Luton Council

Corporate complaints policy

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Contents

Luton Council 1
Contents 1
1 Introduction 2
2 Definitions 2
3 Exclusions 3
4 Accessibility and awareness 4
5 Complaint handling 5
6 Complaint Stages 6
Stage one 6
Stage two 6
7 Putting things right 7
8 Reporting and compliance 7
9 Continuous improvement and learning 8
10 Responding to unreasonable behaviour 8
11 Children and adults social care complaints 11
12 Ombudsman contact details 11
13 Other policies 12

1 Introduction

Luton Council is committed to listening to the views of residents in order to improve the services we provide. Individuals and/or residents who raise complaints provide a valuable opportunity for us to identify and consider where services may not be operating as effectively as we would want them to.

This policy sets out how we deal with and respond to complaints including how we ensure accountability and transparency.

The purpose of the policy is to:

- ensure individuals and/or residents are provided with a fair and effective way to make complaints
- ensure complaints are dealt with consistently and professionally
- improve confidence in the way the council handles complaints and provides services
- ensure we use complaints to learn and improve services

The council is committed to taking a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments. It will take collective responsibility for any shortfalls identified through the complaints process rather than seeking to blame individuals or others.

The council will act within the professional standards for engaging with complaints as set out by any relevant professional body. This policy has been developed with specific reference to the Housing Ombudsman Service: Complaints handling Code (2024) and Local Government & Social Care Ombudsman: Complaint handling Code (2024).

You can contact us:

Online form, available at: feedback.luton.gov.uk/complaint

Email: complaints@luton.gov.uk

In writing: Complaints Team, Town Hall, Upper George Street, Luton, LU1 2BQ

2 Definitions

The council makes a distinction between complaints and service requests.

The council recognises a complaint as:

“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the council, our staff, or those acting on our behalf, affecting an individual and/or resident or group of individuals and/or residents.”

Individuals and/or residents do not need to explicitly use the term “complaint” in order for it to be treated as such.

Where dissatisfaction is expressed through surveys, social media pages etc, we will not automatically classify these as a complaint but where possible will take steps to advise individuals and/or residents how they may pursue a complaint should they wish to.

A service request is defined as:

“a request that the council take action to improve a service, fix a problem or re-consider a decision”.

Whilst they are not classified as complaints the council records, monitors and reports on service requests regularly. The benefit of a classifying contact as a service request is that it provides an opportunity for the council to put things right quickly, offering residents a faster outcome.

If however, a resident or individual expresses dissatisfaction with the response to their service request, this will be recorded as a complaint and dealt with as set out in this policy. Our efforts to resolve the service request will not stop if a complaint is made.

Example:

A resident tells us their bin has not been collected. We treat this as a request for service and notify the resident their bin will be collected within three working days.

Four working days later the residents contacts us to tell us their bin has still not been collected. We will treat this as a complaint.

Complaints submitted via a third party or representative will be handled in line with this policy. We will however refuse to provide personal information without verification that the third party or representative is authorised to act on an individual or resident's behalf in accordance with data protection legislation.

This policy does not cover councillor or MP enquiries on behalf of constituents unless the matter is a complaint, in which case it will be treated as above.

3 Exclusions

Not all complaints are appropriate for consideration under this policy. This includes:

- matters for which there is a statutory right of appeal
- complaints about adult and children's care services covered by separate statutory processes (see section 11 below)
- complaints about schools as these should go through the school's governing body
- complaints about members (councillors) of the council as these should be referred to the council's monitoring officer
- complaints made by employees about terms and conditions, working conditions or personnel issues which are covered by the organisations internal policies and procedures

Where a complaint is made that cannot be considered under this policy we will advise of the appropriate, alternative course of action.

The council will accept complaints unless there is a valid reason not to do so. Where the council decides not to accept a complaint it will document its reasons for doing so.

It will also communicate this decision to the individual and/or resident explaining this and provide details of their right to refer the matter to the relevant Ombudsman.

Complaints will be considered on their own merits though reasons for not accepting a complaint may include:

- the issue being complained about occurred and was known to the complaint over 12 months ago
- the issue being complained about is not substantially different to an issue previously raised by the complainant or their representative and already considered under the complaints policy
- the issue being complained about is subject to legal proceedings. With respect to housing related complaints, this is defined as details of the claim such as the Claim Form and Particulars of Claim, having been filed at court
- the issue is not covered by this policy, in which case we will advise of an alternative course of action

The council may choose to exercise discretion with regards to exclusions, particularly those made outside the stated time limits if there are good reasons to do so.

