

**AGENDA ITEM: 4**

## **STANDARDS COMMITTEE**

**9 SEPTEMBER 2008**

### **LATE COMPLAINTS**

**RICHARD LONG: DIRECTOR OF LEGAL & DEMOCRATIC SERVICES**

## **PURPOSE OF THE REPORT**

- 1 To introduce a time limit of one year in respect of corporate complaints.

## **BACKGROUND**

- 2 In 2002 the Council introduced a Corporate Complaints procedure. Up until then, several Departments had their own complaints procedures each with different timescales for responding, different 'stages' of complaint, and different standards for dealing with complaints. This approach was criticised by the Ombudsman, and the Council developed the Corporate Complaints Procedures to ensure a consistent approach to, and handling of, a complaint, regardless of which Department of the Council that was the subject of the complaint.
- 3 The only legislation relating to complaints to the Council is that in respect of Children's Services and Adult Care Services. The Local Authority Social Services (Complaints) England Regulations 2006, and the Children Act 1989 Representation Procedure (England) Regulations 2006, is the current legislation that deals with complaints in relation to these (ie Children's and Adult Care) services.
- 4 In order to achieve the consistency of approach mentioned above, the Council's Corporate Complaints Procedures were largely based on the above legislation.
- 5 Both of the abovementioned sets of Regulations introduced a time limit of one year for making a complaint. Although worded differently, the essence of both sets of regulations is the same, as follows:

A complaint must be made no later than one year after the grounds for the complaint arose;

The complaint may be considered if made outside the time limit where, having regard to all the circumstances:

- it would not be reasonable to expect the complaint to have been made within the time limit; and
- it is still possible to consider the complaint effectively and fairly.

- 6 When writing the Corporate Complaints Procedures in 2006, the one year time limit contained in the Children's and Adult Care legislation was not carried forward into the Corporate procedures. It is now proposed that a one year limit should be included in the Corporate Complaints Procedures.

It is proposed that the section of the Corporate Complaints Procedures headed

"Matters outside the remit of the Corporate Complaints Procedures" is amended to include the following:.

#### **Time limit for making a complaint**

A complaint must be made no later than one year after the grounds for the complaint arose. A complaint will only be considered if made outside this time limit where, having regard to all the circumstances, it would not be reasonable to expect the complaint to have been made within the time limit, and it is still possible to consider the complaint effectively and fairly.

## **RECOMMENDATION**

- 7 Members are asked to agree that a one year time limit as set out above is included in the in the Corporate Complaints Procedures.

## **BACKGROUND PAPERS**

The Local Authority Social Services (Complaints) England Regulations 2006  
The Children Act 1989 Representation Procedure (England) Regulations 2006  
Middlesbrough Council: Corporate Complaints Procedures

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