



Brent

Complaints Policy

Version 6 – August 2024

Owner: Corporate Director, Law and Governance

Complaints Policy

Version Control Table

Version Number	Date	Purpose/Change	Reviewer / Authoriser
1.0	15/05/2015	Original Policy	Director of Performance, Policy and Partnerships
1.0	24/08/2017	Revised Policy	Corporate Management Team
1.0	20/02/2019	Revised Policy	Corporate Management Team
2.0	12/03/2019	Updated Policy approved by CMT for publication on the Council's website	Head of Performance & Improvement Complaints & Fol Manager
3.0	30/04/2021	Review and amendments to current Policy	Head of Executive and Member Services Complaints & Fol Manager
4.0	16/02/2022	Review Policy and amendments made in compliance with the Housing Ombudsman Complaints Handling Code	Head of Executive and Member Services Complaints & Casework Manager
5.0	12/05/2023	Changes to stage 2 complaint sign off	Head of Executive and Member Services Complaints & Casework Manager
6.0	31/05/2024	Incorporate Complaint Handling Code changes	Deputy Director Democratic Services Complaints & Casework Manager
7.0	01/08/2024	Update to Corporate Complaint timescales	Deputy Director Democratic Services Complaints & Casework Manager

Contents

Version Control Table	2
1 About this document	4
2 Policy Statement	4
3 Scope	4
3.1 What is a complaint?	4
3.2 Who can make a complaint?	5
3.3 How can a complaint be made?	5
3.4 When can a complaint be made?	5
3.5 How will the complaint be dealt with?	6
3.6 When will I receive a response to my complaint?	8
3.7 Complaint Closure	8
4 Remedies	9
4.1 Remedies Guidance	9
5 Vexatious Complaints	9
5.1 How does the Council deal with vexatious complaints and unreasonable complainant behaviour?	9
6 Responsibilities	10
6.1 Who will respond to my complaint?	10
7 Additional Information	10
8 Appendices	11
8.1 Appendix 1 – Special Cases	11
8.2 Appendix 2 – Timescales	12

1 About this document

This document sets out Brent Council's position on complaints.

2 Policy Statement

We recognise the importance of customer complaints and welcome them as a valuable form of feedback about our services. Our aim is to resolve matters as effectively and quickly as possible. We will use the information gained from complaints to help improve the quality of our services.

- When we have done something wrong and it has had an adverse impact on a customer, we shall endeavour to put things right.
- We shall act fairly and proportionately.
- We will be open and accountable for any failures.
- We will acknowledge all complaints and respond to all complaints in a timely manner and within relevant timescales.
- If customers are dissatisfied with how we have handled their complaint, we will advise customers of their rights to appeal to the relevant body.
- We will ensure that there is a complaint provision for any Council services provided by a partner agency.
- We will learn from complaints and implement service improvements.
- We will process all personal information relating to complaints in line with the General Data Protection Regulation 2018.

3 Scope

3.1 What is a complaint?

A complaint is defined as 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 several individuals.

Typically, a complaint could be about:

- Delay in taking action without good reason
- Failure to provide a service
- Mistakes in the way a decision was taken
- Not following the law or the Council's own rules
- Broken promises
- Giving incorrect or misleading information
- Bias or discrimination
- Rude, unhelpful or inappropriate behaviour by staff
- Poor communication

Some issues do not fall within the category of a complaint and are more appropriately dealt with as a service request. This can include instances where a customer is 'complaining' about a problem that the Council has not created, such as neighbour noise nuisance. The same can be true for a 'complaint' received to report a repair request. These are requests to the Council for appropriate action to be taken. If a complainant expresses dissatisfaction with a response to a service request, then a complaint will be logged whilst we continue to address the issues that have been raised.

An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, we will provide details on how a complaint can be made should that individual wish to pursue a complaint with the Council about the matter.

3.2 Who can make a complaint?

Anyone who uses and/or is individually affected by our services can make a complaint. We cannot investigate complaints where there has been no personal injustice (in other words, where the complainant has not been directly affected by the matter raised).

