



North  
Northamptonshire  
Council

# Complaint Remedy Policy

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## Change History

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## Links to other documents

Document	Link
NNC Compliments, comments and complaints Policy	<a href="https://cms.northnorthants.gov.uk/media/374/download">https://cms.northnorthants.gov.uk/media/374/download</a>
LGSCO Remedies Guidance	<a href="#">Guidance on remedies - Local Government and Social Care Ombudsman</a>
THOS Remedies Guidance	<a href="#">Policy and Guidance on remedies - Housing Ombudsman (housing-ombudsman.org.uk)</a>
s92 Local Government Act 2000	<a href="#">s92 Local Government Act 2000</a>
Housing Act 1996	<a href="#">Schedule 2 Housing Act 1996</a>
North Northamptonshire Council Equality Policy and Strategy	<a href="#">Equality policy and strategy   North Northamptonshire Council (northnorthants.gov.uk)</a>

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## 1.0 Introduction

1.1 The council helps thousands of residents every year and welcomes customers' comments and suggestions; they are key in helping the council develop and improve the services it offers. In the carrying out of all functions the council will always seek to be guided by its values:

- Customer-focused
- Respectful
- Efficient
- Supportive
- Trustworthy

Sometimes things go wrong and organisational learning can be drawn and processes developed to stop the same mistakes happening again. Where someone has suffered an injustice because things have gone wrong, it must be acknowledged, and steps taken to put things right. Not all maladministration or poor service results in injustice or hardship, but where it does, steps should be taken to restore the complainant to the position they would have been in if the maladministration or poor service had not occurred. If that is not possible a remedy would be appropriate.

## 2.0 Scope

2.1 This policy applies to remedies offered in resolution of complaints raised under the North Northamptonshire Council Compliments, Comments and Complaints Policy.

2.2 This policy does not apply to claims for personal injuries, damage or insurance. This policy does not apply to mandatory payments made under statutory policy.

## 3.0 Policy outcomes

3.1 The purpose of this policy is to set out the principles, guide decision making, actions and requirements on the administration of remedy. This policy's aim is to ensure a financially robust corporate response that is also fair and proportionate where it is not possible to restore a person to the position they would have been in had a service failure not occurred.

This policy will identify:

- the circumstances to which remedy may apply and the methods available
- required authorisation levels to ensure maintenance of robust internal financial controls
- monitoring responsibilities to ensure performance awareness supports outcome achievement

## 4.0 Remedy Policy

### 4.1 Responsibility for the Policy

- The Remedy Policy will be owned and maintained by the Monitoring Officer in collaboration with s151 Finance Officer and in consultation with the appropriate business areas.
- Directors are responsible for ensuring appropriate records are maintained and linked processes are followed:
  - ❖ Remedy decisions and their authorisation chain
  - ❖ Learning outcomes and the service improvements those outcomes informed
  - ❖ Return of records to the council's designated complaint coordination and Ombudsman Services link

### 4.2 Remedy Principals

The council will ensure responses to injustice arising from maladministration or poor service demonstrate its values in action. It will:

- Acknowledge and apologise for poor service, maladministration or injustice where identified. If possible, return the complainant and any others affected in the same way to the position they would have been in if it had not occurred.
- Be sensitive to the customer's individual circumstances and consider a remedy which takes those into account while managing their expectations in a professional manner.
- Be open about how remedy decisions are reached and keep clear and accurate records of remedies offered including authorisation in line with directorate's delegated authority.
- Ensure remedy decisions are proportionate to the injustice and treat people without bias, discrimination or unlawfulness.
- Record and use lessons learnt to improve services ensuring maladministration or poor service is addressed and not repeated.

### 4.3 Remedy Decisions

The complainant should be offered a remedy that returns them to the position they would have been in should the maladministration or poor service leading to injustice or hardship not occurred.

If that is not possible, the remedy should compensate for the injustice or hardship appropriately and should also be offered to others who have suffered injustice or hardship as a result of the same maladministration or poor service.

Wherever an injustice has occurred the complainant must receive an assurance that lessons have been learnt and explanation of changes made to prevent the injustice reoccurring.

Remedy decisions should be based on the specific and individual circumstances for which they are compensating, and consideration should be given to the appropriateness of non-financial and financial remedy.

