

# **Complaints Policy 2020 – 2021**

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The London Borough of Merton is committed to providing high quality and sustainable adult learning in order to improve the social, economic, health and wellbeing of our residents. We deliver this through a strategic investment approach: commissioning provision to the best providers in the field and by developing sophisticated evidence based approaches to what we deliver.

The Service operates through a commissioned learning service with providers at a number of venues. At each of these locations we work in partnership with representatives from these organisations to agree where responsibilities lay in relation to complaints and that relevant information is made available.

Providers are required to have a robust complaints policy in place and to manage learner satisfaction to meet the service and LBM standards.

## **Introduction**

We welcome our customers' views and will use them to improve our services. The purpose of this policy is to provide a framework for dealing with complaints, comments and compliments. It explains our processes and our obligations to our customers and the role of the Local Government Ombudsman.

LBM aims to provide excellent services to all our customers, but occasionally things go wrong. Complaints help us to put things right and make sure the same mistake does not happen again.

Our complaints policy aims to ensure that customers:

- know where and how to complain
- receive an acknowledgement and information on the progress of their complaint
- receive an appropriate response with prompt and adequate action when we have failed to provide a satisfactory service

The first point of contact for our customers in respect of complaints, comments or suggestions is with the provider where the learning is taking place. However, referral / direct contact can be made to the Adult Learning team if:

- The customer has previously made a complaint and no response has been received from the provider within 20 days or if they are unhappy with the response from the provider and wish to escalate the complaint to stage 2

Where complaints are received by the Adult Learning team, we aim to respond to customer feedback in a consistent and professional manner, and use complaints to shape our services by providing regular reports about the complaints we receive.

## **Definitions**

A complaint is:

an expression of dissatisfaction about LBM or a provider's action or lack of action, or about the standard of a service, whether the action was taken by LBM or a provider itself or a person acting on behalf of LBM or a provider.

A comment is:

A personal opinion or belief, feedback or remark expressed by a customer. Where the customer indicates they expect a reply, or where it is otherwise thought appropriate to do so, this should be dealt with as general correspondence.

A compliment is:

Defined as a customer statement of positive recognition or praise for a service or individual. Where appropriate, managers may acknowledge compliments.

All of the above should be shared with the Quality, Performance and Partnerships Officer, within the LBM Adult Learning team.

### **Scope of the complaints policy**

There are a number of types of complaints that are not covered by this procedure; these include:

- complaints regarding a provider that are not associated with LBM learners
- complaints from contractors or potential contractors relating to the award of contracts

This list is a guide and is not exhaustive. There are other issues we cannot investigate because there is a more appropriate body to deal with it. Where this is relevant we will advise you on the procedure.

Complaints may be linked to other processes such as legal proceedings, insurance claims or disciplinary proceedings. Sometimes it will not be possible to resolve the complaint whilst the proceedings are on-going. Customers should be advised that any action may not be suspended during the investigation, but if a complaint is upheld we will endeavour to rectify the situation.

In addition, we will generally not investigate complaints relating to issues over 12 months old.

Many complaints are expressions of dissatisfaction with a policy, as opposed to failure to meet service standards. Such complaints should be treated as Stage 1 complaints. A response should be sent explaining that the complaint made relates to a policy area, and that it cannot be pursued further through the complaints system. Customers should be provided with a copy of the policy together with details of how it was agreed.

Customers may appeal against the decision to classify their complaint as a policy issue rather than a performance complaint, and this right should be made clear in the Stage 1 reply above. Any such appeal should be treated as a Stage 2 complaint.

### **Complaints procedure**

A complaint to the provider or the Adult Learning team should be:

- by letter or e-mail
- by telephone
- in person by arranging a meeting

When a complaint is made verbally, the recipient should record the details of the complaint and the outcome the customer is seeking. If the recipient is able to quickly

resolve the complaint themselves they should do so. Otherwise details of the complaint and the desired outcome should be agreed with the complainant.

If a complaint cannot be resolved within 48 hours of it being submitted, or if the complainant requests a formal investigation, the complaint will be dealt with under Stage 1 of this policy.

### **Stage 1 complaints**

Stage 1 complaints must be acknowledged within 3 working days, this will include an explanation of the complaints process and the timescale for dealing with the complaint.

Stage 1 complaints must be investigated by a member of the providers' complaints team and agreed by their service manager. Where the complaint names a member of staff they should be informed of the complaint and given the opportunity to comment, but will not be responsible for providing the response to the complainant. Where necessary another service manager may be requested to provide an investigating officer.

Stage 1 complaints must be investigated and a response sent to the complainant within 20 working days. Where an email address has been provided a response should be sent by email unless a paper copy has been requested. Letters must be posted within 20 working days, although delivery dates may be later. Occasionally it may not be possible to conclude an investigation and respond within 20 working days. In these circumstances the investigating manager must inform the complainant of the reasons for the delay and the expected response date. Performance against the 20 working day target will be reported on a regular basis.

