

Guidance for Successful Complaints Handling

A Guide for staff investigating and responding to Stage 1 and 2
complaints

London Borough of Barnet

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1. Introduction

This guide tells you how to investigate and respond to stage 1 and 2 complaints under the Council's corporate complaints procedure.

The guide will focus on complaints which fall within the scope of the Council's complaints procedure.

This states that anyone who uses or is affected by our services can make a complaint. This includes:

- residents
- people who work in or visit the borough
- local businesses
- community groups

Some people need help to make a complaint, and so we accept complaints made on their behalf, provided that the person affected has given their consent. So complaints could be made by a concerned relative or carer, a Councillor or Member of Parliament, a Solicitor or other Advocate, or an advice agency.

If you have doubts about these or other issues, you should check the complaints policy or seek advice from your complaints link officer.

2. Getting started

The London Borough of Barnet recognises the importance of complaints and welcomes them as a valuable form of feedback about our services and those provided by third party providers.

We want to make it easy for people to complain. We want to know if we make mistakes, so we can put things right if they have gone wrong. Complaints help us to improve the delivery of our services, they provide important feedback to us, they help improve our customers' confidence in us; and they are important in improving customer relations.

We want to resolve complaints, and not just respond to them. Complaints need to be responded to:

- ☐ Quickly;
- ☐ Efficiently;
- ☐ Fairly;
- ☐ At the earliest stage of the procedure.

Fair resolution at stage 1 saves us time and money. However, we want customers to know how to take matters further, this shows that we are open, fair and transparent.

Further stages of the complaints procedure give us another opportunity to make sure we have got things right. Moving complaints through the stages helps draw a line under complaints, and avoids protracted correspondence.

3. Timescales

A stage 1 complaint must be:

- ☐ Acknowledged within 2 working days;
- ☐ Responded to within 10 working days.

A stage 2 complaint must be:

- ☐ Acknowledged within 2 working days;

☐ Responded to within 30 working days.

All timescales run from when the complaint is received by the council, not from when it is received by you.

4. Key steps in investigating a complaint

Step one - Complaint Link Officer to decide who is responsible for the complaint

A service manager is responsible for complaints at stage 1 of the council's Corporate Complaints procedure.

Stage 2 complaints must be responded to by Assistant Directors, Strategic Leads and above. Complaints cannot be responded to by anyone below this level.

A new process must be implemented whereby a second manager at the equivalent level reviews the complaint response in order to act as quality controller to check the accuracy of the response and to identify any missing or inaccurate information or anything that may open the council to criticism from the Ombudsman. This will form part of the new Stage 2 sign-off process. The relevant Complaints Link Officer will ensure this has been arranged beforehand to ensure the smooth running of this process and to avoid any delays.

NB. It is recommended a complaint review/sign-off appointment is scheduled by the Complaints Link Officer with the appropriate senior manager in order to dedicate allocated time for final sign-off to avoid any delay.

The Complaints Link Officer will be the central point of contact and will be able to provide you with advice and assistance.

The officers involved in delivering the service that are the subject of the complaint should never be responsible for dealing with the complaint. This does not mean that the officers involved should not be asked their views on the case. It is acceptable to discuss the case with officers involved in order to gain relevant facts and case chronology, but this should be by a different manager who will be responding to the complainant. If there is any uncertainty, this is when guidance can be sought from the Corporate Customer Complaints Manager.

It is also useful to use the Local Government Ombudsman's website for further advice and guidance on good practice and effective complaint handling (<http://www.lgo.org.uk/publications/advice-and-guidance>).

Step two – consider any cross unit or cross departmental issues

If the complaint involves more than one delivery unit or department, the customer should still get one co-ordinated response, unless agreed otherwise with the customer. The unit or department that provides the services that form the bulk of the complaint should normally deal with the whole complaint. That unit is responsible for approaching other units or departments for their response to the complaint, and for coordinating an overall reply.

This does not mean taking what other units say uncritically. If their response does not make sense, say so. In cross unit or departmental complaints, things may well go wrong at the point where services cross over. Particularly check these points before responding to the complaint.

Remember that the customer is interested in what the Council as a whole has done, not in each unit's separate actions. The customer has no interest at all in interdepartmental disputes.

There may be a few cases where the complaint needs to be split up departmentally. This might particularly apply in some social care cases, where the Council has specific duties under the statutory complaints procedure. If there is a social services element to a complaint, you should get in touch at an early stage with the Complaints Link Officers in Adult and Communities or Family Services.

