

MEDINA HOUSE SCHOOL

COMPLAINTS POLICY

JUNE 2018

References to “The Council” in this policy shall apply to Medina House School.

References to “Elected Members” in this policy shall apply to Governors of Medina House School.

References to “senior managers/managers” in this policy shall apply, as appropriate, to the Headteacher, Deputy Headteacher and members of the SLT.

References to “policies/procedures” in this policy shall apply to policies and procedures approved by the governors of Medina House School.

Revised July 2014

IWC Policy - Adopted by Governors on

Signed Matt Atkins Chair of Governors

Review June 2019

Isle of Wight Council

COMPLAINTS POLICY

Document Information

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1.3 (Draft)	25.11.2010	Third draft following consultation
1.4 (Draft)	24.03.2011	Fourth Draft changes to service support available to NCOs
1.5	04.02.2014	Changes to senior management
1.6	29.07.2014	Reviewed in light of new corporate plan and new management structure

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1. Introduction

This policy is aimed at helping Isle of Wight Council staff deal with complaints in ways which are demonstrably consistent and fair, comply with legislation and best practice, and in line with the council's corporate plan. It is an important and visible sign that the council listens to and values customer feedback.

2. Definition of a complaint

A complaint is any expression of dissatisfaction with our services or those for which we are responsible (this includes some provided under contract to the council) whether justified or not.

3. Aims and Objectives

The aims and objectives of this policy are to:

- Improve the quality of the services we provide
- Improve our relations with service users
- Encourage best practice by our staff who will be aware of the day-to-day concerns of our service users
- Operate within the statutory, regulatory and legal framework
- Value diversity recognising and valuing all and ensuring that everyone can use the complaints policy.
- Encourage service users to tell us when they are not happy with our services
- Learn from any complaints made by users to improve our services
- Ensure service users have their views heard; receive a good quality service that includes prompt action when our performance is below standard.

The aim of our complaints procedure will:

- be easy to access - when things do go wrong we will put things right quickly, informally and without fuss
- make it clear to service users what they should expect, a time limit for replying to their complaint and any right of appeal
- ensure we communicate effectively and efficiently with our service users at all stages
- ensure we monitor complaints, identify and apply learning from complaints

4. Who can complain?

Anyone can make a complaint if they believe that the council has:

- done something wrong
- failed to do something it should have done
- done something it should not have done
- provided a poor standard of service

The following are not considered as part of the complaints process, but should be taken up directly with the relevant service:

- passing information to a service for a service request, for example to report a faulty street light or a missed bin collection.
- appeals against a decision which, although it is not the one sought by the complainant, has been properly formed

Complaints which are unclear or very general may be difficult to investigate and we may ask that more information be provided by the complainant.

An advocate can put in a complaint on behalf of a complainant. This covers relatives, carers, elected members or organisations such as the Citizen Advice Bureau.

Dependant on the contract, complaints against contractors employed by the council may be treated as complaints against the service area where this is appropriate.

5. Undertaking to Complainants

We undertake that complainants

- will not suffer any penalty or discrimination as a result of making a complaint
- will have their complaint acknowledged, taken seriously, investigated and will get a reasoned reply
- will receive a courteous and honest response
- can expect us to try to understand things from their point of view
- will be easily able to access the complaints procedure
- will be advised of any appropriate sources of free advice and advocacy provided outside the council

6. How the Complainant Can Assist

- In order for us to give proper consideration to a complaint and to be clear about appropriate resolutions, we will ask complainants to:
- Tell us clearly what has gone wrong with as much factual information as possible
- Give us the information we ask for
- Tell us what they would like us to consider doing to put things right
- Make any additional or specific needs known to us as soon as they can
- Remain calm and treat our staff in a courteous way
- Remember that we are trying to help

7. Vexatious complainants

A small minority of customers exhibit inappropriate behaviour, distract busy staff from dealing with other customers' needs and present an unfair cost to tax payers. Complainants which might be considered unreasonable would include constant repetition of a query when reasonable answer has been given or endless questions of detail when the substance of a matter is closed. We will act to contain this sort of behaviour and, if staff safety is an issue, may inform the police or take legal action. The council has a

separate policy for dealing with unacceptable behaviour from complainants which will be applied in such circumstances.

