

Complaints handling guidance

Coventry City Council

Insight Team
September 2018

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Introduction

About this guide

This document is the Council's internal complaints handling guidance, and is to be read in conjunction with the complaints policy.

Making things right

Coventry City Council is committed to putting local people and their needs at the heart of what it does. As employees of the Council, we work to ensure that people have a positive and trouble-free experience with us in all transactions and interactions. However, sometimes things go wrong. When things go wrong, we encourage people to speak up, so that we can make things right.

Effective management and resolution of complaints, as well as learning from complaints, help ensure that Council services meet the needs of local residents and communities, and helps build a foundation of trust in order for the Council to have new conversations with residents, communities and partners to enable people to do more for themselves as active and empowered citizens. A key principle of this is continuous improvement, and this includes reviewing the Council's complaints processes and systems to ensure consistency and improve the way the Council serve the people of Coventry.

The complaints policy

Coventry City Council's complaints policy sets out how individual members of the public can complain to the Council, as well as how the Council handle compliments, comments and complaints. Where possible, complaints should be resolved informally. If this is not possible, they can formally complain to the Council.

The complaints policy can be found at: www.coventry.gov.uk/complaints/. The policy defines complaints as “*any expression of dissatisfaction about the standard of service, actions, or lack of action by the Council or its employees, which the customer feels should have been provided*”.

Depending on the subject and nature of the complaint, a different pathway is followed:

- complaints about **children's social care** including care homes and other providers commissioned by the Council follow the statutory process for representations made by or on behalf of children using social care services provided by / commissioned by the Council arising from the Children Act 1989;
- complaints about **adult social care** including care homes and other providers commissioned by the Council follow the statutory process for representations made by or on behalf of an adult using social care services provided by / commissioned by the Council arising from the Local Authority Social Services and National Health Services Complaints Regulations 2009;
- **all other complaints** relating to Council services are dealt with by the corporate complaints policy.

Note that complaints about non-Council services, for instance, schools, hospitals; complaints by employees; or complaints about elected members (councillors) are outside the scope of the complaints policy.

The Council strives to act in accordance with best practice, for instance:

- the National Complaints Managers' Group (May 2016) [Good Practice guidance for handling complaints concerning adults and children social care services](#);
- Local Government and Social Care Ombudsman (LGSCO):
 - [guidance on good complaint handling](#) (for instance, running a complaints system; managing unreasonable complaint behaviours and remedies); and
 - [single complaints statement](#) guidance for councils and care providers on best practice in receiving and dealing with comments, complaints and feedback about their services.

The Local Government and Social Care Ombudsman

The LGSCO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It is a free service that investigate complaints in a fair and independent way; and provides a means of redress to individuals for injustice caused by unfair treatment or service failure.

If a complainant has exhausted all of the Council's own complaints process, and remain dissatisfied with the Council's decision and/or its handling of the complaint, they have the right to take the complaint to the Local

Government and Social Care Ombudsman (LGSCO). When a complaint has exhausted the Council's complaints procedure, they are informed of this right – and provided detail with how to contact the LGSCO.

Find out more

Info hub

Further guidance, reports and information available on the Complaints, Comments and Compliments Information Hub (**3Cs Info Hub** in short) on the intranet at <https://coventrycc.sharepoint.com/sites/3CsInfoHub/>.

Key contacts

People Directorate Complaints Officer

- Adult social care complaints: AdultSocialCareCustomerRelations@coventry.gov.uk
- Children's social care complaints: CLYPCustomerRelations@coventry.gov.uk

Local Government and Social Care Ombudsman (LGSCO) Link Officer

- LGSCO Link Officer: Ombudsman@coventry.gov.uk

Guidance

The following table sets out key characteristics of the Council's complaints processes:

