

Southampton City Council
**Corporate Services (including Adult
Social Care & Housing)**
**Customer Comments, Compliments and
Complaints Policy**



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Care and Housing
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Lead officer	Mark Naylor	Review date	01/12/24
Contact	Complaints.review@southampton.gov.uk	Effective date	01/04/24

1. Introduction

We acknowledge that – despite our best intentions – things do sometimes go wrong. When this happens, we want to put things right. We want our customers to be satisfied with our services. We welcome hearing our customers' comments, compliments, and complaints to better understand how they view our services and to use these valuable opportunities to learn and improve for the future.

2. Aims

We aim to deliver comments, compliments and complaints provision that:

- Is simple for everyone to use and understand.
- Is led and supported by the very top of the organisation.
- Consistently ensures excellent service standards are delivered.
- Fulfils the needs of our customers.
- Encourages us to learn from customer feedback in order to improve.
- Complies with the relevant legislation and council policy.
- Focuses on fair, proportionate resolution at the earliest stage.
- Works in an open-minded and impartial way

3. Comments and Compliments

We understand that customers may wish to share their experiences of using our services, express a concern, or tell us about services which they would like to receive. Sometimes, customers may want to tell us when we're doing something particularly well. Comments of this nature are welcome.

4. Complaint Stages

Stage 1 – Service Recovery Response (10 Working days)

Stage 2 – Formal Complaint Response (20 working days – extendable to 30 Working Days in complex cases where this is notified in writing to the complainant)

Sage 2 Complaints will be investigated and responded to by a Senior Manager within the Service area complained of unless a complaint relates to Children's Social Care matters (separate Policy), some tenant initiated Housing matters (Complaints Resolution Team) or a complex, multi-agency or multi department complaint (in which case the relevant Executive Director and Complaints Resolution manager will discuss whether the Complaints Resolution Team leads on a particular stage two complaints resolution and response.) The person undertaking a stage 2 response must NOT be the same person who responded at stage 1.

Final Stage - Further escalation to the relevant Ombudsman/Regulator (if appropriate).

5. Service Recovery (Complaint Stage 1)

"Requests for service" are not treated as complaints but where a service has not been delivered to the published standard, we will, as the first stage of our complaints process, seek to secure early 'Service Recovery' within the service area itself. For example, if a customer reports a pothole, tells us that a streetlight isn't working or that their bin has not been collected, we will arrange for the matter to be dealt with without fuss and in line with a 'service recovery' process. If the service can be successfully delivered through this route, there will be no need to escalate the matter to the next stage of the complaints process.

6. Definition of a Complaint (Stage 2)

A complaint is: “**Any expression of dissatisfaction with our services**”.

7. Complaints service standards

- We will apply the **Customer Access Strategy** to all our dealings with complaints.
- We will protect personal information given to us in the course of a complaint.
- We will work to specific response targets and agree with the customer if we need more time to investigate and resolve the matter.
- We will ensure that customers are informed of the options to request escalation through the complaints process – or signpost to the appropriate body or avenue—if they remain dissatisfied following our response.
- We will ensure that complaint outcomes are communicated to customers and recorded and implemented within the indicated timescale for completion. Services will keep customers informed if there are any delays to expected actions.

8. What stage 2 of the complaints scheme covers

Stage 2 will deal with any form of persistent service fault or failure that has not been adequately addressed at Stage 1 Service Recovery. Examples could include:

- Delay
- Omission or failure to act.
- Failure to follow procedures or the law.
- Failure to provide information (Does not include Freedom of Information or requests for Access to Records).
- Failure to keep records or incomplete or Inadequate record-keeping.
- Failure to investigate matters reported to the council, without good reason.
- Failure to respond to issues reported/ communications received.
- Issuing Misleading or inaccurate statements.
- Inadequate liaison or consultation.
- Failure to deliver on agreed action.
- Behaviour of our staff (Separate HR policy exists for staff issues which may be more relevant dependent on complaint detail).
- Other issues causing unfairness or injustice.

9. Where special arrangements apply

Sometimes there is a different, more appropriate procedure which must be used instead of the complaint's procedure e.g., Appeals processes, Safeguarding procedures or Human Resources (HR) procedures.

If this applies, we will advise the customer of the appropriate

procedure. Here are some examples:

- Complaints relating to the Council's Whistleblowing - Duty to Act or Health & Safety policies.
- Refusal of a planning application, or the failure to make a decision within the given period - Appeals process for the applicant (Where applicable).
- The conduct of Councillors; these are dealt with according to the Members' Code of Conduct.
- Some Children's Social care complaints - follows a statutory procedure.

