

London Borough of Barnet

Corporate Complaints Policy

July 2024

Contents

1.	Introduction	3
2.	Principles and purpose	3
3.	Our responsibility	3
4.	What is a complaint?	3
5.	Complaints outside the council's responsibility	4
6.	Who can complain?	5
7.	How can a complaint be made?	5
8.	Time scales for responding to complaints	6
9.	When can I make a complaint?	7
10.	Management of unreasonable customer behaviour policy	7
11.	Anonymous complaints	8
12.	Link with other policies and procedures	8
13.	Putting things right	11
14.	Learning from complaints	11
15.	Confidentiality	11
16.	Retention of complaint documents	12
17.	Equality and diversity	12
18.	Associated Policies / Legislation	12
19.	Review Policy	12

1. Introduction

- 1.1 The London Borough of Barnet welcomes feedback about its services and staff, and we have a process for people to express their views and opinions.
- 1.2 We will ensure that everyone is treated fairly and consistently in expressing those views and opinions, and equality and diversity issues are appropriately considered.
- 1.3 We will ensure peoples' concerns are given due consideration, and they are provided with a timely response.
- 1.4 All complaints will be recorded on the council's complaints management system, and will help us to:
 - efficiently deal with complaints
 - monitor our performance
 - learn lessons for the future and
 - inform and shape service delivery.

2. Principles and purpose

- 2.1. Our vision is to ensure that people are at the heart of complaints management and to use complaints as a learning opportunity to improve services.
- 2.2. We will use the information gained from complaints to help improve the quality of the services we provide and our relations with our residents and other key stakeholders.
- 2.3. Complaints about services we provide or provided on our behalf by our service providers will be addressed through this policy, unless otherwise stated.

3. Our responsibility

- 3.1. The council will deal with complaints objectively and professionally. We will treat people who make a complaint with respect, as we ourselves would like to be treated.
- 3.2. Residents, or their associates will not receive adverse treatment because they have made a complaint.
- 3.3. We will inform people of the complaints process being followed, what stage their complaint is at and what the next stage will be in the complaints process.

4. What is a Complaint?

- 4.1. A complaint is 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 group of individuals.
- 4.2. You can make a complaint if:
 - you are not satisfied with our service
 - you feel you have not been treated with courtesy or fairness
 - you are unhappy about the standard of service you have received
 - you feel we have failed to provide a service to which you are entitled
 - you are unhappy about actions taken by us.

Some areas of the council or their service delivery partners have separate complaints processes, which must follow as appropriate:

- [Children's social care complaints process](#)
- [Adults social care complaints](#)
- [Barnet Homes - Housing complaints](#)
- [Complaints about schools](#)
- [Complaints about the conduct of a Councillor.](#)

4.3. The following is not considered a complaint and therefore excluded from the corporate complaints policy and procedures:

- The first request for a service or where we have been given insufficient time to deliver that service according to our service standards
- A request for information or a service
- An explanation of a council policy or procedure
- An appeal against a decision where a statutory right of appeal exists, such as housing benefit, applicant appeals to the Planning Inspectorate and parking tickets.
- A complaint where legal action is in progress or has been threatened (for example, where the council have received a pre-action protocol letter)
- Insurance claims

This list is not exhaustive, but the council can only deal with complaints about services that it provides or that contractors provide on its behalf.

4.4. Not every expression of dissatisfaction will be a complaint. If a person is dissatisfied about something we have not done then they should request appropriate action. We will then deal with this request as part of our day-to-day business, not through our complaints process.

5. Complaints outside the council's responsibility

5.1. Certain types of complaint will not be dealt with through the council's complaints procedure because there are other processes more suitable for dealing with them, or because they are outside the council's control. These include:

- Matters of law or central government policy.
- Complaints where a complainant or the council has started legal proceedings.
- Complaints that have already been decided by a court or independent tribunal.
- Complaints from staff about personnel matters, including appointments, dismissals, pay, pensions and discipline. These are dealt with under the council's HR procedures.
- Services for which there are alternative statutory appeal or tribunal processes, including:
 - Appeals against statutory notices
 - Appeals against parking tickets (penalty charge notices) or enforcement actions
 - School admission or exclusion appeals
 - Special Educational Needs Tribunals
 - Housing Benefit appeals
 - Housing appeals
 - Reviews/appeals against the Fairer Contribution Policy