If you require help making your complaint, you can ask a friend, family member, carer or someone you trust to talk to us on your behalf. You can also be represented or accompanied at any meeting with the Council. Whoever acts on your behalf, will need to provide written consent from you before we undertake an investigation or report our findings to them.

Complainants are able to access support from external agencies and representatives in order to assist with the complaint process. These include organisations such as Citizens Advice, Age UK, MIND, equalityhumanrights.com, Carers UK, etc.

If a child or young person is making a complaint under the Children's statutory legislation, then they can request the services of an advocate and should make this request known to the Complaints Service team.

Concerns raised by partner organisations about our services and concerns raised by staff or job applicants about their employment are outside the scope of this policy. Expressions of dissatisfaction against democratic Council decisions are also not covered by this complaints policy, nor are matters that are subject to a statutory right of appeal (see Appendix 1 for a list of some of these).

Reasonable Adjustments

The Equality Act 2010 introduced the Public Sector Equality Duty (PSED) which we consider when carrying out our day-to-day functions, crafting policies and delivering services. All staff undertake equality and diversity training, which is part of the Council's essential training programme. The Council is committed to ensure that all residents can access its services and are not disadvantaged in any way. Below are some of the adjustments that can be offered:

- use of email or telephone in preference to hard copy letters
- use of plain English or Easy Read service on our website
- communication through a representative or intermediary
- rest or comfort breaks in meetings.
- provision of information in appropriate alternative formats (eg large print, Braille, coloured paper etc.)
- provision of auxiliary aids

Residents can indicate when raising a complaint whether they have any disabilities or require any adjustments. This information is then recorded on their complaint record.

3.3 How can a complaint be made?

A complaint can be made in writing, via email, by telephone, in person or by using the online form or portal. The Council also accepts complaints raised via social media channels, where the Council has an official account for that platform and the complainant directs their issue to the Council's social media account. The Council will maintain confidentiality

and privacy and make contact through direct message requesting for any further details before the complaint is logged on the Council's case management system for a response in line with this policy. Complaints can also be submitted via Councilors or representatives. The Council accepts complaints in all forms including, verbal, written or online.

3.4 When can a complaint be made?

A complaint can be made at any time; however, the Council will not normally accept a complaint where the customer has delayed raising the complaint with the Council by more than 12 months.

The Council recommends that contact is made as soon as possible, to ensure access to data is readily available. Complaints exceeding 12 months will be considered on a case by case basis.

We will not investigate matters that have already been considered and addressed through our Complaints procedures. If a complainant is dissatisfied with the outcome, they have the right to escalate those matters to the relevant Ombudsman. Where legal proceedings have already been initiated, this is usually where a claim form or particulars of a claim has been filed at Court, the Council will also not investigate these matters as they will be addressed through Court proceedings.

We will not take a blanket approach to excluding complaints; we will consider the individual circumstances of each complaint. If the Council decides to not accept a complaint, the complainant will be informed of the reasons as to why the Council will not investigate under the Complaints process and be provided with escalation rights to the relevant Ombudsman.

3.5 How will the complaint be dealt with?

All complaints will be dealt with in accordance with the requirements of the Data Protection Act 2018, Equality Act 2010, subsequent legislation, and associated Council policies. We will deal with complaints on their merits, act independently, give the complainant 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. Social Care complaints will be investigated in line with the current regulations. Information provided to the Council for the purposes of a complaint investigation will not be used for any other purposes without the complainant's consent unless the Council feels there is a safeguarding concern, for the protection of others, or where there is a legal duty to do so.

A copy of the Complaint Team's Privacy Notice can be found on the following link: [Complaints Privacy Notice](#). The Council will only investigate complaints made on behalf of somebody else if we have that person's explicit written permission to do so. The Council will not normally accept anonymous complaints (a complaint where a customer has not provided their contact details) unless it relates to a child or young person.