Type	Corporate	Adult social care	Children's social care	LGSCO
Stages	Informal resolution Stage 1: service investigation Stage 2: service investigation review	Informal resolution Stage 1: local resolution	Informal resolution Stage 1: local resolution Stage 2: investigation Stage 3: review panel	Enquiry and assessment Investigation Decision and remedy
Timescales (in working days)	Acknowledgement: 3 days Stage 1: 10 days Stage 2: 20 days	Acknowledgement: 3 days Stage 1: 20 days	Acknowledgement: 3 days Stage 1: 10 (to 20 ¹) days Stage 2: 25 (to 65 ¹) days Stage 3: 30 days	Enquiry: 1-3 days Investigation: 20 days Draft decision: 5-10 days Remedy: as set out in the final decision statement
Services	All other services ²	Adult social care	Children's social care	All
Recording	On the corporate customer relationship management system, Dash .	On the corporate system, Dash plus the social care complaints database .	On the corporate system, Dash plus the social care complaints database .	On the Tracker on the Local Government and Social Care Ombudsman management portal.
Reporting	Quarterly summary trends and indicators on the 3Cs Info Hub ³ .	Weekly progress reports provided on the 3Cs Info Hub and regular progress meetings held with relevant managers. Quarterly trend and context provided to relevant management team and indicators on People Leadership Team dashboard. Annual report to the relevant Cabinet Member.		Upheld complaints referred to the Monitoring Officer for follow-up action. Quarterly trends and context on the 3Cs Info Hub . Annual report to relevant committees and relevant Cabinet Member.

Escalation of complaints

If the complainant is not satisfied with the outcome of the investigation, and they consider that one or more of the following apply: relevant information was not taken into account in investigating the complaint; procedures have

¹ This is the maximum extension for complex cases as defined by the statutory guidance.

² All other services, e.g.: adult education; benefits and tax; children's transport; corporate, finance and legal; education and libraries (except schools or education admissions appeals); environmental services (including household waste collections, noise complaints); housing services; planning; parking, etc.

³ Indicators currently provided on the People Leadership Team dashboard. This is accessible via the 3Cs Info Hub and the Performance Hub (coming soon).

not been properly applied in handling the complaint; there has been an incorrect interpretation of Council policy, they can ask for the complaint to be reviewed via a service investigation review. The review will either be conducted by a senior manager of the service or, a senior officer or manager outside the line management of the service depending on the circumstances. The complainant will be expected to explain, in writing or verbally, the grounds for seeking a review.

With children's social care complaints, in line with the Department for Education statutory guidance for local authority children's services on representations and complaints procedures, a complaint may be escalated to a Stage 2 investigation or Stage 3 review panel if a complainant wishes for it to do so. When this happens, a senior officer will always work with the complainant to see if the complaint can be resolved without escalation first.

Escalation to the Local Government and Social Care Ombudsman

If a complainant is unhappy about the way the Council has dealt with their complaint, they can contact the LGSCO. The LGSCO would normally expect a complaint to be made within twelve months of when the complainant first knew of the problem that they are complaining about, and normally require all complainants to go through all stages of the Council's own procedure before considering the complaint. However, in certain circumstances the LGSCO has the discretion to waive this requirement. Note that a complainant can approach the LGSCO at any stage of the complaints process.

Remedies, compensation and financial redress

The key principle for any financial remedies paid is that a remedy should, as far as possible, put the complainant back in the position they would have been in but for the fault identified. Any financial redress should be agreed with the relevant director, in line with LGSCO guidance set out at <http://www.lgo.org.uk/information-centre/reports/advice-and-guidance/guidance-notes>.

Where a complaint has gone to the LGSCO, the local authority has the option of suggesting a remedy to resolve the complaint – or to accept the LGSCO's recommendation.

Learning from complaints

Learning from complaints help ensure that Council services meet the needs of local residents and communities. That is why it is important for services to treat complaints as an opportunity to learn lessons from previous experiences, to drive forward improvements, for example, improvements to training or to inform changes to procedures. The Council regularly publishes reports on complaints, including lessons learned, to ensure that complaints are properly communicated to elected members.

Privacy and information governance

Please remember that complaints, investigations and information about it are private and confidential and must not be disclosed to third parties.

