

Corporate and Housing Services Complaint Procedure



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 resolving complaints for its customers fairly, early and as efficiently as possible.

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

For the purposes 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

Effective complaint handling enables customers to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint.

A complaint is defined as an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the Authority, its own staff, or those acting on its behalf, affecting a 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 can make a complaint; this includes those who are ex-occupiers of council homes.

A customer does not have to use the word 'complaint' for it to be treated as such. Whenever a customer expresses dissatisfaction the Authority will give them the choice to make a complaint. A complaint that is submitted via a third party or representative will be handled in line with this procedure.

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.

The Authority will always accept a complaint unless there is a valid reason not to do so (please refer to Appendix 1 for details of exemptions and exclusions). If the Authority decides not to accept a complaint, it must be able to evidence its reasoning. Each complaint will be considered on its own merits.

4. The procedure

4.1 About 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 exemptions or exclusions (Appendix 1).

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

This procedure recognises the difference between a service request and a complaint. A service request is a request from a customer to the Authority requiring action to be taken to put something right. Service requests are not complaints, but will be recorded, monitored and reviewed regularly.

Individual teams will log and monitor service requests, in line with their individual reporting and governance arrangements, often dictated by governing or inspecting bodies.

Service requests received by the Authority's Customer First Office are recorded, monitored and regularly reviewed. They are also reported to Cabinet in the annual Complaint Report.

The Authority's housing services, record, monitor and regularly reviews its service requests and report these as part of its annual performance assessment report to Cabinet.

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

An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to. Where the Authority asks for wider feedback about their services, they also must provide details of how customers can complain.

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.

4.2 The two stage complaint process

At each stage of the complaints process, complaint handlers will:

- a) deal with complaints on their merits, act independently, and have an open mind
- b) give the customer a fair chance to set out their position
- c) take measures to address any actual or perceived conflict of interest, and
- d) consider all relevant information and evidence carefully.

Where a key issue of a complaint relates to the parties' legal obligations, the Authority will clearly set out their understanding of the obligations of both parties and seek clarification before doing so where this is not initially clear.

The early and local resolution of issues between Authority and customers is key to effective complaint handling.

A complaint response must be provided to the customer when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions must still be tracked and actioned promptly with appropriate updates provided to the customer.

Where a response to a complaint will fall outside the timescales set out in this process, the Authority will agree with the customer, suitable intervals for keeping them informed about their complaint. The customer will also be provided with the contact details of, and how to contact the relevant Ombudsman.

Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the customer.

Corporate Complaint	<p>Complaints will be logged and reported in the Authority's annual Complaint Report. Complaints should be investigated at Stage One before they can be investigated at Stage Two.</p> <p>The complainant will always have the right to escalate their complaint to the subsequent Stage.</p> <p>The Authority will ensure that appropriate remedies can be provided at any stage of the complaints process, without the need for escalation.</p>
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Complaints can be started by using this [form](#); emailing customerfirstoffice@northtyneside.gov.uk or by calling the Customer First Office on 0191 643 2280.

Stage One

When a complaint is made, the Customer First Office will contact the complainant and ask them to write a statement of complaint (if this has not already been completed), describing the complaint and what outcome they would like to see. Support is available from the Customer First Office to complete a statement of complaint. This will be completed and acknowledged by the Customer First Office, within five days of the first contact.

The acknowledgment will set out the Authority's understanding of the complaint, known as the complaint definition. If any aspect of the complaint is unclear, the customer will be asked for clarification.

The Authority will make clear any aspects of the complaint it is not responsible for and clarify any areas where this is not clear.

The Authority will address all points raised in the complaint definition and provide clear reasons for any decisions, referencing the relevant policy, law and good practice where appropriate.

The statement of complaint will be typically investigated by a 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.

The Authority will issue a full response to Stage One complaints within 10 working days of the complaint being acknowledged.

This response will include information about next steps and a person's right to approach the Ombudsman about the decision.

The Authority will confirm the following in writing to the resident at the completion of Stage One in clear, plain language:

- a) the complaint stage
- b) the complaint definition
- c) the decision on the complaint
- d) the reasons for any decisions made
- e) the details of any remedy offered to put things right
- f) details of any outstanding actions; and
- g) details of how to escalate the matter to Stage Two if the individual is not satisfied with the response.