We promise to treat customers in a considerate and polite way and we ask that customers behave in the same way.

8. The Complaints Process

We will provide a complaints process which is:

- Consistent in providing service users with a fair and structured process to address perceived failures in the delivery of our services.
- Positive - which uses the outcome of complaints and any remedial action as a positive method of monitoring performance and improving our services.
- We will deal with all complaints promptly, efficiently, courteously and systematically.

The Corporate Complaints Team will ensure that the process is readily accessible including online facilities on the council's website and making information about the process (together with a form) available at our front-line offices.

A complaint may be made by e-mail, telephone (821000), letter, online (www.iwight.com) or in person at any relevant council office dealing with the issue. A complaint form is available at reception areas to help the complainant.

The Managing Director will be made aware immediately (at stage 1 or 2) of any complaint which is complex, controversial or may have an impact on reputation.

In the event that a complex complaint is made by telephone or in person, the person taking the complaint will reserve the right to ask the complainant to agree to a written statement before starting the investigation. In such cases, the time limits specified will not come into force until the statement has been signed by the complainant.

We will acknowledge the complaint within three working days (counting from the day after the complaint was received) with a letter stating what will be done, when the reply will be given and who to contact about the complaint.

We will keep the complainant informed about the progress of the investigation and the final outcome in writing unless agreed otherwise by the complainant.

When replying to a complaint, we will inform the complainant of any right of further redress such as Stage 2 or the Local Government Ombudsman (LGO).

When appealing against a previous decision, we will seek further clarification from the complainant as to the perceived failings and the desired outcome(s).

The Corporate Complaints Team will provide strategic information and advice about all aspects of the complaints process and will prepare an annual report on the application of the complaints policy and any learning from complaints for both members and officers of the council in line with best practice guidance.

Adult Social Care Complaints:

From 1 April 2009 the Government introduced a new complaints procedure for Adult Social Services and the NHS; Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

This new approach is based on a single complaints process for both health and social care. The focus is on resolving complaints. We will acknowledge the complaint within three working days, if we need to clarify the complaint we will contact the complainant to listen to what they have to say and understand what their problem or concerns are. We will aim to fully respond to the complaint within 20 working days, if this is not possible due to the nature or complexity of the complaint we will contact the complainant and agree with them the best way to deal with the issues they have raised and agree the timescale for doing this. We will also agree the manner in which we will respond to the complainant, be that by e mail, telephone, letter or face to face meetings, and we will provide them with all the necessary information in relation to the issues that they have raised with us.

Children's Social Care Complaints:

Children Social Care complaints follow their own statutory framework with a three stage process and different timescales to the corporate process. There will be a separate policy on how children's complaints are dealt with.

Where a safeguarding issue is identified during the investigation of a complaint this will mean that the safeguarding process will take over until concluded and the complaints process will be "paused" during this period.

Complaints against members of staff:

If a complaint is about the conduct of a member of staff, rather than their delivery of a service, these are normally dealt with under our code of conduct for staff or through our internal disciplinary policy and procedure. The line manager or another senior officer will usually investigate any complaint about a member of staff and it may be necessary for them to contact the complainant for further information regarding the matter.

The complainant will be advised at the time they make the complaint, which elements of their complaint can be dealt with under the complaints process set out above and which will be dealt with under the Council's internal management arrangements.

We take complaints against staff very seriously but it will not usually be possible to keep the complainant informed of the detailed progress of an investigation or to advise them of the specific outcome of any disciplinary action taken. They will be advised, however, what action has been taken to resolve their complaint.

