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# North Tyneside Council

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## **1. Customer Promise – we listen, we care**

North Tyneside Council is here to serve the residents, businesses, and visitors of the Borough; it strives to deliver excellent customer service to keep North Tyneside a great place to live, work and visit.

The Authority's Customer Promise sets out what customers should expect of council services and what they can do if things don't go well. The Authority encourages comments and feedback about any of its services, both positive and negative; they provide the opportunity to learn and continually improve how things are done.

The Authority is committed to doing everything possible to resolve complaints for its customers fairly, early and as efficiently as possible.

This document outlines the Authority's complaint procedure, that encompasses a wide range of council services, requirements of two different national Ombudsmen and a wide range of issues that customers could experience.

For the purpose of this procedure, customers are defined as people who use council services, including, residents, council home tenants (including ex-occupiers), businesses and visitors to the Borough.

## **2. What can be complained about**

A complaint can be described as an expression of dissatisfaction, however made, about the services the Authority provides. It can relate to the standard of service, actions or lack of action by the Authority, its own staff, or those acting on its behalf, affecting an individual resident or group of residents and which requires a response. It may relate to one or more of 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, and
- manner and attitude of staff engaged in the delivery of a service.

However, this is not an exhaustive list, and the Customer First Office can provide guidance. (See Appendix 2).

### 3. Who can complain

Any Authority customer or any person who the Authority is satisfied is acting on behalf of the customer; this includes those who are ex-occupiers of council homes.

A customer or their representative, do not have to use the word complaint for it to be treated as such.

The Authority will make reasonable enquiries to satisfy itself as to the standing of any other person, e.g. by asking the customer if they are aware of and are happy for the other person to pursue a complaint on their behalf. This might be in person or in writing and sensitivity will be always used to ensure a person has sufficient capacity to provide that assurance and to avoid any unnecessary or inappropriate distress.

### 4. This procedure

This procedure is for all services the Authority operates which are not covered by the statutory 'social services' complaints procedures or subject to any exclusions (Appendix 1).

This procedure does not cover other ways that customers can ask for services or get in contact with relevant teams to discuss their current or future service provision. It does however include service requests.

A service request is a request from an individual to the Authority that requires action to be taken to put something right. Service requests are received by the Authority's Customer First Office. They are not categorised as complaints, but are recorded and reviewed, and included in this procedure as a wider source of information about customer satisfaction and service performance.

A complaint will be raised when the individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. The Authority will not stop its efforts to address the service request if the individual complains.

Complaints and service requests are accepted over the telephone, in person, in writing, by email, via the website or by any other reasonable means.

Customers always have the right to refer their complaint to the relevant Ombudsman at any point during the complaint process. The Ombudsman may

request that the complainant exhausts the Authority's complaint procedure before they consider investigating.

If a complaint investigation shows that the Authority has got something wrong, the Authority will record the complaint as being upheld, even if there are elements of the complaint not upheld. It is not appropriate to record a complaint as being partially upheld, although the Authority may provide additional information to show such activity.

<b>Service Request</b>	<p>A service request is a request from an individual to the Authority that requires action to be taken to put something right. Service requests are received by the Authority's Customer First Office. They <u>are not</u> categorised as complaints but are recorded and reviewed.</p> <p>The Customer First Office can be contacted any time by email <a href="mailto:customerfirstoffice@northtyneside.gov.uk">customerfirstoffice@northtyneside.gov.uk</a> or Tel. 0191 643 2280 Monday to Friday, 9am to 4.30pm.</p> <p>Service requests should initially be responded to within two working days.</p>
<b>Corporate Complaint</b>	<p>Complaints can be investigated at any point. Complaints will be logged and reported in the Authority's Annual Complaint Report.</p> <p>Complaints must be investigated at Stage One before they can be investigated at Stage Two, and similarly at Stage Two before they can progress to Stage Three.</p> <p>The complainant will always have the right to escalate their complaint to subsequent Stages.</p> <p>Complainants will be asked to write a statement of complaint (help is available), describing the complaint and what outcome they would like to see.</p> <p>Complaints can be started by using this <a href="#">form</a>; emailing <a href="mailto:customerfirstoffice@northtyneside.gov.uk">customerfirstoffice@northtyneside.gov.uk</a> or by calling the Customer First Office on 0191 643 2280.</p> <p>There are three Stages to complaints.</p>

**Stage One** – Is investigated by the manager of the service or team being complained about. The complainant will receive a written acknowledgement, after they have submitted their statement of complaint, including information about the relevant Ombudsman.

