

# Corporate Complaints and Compensation Policy

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THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

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## 1. Introduction

We aim to provide high quality services and hope to get this right the first time. But occasionally we know that things can go wrong and if we have let you down, we think it's important to work with you to resolve any issues.

We use the feedback from complaints to think about how we can do things better and our goal is to make continuous improvements so that we deliver excellent services to residents, businesses and visitors.

When we receive a complaint, we will:

- Treat you with respect and listen to your views.
- Be polite and professional.
- Be honest and upfront in any advice or responses we give you.
- Apologise when things have gone wrong and do what we can to put things right.

There are separate policies for complaints about Housing Management due to the nature of the services that they provide. However, this policy has been aligned as closely as possible to enable a consistent approach to the way complaints are considered.

More information about the Housing Management complaints and compensation policies can be found here: <https://www.rbkc.gov.uk/housing/get-involved/housing-management-complaints-and-feedback>

## 2. What is a complaint

“A complaint is an expression of dissatisfaction about a council service (whether that service is provided directly by the council or by a contractor or partner) that requires a response.”

Complaints may be about the quality of service provided by the Council or someone acting on its behalf.

## 3. How to make a complaint

The council is committed to ensuring there is more than one way for you to contact us. You can give feedback:

Online: <https://www.rbkc.gov.uk/footer-links/contact-us/complaints-comments-and-compliments>

Email: [complaints@rbkc.gov.uk](mailto:complaints@rbkc.gov.uk)

Phone: 0207 361 2060 (Lines are open Monday – Friday from 9am – 4pm)

In Writing to: Complaints Team, 3<sup>rd</sup> Floor  
Kensington Town Hall  
Hornton Street, W8 7NX

If you contact us about an issue and haven't used the complaints process or used the word "complaint", we will consider the issues you are raising and may still investigate the matter under the Council's complaints procedure. Some of the things we'll look for when deciding on whether to treat your communication as a complaint are:

- Has there been a delay which is either unreasonable or longer than the published timescale?
- Have you raised concerns about the service you have received or a decision the Council has made?
- Has the Council not delivered on an action it agreed to do?
- Have you complained about the issue before without a full resolution?

Similarly, if you submit a complaint but the issues don't meet the criteria of a complaint (for example you are making a service request) then we'll respond under the relevant procedure. However, if the matter is still not resolved, you can still raise a complaint about this subsequently.

If you need help to make a complaint, such as to make reasonable adjustments in the way we communicate with you or if you require translation and/or interpretation services, please let us know.

#### **4. Who can make a complaint?**

Anyone can make a complaint. Representatives can also complain on behalf of an individual. Where personal data is to be shared between the Council and a representative the individual must give their consent.

#### **5. What is the complaints process and what are the timescales involved?**

The Council has a two-stage complaints process. At both stages, it's important we understand what has caused your complaint, how the problem has affected you and what actions you would like the Council to take to resolve the problem. If we can't put things right in the way you want us to, we'll let you know. Whenever we can, we'll give you information about services or other organisations that may be able to help.

##### **Stage One**

At Stage One your complaint will usually be investigated and responded to by the relevant Head of Service. This is the Senior Manager who is responsible for the service you are complaining about. If your complaint is about them, then their immediate Line Manager should respond to you.

##### **Stage Two**

At Stage Two, the Director responsible for the Department that your complaint relates to will review your complaint and respond to you. The Director will need to understand why you disagree with the response you've had and for you to provide any new information you'd like them to consider.

There are different complaints processes for statutory Adults and Children's Social Care complaints. If your complaint would be better dealt with under the statutory procedure, we will let you know.

More information can be found in the links below:

Adult Social Care:

<https://www.peoplefirstinfo.org.uk/your-voice/complaints-and-feedback-to-your-council/>

Children's Social Care:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/273895/getting\\_the\\_best\\_from\\_complaints.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/273895/getting_the_best_from_complaints.pdf)

## **6. What timescales are involved?**

When your complaint has been received, you should receive an acknowledgement within two working days.

At Stage One we will aim to send you a response within ten working days, but in some cases, where the investigation is more complex, it may take up to 20 working days. We will let you know if this is likely to happen.

If you remain unhappy with the Stage One reply, you should get in touch with us within 20 working days to let us know why you are dissatisfied with the reply and what you would like the Council to do to put things right.

At Stage Two we will aim to send you a response within 20 working days, but in some cases, it may take up to 30 working days. Again, we will let you know if this is likely to happen.

If you've told us that you would prefer to be contacted by post, it may take a little longer for you to receive any letters we send you.

We might need more information from you during any stage of the complaints process. If this happens, we will contact you to ask for this. It's important that you respond to us as soon as possible so that your complaint is not delayed. When we ask for information, we will pause your complaint and will only resume investigating when we have the information we need.

If we don't hear back from you, we will write to you again. If we still haven't heard back, we will assume you no longer wish to make a complaint. We will close your complaint and let you know we've done so. You will have three months from the date of our last contact with you to ask us to resume investigating your complaint.