Our summary privacy notice states:

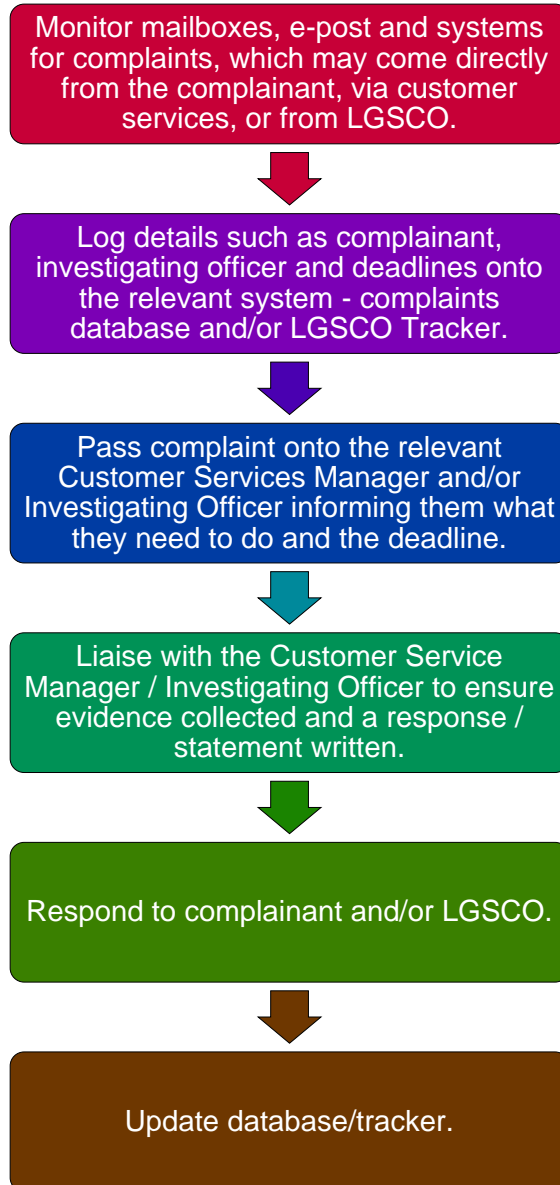
We will use the information you provide to handle your complaint in line with the Council's complaints policy available at www.coventry.gov.uk/complaints/. We may share this information with other organisations which may include independent external investigators, children's advocacy services and the Local Government and Social Care Ombudsman. We will only share your information if this is part of solving your complaint. More information on how we handle personal information and your rights under the data protection legislation can be found in the full Privacy Notice: www.coventry.gov.uk/privacynotice/.

You can help ensure that we protect people's information by ensuring that you follow the Council's information governance and data protection policies. In particular, please:

- **ensure that any correspondence containing personal or confidential data is sent in a password protected zip archive with the password provided in a separately email;** and
- **double-check** people's names, contact details, email addresses, mailing addresses and telephone numbers!

