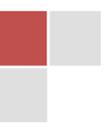


Solihull Council Corporate Complaints, Compliments and Customer Feedback Policy

Version 3



Version Control

Version Number	Description
0.1	Submitted to Customer Services DLT for review 14/12/2011
0.2	Updated with comments from DLT and input from member of the public
0.3	Submitted to OLT for comment 19/12/2011
0.4	Updated with co-ordinators comments 20/01/2012
0.5	Submitted to OLT final 13/02/2012
0.6	Submitted to CLT 14/02/2012
0.7	Submitted to OSMB 05/03/2012
0.8	Updated with comments from CLT
0.9	Updated with comments from colleagues
0.10	Updated with guidance on learning
0.11	Appendices B and C written and attached
0.12	Changes reviewed and accepted
0.13	Updated as per guidance from the LGO
0.14	Proof read for final draft
0.15	Feedback from FTA Steering Group
1.0	Final version approved by CLT on (to be added)
2.0	CLT feedback amendments.
3.0	Change to stage two timescale Document separated into 3: policy, vexatious complaints procedures and guidance for council co- ordinators and officers

Introduction

Solihull Council is committed to providing the best services we can to our customers. However, we do recognise that sometimes things do go wrong and we are committed to listening to the views of our customers in order to improve the services we provide. Complaints are a simple way for our customers to voice their concerns and are an important indicator of where services may not be delivering their best performance. The effective resolution of complaints should improve the confidence of our customers and identify service improvements.

Scope of policy

This policy applies to all employees including those on a temporary or fixed contract.

Objectives

The Corporate Complaints Policy aims to:

- Ensure everyone knows how to complain and how we will handle their complaint
- Ensure complaints are dealt with consistently across the Council
- Provide customers with a fair and effective way to complain about our services
- Ensure complaints are monitored and used to improve services
- Improve public satisfaction and confidence in the way the Council handles complaints and provides its services
- Ensure complaints are responded to in a timely manner

Definition of a complaint

A complaint is defined as “an expression of dissatisfaction by a member of the public about a Council service or action or lack of action, whether the action or service was provided by the Council itself or a person or body acting on behalf of the Council”. A complaint is any expression of dissatisfaction with our services, whether justified or not.

Responsibilities

The Council will deal with complaints impartially, objectively and professionally. We will treat complainants with respect, as we ourselves would like to be treated. Complainants and their families will not receive adverse treatment because they have made a complaint.

We will ensure that everyone is treated fairly and consistently in expressing their views and opinions and will take into account equality and diversity issues. We will also ensure that a complainant’s views are taken seriously and they receive a timely response and explanation of how the decision was reached.

Complainants have a right to be kept informed of what is happening with their complaint and to be advised of the timescale for acknowledging and responding to their complaint, as well as any right of appeal.

What can be complained about

- A delay in taking action without good reason
- Failure to provide a service
- Mistakes in the way a decision was taken or a service provided
- Not following the Council’s own rules, policies and procedures

- Broken promises
- Giving incorrect or misleading information or failing to answer reasonable questions
- Rude, unhelpful or inappropriate behaviour by staff
- Poor communication
- Not providing a service to an acceptable standard
- Providing poor or inadequate facilities
- Providing a bias or unfair service
- Inappropriate use of personal information

Complaints that fall outside the scope of this policy

Certain types of complaints will not be dealt with under this policy because there are other procedures for dealing with them or they are outside the Council's remit.

These include:

- A complaint which is made orally and is resolved satisfactorily within 24 hours
- An initial request for a service such as reporting a faulty street light or requesting a single missed bin collection
- Matters of law or central government policy
- Commercial or contractual matters
- Complaints where the complainant or Council have started legal proceedings in respect of the subject matter of the complaint or there is a claim for compensation
- Complaints alleging criminal actions
- Issues that have already been decided by a Court or independent tribunal
- Services for which there are alternative statutory or tribunal processes including:
 - Appeals against the refusal of planning permission
 - Appeals against statutory notices
 - Parking enforcement appeals
 - Schools admissions or exclusion appeals
 - School attendance fines appeals
 - Special Educational Needs matters that can be considered by Tribunal
 - Complaints by or on behalf of people receiving social care services
 - Complaints against schools, including members of school staff
 - Complaints from staff about personnel matters including appointments, dismissals, pay, pensions and discipline. These matters will be dealt with under the relevant HR procedures
 - Complaints about a Councillor from a member of the public or an employee
 - Benefit claim appeals

If a complainant sends a complaint that should be dealt with via another procedure, process or by way of an appeal, they will be written to with an explanation of how to access the appropriate process.

