

Hartlepool Jobs and Skills Service



Complaints, Comments & Compliments Policy

Author: Hartlepool Jobs & Skills Service

Approved By: Scott Campbell, Service Manager

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Hartlepool Jobs & Skills
CIL, Burbank Street
Hartlepool
TS24 7NY

www.hartlepooljobsandskills.com
01429 868616



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1. BACKGROUND & CONTEXT

It should be noted that the Jobs & Skills Service fully adopts the Hartlepool Borough Council Corporate Complaints, Comments & Compliments Policy

Hartlepool Borough Council aims to provide high quality services that meet the needs of local people. We want to make our services as efficient and effective as possible. To do this we need to know whether we are getting it right and how we can improve services.

- If a person is not satisfied with a service, we want them to tell us why not and what we can do to improve things;
- If we are doing things really well, we'd like to hear about that too;
- And we are interested in hearing any suggestions people have for making Hartlepool Borough Council services even better.

In response we promise to listen carefully to what people have to say and respond promptly to their comments and complaints. Any information that is provided will be treated confidentially. We aim to deal with any complaints impartially, objectively and professionally. Making a complaint will not affect the treatment or services that individuals or their family receive.

Hartlepool Borough Council has agreed the following definition for what constitutes a compliment, a comments and a complaint:

The definition of a compliment is:

An expression of thanks or appreciation with an individual or team for a job well done. The standard of service provided would, however much appreciated, be an expected part of the individual or teams normal duties and responsibilities

The definition of a comment is:

A remark, however made, about the standard of service, action taken or lack of action by the Council, its staff, or contractors or agents providing service on behalf of the Council affecting an individual customer or group of customers

The definition of a complaint is:

A complaint is an expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Council, its staff, or contractors or agents providing services on behalf of the Council that requires a response.

This does not include complaints about a third person i.e. a complaint received about a noisy neighbour or where a customer is reporting a situation that requires attention e.g. a street light not working. These are requests for service and only become complaints if the customer is dissatisfied with our response to the request for service.

Complaints should be made using our online form where possible, either search for Complaints on the Hartlepool Council Website or use the link provided below:
www.hartlepool.gov.uk/forms/form/173/comments_compliments_and_complaints

A common complaints and comments leaflet and form will be made available to members of the public which is equally applicable in all circumstances covered by this policy and for all departments. This is intended as a mechanism for getting complaints and comments into the system easily and, therefore complements rather than replaces other departmental paperwork. The leaflet and forms will be available, on request, in alternative formats, e.g. community languages, Braille, large print etc. Copies can be obtained from the Corporate Complaints Officer or from Council buildings accessible to the public.

2. COMPLAINTS OUTSIDE OF THIS POLICY

There are a number of areas that this Policy does not cover and these are set out at [www.hartlepool.gov.uk/forms/form/173/comments compliments and complaints](http://www.hartlepool.gov.uk/forms/form/173/comments_compliments_and_complaints)

These areas already have specific arrangements in place and therefore when it becomes obvious that a complaint falls into one of these areas then the complainant should be informed and advised how to proceed or where to direct their complaints.

3. DEALING WITH COMPLAINTS

This Policy has been developed in order to ensure consistency in the way that we deal with complaints across the Council. All departments must use the process outlined within this policy for all the complaints that they receive unless they sit outside of this policy as outlined in Section 2. The Corporate Strategy Section is responsible for coordinating and monitoring the implementation of this policy and reporting the Council's overall performance to elected members.

Within the Council a number of individuals have key roles to play in the implementation of this policy. They include:

Managing Director:

The Managing Director will often be the first point of contact for a complaint and when one is received they will forward that on to the complaints lead officer within the department for investigation in accordance with this policy.

If the complainant has already complained to the department and feels that they have not received a satisfactory response the complaint should be passed on to the relevant department/lead departmental complaints officer to ensure that a full investigation has taken place. If there has been an investigation then the complainant can be referred to the LGO. If the complaint has not been fully investigated it should be put through the Corporate Complaints Procedure and the complainant informed of the process and timetable.

Corporate Complaints Manager:

The Corporate Complaints Manager is the Council's Performance & Partnerships Manager. They are responsible for:

- Co-ordinating and monitoring the complaints policy and its implementation to ensure that all residents and service users who wish to complain receive a similar, high level of service;
- Redirecting complaints that are received centrally to the relevant departments for investigation;
- Collecting and collating regular monitoring data from departments;
- Reporting complaints performance to elected members;
- Supporting and advising departments involved in complaints investigations;
- Reviewing final complaints investigation reports alongside final letter to the complainant;
- Coordinating the Council's responses to complaints being investigated by the Local Government Ombudsman.