Where customers raise additional complaints during the investigation, these must be incorporated into the Stage One response if they are related, and the Stage One response has not been issued. Where the Stage One response has been issued, the new issues are unrelated to the issues already being investigated or it would unreasonably delay the response, the new issues must be logged as a new complaint.

Stage Two

If all or part of the complaint is not resolved to the resident's satisfaction at Stage One, it must be progressed to Stage Two; Stage Two is the Authority's final response.

The complainant is not required to give a reason to ask for the complaint to be progressed to Stage Two.

Requests for Stage Two must be acknowledged, defined and logged at Stage Two within five working days of the escalation request being received.

The person considering the complaint at Stage Two must not be the same person that considered the complaint at Stage One. Stage two complaints will typically be considered by a Head of Service or Senior Manager.

The Authority will issue a final response to the Stage Two within 20 working days of the complaint being acknowledged.

The Authority will decide whether an extension to this timescale is needed when considering the complexity of the complaint and will then inform the customer of the expected timescale for response, as well as providing the contact details for the relevant Ombudsman. Any extension must be no more than 20 working

	<p>days without good reason, and the reason(s) must be clearly explained to the customer.</p> <p>The Authority will confirm the following in writing to the customer at the completion of Stage Two in clear, plain language:</p> <ul style="list-style-type: none"> a) the complaint Stage b) the complaint definition c) the decision on the complaint d) the reasons for any decisions made e) the details of any remedy offered to put things right f) details of any outstanding actions, and g) details of how to escalate the matter to the Ombudsman Service if the individual remains dissatisfied.
<p>Social Care Complaints</p>	<p>There are two further procedures for investigating adult and children’s social care complaints:</p> <ul style="list-style-type: none"> • 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/Adult%20Social%20Care%20Statutory%20Complaints.pdf <p>Social care complaints should be raised by using this form, or by calling the Customer First Office on 0191 643 2280.</p>
<p>Ombudsman</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>Local Government and Social Care Ombudsman – has jurisdiction of complaints about council services.</p> <p>0300 061 0614</p> <p>www.lgo.org.uk</p> <p>The Housing Ombudsman – has jurisdiction of complaints about social housing, this includes council tenants.</p> <p>0300 111 3000</p> <p>www.housing-Ombudsman.org.uk</p>

5. Solutions and remedies

Where something has gone wrong the Authority will acknowledge this in complaint responses at both Stages of this procedure, and set out the actions it has already taken, or intends to take, to put things right. These can include:

- saying sorry
- acknowledging where things have gone wrong
- providing an explanation, assistance or reasons
- taking action if there has been delay
- reconsidering or changing a decision
- amending a record or adding a correction or addendum
- providing a financial remedy, or
- changing policies, procedures or practices.

Any remedy offered must reflect the impact on the customer as a result of any fault identified.

The Authority will look beyond the circumstances of the individual complaint and consider whether service improvements can be made as a result of any learning from the complaint.

The Authority will take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

The remedy will clearly set out what will happen and by when, in agreement with the customer where appropriate. Any remedy proposed must be followed through to completion.

The Authority's key objective in relation to complaint handling for all relevant employees or third parties, reflects the need to:

- have a collaborative and co-operative approach towards resolving complaints, working with colleagues across teams and departments
- take collective responsibility for any shortfalls identified through complaints, rather than blaming others; and
- act within the professional standards for engaging with complaints as set by any relevant professional body.

6. Accessibility and equal opportunities

The Authority is committed to ensuring that everyone has equal access to all of its services and wants to make it easy for customers to complain, by providing different channels through which a complaint can be made. The Authority will give due regard and consideration to its duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of customers who may need to access the complaints process. To support this:

- complaints are accepted over the telephone, in person, in writing, by email, via the website or by any other reasonable means
- this complaint procedure is available in a clear and accessible format for all customers, including the two Stage process, the timeframes for responding and what customers can expect to happen
- this complaint procedure is published on the Authority's website
- the Authority can provide information and responses in alternative formats including, Braille, large print, easy read format, BSL (British Sign Language) video, audio formats and other languages where needed; and
- the Authority can provide interpreters (including sign language translators) where needed.