Time limit for making a complaint

We will not normally accept a complaint where the customer delayed raising the complaint by more than 12 months from the time the incident occurred for from when they first became aware of the problem which led to them making the complaint. However, each case will be decided on its merits.

Complainants are encouraged to make a complaint as soon as possible after the incident because it is easier to investigate at the time. As time passes, it becomes more difficult to investigate events fairly and effectively.

If a decision is made not to accept a complaint because it is out of time, the complainant will be advised and a written explanation provided.

Who can complain

Anyone who uses or is affected by services provided by the Council including:

- Residents
- People who work or visit the Borough
- Local business
- Community groups

Support in making a complaint (Representation)

Some people need help to make a complaint so we accept complaints made on their behalf, provided the person affected has given their consent.

Complainants can ask a third party to act on their behalf but written authorisation is required from the affected person before any information about the complaint can be released to ensure the affected person's wishes are being fulfilled.

In cases involving children or vulnerable adults, if it seems that the person affected may be unable to give their consent, a judgement will need to be made as to whether or not it is appropriate to accept a complaint from their representative.

Councillors can use the complaints procedure in their capacity as citizens and service users. However, the complaints procedure is not appropriate for complaints which arise from their role as Members of the Council.

Anonymous complaints

The Council will not normally accept a complaint where a complainant has not provided their contact details.

How to contact us

We accept complaints in person (during office hours), by telephone, letter, email or via our on-line complaints form.

If complainants have particular needs, we will do our best to meet them and make it easier for them to use the complaints procedure. There is no duty on local authorities to provide an advocate service to complainants. However, we will provide information and help to identify sources of advice, including local voluntary organisations, local community and self-help groups or specialist organisations for those with special needs. If a complainant already has access to an advocate, then with their agreement, the advocate can be included in the complaint process.

Local Procedure

The Corporate Complaints Policy is based on a two stage process:

- Stage 1 – investigation
- Stage 2 – complaint review

Stage 1

Local investigation

The complaint is investigated and responded to by an appropriate officer from the service concerned. This would usually be the person who has direct responsibility for the staff involved or the issue being complained about. At this point, we would seek to clarify the complaint (if appropriate), together with the expectations and remedy sought from the complainant.

The stage 1 response letter will contain:

- An explanation of what happened and why things went wrong
- If necessary, an apology for service failures
- The decision on the complaint and how that decision was reached
- Any action that the Council will take as a result of the complaint
- How the complainant can escalate their complaint if they are unhappy with the response

Timeframe

Complaints should be acknowledged within 2 working days of the complaint being received. Complaints should be dealt with as swiftly as possible and it is expected that the majority of complaints will be responded to within 20 working days. Where complaints are more complex and require further investigation, this timeframe can be extended to 30 working days. Complainants should be kept fully informed of any changes to response timeframes.

Stage 2

Review by Senior Officer (Head of Service)

The aim of the final stage is to review the handling and outcome of the stage one investigation. The final stage should not reinvestigate the complaint nor should it consider new complaints or matters that have not been considered at stage one.

The Council may refuse to undertake a final review if it is satisfied that the complainant has not provided sufficient basis for undertaking a further investigation. Where the decision is taken not to undertake a final review, the complainant will be informed in writing, with clear reasons why the decision has been taken. The complainant will also be advised of their right to approach the Local Government & Social Care Ombudsman.

The stage 2 response letter will contain:

- The decision on the complaint and how that decision was reached
- Any action that the Council will take as a result of the complaint
- How the complainant can escalate their complaint to the Local Government & Social Care Ombudsman if they are unhappy with the response

Timeframe

A request to escalate to stage 2 should be acknowledged within 2 working days of the request being received. Complaint reviews should be undertaken and responded to within 10 working days. Where reviews are more complex and require further investigation, this timeframe can be extended to 20 working days. Complainants should be kept fully informed of any changes to response timeframes.

External Independent Investigations

External independent investigators will only be appointed if the case has sufficient complexity and it would not be feasible for an Investigating Manager to be appointed internally. The Operations Manager, in conjunction with the relevant Assistant Director, will determine if an investigation warrants the appointment of an external independent investigator. The service area will meet the cost of appointing an external independent investigator.

The Operations Manager will appoint an external independent investigator from the list of external investigating officers and will ensure that the investigating officer:

- Has had no previous involvement in or responsibility for the service area being complained about
- Has sufficient relevant investigative experience
- Is able to complete the investigation within the prescribed timeframe

Safeguarding

Complaints that contain concerns or information that may constitute abuse or risk of harm towards an individual will be referred to the appropriate Safeguarding Team Manager and/or the Police for consideration.