The Council will initially assess the complaint to ensure that it meets the criteria of a complaint as defined in Section 3.1 of this document, and the complainant cannot achieve a resolution through other means such as those highlighted in Appendix 1. The Council will then try to resolve the complaint at the first point of contact. Where it is not possible to resolve the complaint quickly or it is clear the matter needs to be formally investigated, the complaint will be responded to within the Council's specified timescales. Details of timescales can be found in Appendix 2.

The Council will aim to respond to complaints as early as possible and specifically where

Complaints Policy

there are any risks or vulnerabilities involved and the issue is current/live. Where the complaint relates to historic issues or is complex these may take longer to investigate.

The Council will work collaboratively with colleagues and collectively take responsibility of complaints. There will be occasions where complaints that span several service areas will need to be investigated individually by each service area and their relevant parts of the complaint responded to accordingly. Similarly, if various complaints are received from a complainant which cover the same service area, the Council may group all the complaints so that the service area can investigate and provide one response.

A significant percentage of our customer-facing services are delivered on our behalf by third party suppliers/contractors. Our customers have the right to expect that our contractors will deliver a particular service to the same standards in terms of quality and customer care that we would seek to provide were it run in-house. This is also true for the handling of complaints in accordance with the Council's procedures.

Complaints received directly by our contractors will be addressed at stage 1 in line with their complaint handling processes. If the complainant remains dissatisfied with the response received, they have the option to escalate the complaint to the Council where a stage 2 investigation will be undertaken. All third party suppliers/ contractors will be required to follow the Council's complaints policy and the relevant Ombudsman's complaint handling code.

All complaints will be conducted in an impartial manner. Generally, complaints will be considered and signed off as per section 6.1 of this policy. However, if a complaint relates to the conduct of an officer of the Council, then the complaint will be passed to their line manager or a more senior manager to complete a thorough investigation and respond.

To ensure we comply with data protection rules, it may not be possible to keep you fully informed of any outcome or specific action taken against a member of staff. The officer investigating your complaint will provide you with as much information as allowed but this will be dependent on the nature of the complaint and will be considered on a case by case basis.

The Council reserve the right to use discretion when applying the policy and may deal with a complaint differently where individual circumstances merit it. Where this is the case, discretion will be applied fairly and appropriately so that complaints can be progressed in order to achieve a reasonable resolution.

Corporate Complaints

Corporate complaints involve a two-stage process. Stage 1 complaints are acknowledged within 5 working days of the complaint being received, and we aim to respond within 10 working days of the complaint being acknowledged. However where a complaint is complex, covers a lot of historic data or there are various strands to the complaint, the Council may extend the complaint by up to a further 10 working days. The investigation will be carried out by officers employed in the service area to which the complaint relates. The response is signed off by the relevant Head of Service, Director or a manager delegated to act on their behalf as appropriate. In the majority of cases, matters are resolved at this point. However, the Stage 1 response will inform the complainant of their right to request a final review (Stage 2) of their complaint if they remain dissatisfied. If the complainant does wish to proceed to this stage, they should clearly state what parts of their complaint have not been addressed satisfactorily and the reasons why to make it easier for any outstanding points to be addressed.

Complainants should make any escalation request within eight weeks of a first stage response being issued, because matters become harder to investigate as more time

Complaints Policy

passes. If there is a valid reason as to why a complaint will not be escalated, the Complaints Service will issue the complainant with a response detailing why it has decided not to pursue an investigation. Some of the reasons for not escalating a complaint can be found in section 8, Appendix 1.

Stage 2 complaints are investigated independently from the department by the Complaints team. Stage 2 complaints will be acknowledged within 5 working days from the receipt date of the Stage 2 request, and we aim to complete the investigation within 20 working days of the complaint being acknowledged. However where a complaint is complex, covers a lot of historic data or there are various strands to the complaint, the Council may extend the complaint by up to a further 20 working days. If the complainant still remains dissatisfied, they have the opportunity to have their complaint considered by the Local Government and Social Care Ombudsman (LGSCO) or the Housing Ombudsman, details of which will be included in the response.