- Schools' attendance, admissions or exclusion - appeal process available.
- Special Educational Needs (SEND) provision - appeal process available.
- Freedom of Information or Data Protection Act matters
- Any other matters for which an alternative statutory or Constitutional appeals mechanism exists (including parking fines, Universal Credit claims etc.)
- Safeguarding procedures – proceedings under Safeguarding Adults procedures may warrant the Local Authority deferring consideration of some complaints or aspects of complaints.
- The customer is seeking compensation through the Council's insurers.
- The customer or Local Authority has started legal proceedings.
- Complaints by an employee of the Local Authority about any matter relating to that employment.
- Decisions made by Approved Mental Health Professionals (not employed by SCC) - dealt with via the appeals procedure under the Mental Health Act

10. Direct Payments and Self-funded services

Complaints, which are about direct payments and individual budgets (Social Care), are excluded from the procedures, once the service user has taken control of their care provision. There are procedures in place to appeal decisions.

This does not apply to complaints about the processes involved in the application, e.g., assessment, allocation of funds, or the support available to enable people to manage the payments.

11. other/concurrent procedures

Occasionally, a complaint may require us to start another procedure, such as an internal disciplinary procedure. In the interests of fairness, it may not be possible to provide a full response to the complaint until those proceedings have been completed. We will endeavour to keep complainants updated of the progress of their complaint, if this occurs.

12. Exclusions

The following issues **cannot** be dealt with under the Complaint procedure:

- The complaint is about services or matters which fall outside the control of the Council.
- Complaints regarding schools – each school has its own complaints process.
- Complaint by another professional body or organisation.
- Complaints which relate to contractual arrangements or other business arrangements made with the Local Authority.
- Services delivered for or on behalf of other Local Authorities or Partner organisations (that Partner / organisation complaints policy must be used instead).
- Complaints where the subject matter (or substantially the same subject matter) has previously been investigated under these procedures or previous procedures prior to this one.
- Any complaint which is being or has previously been investigated by the relevant Ombudsman or other relevant body.
- Where a court or a tribunal has made, is making, or is about to make, a determination on the specifics of the complaint (this will be determined by the Complaints Resolution Manager and/or legal team).

13. Who Can Complain?

- Any individual receiving or looking to receive a service from the Council.
- Any person acting on behalf of an individual or group of individuals, provided they have written consent to do so; (this includes Advice Agencies and other advocacy groups).
- In regard to matters raised by MP's and Councillors on behalf of a constituents – those matters will generally be treated as a representation and dealt with outside the complaints process.
- Where MP's and Councillors have gained specific signed consent to advocate for a vulnerable member of the public as a formal compliant these matters will be dealt with under the complaint's procedure.

14. Help from someone else to make a complaint.

A complainant may wish to involve someone else to help and support them through the process of making a complaint. Written signed consent **will** be required from the complainant. The complainant may wish to choose one of the following:

- Friend
- Relative
- Neighbour
- Independent Advocacy Service

The Local Authority do not provide advocacy services (except were the complaint falls under the Childrens Statutory process). However, there are a number of organisations and voluntary groups who provide such services dependant on the complainant's needs for support.

15. Anonymous complaints

The Local Authority does not accept or investigate anonymous complaints. However, any anonymous complaints relating to safeguarding issues will be considered and where necessary referred to the appropriate Executive Director to progress as a safeguarding investigation.

16. Access and Equalities

Customers may make a comment, compliment or complaint in the simplest way for them, using any of the following contact methods:

- By using the online forms found on the Council's website <http://www.southampton.gov.uk/council-democracy/have-your-say/comments-complaints/complaints.aspx>
- Email (customer.services@southampton.gov.uk)
- By using the form with a leaflet or factsheet (Available from Libraries, Local Housing Offices and Gateway/Civic Reception)
- By letter
- By Telephone (written confirmation will be required)
- In person
- Social media channels are monitored by the Communications team and any expressions of dissatisfaction will be notified to the relevant service area.

Please note: A complaint may be made to any member of staff, who will take the details and forward them to the involved service area manager.

17. Complaints involving multiple agencies or internal council teams.

Customers may wish to make a complaint which straddles other organisations e.g., National Health Service or Mental Health Services. Also, council complaints may involve several departments. In these cases, investigating manager will liaise with colleagues within the other organisation / department to provide a co-ordinated response.

In these cases, the time taken to respond may exceed the target times given below in the policy. However, in these cases, the complainant will be updated with any delay/extension required.

Data Protection - The Local Authority now deals with a wide variety of partner agencies and companies. The nature of some complaints means that we need to share details of the complaint and possibly complainant's details, to fully investigate complaints, with relevant partners and third parties.