Should such a referral result in a safeguarding investigation, the complaints process will be suspended until that investigation is complete.

Putting matters on hold whilst the complaint is investigated

Any actions that the Council is taking in relation to financial recovery processes that may have given rise to the complaint will be placed on hold pending the outcome of the complaint investigation.

Putting things right

Where the Council is at fault, we need to put things right by acknowledging our mistakes and apologising for them, explaining why things went wrong and what the Council will do to prevent the same mistake happening again.

This should happen at the earliest possible point in the process.

Remedies Guidance

The Council will follow the [LGO remedies guidance](#) to remedy personal injustice wherever a fault has been revealed. Remedies are not just about money, the LGO will look into the root causes of problems and recommend improvements to systems where they haven't worked properly, so that others do not suffer from the same problems in future. A financial payment may be recommended to reimburse a person who has suffered a quantifiable financial loss, or it might be more of a symbolic payment which serves as an acknowledgement of the distress or difficulties suffered.

Complaints spanning more than one service area or department

Sometimes complaints concern more than one service area or department. So far as possible, we will aim to send a coordinated single response to the complainant. The complainant will be advised of how the matter will be handled when the complaint is acknowledged.

Complaints involving partner organisations

Increasingly, councils work in partnership with other organisations that may have different complaints policies and procedures. We should endeavour to have simple systems in place for handling complaints under our partnership arrangements.

Where the service complained about is provided by a contractor, the contractor will be required to investigate and respond to the complaint, as well as conforming to the Council's standards for dealing with complaints.

Local Government & Social Care Ombudsman

The Local Government & Social Care Ombudsman (LGO) investigates complaints about local authorities and is independent of the Council. The LGO has similar powers to a High Court Judge.

If a complainant remains dissatisfied after completing the Council's complaints procedure, the next stage is to contact the LGO. Complainants would normally need to complete all stages of the Council process before the LGO will look at a complaint. The LGO encourages local settlement of complaints wherever possible.

The Local Government & Social Care Ombudsman can be contacted at:

The Local Government & Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH
Telephone: 0300 061 0614
Fax: 02476 820 001
www.lgo.org.uk

General Data Protection Regulations

All complaints will be dealt with in accordance with the requirements of the General Data Protection regulations May 2018 and the Freedom of Information Act 2000 and subsequent legislation and Council policies.

Anyone involved in handling a complaint has a duty to comply with this procedure and ensure that information about the complaint is kept confidential and only disclosed as necessary to investigate the complaint.

Learning from complaints

The Council is committed to learning the lessons of complaints, recording them on the system and using them to improve services. Where actions have been identified as a result of learning, these must be reviewed and implemented.

Monitoring complaints

Complaints are an important management tool that allows the Council to learn about the services provided. They are a useful source of information about how customers see the Council's services and how the Council is serving its customers. To ensure that the Council can learn from complaints, the following information should be collected:

- The name and address of the complainant
- The name of the officer dealing with the complaint
- The date the complaint was received
- The date the complaint was responded to
- The nature of the complaint
- The outcome of the complaint
- How the complaint was received
- Any remedial action carried out in response to the complaint
- Any learning from the complaint

The Council should produce an annual report which is published on the Council website.

Unreasonably Persistent Complaints

In most cases, complaints can be dealt with quickly and effectively. However, the behaviour of a minority of complainants can make investigating and resolving their complaint difficult. These complainants can also take up a lot of officer time so there is less time to help others. In this instance, consideration should be given to instigating the Vexatious Complaints Procedures.

Review of confidentiality procedures. These should be carried out in accordance with the General Data Protection regulations.

As a result of a breach of confidentiality, the service area should review how the breach occurred, what was the consequence of the breach and considered any remedial action that is needed to be taken. Once the error has been identified learning could be the review of the process to ensure the breach will not happen again. A training issue could be identified for a team or a member of staff and recorded as learning.

Compliments and Customer Feedback

Compliments are positive comments about the services provided by or on behalf of the Council. They provide evidence of the high quality services provided, act as recognition for good practice and professional conduct in staff, and enable learning through the sharing of good practice. Compliments should be recorded and reported as part of quarterly and half yearly monitoring reports.

Sometimes, customers wish to share their views and experience without wishing to raise a formal complaint. These could include:

- Suggestions for improvement
- Feedback on communication
- Acknowledging well planned changes
- Feedback on the customer experience

Comments are recorded and shared with the service area to which they relate.