Sefton Council -Corporate Complaints

Policy document January 2019





Introduction & Aims

We (the Council) will always endeavour to provide the best service possible to local people and businesses, however, we acknowledge that sometimes things do go wrong. When this happens, we are committed to make things right through appropriate complaint management, apology, and service improvement. We will ensure that any lessons learned are used as part of our continued drive to improve.

This policy provides the framework for ensuring that complaints received across the Council are handled consistently, fairly and effectively.

Handling complaints well and learning from this enables us to truly demonstrate our values in action as we should always

* Put people at the heart of what we do
* Listen, value and respect each other’s views
* Develop a culture of challenge, ownership, innovation and improvement
* Be ambassadors for Sefton
* Be responsive and efficient
* Be clear about what we can and cannot do

Alongside our values, the aim of the Council’s Corporate Complaints Policy is to make sure that:

* People can raise a concern through a simple and straightforward process
* People feel listened to
* Complaints are dealt with to a fair and consistent standard
* We respond to complaints to clear timescales
* We learn from complaints and making improvement to services

Also if you've paid us a compliment or provided general feedback or comments, we will pass this on to the relevant staff.

Scope

This policy applies to complaints about any of the services provided by the Council, except:

* Children Social Care and
* Adult Social Care
* Schools

Complaints regarding these matters are handled through separate procedures.

What is a complaint?

A complaint is any expression of dissatisfaction which requires a response and may be raised by anyone who has been affected by the actions or inactions of the Council.

Complaints may, for example, be about:

* The fairness or professionalism of interaction with officers
* Failure to do something we should have done
* Refusal to provide a service or delivery of poor service
* Failure to follow the correct policy or procedure

At Sefton we recognise that deciding on whether an issue should or should not be treated as a complaint can be confusing. There are however, some key points that should help in determining whether your issue should be dealt with as a complaint or as a service request.

The following scenarios will help you determine whether or not the issue you want to raise will be treated as a complaint:

* The Council has done something which you consider the Council should not have done - For example: "I want to complain because you sent the bailiffs to my home to collect unpaid Council Tax but I don't owe you anything."
* The Council has failed to do something that it should have done - For example: "I want to complain because I took time off work to meet the building control inspector but he failed to turn up," or "I have written to you 5 times for an application form and you still have not sent me one."
* The quality of the service provided by the Council is not good enough - For example: "I want to complain because the information on your website about applying for parking permit is incorrect."

If any of these scenarios fit your request, then your issue is likely to be best dealt with under the complaints procedure.

***Anonymous complaints***

We understand that it might be difficult for you to complain because you are worried that your complaint could result in a poorer service to your household. Please be assured that we treat all complaints against the Council in the strictest confidence and that it is your right to complain.

If you do not provide us with a contact name or address, it will not be possible for us to get back to you with the outcome of the investigation, however, we will still look at the issue you have raised.

**3rd Party complaints**

From time to time somebody else responds to complaints on our behalf. For example, Enforcement Agents, commonly referred to as bailiffs. If a complaint made to an agent is unresolved it will be referred back to the Council and investigated as a stage two complaint.

How do I make a complaint?

We encourage people to communicate with us in the most efficient and effective way. As such, we encourage our customers to submit any feedback or complaint via the simple online form which can be found at:

[https://www.sefton.gov.uk/your-council/consultations,-complaints-feedback/compliments,-comments-and-complaints.aspx](https://www.sefton.gov.uk/your-council/consultations%2C-complaints-feedback/compliments%2C-comments-and-complaints.aspx)

If you do not have access to the internet complaints may be made by telephone or face-to-face, by visiting any Council office (during office hours), or by post.

Complaints received via social media channels (e.g. Twitter, Facebook) will be forwarded to the relevant service area and handled in keeping with this policy.

How will my complaint be dealt with?

Our priority is to resolve concerns (also known as service requests) as soon as they come to our attention to avoid things escalating.

Where attempts for resolution with the relevant person or team have been unsuccessful, then the complaint will be handled under the two-stage process outlined below.