Fluency Duty and Complaints:

The national standard for communicating in English is "The ability to converse at ease with customers and provide advice in accurate spoken English". If a member of the public has been unable to understand information provided verbally to them by a member of Isle of Wight staff, they have a right to complain about this. Certain exclusions apply, and a complaint will not be investigated if the member of staff has:

- A disability that affects somebody's speech
- A regional or international accent

9. Stage 1 - Service Response

Each service department will advertise the name of an officer with responsibility for complaints (Nominated Complaints Officer/NCO).

The NCO will be responsible for:

- making sure that the relevant service manager receives a copy of the complaint immediately on receipt for stage 1 response
- referring any complaint which is complex, controversial or may have an impact on reputation to the Managing Director regarding the appropriate response strategy
- ensuring that a written acknowledgement to the complainant (as described above) has been sent
- recording information about complaints on the Customer Relationship Management (CRM) system
- receiving training in the effective use of the CRM complaints module to ensure effective information gathering and monitoring
- monitoring the progress of a complaint to ensure the complainant receives a reply within 20 working days, starting from the first working day following the councils receipt of the complaint
- regularly monitoring complaints and reporting a summary to Heads of Service's management team meetings or similar for the purposes of identifying learning outcomes to be recorded on the CRM system
- carrying out regular audits of public access points which they are responsible for (excluding County Hall) to ensure complaints information can be easily accessed by service users
- attending meetings with all NCOs and deputies, to be co-ordinated by the Corporate Complaints Team
- calling upon the expertise in the Corporate Complaints Team for guidance and support
- keeping all information relating to complaints in their area in an orderly and readily accessible form to ensure any evidence required is readily accessible and clear
- LGO Investigations – co-ordinate clear, comprehensive and timely responses to the LGO copying in the Corporate Complaints Team on any top level correspondence.

The Service Manager will be responsible for:

- responding to the complainant within 20 working days, explaining what action has been taken in addressing the complaint, what the outcome of that is and what remedies are proposed.
- specifically addressing any desired outcomes requested by the complainant
- confirming the right of appeal to stage 2 if the complainant remains dissatisfied by including the statement:

I believe that this letter answers all the elements of your complaint, but please don't hesitate to respond directly to me if you feel there are outstanding matters which I have not addressed.

However, if having covered all the issues raised you remain dissatisfied and would like to pursue the matter further, please make contact with the (insert the relevant Head of Service name and contact details here). If we do not hear further within two weeks of this letter then we will assume that you are happy for the matter to be considered closed.*

**In the case of complaints falling within the remit of adults or children's social care, the expression of dissatisfaction with stage 1 should be made to the Complaints Manager identified under the relevant legislation.*

- Sending a copy of his or her reply to the NCO for recording purposes.

An investigator may find that another procedure should be invoked such as a request for information (Freedom of Information or Subject Access Request), safeguarding processes (relating either to a child or vulnerable adult) or disciplinary process. In such cases the complainant will be informed and advised that the complaint will be progressed once the other process has been addressed.

In such cases, the complainant will be kept informed of progress and given an indication as to the likely response time for the complaint.

The Head of Service will be responsible for:

- Ensuring that there is an NCO who is trained and able to undertake the role outlined above
- Ensuring that service managers are aware of their role, receive training and are operating in line with this policy
- Monitor performance and approach in line with this policy
- Ensure that clear learning outcomes are identified for recording on CRM and that there is an action plan for addressing that learning and embedding it into practice through the service planning process or individual Personal Development Review Records where this is appropriate and proportionate
- Carry out a stage two investigation on complaints where the complainant is dissatisfied with stage one of the complaints process

10. Stage 2 - Head of Service Response

The stage 2 review will be carried out by a Head of Service within 20 working days who will consider the complaint and response at stage 1, and respond to the complainant as follows:

- Confirm the service response to the complainant
- Confirm the actions that will be taken as a result of the complaint
- Remind the complainant of the right to approach the Local Government Ombudsman or take legal remedies as appropriate if still dissatisfied. These may include bodies such as the Commission for Social Care Inspection (CSCI) or the courts in the case of a Judicial Review

If a Head of Service has already responded at stage 1 he/she will be unable to carry out the Stage 2 review. This should be done by another Head of Service.