Directors/Assistant Directors:

Directors and Assistant Directors could where appropriate be required to review complaints. They will:

- Offer strategic view and advice when required for particularly complex or contentious complaints
- Where appropriate complete a final review/sign off of complex/contentious investigations
- Where appropriate authorise appropriate remedies offered to complainant

Departmental Complaints Officers:

All departments have a nominated senior officer who is responsible for coordinating the handling of complaints within their department and ensuring that this policy is followed. They will

- Provide advice and guidance on the implementation of this policy;
- Allocate complaints to Investigating Officers within their department and ensure that process outlined in this policy is followed;
- Review all responses to formal complaints about their department before they are sent on to the Director/Assistant Director and the Corporate Complaints Manager for sign off before it is sent on to the complainant;
- Ensure that care is taken to provide a full and coordinated response to the complainant where a complaint involves both the council and another body for example an organisation that is providing a service on the Council's behalf and that the complaint is not passed between organisations;
- Be responsible for providing regular complaints performance reports to the Corporate Complaints Manager;
- Supply the Corporate Complaints Manager with the information required for complaints being investigated by the Local Government Ombudsman.

Investigating Officers:

All departments will identify a number of suitably trained, senior officers who will undertake complaint investigations. Investigating Officers will:

- Not investigate complaints where they have been directly involved in the action or decision being complained of. Where a conflict of interest is found the complaint investigation will be handed over to an officer in the department;

- Undertake complaint investigations following this policy and the 'Complaints Guide and Toolkit for Officers' resource available from the staff intranet; and
- Record their findings in an Investigation Report using the template provided on the 'Complaints Guide and Toolkit for Officers' intranet page.

Conflicts of Interest

A conflict of interest is a situation in which private or personal interests are sufficient to appear to call into question the capacity for objective and impartial consideration of a complaint. The following are examples of areas which could lead to real or apparent conflict:

- Relationships with other parties/organisations which could lead to perceived or real split loyalties;
- Relevant financial or other interests with the parties/organisation concerned;
- Where the outcome of the complaint might be perceived as rewards for past decisions, contributions, or favours.

Investigating officers should consider carefully their own circumstances to gauge whether or not a real or perceived conflict might exist and if necessary discuss it, as appropriate, with their Departmental Complaints Officer, Corporate Complaints Manager or Monitoring Officer and agree a satisfactory resolution. This may require a change in Investigating Officer.

Confidentiality:

The identity of the person making a complaint will be made known only to those who need to consider the complaint and will not be revealed to any other person or made public by the Council. It may not be possible to preserve confidentiality in some circumstances e.g. where relevant legislation applies or allegations are made which involve the conduct of third parties. Complainants should be advised about this if it becomes necessary to share their identity.

Support for Staff:

Employees who are the subject of a complaint will be informed that the complaint has been made, how the complaint will be investigated and what the outcome of any investigation is. If an investigative interview is necessary then the employee will, where possible, be given 2 days' notice of the interview and they will be offered the option of being accompanied by a colleague or union representative. Support from the Employee Wellbeing Team may also be appropriate.

Support for Complainant:

The Council recognises that receiving appropriate support when making a complaint is important for some individuals. The information below provides details on the support available when making a complaint.

Advocacy Support and Representation:

An advocate or representative is someone who can submit a complaint on your behalf and can support you through the process. This may be a family member or relative, an organisation such as Citizens Advice Bureau, a solicitor or a Councillor/Member of Parliament. An advocate's role is to listen to your views and concerns and help you explore your options. They can provide information to help

you make an informed decision, accompany you to meetings and contact the Council on your behalf.

Making a Complaint on Behalf of Someone Else:

If you would like to make a complaint on someone else's behalf and before accepting the complaint the Council will need to confirm that you have the authority and consent to do so. This is because providing you with a response may involve disclosing personal information relating to the individual and therefore the Council needs to ensure that the rights of the individual are protected. The Council will contact the individual to ask them to complete and sign a consent form.

Accessibility and Additional Languages:

The Council wants all of its customer to feel that they are able to send their feedback and/or complaints for consideration. Please use the contacts at the end of the policy if you require information in a more accessible format or help if English isn't your first language. If you have any other additional requirements which you would like the Council to consider when corresponding with you, please use the contact details at the end of this policy

4. COMPLAINTS PROCESS

Pre-Formal Complaint Stage:

An initial attempt should always be made to settle a complaint straightaway without recourse to the formal complaints process by arranging for something to be done such as responding to requests for service e.g. repairing a street light which needs attention, responding to a first complaint about a barking dog or providing information and explanation of council policy or practice.

The majority of complaints should be resolved this way. Direct contact with the complainant, by phone or in person, is recommended to clarify whether the issue is a complaint, what outcome the person desires and whether this can be achieved.