If the council is unable to comply with the processes set out in this policy due to exceptional circumstances, for example a cyber incident, it will notify the relevant Ombudsman and take steps to provide information to individuals and/or residents who may be affected of the anticipated timescales for returning to compliance.

In a small minority of cases, individuals and/or residents, or those acting on their behalf can pursue their complaint in a way that is unreasonable and has a negative impact on our ability to work with them and/or provide a service to others.

In these cases, we may need to adopt a different approach to our complaint handling process including placing restrictions on how individuals and/or residents contact us. Detail is provided in section ten. We will always ensure any restrictions are proportionate and demonstrate regard for the provisions of the Equality Act 2010.

4 Accessibility and awareness

Our intention is to make it as easy as possible for individuals and/or residents to make a complaint. This includes making a complaint through a third party or representative.

Whilst we encourage residents and individuals to complain using our online webform, complaints can be submitted in any of the following ways:

- **online** using our webform at: feedback.luton.gov.uk/complaint
- **by email** at: complaints@luton.gov.uk
- **by post** addressed to: Complaints, Town Hall, Upper George Street, Luton, LU1 2BQ
- **by telephone** on: 01582 546398

Please note this is a voicemail service and you will be invited to leave a message

- **in person** by visiting: Customer Service Centre, Town Hall, Luton, LU1 2BQ

Complaints which are made via your MP or local councillor will also be responded to in accordance with the processes and timescales set out in this policy.

General feedback on council services through surveys, consultation and co-production, will not generally be treated as a complaint under this policy. However, wherever possible the council will seek to ensure participants are made aware of this policy should they wish to make a complaint.

Due to privacy concerns, we do not accept complaints made via social media channels, however where we become aware of a complaint made in this way we will seek to alert the author to this policy to ensure they are aware how a complaint may be submitted.

Where reasonable adjustments are required to support individuals and/or residents to access council services or our complaints process, the council is committed to proactively working with individuals and/or residents to identify and put these in place.

We will assist residents to access independent advocacy services should they wish and offer all individuals and/or residents the option of being represented or accompanied at any meeting to discuss their complaint.

Details of our policy and how to make a complaint are published on our website and hard copies are available on request. This includes details about the right to refer complaints to the relevant Ombudsman and the Ombudsman Handling Codes.

The council also publicises its complaints process with local voluntary and community sector organisations who provide advice to residents and/or individuals, including; Citizen Advice Luton, Luton Irish Forum, Luton Rights, Luton Law Centre and Luton Libraries.

5 Complaint handling

The complaints process is co-ordinated and monitored by a small, centralised team of officers. This team are responsible for the logging, acknowledging, allocating and monitoring of complaints. They also act as a point of contact for the Ombudsman and collate reports on behalf of the Council's senior management and governing committees.

Once received, complaints are logged, acknowledged and allocated to the appropriate service for investigation and response. This is to ensure that the officer responding to the complaint has sufficient understanding of the subject matter to respond effectively.

In the event that a complaint is made about a named staff member, the complaint will not be allocated to that individual for investigation.

All staff responding to complaints will have the authority and autonomy to act to resolve disputes promptly and fairly and will have received suitable training in complaint handling.

Staff will deal with each complaint on its merits, act independently and with an open mind, give the individual and/or resident a fair chance to set out their position, take measures to address any actual or perceived conflict of interest, and consider all relevant information and evidence carefully.

Where a complaint covers more than one service area, we will allocate to a 'lead service' area who will co-ordinate a single response.

Complaints investigated under the policy will ordinarily be investigated by employees of the council.

Where a complaint involves an allegation of discrimination or where concerns regarding discrimination are identified during the investigation of a complaint, complaint investigators will be expected to discuss these issues with one of the council's equality, diversity and inclusion co-ordinators (EDI Co-ordinators) prior to responding to the complaint.

Serious concerns or any findings of discrimination identified through the complaints process must be reported to the Head of Customer Service and Complaints and the relevant Service Director. These findings will be shared with the Councils Social Justice Unit and included in the council's annual complaints report (see section 8).

Individuals and/or residents do not have the right to specify who they would like to investigate their complaint. However, the council has a two stage complaints process, and complaints which progress to stage two will not be investigated by the same officer who has previously dealt with the stage one response.

On rare occasions the council may appoint an external investigator if it is unable to identify a suitable officer internally to respond to the complaint. In this event, the council will set out its reasons for doing so.

It is for the council to decide whether to appoint an internal investigator. This policy does not give individuals and/or residents the right to request one.