- Insurance claims
- Applicants' appeals against planning consent decisions and enforcement notices¹

6. Who can complain?

- 6.1. Anyone who uses or is affected by our services can make a complaint. This includes:
 - Service users (people who use services)
 - Residents
 - People who live, work, study or visit the borough
 - Local businesses
 - Community groups
- 6.2. Some people may need help to make a complaint, and so we accept complaints made on their behalf, provided that the person affected has given their consent. Complaints could be made by a relative or carer, a Councillor or Member of Parliament, a Solicitor or other Advocate, or an advice agency.
- 6.3. The council reserve the right to limit correspondence with any such party that falls out of the above categories.
- 6.4. In cases involving children or vulnerable people, if it seems that the person may be unable to give their consent, we will need to make a judgment as to whether it is appropriate to accept the complaint from their representative.
- 6.5. A complaint can be withdrawn at any time by the person who has raised it, or by the person directly affected if somebody else has made the complaint on their behalf. A complaint can be withdrawn verbally and in those cases the council will confirm the withdrawal with the person who has raised the complaint.
- 6.6. Councillors can use the complaints procedure in their capacity as residents and service users – for example, they could complain as any other tenant about the failure to do repairs to their council house, or about delay in dealing with their application for Housing Benefit. But the complaints procedure is not appropriate for complaints which arise from their role as members of the council.

7. How can a complaint be made?

- 7.1. Complaints can be made using our online complaints form - www.barnet.gov.uk/complaints
- 7.2. Alternatively by:
 - Phoning 020 8359 2000 or
 - Writing to Corporate Complaints Team, Barnet Council, 2 Bristol Avenue, Colindale, London NW9 4EW.

¹ If the customer is another party who has been affected by a planning decision and there is no right of statutory appeal, these complaints will be considered under this policy. If a complaint concerns a matter that a planning inspector would not consider then these complaints will be considered under this policy.

- 7.3. The council is committed to ensuring that the services we provide are relevant and accessible to all sections of our community. If someone has particular needs, we will do our best to meet those needs to make it easier to use the complaints procedure.

8. Time scales for responding to complaints

Informal resolution

- 8.1. We will endeavour to resolve complaints at the earliest opportunity.
- 8.2. If there's something that a person is unhappy with, they can speak to a member of staff, or ask for their manager's details. If they are unsure about who to contact, they can contact the department's Complaints Officer or phone 020 8359 2000 to be directed to the right person.
- 8.3. Often, the best way to resolve things quickly is to talk it through with a staff or their manager to agree a way forward. The manager may offer to have a telephone discussion or face to face meeting to discuss and resolve the points of complaint.
- 8.4. If a complaint can be resolved within 48 hours, there is no need to follow this formal complaint's procedure.

Acknowledging formal complaints

- 8.5. We will acknowledge a complaint within five working days of receiving it.

8.6. Complaints

The council has a two Stage Complaint Policy.

Stage 1 - Formal Complaint

- 8.7. Formal complaints are reviewed by Complaints Link Officers who liaise with relevant officers to investigate and provide a response.
- 8.8. The council will respond to **Stage 1 complaints within 10 working days of acknowledgement.**

Stage 2 - Review

- 8.9. Where proposed resolutions are not accepted, the complainant may appeal and ask for the complaint to progress to review in Stage 2. The complainant does not need to explain why they are dissatisfied with the response at Stage 1. Within the acknowledgement we will set out understanding of any outstanding issues and the outcomes the individual is seeking.
- 8.10. Where a person remains dissatisfied with the Council's Stage 1 complaint process and has escalated their complaint to Stage 2, the complaint will be passed to the relevant senior manager for review. The senior manager will review the Stage 1 response and investigate further as appropriate before issuing a Stage 2 response.
- 8.11. The council will respond to **Stage 2 complaints within 20 working days of acknowledgement.**
- 8.12. It should be noted that whilst the complaint is being considered, the council is unable to place any relevant enforcement action or otherwise on hold.
- 8.13. Once a complaint has gone through both stages of the council's complaints procedure, the council cannot re-open a complaint which deals with the same matters.