Complaints of this nature should be responded to within 5 working days with a substantive response but where possible dealt with immediately over the phone. This timescale is reflective of the 5 working days initial acknowledgement of a formal complaint although many pre formal complaints will be resolved before they move on to this stage.

Formal Complaint Process:

There are 2 reasons behind formal complaints:

1. The complainant is not satisfied with the attempts made to resolve the problem at the pre-formal complaint stage;
2. There has been no opportunity to sort out their complaint using the pre-formal complaint stage as no quick remedy has been available.

The Formal Complaints process to be followed is:

Step 1. Receipt of Complaint:

Complaints can be received in a variety of forms – by letter, email, over the phone and in person. They can also be received by any member of staff from the Local Authority or by an Elected Member. Where complaints are taken over the phone or in person then the person taking the complaint should record the name and contact details of the complainant, their preferred method of contact, the detail of their complaint and then send it straight on to the relevant Departmental Complaints Lead for processing. Where it is uncertain which Department should process the complaint the Corporate Complaints Manager will be able to advise.

Step 2. Acknowledgement of Complaint:

Once they have received the complaint the Departmental Complaints Officer will check whether the complaint is outside the scope of this policy (see Appendix 1). If it is they will contact the complainant and inform them of how to take their complaint forward within 5 working days. If the complaint is covered by this policy then they will appoint an Investigating Officer and write out (by letter or email dependent on the complainant's preferred method of contact) to the complainant within 5 working days to acknowledge their complaint, confirm what the complaint covers (this is especially important if the complaint has been taken over the phone or face to face), inform them of who the Investigating Officer is and their contact details, outline the next steps of the process and when they should expect to hear the result of their complaint.

Step 3. Investigation of Complaint:

Complaint investigations will need to be completed within 25 working days of the complaint being submitted. All Investigation Officers will need to complete the Investigation Report Template recording their findings and conclusion. Guidelines for good investigative practice are available for investigation officers.

In some cases the Investigating Officer may need to get further information from the complainant. It is expected that the complainant will respond to this request within a reasonable timeframe (within 20 working days) and if necessary the complaint will be put on hold and the clock stopped until the complainant has responded. After this point if the complainant has not responded and the investigation cannot be continued then the investigation will be closed. In some circumstances a complaint may be reopened if the complainant contacts the Council and explains the reason for their delay in responding within the reasonable timeframe.

In some cases the Investigating Officer may need to get further information from a third party, particularly where the complaint is about a service delivered by an outside body on behalf of the Council. It is expected that the third party will respond to this request within a reasonable timeframe (within 20 working days) and this may mean that the Investigating Officer is unable to complete their investigation within the timeframe. The complainant will be informed of the delay and the reason for it.

However it must be recognised that the Council has no jurisdiction to compel a third party to cooperate. If the complaint was referred to the LGO, the LGO would require evidence to see that the request has been made. Once their investigation has been completed it should be reviewed by the Departmental Complaints Officer who will then forward it on to the Corporate Complaints Manager (who will check the process has been followed) and the Director/Assistant Director for sign off. Once signed off by both the Director/Assistant Director and the Corporate Complaints Manager the

Investigating Officer will write out to the complainant to confirm the outcome of their investigation, what remedy/apology is offered (if appropriate) and that if they are not satisfied with how the complaint has been investigated they are entitled to contact the Local Government Ombudsman for further investigation where appropriate.

Step 4. The Role of Senior leaders and Evaluation and Learning:

The Complaints Policy is not just a process. It is a way of obtaining feedback about how the council is performing and what lessons can be learned. This means that recording of complaints outcomes should have a high profile and results should be reviewed at a senior level on a regular basis. Senior management will take ownership of complaints procedures. They should ensure that any learning and improvement from complaints is properly disseminated and implemented. Where investigations have been upheld or partly upheld remedial actions will be agreed with the Investigating Officer, Departmental Complaints officer and the relevant Director. These will be communicated to the relevant Departmental Management Team(s) and to the Corporate Complaints Officer. It will be the role of the Departmental Complaints officer to ensure that this process is followed, and that remedial actions are completed.

5. PERSISTENT & UNREASONABLE COMPLAINTS & COMPLAINANTS

In general, dealing with a complaint is a straightforward process but in a minority of cases people pursue their complaints in a way that can impede the investigation of their complaint or can have significant resource implications for the authority. A separate Managing Unreasonable Customer Behaviour policy has been formulated to deal with the very small number of complainants whose frequency of contact with the authority, insoluble and persistent complaints, or unacceptable behaviour makes it necessary for special measures to be taken.