If individuals and/or residents remain dissatisfied once the council has concluded its investigation process, they can refer to the relevant Ombudsman this will be either the Local Government and Social Care Ombudsman or the Housing Ombudsman Service depending on the nature of the complaint. Both are external statutory bodies, independent of the council.

The council will ensure individuals and/or residents are aware of this right and will provide contact details for the relevant body.

All staff responding to complaints will have the authority and autonomy to act to resolve disputes.

6 Complaint Stages

Stage one

Complaints can be submitted as set out in section four.

Complaints will be logged and allocated to an investigating officer. Individuals and/or residents will receive an acknowledgement that this has happened **within five working days of the complaint being received**. We will seek clarification if any aspect of the complaint is unclear.

The investigating officer will; clarify with the individual and/or resident any aspect of the complaint they are unclear about, advise on any aspect of the complaint the council is not responsible for.

This means that the complaint investigator will make contact with the complainant to introduce themselves and clarify the complaint and any expected outcomes. This will usually be by telephone but may also happen by email.

Individuals and/or residents should receive a full response to their stage one complaint from the investigating officer **within 10 working days of the complaint being acknowledged.**

If it is not possible to respond within these timescales, for example because a complaint is particularly complex, the investigating officer will notify the individual and/or resident and inform them of revised timescales at the earliest opportunity. The extension should not be for longer than a further 10 working days. They will also provide the details of the relevant Ombudsman.

In the unlikely event that the revised timescale is in excess of 10 working days the investigating officer will clearly set out the reason(s).

At the conclusion of stage one process the council will provide a full response. This will clearly state out; the complaint stage, our understanding of the complaint (the complaint definition), the decision, the reasons for this decision, details of any remedy offered, details of any outstanding actions and details about how to escalate to the stage two process if the individual and/or resident remains dissatisfied.

However, as set out in section five, all staff responding to complaints will have the autonomy to provide an effective remedy. It should not therefore be necessary to escalate to stage two in order to achieve this.

Where additional, related complaints are submitted during the investigation of a stage one complaint, these will be incorporated into the stage 1 response where possible.

If additional complaints which are not related to the original complaint are submitted, or if the complaint has already been responded to, these will be logged separately as a new complaint.

Stage two

If an individual or resident is unsatisfied with the response received at stage one then they have the right to escalate it to a stage two response.

The council will only ever decline a request to escalate a complaint to stage two if there are valid reasons for doing so, for example, if the period of time that has elapsed is too great (typically in excess of 6 months since the stage 1 response).If this is the case, we will explain our reasons and provide information about how to refer to the relevant ombudsman.

It is not necessary for individuals and/or residents to provide an explanation of the reasons for requesting a stage two consideration, however the issues that are considered unresolved and the outcome being sought should be stated to ensure we have a clear understanding of the issues to be considered.

Stage two is the council's final response.

Stage two complaints will be logged and allocated and individuals and/or residents will receive an acknowledgement **within five working days of the escalation request being received**. The acknowledgement will set out our understanding of the outstanding issues and resolution sought. If we need to clarify we will ask for additional information within the initial five working day period.

Stage two complaints will not be allocated to the same officer responsible for the stage one investigation.

Individuals and/or residents will receive a full and final response to the stage two **within 20 working days of the complaint being acknowledged.**

If it is not possible to respond within these timescales, the investigating officer will notify the individual and/or resident and inform them of revised timescales at the earliest opportunity. This extension should not exceed a further 20 working days. They will also provide the details of the relevant Ombudsman.

In the unlikely event that the revised timescale is in excess of 20 working days the investigating officer will clearly set out the reason(s).

The final response will clearly state that it is a final stage two response. It will detail; our understanding of the complaint (the complaint definition), the decision, the reasons for this decision, details of any remedy offered, details of any outstanding actions and details about how to escalate to the relevant ombudsman if the individual and/or resident remains dissatisfied.

7 Putting things right

Where something has gone wrong, we will acknowledge this and set out the actions we will take or have taken to put things right.

This may include; apologising, acknowledging a mistake, providing an explanation, assistance or reasons, reconsidering or changing a decision, amending a record or adding a correction or addendum, providing a financial remedy, following our internal processes for poor conduct, changing policies, procedures and/or reviewing our training or practices.

Any remedy offered will reflect the impact on the individual and/or resident as a result of any fault identified.

Where a remedy is appropriate, we will set out what will happen and by when and ensure this is followed through to completion.

In determining appropriate remedies, we will take into account guidance issued by the relevant Ombudsman.

8 Reporting and compliance

The council will keep a full record of all complaints. This will include: the original complaint and date received, the outcome, any reasonable adjustments that are agreed, all correspondence with the individual, other parties and any relevant documentation. This will be stored in line with the council's data retention policies.