Our timescales for handling complaints are outlined below:

Timescales

|  |  |
| --- | --- |
| **Activity** | **Timescale** |
| Stage 1 – Frontline Resolution  | Acknowledgement is sent within 3 working days Respond to complaint within 15 working days  |
| Stage 2 – Investigation  | Respond to complaint within 10 working days  |

These simple steps are followed below:

**Stage One (Frontline Resolution)**

* The complaint is sent to the relevant service area
* A record will be made if the complainant requires advocacy support
* An acknowledgment will be sent to the complainant within 3 working days.
* The service area will review the complaint and every effort will be made to resolve the complaint as quickly as possible and to the complainant’s satisfaction within 15 working days

**Stage Two (Investigation)**

When it has not proved possible to resolve the complaint at stage 1, and the complainant remains dissatisfied, the complainant can ask for their complaint to be investigated by a more senior officer. This is Stage 2 of the complaints' procedure.

* All complaints that proceed to stage 2 will be reviewed by a Service Manager.
* Every effort will be made to resolve the complaint as quickly as possible and to the complainant’s satisfaction within 10 working days (Please note: All efforts will be made to comply with the timescale, if for reasons such as; key member of staff on leave or off ill, then we will inform the complainant of this)
* A full audit trail of the complaint, acknowledgement, response and supporting documentary evidence, including but not limited to e-mails and interview notes, will be recorded on the on the Council’s Complaints system (I – Casework)

**Local Government Ombudsman**

If after going through both stages of the procedure a complainant remains unhappy with the way their complaint has been handled by the Council, they have the right to complain to the Ombudsman.

The Local Government Ombudsman considers complaints about public bodies including local authorities. The Ombudsman investigates complaints about poor service, failure to provide a service and administrative failure.

In most cases, the Ombudsman will normally only consider complaints if the complainant has exhausted the two stages of the Council’s complaints procedure. However, the Ombudsman has discretion to investigate a complaint prior to the Council conducting its own investigation. For example, where the Ombudsman deems the complainant to be vulnerable or the case raises an issue of general concern to the public.

More information about the Local Government ombudsman can be found by visiting:

[**https://www.lgo.org.uk/**](https://www.lgo.org.uk/)

**Note:** *We cannot accept a new complaint about an issue that has already been through all two stages of our procedure. Please also see our policy on: Vexatious or Unfocussed Contacts.*

<https://www.sefton.gov.uk/media/1454736/vexatious_or_unfocussed_contacts_policy_and_procedures_v5.pdf>

Data Protection and the legal framework for the Local Government and Social Care Ombudsman

The Data Protection Act 2018 provides protection for personal information, which is information which affects someone’s privacy, and gives individuals a number of rights, namely:

* To be informed about the collection and use of their personal data
* To request a copy of the personal data the Council holds about them
* To object to processing of personal data that is likely to cause, or is causing, damage or distress
* To prevent processing for the purpose of direct marketing
* To object to decisions being taken by automated means
* In certain circumstances, to have inaccurate personal data rectified, blocked, erased or destroyed and
* The right to data portability in certain circumstances
* The right to lodge a complaint with the Information Commissioner’s Office

In accordance with the Council’s obligations under the General Data Protection Regulation and the Data Protection Act 2018, all personal information provided by complainants is only retained by the Council for as long as necessary and will only be shared with other Council departments where necessary.

The Local Government Act 1974 defines the main statutory functions of the Local Government and Social Care Ombudsman which are:

* to investigate complaints against councils and some other authorities
* to investigate complaints about adult social care providers from people who arrange or fund their own adult social care
* to provide advice and guidance on good administrative practice

The main activity under Part III of the 1974 Act is the investigation of complaints, which it states is limited to complaints from members of the public alleging they have suffered injustice as a result of maladministration and/or service failure.

Their jurisdiction under Part III covers all local authorities (excluding town and parish councils); police and crime bodies; school admission appeal panels and a range of other bodies providing local services.

Under Part IIIA they investigate complaints from people who allege they have suffered injustice as a result of action by adult social care providers.

Under section 29 (1) of the Local Government Act 1974 the LGO has the power to request information or documents relevant to the investigation they are conducting from any person or organisation.

Performance and Monitoring

The monitoring and review of complaints gives us valuable insight to customer perception, experience and service performance, all of this enables us to drive service improvement.

Complaints information are by the Complaints team who share information with other Council teams, highlighting areas for improvement. Council teams will use this information to make positive changes to their processes.

Sometimes we may contact you to seek your views on proposed changes.

Review

This policy will be reviewed every two years to ensure that we are learning from our mistakes and that it complies with legislation and best practice.

Annex 1 – *High level process map outlining steps within the corporate complaints process.*