Role of the complaints function

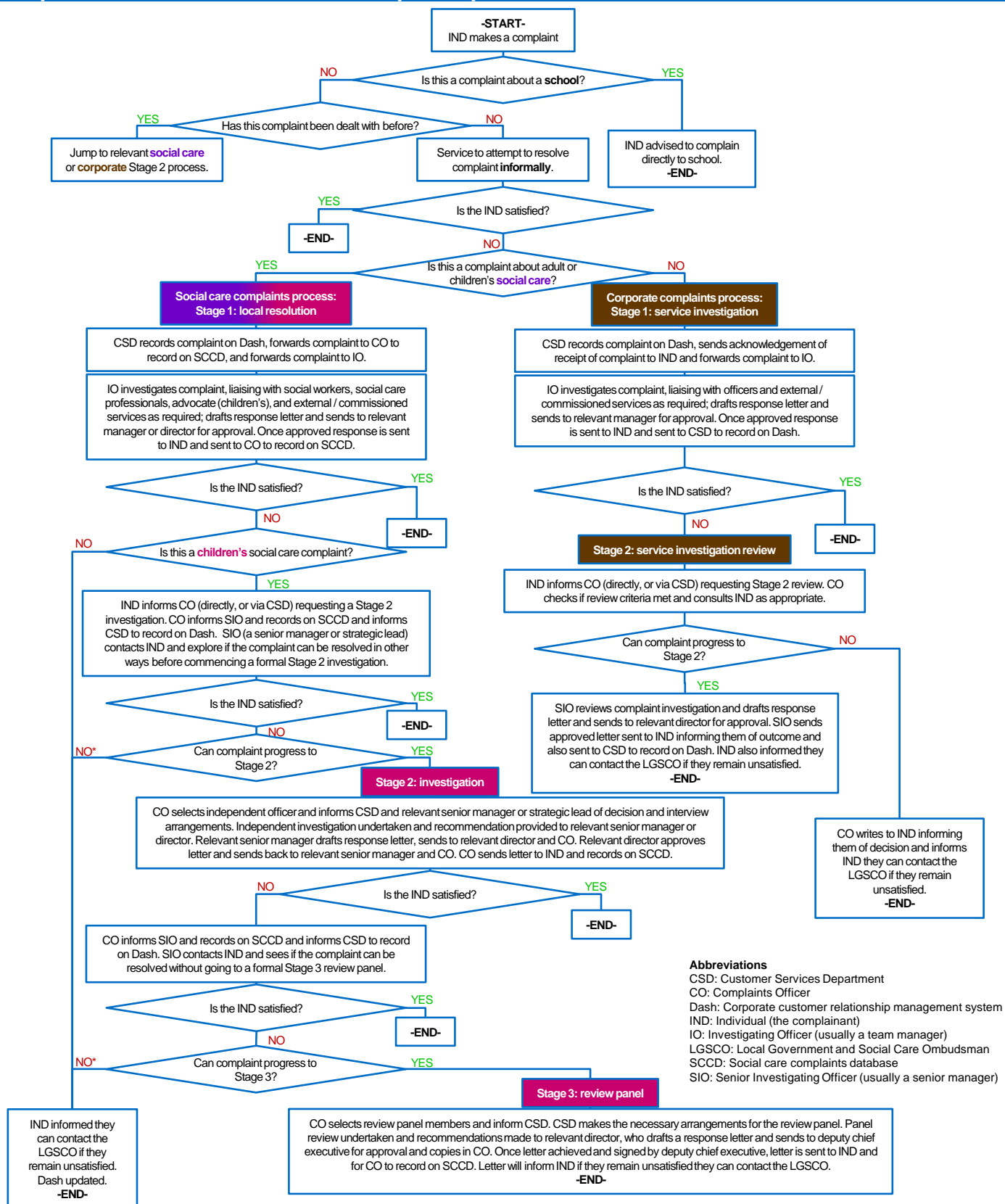
The following outline sets out what the Council's complaints function in the Insight Team do in relation to the day-to-day handling of complaints:



In addition, the function also:

- manages the 3Cs Info Hub, a one stop shop on the intranet;
- regularly meet with managers across social care and advocacy services to provide progress updates and discuss cases;
- appoints independent investigators and facilitate service investigations and reviews, in conjunction with children's services and commissioning;
- provides regular reports and statistics on complaint numbers, timescales and key messages to senior management; and
- produce annual reports.