The council will produce an annual complaints performance and service improvement report for scrutiny and challenge, which includes;

- qualitative and quantitative analysis of the council's complaint handling performance including a summary of any complaints not accepted.
- the service improvements made as a result of learning from complaints including any findings relating to equality, diversity and inclusion.
- the outcome of annual self-assessment to ensure the complaints handling process remains complaint with the Ombudsman requirements.
- any findings of non-compliance with any Ombudsman guidance, code or decision
- copies of the ombudsman annual report(s)
- any other relevant reports or publications produced by the Ombudsman in relation to the work of the council.

The annual report will be presented to the council's Overview and Scrutiny Board and published on the council website, along with any response.

9 Continuous improvement and learning

A positive complaint handing culture is integral to the effectiveness which organisations resolve disputes. The council is committed to using its complaints process as a source of intelligence to identify issues and support positive changes in service delivery.

To achieve this, the council:

- will look beyond the circumstances of individual complaints and consider whether service improvement can be made as a result of any learning
- will appoint within each service area, a suitably senior officer to review complaint handling and assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures which require revision
- will appoint a member of the council Executive Committee as the Member Responsible for Complaints ('the MRC"). The MRC will be responsible for ensuring that information regarding complaints that provide insight into the council complaint handling process is regularly provided to the council's governing body. As a minimum, this information will include; regular updates on the volume, categories, and outcomes of complaints, regular reviews of issues and trends arising, regular updates on the outcomes of the Ombudsman's investigations and findings, and the annual complaints performance and service improvement report
- document learning and service improvement in its annual report and share the findings with stakeholders including residents, staff and relevant committees

10 Responding to unreasonable behaviour

In a minority of cases people can pursue their complaints in a way that could be categorised as unreasonable, and they may behave unacceptably or be unreasonably persistent in their contacts and submission of information.

We recognise that sometimes this behaviour is the result of frustration or anxiety and may be out of character for those concerned. It may also be indicative of a need for additional support.

We are committed to treating all individuals and/or residents with respect and empathy however such behaviours can impede the investigation of a complaint and can create resource issues which also affect the investigation of complaints submitted by others.

We are also committed to ensuring a safe and respectful working environment for our staff and recognise that unreasonable behaviour can be distressing and impact on personal wellbeing.

It is therefore vital that the council takes steps to manage such behaviour to ensure that it can effectively support all those who need its services.

In doing so we will always take steps to identify and put in place any additional support that may be required before taking action to restrict access or put in place punitive measures.

“Unreasonable behaviour” may involve once or two isolated incidents or may be build-up of incidents or behaviour over time.

Unreasonable behaviour may include:

- refusing to specify the grounds of a complaint, or changing the basis of the complaint as it proceeds
- refusing to accept that some issues may not be in the scope of the complaint’s investigation process or insisting a complaint be dealt with in a manner not compatible with the complaints process
- refusing to co-operate with the complaints investigation process or engage with relevant officers
- a pattern of making unsupported complaints about staff who are trying to deal with the issues and trying to have them replaced
- using abusive, threatening, aggressive or derogatory language in communication (including emails) with staff or acting in a way that makes them fearful for their safety
- denying or changing statements made at an early stage
- introducing trivial or irrelevant new information during the process or submitting complaints with minor additions or variations and insisting these be treated as new complaints
- raising numerous 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 for example; lengthy phone calls, contacting multiple staff, sending frequent lengthy emails or letters and expecting immediate an response
- refusing to accept the decision, repeatedly arguing points with no new evidence

This list is not exhaustive, and we will consider any behaviour, where the nature or frequency of that behaviour hinders our ability to consider a complaint or the complaints of others, as unreasonable.

Where an individual and/or resident’s behaviour is considerable unreasonable we will:

- offer the individual and/or resident the opportunity to speak with a suitably senior officer to explore scope for a resolution of the complaint and explain why their behaviour is seen as unreasonable
- share a copy of this policy with the individual and/or resident and warn them that restrictive actions may be needed if their behaviour continues
- offer to assist the individual and/or resident in obtaining a suitable independent advocate

In most cases we anticipate this will be sufficient to address the unreasonable behaviour and enable us to continue to operate as set out within the complaints policy.

If however, the unreasonable behaviour persists we will give consideration to the need for restrictions. This consideration will include:

- ensuring that their complaint is being or has been investigated in line with the policy and that any decision is the correct once

- ensuing that communication with the individual and/or resident has been adequate
- ensuring the individual and/or resident is not now providing new information that would affect the councils view of the complaint
- ensuring that the council has considered reasonable adjustments for individuals and/or residents who may require them
- ensuring there are no safeguarding concerns that have not been addressed
- any prior warnings or communication with the individual and/or resident regarding their behaviour

If it is determined that restrictions are appropriate the council will ensure these are proportionate and demonstrate regard for the provisions of the Equality Act 2010.