#### Non-financial remedies

- Provide an apology, explanation, and acknowledgement of responsibility in the format required by the customer.
- Undertake remedial action, which may include reviewing or changing a decision, revising published material, or revising procedures to prevent the same thing happening again. It may also include training or supervising staff to ensure correct outcomes.

### Financial remedies

Financial remedy for direct or indirect financial loss, loss of opportunity, inconvenience, distress, or any combination of these must have regard to both remedy guidance offered by the appropriate Ombudsman Service and internal procedure.

- A remedy for financial loss for what the complainant has demonstrably lost and/or extra costs they have incurred as a result of the injustice.
- A remedy for inconvenience or distress should consider the impact on the individual, for example:
  - ❖ the circumstances contributed to ill health
  - ❖ the circumstances lead to prolonged or aggravated injustice or hardship
  - ❖ the length of time taken to resolve a dispute or complaint
  - ❖ the trouble the individual was put to in pursuing the dispute or complaint.
  - ❖ costs that the complainant incurred in pursuing the complaint
  - ❖ any inconvenience, distress or both resulting from poor complaint handling

## 4.4 Financial Remedy

Financial Remedies will be benchmarked against the appropriate Ombudsman Service remedy guidance.

- Financial remedy offers require authorised 'Financial Remedy Consideration' form (**appendix A**).
- Financial remedy offers require completion of 'Financial Remedy Offer' form (**appendix B**).
- Decision maker must raise a financial remedy against cost centre provided on Financial Remedy Consideration form.
- Financial remedy costs will be managed from the responding service's budget.

## 5.0 Next steps

5.1 It is false economy and poor administrative practice to deal with complaints only as they arise and to fail to correct the cause of the problem. Learning from complaints, and offering timely and effective remedies, gives the best outcome for both customer and organisation. The council will utilise learning from complaints to improve services and seek to demonstrate the improvements.

5.2 Services will be supported to develop internal processes to ensure application of this policy.

5.3 This policy will be reviewed bi-annually commencing 2 years from publish date.

## 6.0 Equalities

6.1 This policy is compliant with the NNC Equality, Diversity and Inclusion Policy and supports the council's equality strategy; Equality Screening Assessment completed.

6.2 This policy is compliant with writing for inclusion guidance to support accessibility and inclusion.

## 7.0 Glossary of terms

<b>Term</b>	<b>Definition</b>
Remedy	Putting right injustice arising from maladministration or poor service
Maladministration	A decision not made correctly in accordance with process/policy/law

# Appendix A

## Financial Remedy Consideration form

Complaint Reference:

Decision maker name:

Date:

<b>1. What outcome does the complainant want to achieve by complaining?</b>	
<b>2. What has gone wrong?</b>	
<b>3. What is the injustice?</b>	
<b>4. Can action be taken to put the person affected back in the position they would have been in if nothing had gone wrong?</b>	
<b>5. Is there an actual quantifiable financial loss, such as costs incurred or payments not received?</b>	
<b>6. On what basis can loss of non-monetary benefit be calculated?</b>	
<b>7. How severe was any other impact in terms of distress, harm or risk?</b>	
<b>8. Did the actions or inactions of the complainant or a third party contribute to or lessen the injustice?</b>	
<b>9. Remedy type(s) proposed and reason (list)</b>	
<b>10. Overall, is the remedy proportionate, appropriate and reasonable?</b>	

<b>11. Full breakdown of financial remedy including reason for each part of remedy</b>	
<b>Remedy authorised by</b>	<b>Name</b> <b>Position</b>
<b>Cost centre code for payment</b>	
<b>Budget Manager who will approve payment</b>	
<b>Complaints Manager sign off</b>	



## Appendix B

### **Financial Remedy Offer**

Complaint ref:

Decision Maker name:

Date:

Standard paragraph included in response where a financial remedy is offered. Amend as appropriate in consultation with the Complaints Manager.

On behalf of (Service) I recognise that the service you have received has not reached the standard expected to be provided to the (customers/ families and children we work with. I would like to offer you the sum of £ (amount) in respect of your (detail justified point/s of complaint) and to acknowledge your time, trouble and distress in having to pursue a complaint. If you would like to accept this offer in recognition of your complaint, then please contact the Complaints Manager who will be glad to arrange this for you. This offer does not remove the right to escalate your complaint if you continue to remain unhappy. I would like to thank you for raising these issues with us and giving us the opportunity to resolve the matter with you. We are committed to improving the quality of our services wherever possible and your views are important to us.