11. Learning from Complaints

The council is committed to learning from complaints raised in order to re-assess and review how our services are provided and as part of our commitment to continuing improvement and modernisation of services.

The NCO will be responsible for the regular monitoring of complaints and reporting a summary to Head of Service's management team meetings or other meeting on a monthly basis. The Head of Service will, in discussion with the team, identify learning outcomes which the NCO will then record on the CRM system.

The NCO will also ensure that each Head of Service is provided with reports as required for senior management meetings.

It will be the responsibility of the Head of Service to ensure that all learning outcomes are addressed in service planning or via individual Personal Development Reviews.

12. Councillors and Members of Parliament

The complaints policy is intended for individual citizens to seek redress. Councillors and MPs may make representations on behalf of their constituents or may take the role of advocate on behalf of the constituent wishing to make a formal complaint. The councillor or MP will confirm that they are acting on behalf of their constituent.

Where a complaint is received from the MP and has already been dealt with through the complaints procedure then only a copy of the final response needs to be sent on to the MP.

Complaints about councillors are excluded from this procedure and are dealt with by an alternative process:

<http://www.iwight.com/Council/how-it-works/Who-is-my-Councillor/Complaints-against-Councillors>

13. Extending time limits

If a complaint is complex it may be necessary to extend the time limit, subject to the agreement of the complainant, in order to facilitate a thorough investigation. We undertake to keep the complainant informed of progress and the new deadline(s) in such cases.

14. Other procedures for dealing with complaints

We will not always use this 2 stage procedure to deal with complaints as some have their own appeals procedures, including:

- Children Social Care complaints have their own statutory complaints system
- Town and Country Planning appeals against refusal of planning permission
- where the customer or the council has **started** legal proceedings or has taken court action but **not** cases where a customer has simply threatened to start legal proceedings against the council
- where the matter has already been heard by a court or tribunal, including the council's benefit decisions that may be appealed and heard by the Tribunal Service
- where the matter has already been heard by a court or tribunal, including the Valuation Tribunal in respect of council tax and business rates
- school admission or exclusion appeals

- staff complaints about personnel matters such as appointments, dismissals, pay, pensions and discipline (but not from staff as service users)
- complaints about council policy
- complaints about the issue of a penalty charge notice by the parking control service, other than administrative issues, and the recovery process thereof
- complaints against the refusal of disabled badges for parking exemption
- complaints about the conduct of elected members

15. Confidentiality & Information Management

Any complaint processed through the procedure will be dealt with in accordance with the requirements of the Data Protection Act 1998, Freedom of Information Act 2000 and Human Rights Act 1998.

16. Remedies

When we make a mistake the council will act to put things right in one or more of the following ways:

- A written apology
- An explanation
- Review or change our policy or practice
- Reconsider an earlier decision – in some cases there are specific appeals processes (such as Planning, Licensing, and Education) which we will inform the complainant about.
- Financial recompense

Where a complaint is upheld we will tell the complainant what we will do to remedy what has gone wrong or to reduce the likelihood of the error being repeated. In some cases this will be within our control, in others it will not be within our control and we will advise the complainant accordingly. We will also advise what steps may be available if the complainant remains dissatisfied with our response or the proposed remedy.

The investigating officer (at either stage 1 or 2) should always consider whether any practical action could provide all or part of a suitable remedy. For example, ensure necessary repairs are completed or assess entitlement to a benefit and make the payment.

The investigating officer may also consider any practical action suggested by the complainant.