The decision to apply restrictions and which restrictions to apply, will not be taken by a single officer. This will be determined jointly by the Service Director for the relevant service (or designated representative) and the Head of Customer Service and Complaints (or designated representative in consultation with an Equality Diversity and Inclusion Co-ordinator.

We may also set up a strategy meeting to agree a cross-departmental approach.

Action the council may take will be tailored to take account of individual needs, behaviours and circumstances and may include, but is not limited to:

- placing limits on the number and duration of contacts with staff per week or per month
- offering a restricted time slot for necessary calls or appointments
- limiting contact to a single channel e.g. telephone, letter or email
- requiring the individual/resident to communicate only with named members of staff
- requiring in person contacts to take place in the presence of witnesses and in a suitable location
- refusing to register and process further complaints on the same issue
- refusing to respond to further communication other than placing this on file unless it contains new or significant information
- appointing a key officer to co-ordinate the council's response
- liaising with the relevant Ombudsman to determine if they would accept a referral prior to the conclusion of the council's complaints procedure
- considering legal warnings or injunctions

Once a decision has been taken, the outcome will be recorded and communicated to the individual and/or resident along with a copy of the policy. We will explain:

- why the decision has been taken
- what this means for them in terms of contacting the Council
- how long any restrictions will last
- the date by which the restrictions will be reviewed
- how they can request to have the decision reviewed

We will also record:

- if we decide not to apply restrictions where a member of staff has asked for this to happen

- if we decide to make an exception once restrictions have been applied
- if we decide not to accept a complaint from the individual and or resident in future
- information to show we are reviewing future correspondence in case there is new information, even if we have taken a decision not to respond to the individual and/or resident

Restrictions will typically put in place for a period not exceeding 6 months unless there are strong grounds to do so. At the end of this period, we will undertake a review to determine if restrictions are still required and will record communicate the outcome to the individual and/or resident. If the restrictions are to remain in place, we will explain the reason for this and advise the date of the next review.

As with the original decision to impose restrictions, this decision will not be taken by a single officer but jointly between Service Director for the relevant service (or designated representative) and the Head of Customer Service and Complaints (or designated representative in consultation with an Equality Diversity and Inclusion Co-ordinator.

If complaints about new issues are made, we will treat these on their merits and will consider whether the same restrictions are appropriate and necessary. This will be determined by the relevant Head of Service in consultation with the Head of Customer Service and Complaints.

11 Children and adults social care complaints

Complaints about some children's and adult social care services are processed and monitored under a specific statutory framework.

We therefore have separate policies for how we deal with these complaints, however there is no difference in the process for making a complaint.

If a complaint is dealt with under a different policy, we will advise the complainant/resident of this when the complaint is acknowledged.

12 Ombudsman contact details

Local Government and Social Care Ombudsman

If you have been through all stages of our complaints process, you can ask the Local Government and Social Care Ombudsman to consider your complaint.

The ombudsman has issued a Complaint handling Code which sets out advice and guidance for Councils on how to handle complaints. You can find more information about this on the Ombudsman's website (Complaint handling Code - Local Government and Social Care Ombudsman).

The ombudsman investigates complaints in a fair and independent way - it does not take sides. It is a free service.

The ombudsman expects you to have given us a chance to deal with your complaint, before you contact them.

The Local Government and Social Care Ombudsman looks at individual complaints about Councils and some other organisations providing local public services. It also investigates complaints about all adult social care providers (including care homes and home care agencies) for people who self-fund their care. There are some **limits on what the Ombudsman can look at**. For example, the Ombudsman may not consider your complaint if you have not been significantly personally affected by the issue you are raising, or if you have a right of appeal to a court or tribunal.

Website: **www.lgo.org.uk**
Telephone: 0300 061 0614

Housing Ombudsman Service

Online form via website: www.housing-ombudsman.org.uk

Email: info@housing-ombudsman.org.uk

Telephone: 0300 111 3000

In writing: Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET

Please note, the Housing Ombudsman Service encourages use of email or the online form to prevent delays. It also requests that original documents are not sent by post.

13 Other policies

- Adults Complaints Policy
- Children's Complaints Procedure
- Compensation Policy

	Policy Approved by Executive	Oct 2024
1.1	Changes to Ombudsman contact details and information at request of the LGSCO	Oct 2024