The Authority will keep a record of any reasonable adjustments agreed, as well as a record of any disabilities a customer has disclosed. Any agreed reasonable adjustments must be kept under active review.

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.

7. 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 Exemptions

The Authority will not take a blanket approach to excluding complaints or refusing to escalate a complaint through all stages of the complaint process; it will consider the individual circumstances of each complaint.

This complaints procedure does not apply when:

- the person wishing to complain does not meet the requirements of 'who can 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
- legal proceedings have started; typically defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court
- 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 and Social Care or Housing Ombudsman, that the issues should be deemed as being The Authority's Policy.

Complaints about policy may 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. If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell the Authority to take on the complaint.

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 Governance

This procedure is governed by the Authority's wider policies and practices and its Constitution. The Complaint Handling Codes, 2024, from both the Local Government and Social Care Ombudsman and Housing Ombudsman, are both used to inform the approach and standards set out in this procedure.

Annually, the Authority will complete self-assessments against both Ombudsman Codes, to ensure its complaint handling remains in line with requirements.

The Authority has a Complaint Governance Framework which sets out how corporate complaints are monitored, reported, reviewed and escalated. The Framework also shows the minimum standards for the Authority to report wider learning and improvements from complaints to stakeholders, such as residents and relevant committees.

This is in addition to service specific requirements from individual inspecting or governing bodies such as the Housing Ombudsman or landlord services. Individual Authority services will have records of these requirements and activities.

The Complaint Governance Framework is kept under constant review by the Authority's Complaint Manager.

A positive complaint handling culture is integral to the effectiveness with which Authorities will resolve disputes. The Authority will use complaints as a source of intelligence to identify issues and introduce positive changes in service delivery.

- The (MRC) Member Responsible for corporate complaints is the Authority's Lead Cabinet Member for Corporate Strategy, including Customer Service.
- The Governing Body for corporate complaints is Cabinet. Cabinet will:
 - receive the annual complaints performance and service improvement report for corporate complaints and its self-assessment for compliance with the LGSCO Code of Practice, annually, and
 - publish its response to the annual complaints performance and service improvement report for corporate complaints and its self-assessment for compliance with the LGSCO Code of Practice, on the Authority's website, and
 - receive at least one further update, annually, of:
 - a. corporate complaints volumes, categories, and outcomes of complaints, alongside complaint handling performance, and
 - b. review of issues and trends arising from complaint handling
 - can receive or request any additional reports deemed necessary which provide insight and effective governance, on the Authority's corporate complaint handling performance.
- The Authority's Regulation and Review Committee (Council) will scrutinise and challenge the annual complaints performance and service improvement report information from the MRC, for corporate complaints, prior to Cabinet's annual review.

- The (MRC) Member Responsible for housing services complaints is the Authority's Lead Cabinet Member for Housing.
- The Governing Body for housing services complaints is Cabinet. Cabinet will:
 - receive the annual complaints performance and service improvement report for housing services complaints and its self-assessment for compliance with the HO Code of Practice, annually, and
 - publish its response to the annual complaints performance and service improvement report for housing services complaints and its self-assessment for compliance with the HO Code of Practice, on the Authority's website, and
 - receive at least one further update, annually, of:
 - c. housing services complaints volumes, categories, and outcomes of complaints, alongside complaint handling performance, and
 - d. review of issues and trends arising from complaint handling
 - can receive or request any additional reports deemed necessary which provide insight and effective governance, on the Authority's housing services complaint handling performance.
- The Authority's Regulation and Review Committee will scrutinise and challenge the annual complaints performance and service improvement report information from the MRC, for housing services complaints, prior to Cabinet's annual review.

Service requests: are not categorised as complaints, but are recorded, monitored and reviewed when received by the Customer First Office and housing services, as a wider source of information about customer satisfaction and service performance.

Complaints: the Authority's Complaint Manager and Customer First Office, apply this complaints procedure and monitor the progress of all individual complaints.

2.3 Record management and data protection

A full record will be kept of the complaint, and the outcomes at each stage. This will include the original complaint and the date received, all correspondence with the customer, correspondence with other parties, and any relevant supporting documentation such as reports or surveys.

All functions of the complaint procedure adhere 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 One, the Authority's Complaint 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 One 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 Two.

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 services, 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 aims to be 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

Tel: 0191 643 2280