Adults and Communities – Belinda Puaar 0208 359 4299 or Nicola Carter, 0208 359 2246; Complaints.Adults@Barnet.gov.uk

Family Services - Sarah Past, or Harsha Shah, 0208 359 7008; FSComplaints@barnet.gov.uk

If there is a dispute or difficulty with a cross unit or cross department complaint - for example about who should co-ordinate a reply, or difficulties in getting co-operation - the matter should be referred to the Complaints Link Officer. If he or she cannot resolve the matters, it should be referred to the Corporate Customer Complaints Manager to make a decision.

Step three – decide who should do the investigation

The person responsible for the complaint might ask someone else to gather the facts or investigate what happened.

BUT the responsibility for making sure this is completed accurately, and for the response to the complaint, cannot be delegated. The person responsible for the complaint (see step one) must be satisfied that the facts found in the investigation are correct.

The person responsible for the complaint must sign the response to the complaint and be answerable for its content.

Difficult or sensitive complaints should not be delegated.

The person who investigated the complaint at stage 1 should not investigate the complaint at stage 2.

Step four – tell the customer what is happening

It is vital to keep in touch with the customer. The customer is already aggrieved, and even a short silence will only make matters worse. You should make sure they know:

- ☐ Who is dealing with the complaint, and how to contact them.
- ☐ What will happen next.
- ☐ When it will happen.

If there is going to be any delay, the complainant must be told, and given a new date as to when they can expect a full response.

The customer should never be left without any idea of what is happening on their complaint. It is the case in many instances that the customer wishes to request their complaint, as they have not heard back from the service and the complaint is out of time.

Remember to focus on the Customer Service Standards:

Step five – understand the complaint

Take time to understand the complaint. Often the complaint can be complex or confused.

- ☐ Put any papers with the complaint in chronological order.
- ☐ Read the complaint and accompanying papers carefully.
- ☐ Break down the complaint into separate issues. List these out so that you can deal with them systematically.
- ☐ Make a leap of imagination and put yourself in the customer's shoes. Try and understand the problem from the customer's point of view. To do this effectively you will need to bear in mind the discrimination and difficulties faced by different groups of people in our society.
- ☐ You should almost always speak to the complainant, either face to face or on the phone. This helps you understand the complaint, and get the customer's side of the story. You can also get the customer to give you any papers they have in support of their complaint. Make sure the customer has help if communication may be difficult - such as an interpreter, the support of a friend or relative, or the services of an advocate. Make a note of the main points of what is said in the discussion.
- ☐ Make sure you know what the customer wants to happen.
- ☐ You may also need to:
 - ☐ Check the relevant files for previous notes or letters about the complaint;
 - ☐ Speak to relevant members of staff;
 - ☐ Check the relevant policies and procedure;
 - ☐ Speak to colleagues about other similar complaints.
 - ☐ Think about how the complaint could be resolved.

Step six – collect the evidence

Once you understand the complaint, you must establish the facts of what happened. How you do this will depend on the specific issues.

In some cases the facts will already be clear from the complaint, and you will have sufficient knowledge and expertise to deal with the complaint without investigating further.

But in other cases, you will need to allow time to investigate the issues you have identified.

You may need to:

- ☐ Inspect relevant files;
- ☐ Check computer records;
- ☐ Speak to the customer about specific issues;
- ☐ Visit the customer – for example, to check the disrepair;

- ☐ Visit relevant sites – for example, to see the effect of a nearby development
- ☐ Speak to members of staff;
- ☐ Speak to third parties;
- ☐ Check policies, procedures and the law and interview officers and third parties.

If you need information from other people, always give clear deadlines that still give you time to assess the information.

You should always keep a note of the key points from any visits, site inspections or interviews. This helps you remember what happened, and allows other people to see that decisions on the complaint are reasonable and fair.

Your approach to collecting the facts should be:

Open

- ☐ Don't dismiss what the customer says, no matter how unlikely you think it is, before you have established the facts.
- ☐ In particular, never discount what someone says just because they may have mental health problems or are vulnerable in some other way; or because they have difficulty expressing themselves.
- ☐ Don't dismiss what the customer says just because their previous complaints have not been upheld.

Inquisitive

- ☐ Remember that your job is to get to the bottom of what happened.
- ☐ Be creative in finding evidence.

Critical

- ☐ Don't just accept what anyone says. Crosscheck what both staff and the customer say against the available evidence.

Positive

- ☐ Don't be defensive. If something has gone wrong it needs to be put right.

Honest

- ☐ Don't try and gloss over any mistakes. Your job is to uncover any errors. Things swept under the carpet have a tendency to come back again in one way or another.

Logical

- ☐ Don't flounder around. Plan. If you have understood the issues, you will know what facts you need to find.