People Directorate and social care complaints process flowchart



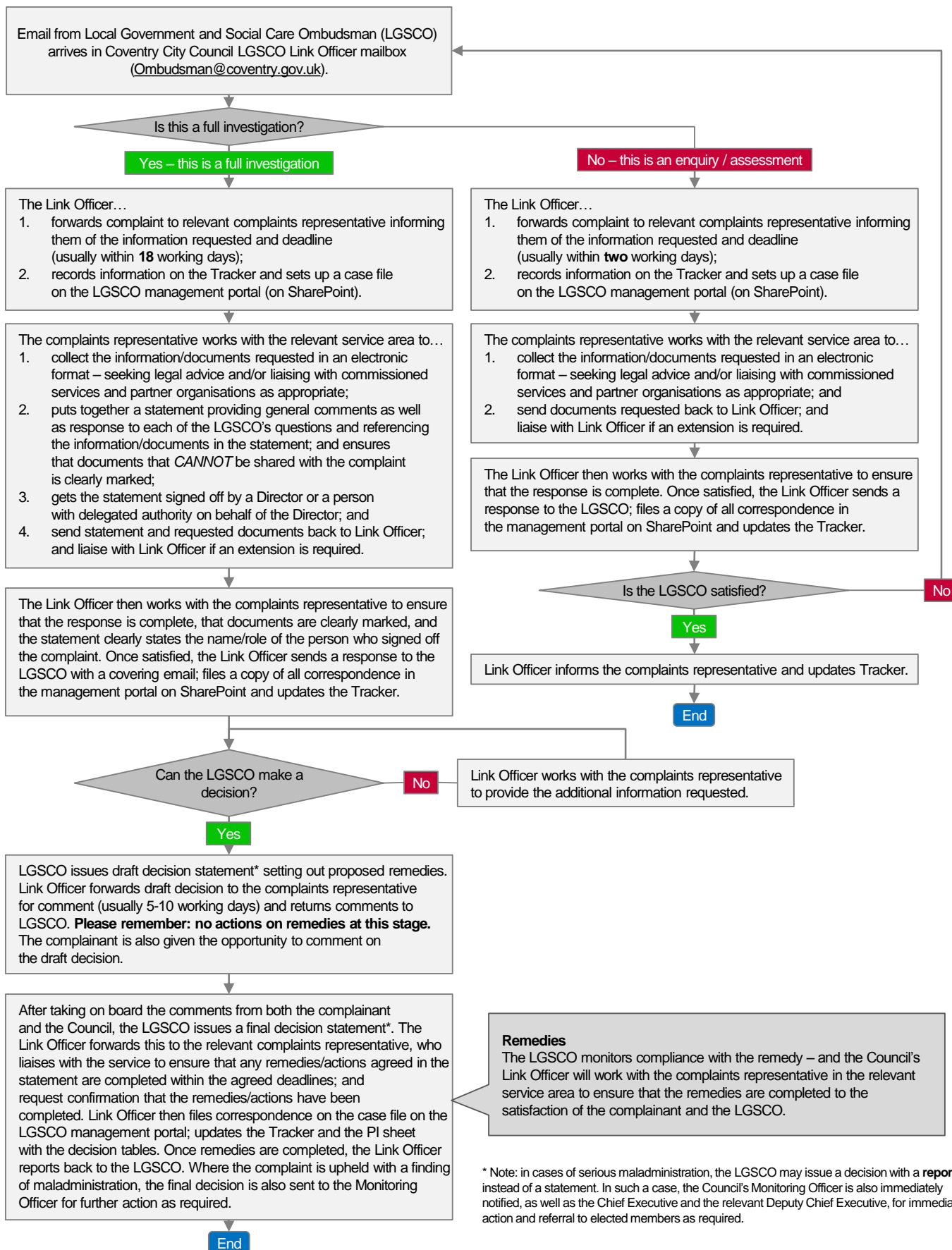
Abbreviations
 CSD: Customer Services Department
 CO: Complaints Officer
 Dash: Corporate customer relationship management system
 IND: Individual (the complainant)
 IO: Investigating Officer (usually a team manager)
 LGSCO: Local Government and Social Care Ombudsman
 SCCD: Social care complaints database
 SIO: Senior Investigating Officer (usually a senior manager)

* on rare occasions a complaint may not progress to the next stage, (e.g. out of timescale)

