

# North Tyneside Council

## Draft Complaints Handling Policy

### Introduction

North Tyneside Council aims to provide high quality services and customer care at all times. However, it recognises there are occasions when people may wish to register dissatisfaction with those services. When this happens, the Authority wants to hear about people's experiences and, where something has gone wrong, to put it right so far as is possible. This process in turn drives improvements generated from lessons learned from complaints. Therefore we have a comprehensive complaints service that covers not only the statutory Social Services arena, complaints under the Children Act 1989 and the National Health Service and Community Care Act 1990, but also all other services in the Authority under a Corporate Complaints Procedure and Complaints made to the Local Government Ombudsman and Housing Ombudsman.

The Authority also welcomes comments, compliments and suggestions to provide a broad, balanced and reflective picture of people's experiences of our services. The Authority aims to respond positively to all complaints and other representations so that it can help resolve individual issues and learn from experience how to improve services. We aim to provide comprehensive complaint services, which are widely understood and easily accessible to all. The whole Authority, staff and Councillors, are committed to effective complaint handling and problem solving as an integral part of customer focussed services and responsive performance management.

There are three separate complaints procedures for Corporate, Adult and Children Social Care complaints. Wherever possible, before the 'formal' complaint procedures are used, efforts are made at an operational level to resolve any difficulties.

### **North Tyneside's Complaints service has as its focus the following principles of good complaints handling:**

1. Getting it right
2. Being customer focussed
3. Ease of access to complaints process
4. Being open and accountable
5. Acting honestly, fairly and proportionately
6. Being flexible with the ultimate goal of resolution wherever possible
7. Dealing with complaints within agreed timescales
8. Putting things right by implementing remedies

9. Seeking continuous improvement using lessons learned from complaints.

### **Help and support**

The Customer and Member Liaison Office (CMLO) offers information, advice and help to complainants, as well as to staff responding to complaints. Its primary role is to ensure all complaints are looked into properly, in a timely fashion and that any lessons learned are adopted.

Independent advocacy is available for people wishing to make Social Services complaints, especially children and vulnerable adults. Other assistance can be arranged to suit individual requirements, e.g. assistance with setting out a complaint in writing and arranging an interpreter.

### **Scope of Complaints**

A complaint may arise as a result of any service the Authority provides or for which it is responsible. Complaints may relate to the following:-

- Quality of the service
- Delay in service
- Non provision of service
- Refusal to provide a service
- Communications related to the provision of a service
- Manner and attitude of staff engaged in the delivery of service

However, this is not an exhaustive list and the CMLO will provide guidance as appropriate. Complaints which have a formal appeal procedure or where there is legal action pending will not be considered under complaints procedures.

### **Unreasonable Behaviour**

Although the Authority welcomes feedback to assist in the development and improvement of its services there are occasions when individuals behave in unreasonable ways. The Authority has therefore adopted a Policy on handling unreasonable behaviour, should it arise. A copy of the Policy is available from the CMLO.

### **Monitoring of Information**

The CMLO monitors adherence to the complaints procedure and progress of individual complaints. They ensure records are kept of:

- each complaint received;
- the outcome of each i.e. the decisions made in response to the complaint and any action to be taken; and
- whether there has been compliance with relevant time limits.

It also issues satisfaction questionnaires to complainants after their complaints have been completed. Equality and diversity is also monitored through questionnaires.

Regular reports on complaint related activity are available to all service areas and are submitted to the Appeals and Complaints Committee. There is a statutory requirement that Authorities publish Social Services complaint data, therefore an Annual Report on all complaint related activity is presented to Cabinet and available to the public. This report includes comparative levels of complaints by type and a sample of lessons learned as a result of complaints received.

### **Referral to Appeals and Complaints Committee**

Where Stage 2 of the Corporate Complaints Procedure has been concluded and the complainant is still dissatisfied, s/he will be eligible to request further consideration of the complaint by the Authority's Appeals and Complaints Committee. The Committee makes the final decision on behalf of the Authority. It has authority to instruct service areas to carry out specific action and/or to provide remedy to resolve a complaint. This option does not apply to Children Social Care and Adult Social Care complaints which have other arrangements.

### **External Review**

Following the completion of the Authority's internal Complaints procedure any complainant who remains dissatisfied may take their complaint to the relevant Ombudsman who will undertake further investigation in appropriate cases.

### **Data Protection Act (DPA) and Freedom of Information Act (FOI)**

All Officers and Members of the Council are registered as data controllers with the Information Commissioners Office (ICO). There is a general exemption under DPA in relation to sharing relevant information between the Authority's Services to enable the proper examination of a complaint.