Fair

- ☐ Consider all sides of the case. Try as hard to get evidence in support of the customer as you do to get evidence in support of the Council.

Step seven - get the evidence clear

You will probably find it helpful to keep an orderly complaint file. This should contain:

- ☐ The stage 1 complaint;
- ☐ The stage 1 response (if this has already been investigated);
- ☐ The stage 2 complaint and any further comments from the customer;
- ☐ Relevant correspondence in chronological order - both correspondence from the customer and key correspondence from the Council's files;
- ☐ Relevant documents e.g. the repairs history, a copy of the lease;
- ☐ Copies of notes of site visits and discussions or interviews with the customer or staff.

This is the file that will be passed to the Review Panel in the case of a social services complaint. It will also be made available to the Ombudsman should the complaint get that far.

A good way of getting the evidence clear is to draw up a chronology of what happened and when. This can be particularly important with complicated complaints and where complaints span units or departments.

Step eight – find the facts

Once you have collected all the evidence, and got the sequence of events clear, you need to decide the facts of what happened.

Where there are conflicting accounts on key issues, you will have to weigh the evidence and decide, on balance, which account you prefer. When deciding whose account you prefer you must make sure that you have collected all the evidence you can. For example, if there is an unresolved dispute between a technical officer and the customer about whether an item of disrepair has been done, make sure that you have inspected the site yourself.

- ☐ When finding the facts you must be honest and fair. Don't take sides. Never try and twist the circumstances. This does not help to resolve the complaint and can seriously damage the Council's position.

Step nine – come to a decision

The clues are contained within the customers' complaint

This is what should be your primary focus, also considering how the council's values are applied within your response to the customers complaint.

You now need to compare what actually happened with what should have happened.

You must identify any mistakes that have been made.

You will need to look at whether there has been, for example, undue delay, bias, incompetence, unfairness, misinformation, neglect, arbitrariness.

You must test the facts you have found against policies, procedures, government guidance, and the law. You need to identify any failure to follow procedures, poor practice or illegality.

You need to decide whether:

- ☐ You agree with the customer and uphold the complaint;
- ☐ You do not agree with the customer and you do not uphold the complaint;
- ☐ You partly agree with the customer and partially uphold the complaint.

If you make no change to the stage 1 decision, then you are not upholding the complaint. This applies even if the stage 1 decision was to uphold the complaint.

You should not think that you or your staff have failed if you uphold the complaint. Being able to identify and learn from our mistakes is much to our credit, and is vital for improving our services. But it is highly damaging to the Council to suggest that nothing has gone wrong, if mistakes have in fact been made.

You need to feel confident that you have made the right decision. This is not always easy, and some cases can be very borderline. Never make a decision just to please either the customer or colleagues. Remember you can't please everyone.

Step ten – put things right

If mistakes have been made, you need to decide what should have happened, and when; the effect on the customer of any mistakes. If you do not already have this information from your discussions with the customer, you need to go back to them and ask.

Next you need to decide what should be done to put things right. The aim is to put the customer in the position that they would have been in but for the mistakes that have been made. For example, you might backdate a housing application, or screen a development to mitigate its effect.

You must bear in mind what the customer wants. But obviously that does not mean that you must do as they wish. You must do what is fair and reasonable in the light of what has gone wrong, but having regard to the Council's resources and our responsibilities to all our customers.

Apologies

If mistakes have been made, whether or not they have had an impact on the customer, you should always make sure that an apology is given. Where the mistakes have not significantly affected the customer, an apology should be sufficient remedy. Apologies should never be half hearted or grudging, so they need to be genuine and read as such to the customer.

Compensation

It is not always possible to put people back in the position they would have been in had there been no fault by the Council. That is when you must consider the question of compensation.

The Council can consider paying compensation in certain circumstances. Compensation should normally be paid where the Local Government Ombudsman might say there has been some fault by the Council, which has caused injustice to the customer. Remember that not all mistakes cause injustice. If there is no injustice, compensation should not be paid.

It is important that the Council is consistent in the amounts of compensation awarded. The amount paid must be about what the Ombudsman would award and you should follow the suggested tariffs contained in his guidance on Remedies, on the Local Government Ombudsman's website (www.lgo.org.uk) or follow the links on the Council's complaints intranet site. Look at awards made in other similar complaints.

If in any doubt, you can also get advice from your Complaints Link Officer or from the Corporate Customer Complaints Manager.

If compensation is appropriate, you should tell the customer that this is being paid. You should not make an offer that they have to accept or reject. The payment of compensation does not affect their right to take the matter to the Ombudsman.

If you think that compensation should be awarded, you should make a file note to say why, and how you have come to a view on how much should be paid. The note should give a breakdown of any separate elements of the total figure.