Local Government and Social Care Ombudsman process complaints guidance

Stage	Notes
Enquiry / assessment	The request will have a short deadline of between 1 to 3 working days . At this stage, the LGSCO will ask the Council for a copy of its formal complaint responses; and confirmation that the complaint has fully completed the Council's complaints process. The request will not include any new actions and should be returned to the Link Officer by the date specified.
Premature	If a complaint has not completed the Council's own complaints process, the LGSCO will return the complaint as a "premature" complaint for consideration under the Council's complaints process. It is important to remind complainant of their right to complain again to the LGSCO when they exhaust the Council's complaints process. Following completion of the complaints process (whether it is resolved or not), a copy of the final response should be sent to the Link Officer.
Investigation	The Link Officer will send a covering email requesting a written response to the LGSCO's questions. This needs to be returned by a set deadline, usually within 18 working days , so that the deadline (within 20 working days) can be met. The response must be provided as a statement , providing general comments as well as responses to each of the questions. It must also include the name and role of the author, and be signed off by the Director or a nominated person. Any supporting evidence must be provided as electronic attachments and referenced in the statement. Any information that cannot be shared with the complainant should be clearly marked and packaged separately. It may be necessary to seek legal advice and/or liaise with commissioned services and partner organisations as appropriate. The Link Officer needs confirmation that this has been done (in the form of an email trail). If the LGSCO investigator has asked us to consider whether we are prepared to remedy any injustice that may have been caused – we should comment on this as this is an opportunity for us to resolve the issue.
Draft decision	Following the investigation, the LGSCO will typically issue a draft decision statement . This will state whether the complaint was upheld or not, and detail the investigator's findings and explains the decision made. At this stage, the Council is asked whether it agrees with the decision and remedy. This is an opportunity to comment on the decision, and suggest any changes or corrections. At this stage, remedial actions must not be taken yet – remedies should only be completed after the final decision. We are usually requested to respond within 5-10 working days . <i>Note: the investigator may choose to issue a decision as a report (under Section 30(1) of the Local Government Act 1974) in which case the Council's Monitoring Officer is notified.</i>
Final decision	The final decision letter and statement should be circulated, as appropriate, to everyone who was involved in the investigation and everyone who needs to know of the investigation outcomes. Action on remedies should now be completed. In cases where the LGSCO makes a finding of maladministration , the final decision letter and statement is also forwarded by the Link Officer to the Monitoring Officer. The Monitoring Officer will decide if any further action is required.
Remedy	The LGSCO aims to remedy personal injustice when its investigations reveal there has been fault. Remedies are not intended to be punitive and are not just about money: the remedies also look into the root causes and recommend improvements to systems when they haven't worked properly, so that others do not suffer the same problems in future. The LGSCO monitors compliance with the remedy – and the Link Officer will work with the complaints representative in the relevant service area to ensure that the remedies are completed to the satisfaction of the complainant and the LGSCO. Confirmation and evidence that all actions required, as per the final decision letter and statement. This can be as soon as within 5-10 working days ; or longer for more complex issues.

Local Government and Social Care Ombudsman process flowchart



Remedies
The LGSCO monitors compliance with the remedy – and the Council's Link Officer will work with the complaints representative in the relevant service area to ensure that the remedies are completed to the satisfaction of the complainant and the LGSCO.

* Note: in cases of serious maladministration, the LGSCO may issue a decision with a **report** instead of a statement. In such a case, the Council's Monitoring Officer is also immediately notified, as well as the Chief Executive and the relevant Deputy Chief Executive, for immediate action and referral to elected members as required.

Version control

Document Location

Published location: <https://smarturl.it/cov-complaints-guide>

SharePoint: [https://coventrycc.sharepoint.com/teams/ChiefExec/PublicHealth/Insight/Documents/Complaints handling guidance 2018.docx](https://coventrycc.sharepoint.com/teams/ChiefExec/PublicHealth/Insight/Documents/Complaints%20handling%20guidance%202018.docx)

Reviewing arrangements

This guidance is reviewed annually with the annual complaints report.

Revision History

Revision date	Summary of Changes
13/09/2018	3.1 Integrated guidance, combining previously separate complaints handling guidance for the Local Government and Social Care Ombudsman and People Directorate and social care into one document.