## **7. How do we investigate complaints?**

When we investigate complaints, we look at what you've told us as well as the information we have. We also think about how you'd like us to put things right so it's important that you tell us what outcomes you're seeking to resolve your complaint.

As part of our investigation, we may need to contact you to understand your concerns, to gather more information or to try and resolve your complaint by speaking with you. We'll also speak to relevant officers who have been involved.

Once we have all the information we need, the key questions we need to think about are:

- Did the Service follow the relevant processes, policies and procedures?
- Did the Council consider any guidance or legislation that may apply?
- What actions were taken and how were these done?

If we find that things didn't happen as they should have done, we will think about what impact this had and how we will put things right.

## **8. Which complaints can't we investigate?**

Whilst the Council will always try to investigate complaints and provide you with a response, there are some complaints that we can't investigate. If this is the case, we'll let you know why we can't help and any possible next steps you may wish to follow.

Some examples of complaints we won't accept are listed below:

- Matters for which there is a statutory right of appeal, for example: appealing a Penalty Charge Notice (PCN) and School Admissions decisions;
- Complaints where legal proceedings, court or tribunal action is due or already being taken (although related issues not subject to proceedings may be considered);
- Matters which are; or would be better dealt with in an insurance claim;
- Issue that should be dealt with by another organisation or regulatory body;
- Complaints that are submitted anonymously will not be responded to, but will be reviewed;
- Complaints that are raised more than 12 months after the event (unless there is good reason to investigate);
- Complaints that have already been investigated and a final response issued;
- Complaints that have already been investigated by an Ombudsman;
- Enquiries or first-time requests for a service;
- Reasonableness of service charges for leaseholders;
- Employee complaints about terms and conditions of employment, working conditions or personnel issues which come under the employee complaint procedure;
- Complaints that should be considered under the Council's "Dignity at Work" or disciplinary policies for example concerns that staff have breached the Council's code of conduct
- Complaints that are abusive, unreasonable or vexatious in nature;
- Personal Data and Information complaints (although related issues about the quality of service may be investigated);

If you have a complaint about how your personal data has been processed, you should write to the Council's Data Protection Officer at [dpo@rbkc.gov.uk](mailto:dpo@rbkc.gov.uk) and/or the Information Commissioner's Office (ICO).

If you are dissatisfied with how the Council has dealt with a request for personal or public information, such as a Subject Access Request under the Data Protection Act 2018 or a Freedom of Information request, you can find more information about the review process using the links below:

<https://www.rbkc.gov.uk/council-councillors-and-democracy/freedom-information/request-personal-information/subject-access>

and

<https://www.rbkc.gov.uk/council-councillors-and-democracy/freedom-information/freedom-information-and-your-rights>

## **9. What options are there after receiving a final response?**

If you have been through all stages of our complaints procedure and are still unhappy, you can ask the Ombudsman to review your complaint. There are two Ombudsman schemes, and both organisations investigate complaints in a fair and independent way - they do not take sides and are a free service.

If your complaint is about Housing Management, you can contact the Housing Ombudsman Service. They investigate complaints about housing organisations that are registered with them. They can resolve disputes involving tenants and leaseholders of social landlords (housing associations and local authorities).

### **Contact**

Website: <https://www.housing-ombudsman.org.uk/residents/make-a-complaint/>

Telephone: 0300 111 3000

The other Service is the Local Government and Social Care Ombudsman who look at individual complaints about councils and some other organisations providing local public services. It also investigates complaints about all adult social care providers (including care homes and home care agencies) for people who self-fund their care.

### **Contact**

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Telephone: 0300 061 0614

Opening hours Monday to Friday: 10am to 4pm (except public holidays)

## **10. How we put things right if something has gone wrong?**

When your complaint is investigated, if we find that things didn't happen as they should have done, our aim is to put you back in the position you would have been in if the problem hadn't happened.

This might involve providing you with the service you should be receiving or backdating this service or support if there was an avoidable delay. Depending on the nature of the complaint, this isn't always possible. In these situations, financial compensation may be appropriate.

## **11. Compensation**

Compensation in relation to service complaints is not offered every time the Council has made an error but is considered when the error cannot be put right. So, when compensation is offered, it will always be appropriate and proportionate to the

circumstances. We must think about the impact the fault has had. In some complaints we might ask for evidence to show how the problem affected you, but if this is the case, we'll let you know.

When deciding if compensation should be offered, we will think about the following:

- 1) Distress
- 2) Time and trouble
- 3) Costs incurred due to the error
- 4) Loss of opportunity
- 5) The complainant's own actions

When deciding how much compensation is fair and reasonable, we'll use the table below as a guide.

If we make an offer of compensation, the complainant will need to accept this within **three months** of the date of the offer.