Step eleven – consider administrative remedies

If something has gone wrong, consider whether you need to make any administrative changes to stop the problem from happening again. For example:

- ☐ Do policies or procedures need amending?
- ☐ Should an instruction be issued to staff?
- ☐ Do staff need reminding of something?
- ☐ Do staff need training?
- ☐ Is there a need for better guidance?
- ☐ Does action need to be taken to reinforce good practice?
- ☐ Are there better ways of allocating scarce resources or deciding between competing priorities?

This is one of the most important parts of dealing with a complaint. It allows the possibility of real service improvements, and provides the added value of a complaint.

Step twelve – reply to the customer

Now you should be ready to write to the customer. The aim of your reply is to satisfy the customer and explain the Council's position. The response should be clear and concise; answer the customer's questions; address all the issues in the complaint. But don't do this in a bureaucratic and boring way - group things together and take a broad sweep where necessary. Above all, it needs to be factually accurate. Any errors, even if they are not important, undermine the customer's confidence and make it look as though the complaint has not been taken seriously.

The response should normally be in a set format. But don't stick to this too slavishly, or the reply will seem stilted and impersonal. The response should normally include:

- ☐ A summary of the complaint;
- ☐ A brief account of the investigation that has been done (usually a sentence will do);

- ☐ A summary of the facts you have found;
- ☐ Your assessment of the complaint, and your decision. You must make the reasons for your decision clear. Although you have to decide whether the complaint is 'upheld', 'not upheld' or 'partially upheld', you do not have to use those words in the letter. You should tell the customer your decision in a personal way that the customer will understand;
- ☐ Your view on any injustice the customer has suffered;
- ☐ What you propose to put things right, and why;
- ☐ When the proposed action will be taken;
- ☐ An apology, if appropriate. Remember that it is possible to apologise to a customer even if you do not uphold the complaint. You should try to do this whenever possible. Careful wording and sensitivity can reduce appeals. Make sure the apology is sincere;
- ☐ Details of any compensation to be paid. Although you must be clear about how you have arrived at a figure, it is not normally a good idea to give too detailed a breakdown to the customer. Deciding on compensation is not a science, and there will always be an overall judgement about what feels right. You need to give the customer a general explanation, but in a way that does not invite picking over of the detailed figures;
- ☐ What will be done to prevent the problem from happening again. People often make formal complaints because they do not want anyone else to suffer as they have done. It is an important part of a remedy to say what administrative changes will be made;
- ☐ Information about how to appeal (even if you uphold the complaint). This is already mentioned in each template response letter, which you can obtain from your departments complaints Link Officer.

You must think carefully about the wording of your response. Think about how the customer will view the decision. It is possible to write a response that satisfies the customer even if you do not uphold the complaint. You need to show that you have considered the complaint carefully, and that you understand what the customer is saying. You need to explain the reasons for your decision in a personal, direct and friendly way.

If necessary, attach copies of any relevant documents.

You need to make sure that your response is written in plain English. You should keep your sentences and paragraphs short; this will make your response easier to read. Avoid jargon and abbreviations. Address one issue in each paragraph. This will keep your response clear. Use headings if you think this will help make your response clearer. Avoid the passive tense. Try and take ownership of any action that you recommend in your response. For example, don't say "Your application will be considered by 2 May". Do say "I will consider your application by 2 May". Use a font size and style that makes your response clearer. Make sure you use correct, but modern, grammar, and that you spell check your letter.

The Plain English Campaign has a useful guide on the website. You can find it at <http://www.plainenglish.co.uk/reportguide.html>

Step thirteen – follow up agreed actions

Your response to the customer does not end your task. You need to make sure that the things that you have said will happen do actually happen. For example:

- Make sure that any compensation is paid promptly;
- Make sure that any agreed action is taken e.g. that a repair is actually carried out, that Benefit is actually paid, that an insurance claim is actually processed. Tell the customer if there will be any delay. Never leave anything hanging at the end of a complaint - all actions must have a timescale and must be monitored;
- Make sure that any administrative changes are made and that they work.

Your involvement is not over until all the tasks are complete. It is your job, as the person responsible for the complaint, to make sure that they are done.

Step fourteen – make sure the complaint outcome has been accurately recorded

Complaints need to be recorded promptly onto Lagan. Ensure all responses are uploaded onto Lagan and the notes field is updated appropriately. Your Complaints Link Officer will, in most cases, be the one to record complaints onto Lagan.

The quality of responses are also monitored by the Corporate Customer Complaints Manager via Lagan.

You should also copy your reply to all relevant staff, so that they know the outcome of the complaint.