### **Stage 2 complaints**

If a customer is not satisfied that all aspects of their complaint have been addressed and wishes to escalate it, the customer and/or provider must inform the Adult Learning team within 25 working days of receiving the response, stating what aspects of the response they are dissatisfied with and their desired outcome. Reasonable constraints to meeting this time limit, illness for example, will be taken into account. The customer should provide any additional or further information that may affect the outcome of the response.

Stage 2 of the complaints process may be instigated at the request of a complainant or the provider. A Stage 2 investigation reviews the investigation and outcome of a Stage 1 complaint. A Stage 2 investigation may also look at clusters of informal or Stage 1 complaints about a particular service issue to identify potential improvements to services.

Stage 2 investigations will be conducted by a member of the Adult Learning team.

In some service areas, where appropriate the Adult Learning team will request a senior manager in the service to conduct/prepare the response. The investigator will have access to any information or officers required to complete the investigation. Stage 2 responses will be agreed with the Service Manager for Adult Learning.

Stage 2 investigations will usually be completed within 25 working days. Occasionally it may not be possible to conclude an investigation and respond within 25 working days. In these circumstances the Adult Learning team will inform the complainant of the reasons for the delay and the expected response date. Performance against the 25 working day target will be reported on a regular basis. A log of Stage 2

recommendations will be maintained by the Adult Learning team who will report to senior management on their implementation.

#### The Local Government Ombudsman

In the event that a customer is still not satisfied that their complaint has been resolved through the complaints procedure, they can complain to the Local Government Ombudsman (LGO). The LGO is an independent national service that investigates complaints of injustice arising from maladministration by the council. Customers can complain to the LGO at any time, but they will usually refer a complaint back to LBM if it has not been through all stages of the complaints procedure.

There are some urgent or exceptional cases where LBM may decide that completing their own procedure would be detrimental to the customer, or where it is clear that the complaint cannot be resolved by a provider or LBM. In these circumstances an early referral may be made to the Ombudsman. The LGO can be contacted at:

Local Government Ombudsman  
PO Box 4771,  
Coventry  
CV4 0EH

#### **Equalities issues in making a complaint**

All reasonable efforts must be made to ensure that customers with particular needs such as physical or sensory impairment, learning disabilities and customers who are less familiar with English have full access to the complaints process.

In some circumstances the provider or LBM should offer face-to-face support or advocacy to those who may need help in making a complaint. Complainants should be encouraged to seek support from friends and other representatives. Help may be available via:

Merton Link [www.merton.gov.uk/contact/mertonlink.htm](http://www.merton.gov.uk/contact/mertonlink.htm)

Merton's Citizens Advice Bureau [www.caml.org.uk/](http://www.caml.org.uk/)

Merton's Translation Service [www.merton.gov.uk/community/transandint.htm](http://www.merton.gov.uk/community/transandint.htm)

#### **Making a complaint on behalf of someone else**

For reasons of customer confidentiality, LBM will only accept complaints from a representative under certain conditions.

- where LBM is sure that the service user has consented, either verbally or in writing
- where the complaint is made by an elected representative acting on their constituents behalf
- Where the service user cannot complain unaided and cannot give consent because they lack capacity within the meaning of the Mental Capacity Act 2005, and the representative is acting in the service user's best interests – for example, where the matter complained about, if true, would be detrimental to the service user.

## **Confidentiality**

Information supplied through the complaints process must be treated as confidential by providers and LBM. It may be necessary to share information between providers, LBM or a third party in order to resolve the complaint however. Information provided will be used to improve services and resolve complaints.

Anonymous complaints should be considered under the complaints policy and any anonymous complaint or comment that relates to vulnerable people or those who might be at risk must be investigated and acted upon immediately. However, in some circumstances it may not be possible to investigate an anonymous complaint. If a customer has concerns about giving their name they should speak to the provider or the Adult Learning team who can answer any questions about how the complaint will be handled.

## **Putting things right**

Where LBM or a provider has made mistakes or failed to meet service standards, they should endeavour to put the complainant back in the position they would have been in before things went wrong. Some complaints may be resolved by correcting mistakes. In other cases, the Adult Learning team or the provider may consider a change of procedures to prevent future difficulties of a similar kind, either for the individual customer or generally.

## **Complaints performance - monitoring and reporting**

Information to be recorded:

- The number of complaints received
- The issues complained about and which provider
- Whether the complaint involves discrimination or harassment
- The length of time taken to respond to the complaint, compared with the timescales set out in this policy
- Whether the complaint was upheld

The Adult Learning team will review any direct complaints received and those in respect of providers during monitoring meetings and as a part of quality assurance. Actions will be agreed to address any shortfall areas.

This policy will be reviewed annually, or before in the event of any significant changes to guidance or policy.