A response will be provided within 10 working days from receipt of the statement of complaint for Housing complaints, and 15 working days for all other services. This response will include information about next steps and a person's right to approach the Ombudsman about the decision.

**Stage Two** – if after Stage One, the complainant remains dissatisfied, they can ask for the Stage One complaint is reviewed by a Senior Manager of the service or team they are complaining about. Stage Two is a review of the complaint and the response provided at Stage One. It is also the opportunity for a further investigation if needed.

At Stage Two the complaint cannot be fundamentally different from Stage One and new issues cannot be introduced. New issues will prompt the registration of a new complaint, which will start at Stage One.

A response will be provided within 20 working days for Housing complaints, and 15 working days for all other services. This response will include next steps and information about a person's right to approach the Ombudsman about the decision.

**Stage Three** – if after Stage Two the complainant remains dissatisfied, senior leaders will review Stages One and Two and decide if the complaint should be considered by the Authority's Regulation and Review Committee, which is made up of Elected Councillors.

The decision to proceed, or not, to Regulation and Review Committee, and the rationale, is recorded. The complainant is informed in writing as to the rationale for proceeding to Regulation and Review Committee or not.

All Stage Three complaints are responded to within 20 working days, whether reviewed by the Regulation and Review Committee or not. This response will include information about a person's right to approach the Ombudsman about the decision.

	<p>The number of Stage Three requests that are, and are not, reviewed by the Regulation and Review Committee, are shared with the Committee, and are shown in the Authority's Annual Complaints Report.</p>
<p><b>Social Care Complaints</b></p>	<p>There are two further procedures for investigating adult and children's social care complaints:</p> <ul style="list-style-type: none"> <li>• <a href="https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/Statutory%20Childrens%20Complaint%20Process.pdf">https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/Statutory%20Childrens%20Complaint%20Process.pdf</a></li> <li>• <a href="https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/Adult%20Social%20Care%20Statutory%20Complaints.pdf">https://my.northtyneside.gov.uk/sites/default/files/web-page-related-files/Adult%20Social%20Care%20Statutory%20Complaints.pdf</a></li> </ul> <p>Social care complaints should be raised by using this <a href="#">form</a>, or by calling the Customer First Office on 0191 643 2280.</p>
<p><b>Ombudsman</b></p>	<p>A complainant always has the right to refer their complaint to the relevant Ombudsman at any point. The Ombudsman may ask that they exhaust the Authority's complaint procedure first.</p> <p><b><a href="#">Local Government and Social Care Ombudsman</a></b> – has jurisdiction of complaints about council services.</p> <p>0300 061 0614</p> <p><a href="http://www.lgo.org.uk">www.lgo.org.uk</a></p> <p><b><a href="#">The Housing Ombudsman</a></b> – has jurisdiction of complaints about social housing, this includes council tenants.</p> <p>0300 111 3000</p> <p><a href="http://www.housing-Ombudsman.org.uk">www.housing-Ombudsman.org.uk</a></p>



## **5. Accessibility and equal opportunities**

The Authority is committed to ensuring that everyone has equal access to all services; to support this:

- complaints are accepted over the telephone, in person, in writing, by email, via the website or by any other reasonable means
- the Authority can provide information and responses in alternative formats including, Braille, large print, easy read format, BSL video, audio formats and other languages where needed; and
- the Authority can provide interpreters (including sign language translators) where needed.

## **6. Providing advocacy and support**

The complainant can be supported through the complaints process by a representative, such as a family member or friend, when raising any complaint at any time, if it will help facilitate full and effective consideration of their complaint.

The Customer First Office can also signpost the complainant to local advocate services; there is no duty on local authorities to provide an advocacy service in respect of this procedure but other procedures, such as those for social care services, will have their own arrangements.

## Appendix 1

### 1.1 Which is the correct complaints procedure

There are a number of complaint procedures used by the Authority. It is important that the complaint is dealt with in line with the correct procedure.