Statutory Complaints

Some complaints received by or made on behalf of children regarding Children's Services can be considered under the Children's Statutory Complaints Procedure¹. The Children's Statutory Complaints Procedure has three stages.

- **Stage 1** - Stage 1 is acknowledged within 5 working days and answered by the Service Area and signed off by the relevant Head of Service or a manager delegated to act on their behalf as appropriate within 10 working days. The Stage 1 can be extended to 20 working days if the investigation is complex. The response will provide information on how to escalate to Stage 2 of the procedure.
- **Stage 2** - Stage 2 is investigated by an Independent Investigator who is independent of the Service Area and an Independent Person (independent of Brent Council but appointed by the Council). On completion and agreement of a complaint statement the investigation will take up to 25 working days, or up to a maximum of 65 working days if it is a complex case. The Independent Investigator will provide a report on their investigation to the Council, which is passed to a Director, Children and Young People, for adjudication. The Council's decision will be provided to the complainant. If the complainant remains unhappy, they will be advised on how to make a request for a Stage 3 Review Panel.
- **Stage 3** - If the complainant requests to escalate their complaint to a Stage 3 Review Panel, the Council will aim to arrange this within 30 days of the request being received from the complainant. The Panel will then provide a report to the Council, within 5 working days and the Council will send a copy of the report to the complainant at this stage. The Corporate Director of Children and Young People will adjudicate and provide the complainant with a response to the panel's findings within 15 working days. If the complainant remains dissatisfied, they have the opportunity to raise their concerns with the LGSCO.

Complaints about Adult Social Care also follow a statutory complaints procedure, which is governed by law². Statutory Adult Social Care Complaints have a one stage process which can take up to a maximum of 6 months to complete from the date of receipt. On receipt of a complaint, it is to the relevant service area for investigation. The complainant will initially receive a provisional response to their complaint within 20 working days from the relevant Head of Service. If the complainant remains dissatisfied with the outcome of their complaint, they can ask for the response to be reviewed.

It will be reviewed by the Director, Adult Social Care, or Corporate Director, Community

Health and Wellbeing. Complainants are encouraged to make any escalation request within eight weeks of receiving a provisional response, listing reasons as to why they remain dissatisfied.

Once an escalation request is received, a final response will be issued to the complainant within 30 days. However, if the complaint is complex and the Council require more time to investigate, the complainant will be informed in writing of the new timescale which will be up to a maximum period of 6 months. The response will include a paragraph detailing how the complainant can escalate their complaint to the LGSCO if they wish to do so.

3.6 When will I receive a response to my complaint?

Timescales for responses will be dependent on the type of complaint. Corporate complaints will be acknowledged within 5 working days and will normally be answered within 10 working days of the complaint being acknowledged, and 20 working days of the complaint being acknowledged at stage 2.

There will be circumstances in which this is not possible, in which case the complaint may be extended by a maximum of 10 working days at stage 1 and 20 working days at stage 2 of the complaints process. If the case is extended, complainants will be advised of the reasons for extension, the likely response date and be provided with contact details of the relevant Ombudsman. Details of all complaint timescales can be found in Appendix 2.

If the Council requires more information to complete its investigation, this will be requested from the complainant and the case paused until the information has been provided. If the information is not received by the specified date, the investigation may be completed based on the information that is available at the time.

Where complaints may also be connected with other procedures, such as legal or disciplinary proceedings, or we need to liaise with other parties to resolve the complaint, often, in the interests of fairness, a response cannot be provided until these processes have been completed. The complainant will be informed if the Council is unable to respond at the time.