	<b>Low impact</b>	<b>Medium impact</b>	<b>High impact</b>
<b>Partial fault</b>	£20 - 30	£50 - 100	£200 - 350
<b>Full fault</b>	£30 - 50	£100 - 200	£350 - 500

## **12. Learning from complaints**

The Council is committed to learning from complaints so that we can do things better and improve the services we offer our customers. If things have gone wrong, we look for ways to improve. This may involve:

- *Changing our processes or procedures to make things quicker and more effective*
- *Introducing new processes which would improve customers' experience*
- *Improving the systems we use to avoid the problem happening again*
- *Delivering staff training to strengthen customer service, skills and knowledge*

From time to time, we may contact customers to find out more about their experience of the complaints process. We want to use the feedback we receive to find ways which make it quicker and easier for customers to complain; as well as improving the overall complaints procedure.

## **13. Management of unreasonable or vexatious complainants**

The Council is committed to working with complainants to resolve problems and improve services. Our aim is to be fair and consistent in the way we approach complaints and how we engage with complainants directly. In most cases we can do so.

However, as our Complaints Officers manage several cases at any one time, they need to use their time and resources to best effect in the interest of all of those who make a complaint. They cannot do so if someone tries to dominate our attention with frequent, lengthy contacts and repetitive information. This hinders the consideration of their, or other



people's complaints. There are also other actions and behaviours that affect how quickly and effectively we can resolve complaints, examples of these are cited below.

We recognise that isolated cases of the examples below should not impede our investigation of a complaint and in these circumstances, we would expect to be able continue to deal with the complaint. However, when these behaviours or actions become unreasonably persistent, they affect the way in which we can consider and respond to a complaint. In such circumstance we may determine that a complaint is unreasonable or vexatious and cannot be progressed.

Examples:

- refusing to specify the grounds of a complaint despite offers of help
- refusing to co-operate with the complaints investigation process while still wishing the complaint to be resolved
- refusing to accept that issues are not within the power of the Council to investigate, change or influence
- insisting on the complaint being dealt with in ways which are not in accordance with the complaints procedure
- making an unjustified complaint about the member of staff dealing with the complaint, and seeking to have them replaced
- changing the basis of the complaint as the investigation proceeds
- raising numerous detailed but unimportant questions and insisting they are all answered
- submitting falsified documents by themselves or others
- adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations
- making excessive demands on the time and resources of staff dealing with the complaint by through lengthy phone calls or emails to numerous Council staff and expecting immediate responses
- introducing trivial or irrelevant new information during the investigation
- denying statements made at an earlier stage in the complaint process
- electronically recording meetings and conversations without the prior knowledge of the other person involved
- refusing to accept the outcome of the complaint process after its conclusion or repeatedly arguing the point with no new evidence
- making the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences constitute 'new' complaints which should be put through the full complaints procedure

In addition to the actions above, the Council will not tolerate behaviour which is considered offensive, dishonest, abusive, discriminatory, or threatening. When it occurs, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes.

### **How will we deal with unreasonable or vexatious complainants?**

If we experience behaviours that are either unreasonable or vexatious in nature, the designated officer managing the complaint will contact the complainant in writing or by email to explain why this behaviour is causing concern and ask them to change it. They will explain the actions that the Council may take if the behaviour does not change.

If the unreasonable behaviour continues the designated officer and the relevant Head of Service will decide what restrictions to put in place. Any restriction imposed should be appropriate and proportionate. In most cases restrictions will apply for between three and six months but may be extended in exceptional cases. In such cases the restrictions are to be reviewed on a quarterly basis.

The officer is likely to consider the following restrictions, however, new complaints from people whose behaviour has previously been deemed unreasonable will be considered on their merits. Restrictions imposed in respect of an earlier complaint will not automatically apply to any new ones.

- Restricting contact by telephone except through a third party, e.g. solicitor/Councillor/ advocate or friend acting on their behalf, with named Council officers or to specified days and times
- Restricting correspondence in connection with the complaint to letter and not email
- Restricting contact only with named members of staff
- Requiring any direct face to face contact to take place in the presence of an appropriate witness
- Refusing to register and deal with further complaints about the same matter
- Advising the complainant that a designated member of staff will read all future correspondence and place it on file without acknowledgement unless it contains material new information.

Once the officer has decided to apply restrictions, they will write to the complainant explaining the following.

- 1) why their behaviour is being treated as unacceptable;
- 2) the action they are going to take;
- 3) the duration of this action;
- 4) the review process;
- 5) enclose a copy of the policy in the letter to the complainant; and
- 6) inform the complainant how they can seek to appeal the decision if they disagree with it and the process for doing so.

A copy of the letter will be shared with the Complaints Team to record and track the end date of the review. The officer will also share a copy with the wider service to ensure they are aware of the restrictions.

Within 14 days of the date of the letter advising them of the restrictions, the complainant has the right to request in writing, that the Executive Director review the decision of the officer. The decision of the Executive Director will be final and where relevant the complainant will be advised of their right to refer the matter to be investigated by the appropriate body, for example the Local Government Ombudsman or Information Commissioner's Office.