- Complaints about services provided by the Council, this procedure.
- Complaints about local Elected Councillors: [Complain about a councillor](#)
- Complaints about Data Protection: [Data Protection](#)
- Complaints about Schools, should be directed to the school in the first instance: [Find a School](#)
- Complaints about Adult Social Care: [Adult Social Care](#)
- Complaints about Children's Social Care: [Childrens Social Care](#)

### 1.2 What is exempt from this complaints procedure

This complaints procedure does not apply when:

- the person wishing to complain does not meet the requirements of 'who may complain'.
- matters over one year old, unless there is good reason and will be at the discretion of the Authority's Complaint Manager. For example, someone who has been unable to lodge their complaint earlier due to incapacity, or where new information has come to light which could have affected the original investigation.
- complaints about the Authority's policy\*
- where the same complaint has already been dealt with at all Stages of this procedure and/or by the Local Government or Housing Ombudsman
- the complaint is unclear, frivolous, or vexatious.
- matters which should be dealt with under other proceedings, e.g.
  - disciplinary proceedings\*\*
  - complaints from staff about personnel issues
  - services for which alternative statutory appeals process already exists, including the statutory 'social services' complaints procedures.

\* The Authority's Policy includes decisions formally agreed by a Committee, Cabinet or Council. This might extend to incorporate formally approved procedures and well-established custom and practice but there will be a requirement on a person seeking to rely on this exception to demonstrate, possibly ultimately to the Local Government or Housing Ombudsman, that the issues should be deemed as being The Authority's Policy.

Complaints about policy will be 'investigated' at Stage One and relevant Elected Members will be advised by the Customer First Manager but no further action is taken within these procedures.

Complaints can be accepted if they relate to the interpretation and/or application of policy.

\*\* Complaints are treated as being about quality of service, not an individual employee or employees. Staff can be named in complaints as most of the Authority's services are provided by its staff. However, the complaints procedure is not a disciplinary tool. Complaints will only be referred for consideration under the separate disciplinary procedures where gross misconduct is alleged; or other serious issues appear to have occurred; or where the individuals have live warnings of a relevant nature. Such referrals shall be made at the discretion of the relevant service manager who will advise the member of staff accordingly. In such circumstance the complaint, or relevant element of complaint, will not be considered further under these procedures and the complainant will be informed accordingly.

In the event that a complaint is not accepted at any Stage, a detailed explanation is provided to the person wishing to complain, setting out the reasons why the matter is not suitable for the complaints process or the next Stage and their right to refer that decision to the relevant Ombudsman.

### **Stage Three complaint consideration**

Progression to Stage Three is at the discretion of the Authority. Stage Three is an opportunity, where relevant, for the Complaints Manager and other Senior Officers, to refer completed Stage Two complaints, to the Authority's Regulation and Review Committee which is made up of Elected Members.

Referrals to the Regulation and Review Committee are made when:

- the complainant has requested that a complaint is considered at Stage Three, and
- it has not been possible to find an alternative and acceptable resolution, and / or
- the Authority's Complaints Manager and other relevant senior Authority Officers, deem that the complainant may have been experienced a service failure and this has not been properly addressed, and / or appropriate redress offered.

If after consideration of the points above, the request for a Stage Three complaint is not accepted, the complainant will receive details of the decision, the rationale, next steps, and how the complaint can be referred to the relevant Ombudsman.

### **1.3 Anonymous complaints**

Anonymous complaints will be recorded within the procedure and examined at Stage One. Relevant service management will have discretion to decide what action it should take. The fact that the complaint is from an anonymous source will not justify a decision not to examine the matter, nor will it rule out referral to other procedures as appropriate.

### **1.4 Offensive complaints**

A complaint is considered offensive if it includes comments (including swearing) which are of a derogatory, discriminatory, or offensive in nature. The complaint will be referred to the Customer First Manager who will determine the appropriate response. A distinction will be drawn between the above and a statement made in good faith. For example, a customer might allege a member of staff swore at them and when the customer repeats back what was said to them, or what they heard a member of staff say, they must give this detail as part of making their complaint.

### **1.5 Persistent complainants**

There may be an occasion where a complainant will persist in their cause, often following multiple routes (corporate complaint, Chief Executive or Director of Service, Councillor or MP, Advocate, Freedom of Information, Subject Access Requests, and social media). All potentially persistent complaints will be considered, but if the substance of the complaint is the same as the previously

determined one, and there are no new issues presented, then the Service Manager and/or Customer First Manager will consider applying the Managing Unreasonable Behaviour Policy.

## **1.6 Insurance claims**

The Authority will not investigate a complaint if the issue is something that should be dealt with as an insurance claim against the Authority. Where this is the case, the customer will be advised of this decision and the reasons for it.

## Appendix 2

### 2.1 Customer First Office

All Authority teams are responsible and accountable for the services they provide. The Authority's Complaints Manager is responsible for managing the corporate complaints procedure and is based within the Customer First Office.