There may be occasions where circumstances fall beyond the control of the Council resulting in the complaint response being delayed. Depending on the circumstances, the Complaints Service may also need to pause its investigations. Where this is the case, the Complaints Service will write to the affected complainant(s) to make them aware of this with an explanation for any delays. There may also be occasions where more time is required due to the complexity of the complaint or where the complaint covers several years of history. In these instances, the complainant will be informed and updates will be agreed at suitable intervals. Once a date is known the complainant will be informed as to when they are likely to receive a response. Complaints may be extended with the approval of both parties if additional actions need to be taken to confirm or clarify a particular issue and consider any findings.

If additional information or complaints are provided during the course of the investigation, the Council may need to extend the response time to consider the new information or register the additional concerns as a new complaint. It is therefore important that all supporting information is provided at the time the complaint is lodged.

3.7 Complaint Closure

Complaints Policy

Complaints will normally be closed once an investigation has been completed and a response has been provided to the complainant. Complaints may also be closed if a resolution has been agreed and the Council are taking steps to deliver the action/s.

There may be occasions where the complainant no longer wants to pursue the complaint, for example, if their situation changes or a resolution has been provided before an investigation has been conducted. In these circumstances the complaint will be closed on the Council's system as withdrawn/not pursued.

If a complaint has been rejected for any reason, the complaint will be deemed closed as of the date the notification of the rejection is provided to the complainant. The complainant will be notified in writing where a complaint has been rejected and provided with the reasons. Some of these reasons can be found in Appendix 1.

If the complaints procedure has been exhausted and the complainant is still dissatisfied with the response provided by the Council, the next step would be to refer their concerns to the appropriate Ombudsman.

Some complaints are within the jurisdiction of the Housing Ombudsman, and others are the responsibility of the Local Government and Social Care Ombudsman (LGSCO). Occasionally a complaint may be considered by both Ombudsman schemes. Within your complaint response the Council will provide the escalation process for the most appropriate Ombudsman.

Complaints covered by the Housing Ombudsman can be referred to the Housing Ombudsman by post at Housing Ombudsman Service, PO Box 1484, Unit D, Preston, PR2 0ET; by using the online complaint form on their website: <http://www.housing-ombudsman.org.uk>; by email to info@housing-ombudsman.org.uk or telephone on 0300 111 3000. Please note you can contact the Housing Ombudsman Service at any point during the complaint process. It cannot investigate your complaint whilst your complaint is going through our internal complaints procedure however the Ombudsman may be able to help you reach a resolution through mediation or assistance. We cannot however prejudge any action the Ombudsman may take.

For complaints covered by the Local Government and Social Care Ombudsman, the complainant has the option of referring their complaint to the Local Government and Social Care Ombudsman (LGSCO). The Ombudsman may then consider the matter further. The address is Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH (online complaint form available at: www.lgo.org.uk/making-a-complaint, telephone: 0300 061 0614).

¹ The Children's Act 1989 Representation Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000, Adoption and Children Act 2002, Health and Social Care (Community Health Standards) Act 2003

² The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 ("the Regulations")

4 Remedies

4.1 Remedies Guidance

The Council follows the Local Government and Social Care Ombudsman and the Housing Ombudsman's remedies guidance for complaints. The respective guidance can be found on the links below:

Local Government and Social Care Ombudsman

<https://www.lgo.org.uk/information-centre/staff-guidance/guidance-on-remedies>

Housing Ombudsman

<https://www.housing-ombudsman.org.uk/about-us/corporate-information/policies/dispute-resolution/policy-on-remedies/>

5 Vexatious Complaints

5.1 How does the Council deal with vexatious complaints and unreasonable complainant behaviour?

Managing a complaint is generally a straightforward process. As a Council, we are committed to dealing with complaints in a professional, sensitive and timely manner. In a small number of cases, complainants pursue their complaints in a way that can either impede the investigation of their complaint or can have significant resource issues for the Council. In those situations, the Council will not consider complaints that are raised in an unreasonable manner and may need to classify the complainant as unreasonable, unreasonably persistent, or their complaint as vexatious.