8.14. There are different timescales for Statutory Complaints concerning [Family Services](#) and [Adults and Health services](#) (Please refer to Section 4).

Complaints spanning more than one area

8.15. Sometimes complaints may be particularly complex and may concern two or more service areas or departments. The council will usually provide one co-ordinated response unless agreed otherwise. Should the complex nature of a complaint or another issue is likely to require additional time for the complaint to be thoroughly investigated and responded to, the complainant will be informed of this at the earliest possible opportunity. advising them of when they can expect a response.

Local Government and Social Care Ombudsman

8.16. The [Local Government and Social Care Ombudsman](#) is an independent organisation which 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.

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

8.18. If a complainant has been through all stages of the council's complaints procedure and remain dissatisfied, they can ask the Local Government and Social Care Ombudsman to review their complaint. Complainants can contact the Local Government and Social Care Ombudsman at any point of the complaints process although they may be advised their complaint is premature.

8.19. The Ombudsman expects complainants to have given the council a chance to deal with the complaint, before the contact the Ombudsman. If a complainant has not heard from the council within a reasonable timescale, the LGSCO may decide to look into the complaint in any case .

8.20. The Ombudsman can be contacted via their website - www.lgo.org.uk or phone 0300 061 0614 (Open: Tuesdays 10am till 1pm, Wednesdays 1pm till 4pm, Thursdays 10am till 1pm and Fridays 10am till 1pm (except public holidays))

9. When can I make a complaint?

9.1. We encourage people to make a complaint as soon as possible after the incident as it is easier to collate relevant information and documentation at the time.

9.2. We request that people contact us within three months of the incident, although we can investigate complaints up to one year from when they occurred.

9.3. If the complaint is not resolved at Stage 1 then complainants can advise the council of their wish to escalate their complaint to Stage 2. This should be done within one month of the date of the decision at Stage 1.

10. Management of unreasonable customer behaviour policy

10.1. London Borough of Barnet is committed to being a 'listening council' that collaborates with and listens to local residents and communities. The council recognises the importance of enquiries and contacts including complaints, which are welcomed as a valuable form of

feedback about our services to help improve the quality of the services we provide and our interactions with people.

- 10.2. On occasions our staff come into contact with people who consume disproportionate amount of resources when dealing with their complaint or enquiry. This is despite there being nothing further that can reasonably be done to assist them or rectify a real or perceived problem. In these situations, the decision may be made to classify a person's behaviour as unreasonable, or to classify a request for information as vexatious.
- 10.3. In most cases, complaints can be dealt with quickly and efficiently. However, the behaviour of a minority of people can make investigating and resolving a complaint difficult. These people can also take up a lot of officer time so there is less time to help others.
- 10.4. In a very small number of cases, a person's behaviour may become unacceptable. The council has a duty to protect its staff from behaviour which is abusive, offensive and threatening, and in these cases, will consider the matter [under the Management of Unreasonable Customer Behaviour policy](#).
- 10.5. Unreasonable customer behaviour may include:
 - Continuously shouting to a member of staff, swearing, threatening, and name-calling.
 - Obsessive, harassing, or prolific behaviour
 - Making the same complaint repeatedly or with minor differences but not accepting the outcome
 - Seeking an unrealistic outcome and persisting until it is reached
 - Someone with a history of making other unreasonably persistent complaints.
- 10.6. When the relationship has become unworkable, relevant officers will propose to the Head of Assurance and Business Development, that application of the Management of Unreasonable Customer Behaviour Policy to be considered- see www.barnet.gov.uk/complaints

11. Anonymous complaints

- 11.1. Anonymous complaints will only be dealt with in exceptional circumstance and on a case-by-case basis because they might highlight areas for investigation by the Corporate Anti-Fraud Team (CAFT) under the [Whistle Blowing policy](#). A separate policy can be found at www.barnet.gov.uk/fraud

12. Link with other policies and procedures

12.1. Complaints about the conduct of Councillors

Information about making a complaint about a Councillors' conduct can be found at <https://www.barnet.gov.uk/your-council/contact-council/compliments-and-complaints/complain-about-councillor>.

