



# **London Borough of Camden Remedies Policy & Procedure Complaints (service failure)**

## **Introduction**

At Camden we aim to deliver high quality services. Sometimes the standard of service falls below acceptable levels. We will acknowledge when things go wrong and take responsibility for putting things right.

This document provides guidance on the offering of remedies which are proportionate, appropriate and reasonable and that take into consideration the facts and issues raised in complaints about service failures.

The remedies policy and procedure sit alongside our complaints policy and procedure.

## **Purpose**

This policy and procedure aim to provide guidance which we will follow when assessing remedies to resolve complaints when there have been service failures. We aim to be fair and consistent when considering any complaints and when deciding the appropriate remedy, we will consider each case and take into account the individual needs of the citizen and how they were affected.

This policy applies to services that Camden Council currently provide directly and the procedure can be used for any council service regardless of how it is delivered. A number of services are delivered by our partners or private suppliers. If our partners or private suppliers are asked to respond to a complaint at stage 1, they will also consider any suitable remedies in line with this policy and procedure.

## **Remedies**

If we find that we (including our contractors) are responsible/at fault, suitable remedies may include one or more of the following:

- Recognise what we did wrong
- Apologise
- Improve procedures so similar problems do not happen again
- Review a decision
- Carry out an assessment
- Offer a financial remedy

## Process

At each stage of a complaint, there will be an investigation carried out by a suitable person. This investigating officer will:

- Identify any issues/faults
- Find out how/why this occurred
- Identify if we caused the fault
- Find out how this affected the citizen
- Consider any appropriate remedies

If the citizen's views about desired outcomes and remedies are not already clear from the complaint, we will contact the citizen to find out their views.

However, we will arrive at our own decision on what are suitable outcomes and remedies and do so by following the Local Government and Social Care Guidelines or Housing Ombudsman guidelines.

When deciding on suitable remedies the investigating officer will consider the following:

- Amount of time the citizen spent trying to resolve the issue
- Difficulty the citizen experienced trying to resolve the issue
- Distress to the citizen and/or others
- Risk of harm to the citizen and/or others
- Actual harm caused (We will consider if an insurance claim is more appropriate on a case-by-case basis).
- Previous responses sent to the citizen
- Any other attempts to address the issue
- Administrative costs such as travel, cost of phone calls etc.

The investigating officer will then consider the remedies that are appropriate and proportionate to the fault or failure.

We will not consider:

- Legal fees
- Professional fees
- Remedies that could be settled by insurance claims
- Statutory payments are not covered under this policy

## Remuneration (Remedy Payments)

If appropriate we will issue a remuneration for the following:

Type	Amount
Failure to provide a service	£25 per month
Distress	£100 - £300 (severe and prolonged up to £1,000)
Time and Trouble	£100 - £300
Delay	£20 per month
Delay in access to education	£200 - £300 per month
Unsuitable accommodation	£150 - £350 per month
Risk of harm	Up to £500

These are guidelines only and based on the Local Government and Social Care Ombudsman (LGSCO) guidance on remedies.

Authorisation of the level of remuneration will follow the council's financial scheme of delegation.

In cases where the citizen owes the council (e.g. in rent arrears) the remedy payment will be deducted for the debt and a payment issued for the balance where applicable.

## Timescales

We will discuss with the complainant their concerns and agree timescales with them as part of the complaints process. The lead officer will keep the complainant updated on the progress of the complaint.

The following are the timescales we aim to follow. (Some complaints will be resolved sooner than this and others that are more complex may take longer).

Stage of complaint	Timescale
All stages -acknowledgement	2 working days
Stage 1	10 working days (extended to 20 working days in complex adult or children social care cases)
Stage 2	20 working days (extended to 65 working days in complex adult or children social care cases)
Stage 3 (Ombudsman)	dependent on the Ombudsman timescales as laid out by them
Stage 3 – Children's social care - Arrangement of an Independent Review - Issue of findings of stage 3 Panel - Response from the council to findings (when applicable)	30 working days 5 working days 15 working days
Remuneration payments	within 20 working days of receiving valid bank details.

## Appendices

Local Government and Social Care Ombudsman Guidance on remedies (Jan 2021)

### [Guidance on Remedies - LGSCO](#)

#### **Policy ownership and effective dates**

This policy and associated documentation replace any other remedies policies and procedures that council services may have held locally

<b>Policy owner:</b>	Andrew Maughan
<b>Approving body:</b>	Audit & Corporate Governance
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