To contribute to fairness and objectivity, the Authority's Complaints Manager does not directly deliver front line council services. While fostering good working relationships with key parties, e.g., complainants, council service areas and other agencies, the Authority's Complaints Manager will contribute towards promoting the rights of customers to challenge the Authority about the quality of the services it provides. The Authority's Complaints Manager will take an active role in encouraging and facilitating resolution of complaints.

All complaints will be managed in line with the Authority's Customer Promise principles of 'we listen, we care', to ensure the best possible customer experience throughout the process.

### 2.2 Monitoring

The Authority has a Complaint Governance Framework which sets out how complaints are monitored, reported, reviewed and escalated.

**Service requests;** are not categorised as complaints, but are recorded, monitored and reviewed, as a wider source of information about customer satisfaction and service performance.

**Complaints;** the Authority's Complaints Manager and Customer First Office, apply this complaints procedure and monitor the 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
- complaints upheld and not upheld
- record of any lessons learned as a result of the complaint, and

- whether there was compliance with the timeframes.

To monitor customer satisfaction and equality and diversity, the Authority asks complainants for relevant equality monitoring information and feedback on their experience of the complaint process; this is however, not mandatory to make a complaint.

Information on complaint related activity is made available to all service areas to highlight trends in complaints, repeating issues and to assist service areas in shaping and improving service delivery to the customer. The method by which this is carried out, is constantly being improved.

### **2.3 Record management and data protection**

All functions of the complaints procedure adheres to the requirements of the Data Protection Act, 2018, UK General Data Protection Regulations, Freedom of Information Act, 2000 and other related requirements.

## **Appendix 3**

### **3.1 The Ombudsman**

A complainant has the right to contact the Ombudsman at any time regarding their complaint.

In most cases the Ombudsman would expect the complainant to have completed the council's complaint process. However, all customers have the right to access the relevant Ombudsman, throughout their complaint journey, not only when the Authority's complaints process has been exhausted.

### **3.2 Early referral to the Local Government and Social Care Ombudsman**

Where the presenting facts indicate that reasonable, appropriate consideration of the complaint has been undertaken at Stage Two and that further consideration by a Panel of the Regulation and Review Committee would not produce a demonstrably different outcome, the Authority Complaints Manager will consider the possibility of early referral to the Local Government and Social Care Ombudsman

There are a number of important safeguards that should be in place before proceeding with this option. Stage Two should have delivered:

- a very robust examination,
- a complete response,
- all significant elements have been upheld,
- a clear action plan for delivery has been set out; and/or
- all reasonable and significant desired outcomes presented by the complainant have been met.

The Ombudsman will apply a test of reasonableness to this decision. If the Ombudsman concludes that the early referral was incorrect, they may select from a range of responses, including proposing that the complaint be considered by the Authority at Stage Three.

Early referral will also not restrict the Ombudsman from later consideration of the complaint if they so choose.



### **3.3 Local Government and Social Care Ombudsman (LGSCO)**

The LGSCO investigates all complaints about Authority's, other than those that come under the jurisdiction of the Housing Ombudsman, as set out below. Once a complaint has exhausted the Authority's corporate complaints procedure the complainant can refer their complaint to the LGSCO for consideration.

### **3.4 Housing Ombudsman (HO)**

Complaints about provision and management of the Housing service come under the jurisdiction of the HO. This does not include complaints about homelessness, rent or service charges; the Customer First Manager will advise if this is the case. Once a complaint has exhausted the Authority's corporate complaints procedure the complainant can refer their complaint to the Housing Ombudsman. Further details can be found here: <https://www.housing-ombudsman.org.uk/residents/understand-complaints-process/>

This complaints procedure aims to ensure that people who complain have their concerns resolved swiftly and, wherever possible, by the people who provide the service. The procedure is aimed at being a useful tool for indicating where services may need adjusting. It is not a negative process to apportion blame. It is a positive aid to inform and influence service improvements.

The complaints procedure is easy to use; helpful and receptive; fair and objective; based on clear responsibilities; timely; thorough; rigorous; decisive; consistent; comprehensive; sensitive to special or individual needs; adequately resourced and respected by all staff and elected Members.

The Customer First Office will provide advice to complainants about the options open to them during the six months after the Authority's complaints procedure has been completed. They will also provide assistance to the complainant, if required, in making the referral to the LGSCO and HO.

If anyone needs the Authority to do anything in this procedure differently (reasonable adjustments), to help them access Authority services, including providing this information in another language or format, they should contact:

Email: [customerfirstoffice@northtyneside.gov.uk](mailto:customerfirstoffice@northtyneside.gov.uk)

Tel: 0191 643 2280