The Council has a Vexatious Complaints Policy, which defines unreasonable behaviour, and vexatious complaints. It provides guidance so that Council staff can deal confidently, effectively and fairly with vexatious complaints and unreasonable complainant behaviour.

Dealing with vexatious complaints and unreasonable complainant behaviour diverts time from officer's duties and has an excessive impact on resources. The Council's services need to remain fair, consistent and accessible to everyone who wishes to use them.

If a complainant has exhausted the Council's complaints procedure, they will be referred to the Ombudsman. The Ombudsman's review of the complaint is considered final; therefore, the Council will not revisit any complaints that have already been considered by the Ombudsman.

6 Responsibilities

6.1 Who will respond to my complaint?

The Chief Executive has overall responsibility for complaints and oversight of complaint outcomes, which offer valuable opportunities for learning and improvement.

Corporate Directors and Directors shall be accountable for complaints performance in their departments and shall decide on final stage complaints for their departments.

Heads of Service are responsible for ensuring that remedies and service improvements identified by complaint investigations are carried out.

Complaints Policy

All staff are responsible for supporting timely and good quality complaint responses within the Council's timeframes.

Corporate Complaints

- Stage 1: Head of Service or Service Manager
- Stage 2: Corporate Director or Director

Adult Social Care Statutory Complaints

- Provisional Response: Head of Service or Service Manager
- Final Response: Corporate Director, Community Health and Wellbeing or Director, Adult Social Care

Children Social Care Statutory Complaints

- Stage 1: Head of Service or Service Manager
- Stage 2: Directors, Children and Young People
- Stage 3: Corporate Director, Children and Young People

7 Additional Information

- 7.1** The Council publishes the complaints policy on the Council's website. There is a dedicated Complaints section where you can view the policy, the privacy notice and the most current annual complaints report. Relevant Council services will advertise the Complaints Policy, the Complaint Handling Code and details of the Housing Ombudsman in regular correspondence (leaflets, posters, newsletter) with service users. The Housing Management Service will also be providing information on notice boards, at Resident Associations and will include a banner advert on emails they send to residents for short periods across the year promoting the complaints process. The Council will also hold events so that tenants, leaseholders and private landlords can gather information and raise concerns.

8 Appendices

8.1 Appendix 1 – Special Cases

Some types of complaints and appeals fall outside of our complaints policy.

The following complaints are not covered by the corporate complaints procedure:

- Complaints relating to Children's and Adult Social Care (these have their own statutory procedure, detailed in section 3.5)
- Complaints against schools
- Some educational matters
- Complaints against councillors
- Anonymous complaints
- Complaints made on behalf of individuals without their explicit consent
- Liability issues that are subject to an insurance claim
- Some commercial matters
- Most complaints where the customer or the Council has started legal proceedings or court action (but not where a customer has only threatened to do so)
- Complaints that have been appealed to a Tribunal or Minister, or have already gone to Court about the same dispute
- Criminal matters
- Employment issues

Complaints Policy

The following matters have their own appeals procedure and are not covered by this policy; these include but are not limited to:

- Penalty Charge Notices
- Fixed Penalty Notices
- Planning appeals
- Appeals against statutory notices
- Appeals relating to schools and school admissions
- Appeals against Special Education Needs assessments
- Housing and council tax benefit appeals
- Leasehold Tribunals
- Council tax and valuation discount and exemption appeals
- Appeals against the refusal of disabled badges for parking exemption
- Appeals against decisions relating to homelessness
- Freedom of Information and Subject Access Request complaints
- Data Protection complaints

8.2 Appendix 2 – Timescales

Corporate Complaints

- A response will be provided within 10 working days of the complaint being acknowledged at stage 1, with an extension of up to 10 working days if complex or multifaceted.
- A response will be provided within 20 working days of the complaint being acknowledged at stage 2, with an extension of up to 20 working days if complex or multifaceted.

Children Statutory Complaints

- 10-20 working days stage 1
- 25-65 working days stage 2
- 30 working days for stage 3 panel

Adults Social Care

- 20 working days – 6 months