The investigating officer (at any stage) may, where appropriate, authorise the payment of compensation to the complainant, up to a maximum of £500 payable from the relevant service department's budget. The investigator will do so in line with the "Guidance for Compensation" which is available from the Corporate Complaints Team.

If the investigating officer considers that the level of compensation should be higher he/she will consult with the relevant Head of Service to determine an appropriate response.

17. Good practice guidance and support for staff

The Corporate Complaints Team will provide advice and guidance for staff and NCOs through an up to date intranet page and regular updates.

The Corporate Complaints Team will also advise on and commission training for officers involved in the complaints process which will be reflected in the key competencies and training requirements for staff at all stages of the process.

18. Monitoring and Review of the Policy

The Payments Manager will monitor the application of this policy throughout the year and will report on this as part of an annual report which will be available to members and officers.

In addition the council's performance management framework will include key performance information relating to complaints being reported to members and the corporate management team on a regular basis.

We will ensure that effective reporting and monitoring will be enabled through the council's CRM system and CorVu which will also be subject to review and improvement enhancing the quality of data and inform future strategy.

This policy was reviewed one year after implementation. The review included a full external Equality Impact Assessment of this document and the complaints process as a whole.

A review of the policy has taken place in 2014 supported by evidence from the council's annual report and that from the LGO.

19. Links to other Policies

There are links to one policy:

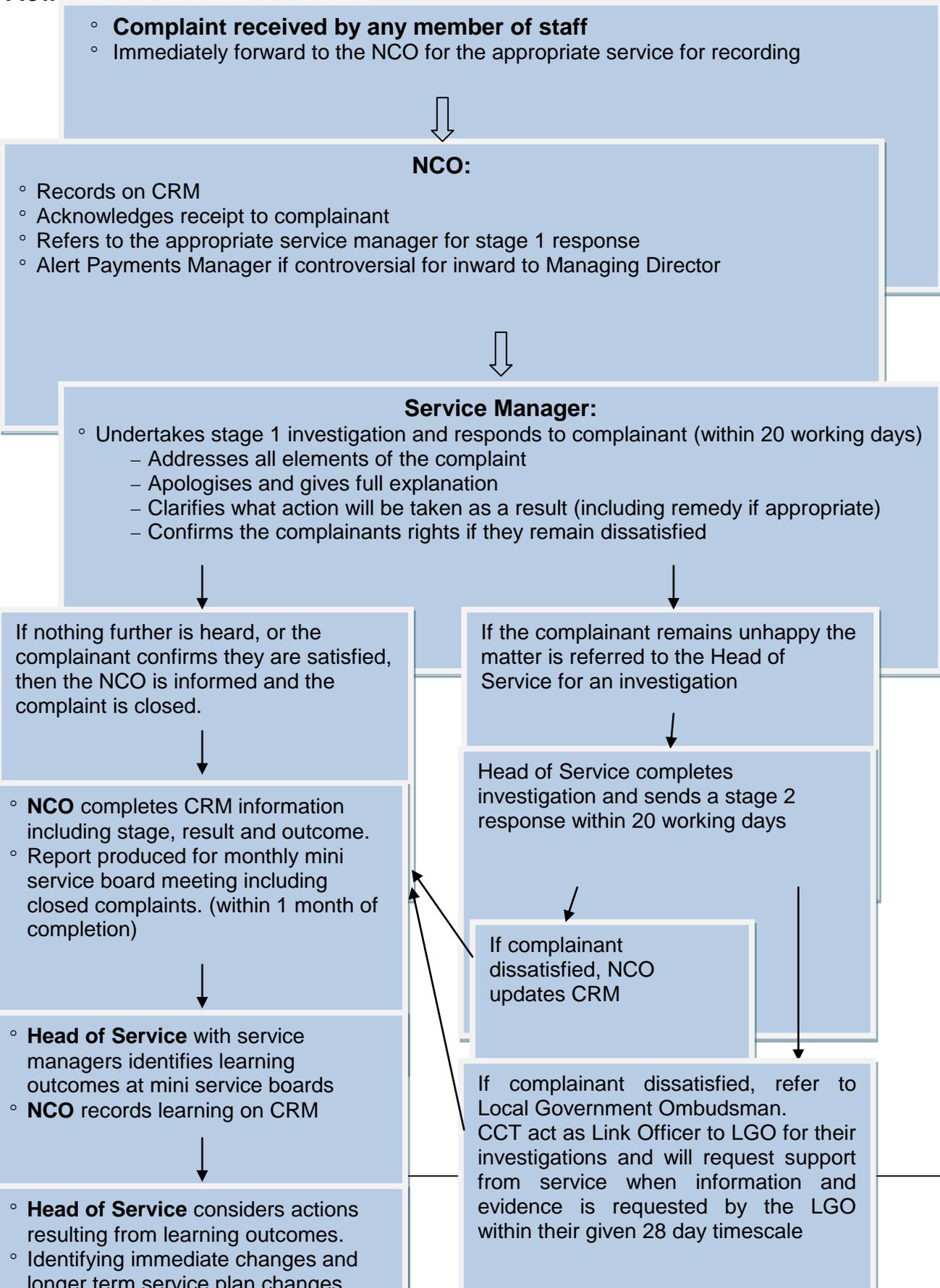
[Unacceptable Behaviour Policy](#)

