being investigated, or once an organisation has finished the complaint investigation.

The policy covers 'unreasonable complaint behaviour' which may include one or more isolated incidents, as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents or behaviour over a longer period.

The policy follows the guidance published by the Local Government & Social Care Ombudsman on [Guidance note on management of unreasonable complaint behaviour](#).

It is important to identify between people who make a number of complaints because they really think things have gone wrong, and people who are unreasonably persistent in making their complaints.

This policy supports Luton Council's Complaints Procedures:

- Corporate
- Children's social care
- Adult social care
- Housing

Aim of the Policy

The aim of this policy is to contribute to the council's overall aim of dealing with all complaints in ways which are open, fair and reasonable.

The policy helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. A policy that can be shared with complainants if they start to behave unreasonably can help in managing their expectations and their behaviour, while the substance of their complaint is addressed.

Unreasonable complainant behaviour

Unreasonable and unreasonably persistent complainants are those who, because of the nature or frequency of their contacts hinder the council's ability to consider their, or other people's complaints.

In most instances when we consider someone's behaviour is unreasonable we will explain why and ask them to change it. We will also advise them, if the behaviour continues, we may take action to restrict their contact with the council and our staff.

Examples of unreasonable actions and behaviours

There are some actions and behaviours which the council would consider to be constant unreasonable behaviour. Single incidents may be unacceptable but continuous unreasonable behaviour will usually be found when the complainant shows the following behaviour over time:

- refusing to specify the grounds of a complaint, despite offers of help.
- refusing to cooperate with the complaints investigation process.
- refusing to accept that certain issues are not within the scope of the complaints procedure.
- insisting on the complaint being dealt with in ways which are not compatible with the complaints procedure.
- making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- changing the basis of the complaint as the investigation proceeds.
- denying or changing statements he or she made at an earlier stage.
- introducing new minor or unrelated information at a later stage.
- raising many detailed but unimportant questions, and insisting they are all answered.
- submitting falsified documents from themselves or others.
- making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- making the same complaint repeatedly, with minor differences and insisting these are 'new' complaints.
- refusing to accept the decision; repeatedly arguing points with no new evidence.

Imposing restrictions

The Business Intelligence Team will contact the complainant in writing or email to explain why their behaviour is causing concern, and explain the actions the council may take if the behaviour does not change.

Actions which may be considered to restrict access and contact include:

- placing limits on the number and duration of contacts with staff each week or month.
- offering a restricted time slot for necessary calls.
- limiting the complainant to one form of contact (telephone, letter, email etc.).
- requiring the complainant to communicate only with one named member of staff.
- requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- refusing to register and process further complaints about the same matter
- advising the complainant that a designated member of staff will read all future correspondence and place it on file but not acknowledged, unless it contains relevant new information.

Operating the Policy

If a decision is taken to apply restricted access, the Business Intelligence Team will write to the complainant with a copy of the policy to explain:

- why the decision has been taken
- what action the council is taking
- the duration of the action
- the date of the three month review
- inform the complainant how they can appeal the decision if they disagree with it and the process for doing so.

The decision to restrict or stop a complainant's access to the council's offices and officers may only be taken by a Head of Service or the Business Intelligence Manager.

All complainants have the right of appeal. Appeals must be made in writing to the Head of Policy and Performance, setting out the reasons they feel the decision to restrict access should not be actioned. The decision of the Head of Policy and Performance

will be final and where relevant advise the complainant of their right to refer the matter to the [Local Government & Social Care Ombudsman](#) for them to investigate.

New complaints from complainants with restrictions

Any complaints about new issues from complainants with restrictions under this policy will be considered on their own merits. The Business Intelligence Manager will review all new correspondence and decide whether the new complaint is justified.

Review

All decisions will be reviewed after three months by the Service Director and the Business Intelligence Manager. Limits should be lifted and relationships returned to normal unless there are good grounds to extend them. Inform the complainant of the outcome of the review, advising if limits are to continue, explaining the reasons why and state when the limits will next be reviewed.

Referring complaints to the Local Government & Social Care Ombudsman

Relations between the council and complainants sometimes break down completely while complaints are under investigation, and there is little hope of achieving a satisfactory outcome. In such circumstances there may be nothing to gain from following through all stages of the Council's complaints procedure. The Head of Policy and Performance may approach the [Local Government & Social Care Ombudsman](#) to establish whether they will consider a complaint before complaints procedures have been finished.

Recording and reporting

Business Intelligence will keep a record of all complainants who have had this policy applied to them. All correspondence including all incoming and outgoing letters and emails will be recorded on the council's complaints system.

Records will need to include:

- when a decision is taken not to apply the policy when a member of staff asks for this to be done.
- when a decision is taken to make an exception to the policy once it has been applied.

- when a decision is taken not to put a further complaint from this complainant through the council's complaints procedure for any reason.
- when a decision is taken not to respond to further correspondence, make sure any further letters or emails from the complainant are checked to pick up any relevant new information.

An annual report will be provided by Business Intelligence to departmental management teams and CLMT highlighting key information about customers whose behaviour has been classed as unreasonably persistent in line with this policy. This report will also include any lessons learned.

Contact information

For more help or information, complainants can contact the Business Intelligence team at: feedback@luton.gov.uk.

Version Control

Date	Version	Reason	Owner	Author	Comments
26 January 2017	Draft 1	Draft - for agreement by Admin and Regs	BI Manager	Zoë Bulmer	Agreed with minor change
1 April 2017	Final	Process start date	BI Manager	Zoë Bulmer	Agreed