A complaint about the conduct of a Councillor of the London Borough of Barnet must be submitted in writing using the form provided.

12.2. Complaints about the council social care services

Different complaint procedures and timescales apply to complaints about **the council's social care services**. These are dealt with under The Children Act 1989 Representations Procedure (England) Regulations 2006; and the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009.

Complaints concerning **Family Services** will be managed under separate process. These can be found at www.barnet.gov.uk/barnet-childrens-social-care-complaints-process

Complaints regarding service delivered by the **Adults and Health Directorate** will be managed under separate procedures. These can be found at www.barnet.gov.uk/adult-social-care-comments-and-complaints

12.3. **Complaints about schools**

Schools have their own complaint procedures. Complaints **about a school or a member of the school staff** should follow the school complaints procedure as set out by the Department for Education. Details of which can be found at www.gov.uk/complain-about-school.

12.4. **Parking Complaints**

Challenges and representations against the validity of a Penalty Charge Notice (PCN) are dealt with under a statutory appeals process. This process is designated by the Traffic Management Act 2004 and designed to safeguard the interest of the appellant. Details on how to challenge a PCN is contained within the notice.

Alternatively, people can visit www.barnet.gov.uk/parking where they will find helpful information regarding the PCN, including how to submit an online challenge or make a payment.

However, if a person wishes to complain about the Council's enforcement practices or the behaviour of a member of staff, we may be able to consider this under our Corporate Complaints Policy.

12.5. **Freedom of Information, Environmental Impact Assessments, Environmental Information Regulations, Re- use of Public Sector Information Regulations**

Complaints regarding Freedom of Information (FOI), Environmental Impact Assessments (EIA), Environmental Information Regulations and Re- use of Public Sector Information Regulations will not be dealt with under the council's Corporate Complaints Policy. There is a separate review, appeal and complaint route, which leads to the Information Commissioner if the complaint is not resolved satisfactorily by the Council. These complaints can be submitted by emailing foi@barnet.gov.uk.

12.6. **Data Protection Act 1998**

Complaints made in connection with the Data Protection Act 1998 (for example complaints in relation to a subject access request, the accidental disclosure of information, or the inappropriate sharing of personal data) will not be dealt with under the council's Corporate Complaints Policy. There is a separate review, appeal and complaint route for these types of complaints, which leads to the Information Commissioner if the complaint is not resolved satisfactorily internally. These complaints can be submitted by emailing data.protection@barnet.gov.uk. For more information, please see the relevant section of the [Council's website](#).

12.7. **Complaints about Barnet Homes**

Barnet Homes is responsible for managing the council's housing stock and has its own complaints procedure.

Further information on how to make a complaint to Barnet Homes can be found at www.thebarnetgroup.org/complaints

12.8. Complaints about staff

The council takes complaints about staff very seriously. Complaints about staff should be made directly to the council and will be considered under the Corporate Complaints Policy, with the only exception being if the complaint raises matters that will be managed under the council's HR procedures. Such complaints will not be dealt with under the council's Corporate Complaints Policy. Where the complaint concerns an agency worker then the council will coordinate any investigation with the relevant recruitment agency.

12.9. Whistle Blowing

There is separate guidance for whistle blowing, which can be found at www.barnet.gov.uk/counter-fraud-policy-documents - for further information people can call 020 8359 6123 or email whistleblowing@barnet.gov.uk.

12.10. Corporate Anti-Fraud

The council has a Corporate Anti-Fraud Team (CAFT), which is a specialist investigative unit established to investigate allegations of fraud and irregularities. CAFT's role is to assist the council in protecting the public purse through the facilitation of sound strategies, procedures and controls in the prevention, detection, investigation and deterrence of fraud, corruption and bribery.

Any suspected fraud against the London Borough of Barnet should be reported through our Fraud hotline on 020 8359 2007 or our [website](#).