20. Glossary

Local Government Ombudsman (LGO)	The Local Government Ombudsman investigates complaints about local authorities
Performance Management Framework (PMF)	A framework which sets out the different components that together embed a strong performance culture within the organisation, allowing effectively delivery of the council's priorities, plans and improvements in services to the Island.
CorVu	Suite of software applications used to record, monitor and report performance data.
Nominated Complaints Officer (NCO)	Staff in services who co-ordinate complaints and comply with the complaints policy
Customer Relations Management (CRM)	A system that is used by front line staff to log calls and is also used to record and monitor complaints
FOI	Freedom of Information
CSCI	Commission for Social Care Inspection
MP	Member of Parliament

Appendices

Flowchart for Complaint Process



If you would like this document translated, please contact us on 01983 821000

Arabic

إذا كنت ترغب في الحصول على نسخة مترجمة من هذه الوثيقة، فيرجى الاتصال
بهااتف 01983 821000

Bengali

এই দলিলটির অনুবাদ চাইলে, দয়া করে ফোন করুন: 01983 821000

Chinese

如果你想翻譯這份文件，請與我們聯係： 01983 821000

如果你想翻译这份文件，请与我们联系： 01983 821000

French

Si vous désirez que ce document soit traduit, contactez-nous s'il vous plait au 01983 821000

German

Falls Sie eine Übersetzung dieses Dokuments wünschen, wenden Sie sich bitte unter einer der folgenden Rufnummern an uns 01983 821000

Hindi

यदि आप इस दस्तावेज़ का अनुवाद चाहते हैं, तो कृपया टेलिफोन नम्बर 01983 821000 पर सम्पर्क कीजिए।

Hungarian

Amennyiben igényli az okmány lefordított változatát, kérjük, hívja a 01983 821000-ás számot.

Italian

Se desiderate la traduzione di questo documento, contattateci allo 01983 821000

Polish

Jeżeli chcieliby Państwo uzyskać tłumaczenie tego dokumentu, prosimy o kontakt z nami 01983 821000

Punjabi

ਜੇਕਰ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਅਨੁਵਾਦ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਟੈਲੀਫੋਨ ਨੰਬਰ 01983 821000 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Romanian

Dacă doriți acest document tradus, vă rugăm sunați la numărul 01983 821000

Spanish

Si desea una traducción de este documento por favor llame al numero de teléfono 01983 821000

Urdu

اگر آپ اس دستاویز کا ترجمہ کرانا چاہتے ہوں تو براہ مہربانی ٹیلیفون نمبر 01983 821000 پر فون