If this is the case, the Investigator will contact you as soon as reasonably practicable to make you aware that we may need share relevant details of the complaint and/or personal details with specified third parties, giving reasons why we feel we need to contact the third parties and the information we need to share. We would ask for your views on this, and whilst we would only ever share the minimum amount of information necessary to investigate the complaint, if there is any information you would not want us to share, you would be given the opportunity to make this known. We would then make a decision about whether or not to share this information, depending on the nature of the complaint.

18. Unreasonably Persistent and Vexatious Customer Behaviour

A copy of our policy can be viewed on our website:

http://www.southampton.gov.uk/policies/Vexatious-Behaviour-Policy_tcm63-361808.pdf

19. Time limit for initiating a complaint.

You must make your complaint within 12 months of the disputed occurrence or incident. We will only investigate complaints relating to issues that are more than 12 months old at the discretion of the relevant Executive Director following consultation with the Complaints Resolution Manager. The complainant will need to explain why it was not possible for the complaint to be raised within the required 12-month period, for matters to be considered.

20. Reporting and Feedback

We produce an annual report which includes information about the council's comments, compliments and complaints experience and learning from complaints (anonymised), which is published on the website.

21. Resolution and remedies

Upheld/Not Upheld/Partially upheld definition.

Where a complaint is found to be upheld, consideration will be given to the question of an appropriate remedy. Any remedy should be proportionate in the circumstances and, where possible, put the complainant back in the position they were in before the complained about occurrence.

Where a complaint has been partially upheld, the response will make clear the elements of the complaint that has been upheld and those that have not and the remedy guidance in this policy applied accordingly.

22. Complaint Escalation

The initial Service Recovery (stage 1) and confirmation of action taken is the responsibility of the Service Area responsible for the issue complained of. Where matters complained of cover more than one area, one manager will be responsible for collating individual responses to provide one Local Authority response to the service recovery response.

If the customer receives their response from the service area complained of and remains dissatisfied, they may ask for escalation to Stage 2 (formal complaint investigation by a more Senior Manager in the service area). The escalation process is set out on the Council's website, together with contact details and online forms to assist customers in directing their query as appropriate.

We ask customers to explain, in writing, the reasons for their dissatisfaction and why they are requesting a stage 2 response.

Simply disagreeing with the outcome of Service Recovery without giving reasoning is normally insufficient to progress a meaningful stage two review. On receipt of the escalation request a senior manager within the service (who did not handle the service recovery stage) will review the escalation request and arrange for an investigation and response.

Where the matter relates to Local Authority Housing and the complainant is a tenant, the complainant has the option to choose a review by the Tenant's Panel instead of Senior Manager.

The Tenants Panel operated by Southampton City Council is not a Designated Tenants Panel as defined by the Localism Act 2011.

There may be circumstances where the stage two investigation cannot be undertaken by the service area and will instead be referred to the Complaints Resolution Team. This may occur where the service area does not have someone who has not been involved in the earlier stages of service recovery or the complaint is complex and would merit independent investigation by the Complaints Resolution Team. Where this occurs, the complainant will be informed of the referral to the complaints team and the reasons for that and any changes to the timescales needed to enable a thorough investigation of the matter.

In some cases, where it can be shown to be an appropriate and reasonable method of resolving a complaint, the Head of Service / Executive Director of the relevant service area may invite the parties to the complaint to participate in an informal mediation process as an alternative to any stage of the complaints process. The outcome of any such mediation will, nonetheless, be communicated to the customer in writing together with escalation options if they remain dissatisfied.

23. Further Escalation

Complainants have the right to contact the relevant Ombudsman or other appropriate body if they remain dissatisfied once **both** stages of the complaint's procedure have been exhausted. The relevant Ombudsman will usually require all stages of the Council's complaints policy to have been concluded before they will consider investigating.

Up to date contact details will be included in the formal stage two response/communication.

Further advice and assistance on the Ombudsman's role and the stage at which they will accept a complaint may be obtained from:

The Local Government and Social Care Ombudsman
PO Box 4771
Coventry

CV4 0EH

Telephone: **0300 061 0614**

Website: www.lgo.org.uk

Housing Ombudsman Service (for issues relating to Local Authority housing)

81 Aldwych

London

WC2B 4HN

Telephone: 0300 111 3000

Fax: 020 7831 1942

Email: info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk

24. WITHDRAWING A COMPLAINT

A complaint may be withdrawn verbally (written confirmation will be requested) or in writing at any time by the complainant. The Local Authority will write to the complainant to confirm the withdrawal of the complaint.