Before implementing any of the provisions set out in the policy, officers must consider whether the Council's procedures have been followed correctly, whether full and reasonable responses have already been given and whether the complainant is now inappropriately persistent or behaving unreasonably.

6. ROLE OF THE LOCAL GOVERNMENT OMBUDSMAN

If a complainant remains dissatisfied with the outcome of their complaint or the way in which their complaint was handled then they have the right to take their complaint to the Local Government Ombudsman.

The Local Government Ombudsman can be contacted by phone to the LGO Advice Team on 0300 061 0614 or by going through their website at www.lgo.org.uk.

If the Local Government Ombudsman receives a complaint before it has been considered by the Council they will regard it as premature and send it on to the Council for investigation in accordance with this policy. The complainant will still have the right to take the complaint back to the Ombudsman if they are dissatisfied with the outcome of their complaint or the way in which it has been handled.

7. MONITORING & REPORTING OF COMPLAINTS PERFORMANCE

All departments will provide regular reports to the Corporate Complaints Manager on the complaints they have received in the specified time period. The reports will include:

- The number and type of complaints received;
- The outcome of the complaints;
- Actions arising/lessons learnt.

An annual, publicly available report is required to comply with national guidelines on good practice and will be subject to audit. This report will be presented to the Finance and Policy Committee. The report will contain the number and types of complaints received along with the outcome of the complaints and information as to whether they have been upheld, together with the LGO annual review letter. During the year updates on Complaints monitoring will be given through the quarterly performance report as and when required with issues escalated through CMT and Finance and Policy Committee where appropriate.

8. DEALING WITH COMMENTS & COMPLIMENTS

Comments and compliments should be dealt with promptly. Appropriate responses to suggestions and comments should be made by departments. Compliments should be gratefully acknowledged, where appropriate, and shared with the officers concerned. Departments may wish to record and report on comments and compliments within their departments to help improve the management of services.

9. OTHER INFORMATION

Joint Responses:

If a complaint relates to more than one service area within the Council, a lead service will be agreed and a coordinated response will be prepared with one response being provided to your complaint. There is a joint protocol between local authorities and health partners with respect to dealing with complaints that cover both health and local authority joint service provision. This protocol will be used to determine how your complaint will be handled. You will be notified of a point of contact and an expected response date.

Collective Complaints:

Where appropriate complaints made by a number of individuals on the same subject will be dealt with as one investigation. It may be appropriate for each complainant to receive a response directly unless a representative has been nominated on behalf of the individuals.

Withdrawing a Complaint:

You may withdraw your complaint at any time by contacting the Council and letting them know. Consideration will be given as to whether the concerns raised still need to be fully investigated, for instance if there were safeguarding concerns relating to you or other individuals.

Deceased Individuals:

In circumstances where the individual is deceased and you would like to make a complaint about the service they have received, the Council will require you to provide documentation to confirm that you have been granted the right to their personal information, Documentation may include Grant of Probate or Letter of Administration. If you are unsure what documentation you need to provide please contact the Council.

10. ESCALATION

All complainants whose complaint relate to the Hartlepool Jobs & Skills Service will be informed of the escalation procedure to the relevant Awarding Body if the complainant is not satisfied with the outcome from this procedure in this Policy.

They will provide with the contact details for our relevant Awarding Bodies which are:

- NCFE
- Aim Qualifications & Assessment Group
- Ascentis
- Skills First

All complainants will be informed that all complaints must go through the procedure within this Policy before they can escalate any complaint to the relevant Awarding Body if it relates to the Hartlepool Jobs & Skills Service.

11. CONTACT

Online – visit the Council’s website homepage www.hartlepool.gov.uk and search for Complaints, Comments and Compliments. An online form is available to complete.

Email - email your feedback to customerservices@hartlepool.gov.uk

Phone – 01429 266522

Address – Customer Services, Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY

Social Media

In line with this procedure, the Council will not respond formally to complaints which have been uploaded to any social media platform. Please use the contact details outlined above.

Privacy information and Data Protection

All personal information collected is for the purpose of responding to customer feedback and complaints and will only be shared with relevant service areas of the Council or third parties where the law enables the Council to do so (e.g. MP's or councillors). For more information about how the Council processes your personal data please visit:
www.hartlepool.gov.uk/info/20032/access_to_information/500/access_to_information

Confidentiality

The Council considers the importance of confidentiality when handling customer feedback and complaints. However to enable a complaint investigation to be undertaken, personal information will be shared with the investigating officer and on occasions other officers where necessary. Personal information will not be shared with anyone unnecessarily and will be handled in line with data protection legislation.

Record Keeping:

All records in relation to comments, compliments or complaints will be kept in line with the requirements of the General Data Protection Act 2018 which for this purpose is three years. They will not be retained for any longer than is necessary in line with our Document Retention Policy.