More detail on the work of the council's Corporate Anti-Fraud Team, or on different types of fraud can be found on the Fraud Investigation pages of the Barnet Council website - www.barnet.gov.uk/fraud-investigation

12.11. Complaints involving other agencies

The council works closely with other agencies and in some cases, have commissioned other organisations to provide services on its behalf. Complaints about these other agencies should be made directly to the external organisation first; however, we may wish to know about the complaint as part of our processes.

12.12. Complaints made by Members of Parliament and Councillors

The corporate complaints policy is intended for us to allow those who are dissatisfied with our service to tell us in order for us to rectify mistakes and prevent them from happening again. Councillors and MPs may bring a formal complaint by acting as their constituent's advocate.

12.13. Noise and Nuisance

Some services deal with matters that a person might consider to be a complaint, which in fact are routine intelligence or service requests. Examples may include complaints about noisy neighbours, barking dogs, dumped rubbish, bonfires, blocked drains, abandoned cars, rogue traders, dirty restaurants or food poisoning (<https://www.barnet.gov.uk/environmental-problems>).

These initial and subsequent complaints are deemed to be service requests and although the person may say they wish to 'complain' about e.g., a noise, they should not be dealt with as a formal complaint. These matters should be referred to and dealt with by the service as part of its service provision, within the services' target response timescales.

However, if a person wishes to complain about how their initial or follow up service request was dealt with or not dealt with, then this would be considered as a corporate complaint within the scope of this policy.

13. Putting things right

13.1. When the council is at fault, we will put things right by acknowledging our mistakes and apologising for them, explaining why things went wrong and what the council will do to prevent the same mistake happening again. This should happen at the earliest possible point in the process.

13.2. So far as possible, we will aim to place the person back in the position they would have been if there had been no fault. Sometimes it is not possible to do this, and, in such cases, compensation may be appropriate. In other cases, a remedy could include:

- **Taking specific action** - such as mending a leaking roof, backdating a re-housing application, assessing paying Housing Benefit, or reconsidering a decision.
- **Paying some compensation** - money is not the only, or the best remedy in every case but the council will consider compensation if people are out of pocket because of the council's mistakes, or if they have been caused undue hardship, inconvenience or distress. We follow the guidelines issued by the Local Government & Social Care Ombudsman in deciding the appropriate amount of compensation. These can be found on the Ombudsman's website at www.lgo.org.uk/guidance-on-remedies.

Where the person owes money to the council, for example rent or Council Tax arrears, any compensation will normally be offset against those arrears. But this will not normally apply where there is a legitimate dispute about the debt (for example, if there is a Housing Benefit claim pending), or if the compensation is for a specific purpose, such as replacing damaged possessions.

14. Learning from complaints

14.1. The council puts people at the heart of its complaints process which is focussed on the experiences of people involved.

14.2. The council is committed to learning lessons from feedback, including complaints, and using them to improve services.

15. Confidentiality

15.1. All complaints information will be processed in accordance with the requirements of the Data Protection Act 1998 and General Data Protection Regulations.

15.2. The identity of the person making a complaint will be made known only to those who need to know, this will usually include those involved in the complaint in order to consider the complaint. This information will not be made public by the council.

16. Retention of complaint documents

16.1. Complaint documents are kept for ten years as per the council's Records, Retention and Disposal Policy.

17. Equality and diversity

17.1. The Equality Act 2010 places a duty on Barnet Council to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act.
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not share them.
- c) Foster good relations between persons who share a protected characteristic and those persons who do not share them.

17.2. We have sought to do this through our Equalities Policy, which defines our commitments and values and seeks to ensure that fairness and transparency are key elements of this policy. Please refer to www.barnet.gov.uk/equality-and-diversity

18. Associated Policies / Legislation

- Management of Unreasonable Customer Behaviour Policy
- Corporate Complaints privacy notice
- Equalities Policy
- Adults and Health Directorate Statutory Complaints Policy
- Family Services Statutory Complaints Policy
- Data Protection Policy
- UK General Data Protection Regulation (UK GDPR)
- Records Retention and Disposal Policy

19. Review Policy

19.1. This policy will be reviewed when necessary to ensure it remains fit for purpose and is reflective of best practice guidance.

19.2. The council reserves the right to make amendments to this policy at short notice, or in any situation that warrants an immediate amendment being introduced.