

Southampton City Council

Corporate Services and Adult Social Care

Customer Comments, Compliments and Complaints Policy



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Table of Contents

Purpose	
Introduction	3
Aims	3
Comments and Compliments	3
Service Requests	3
Definition of a Complaint	3
Complaints service standards	3
What the Complaints scheme covers	4
Where special arrangements apply	4
Direct Payments and Self-funded services	5
Treatment of other / concurrent procedures	5
Exclusions	5
Who can complain?	6
Help from someone else to make a complaint	6
Anonymous complaints	6
Access and Equalities	6
Complaints involving multiple agencies	6
Unreasonably Persistent and Vexatious Customer Behaviour	7
Time limit for initiating a complaint	7
Reporting and Feedback	7
Resolution and Remedies	7
Complaint Escalation	7
Further Escalation	8
Withdrawing a complaint	9
Quick Guide to Complaint Procedure (Flow chart)	11

Customer Comments, Compliments and Complaints Policy			
Version	3	Approved by	Complaints Resolution Manager
Date last amended	14/09/2018	Approval date	14/09/2018
Lead officer	Mark Naylor	Review date	17/01/2022
Contact	Complaints.review@southampton.gov.uk	Effective date	19/01/2021

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
- Fulfills 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. Service Requests

The complaints scheme is used when there has been some form of persistent service failure and the customer believes it to be the council's fault. We don't treat "requests for service" as complaints. 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 normal service delivery – there is no need to use the complaints process unless there is evidence of multiple or systemic service failure.

5. Definition of a Complaint

A complaint is: **"Any expression of dissatisfaction with our services"**

6. Complaints service standards

- We will apply the ***Customer Charter*** 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 to the next stage of the complaints process – or to the appropriate Ombudsman – if they remain dissatisfied following our response
- We will ensure that decisions are properly and promptly implemented

7. What the complaints scheme covers

The scheme will deal with any form of service dissatisfaction or maladministration.

Examples could include:

- Delay
- Incorrect action or failure to act
- Failure to follow procedures or the law
- Failure to provide information
- Inadequate record-keeping
- Failure to investigate
- Failure to reply
- Misleading or inaccurate statements
- Inadequate liaison
- Inadequate consultation
- Broken promises
- Behaviour of our staff (Separate HR policy exists for staff issues which may be more relevant dependent on complaint detail)
- Other issues causing unfairness

8. Where special arrangements apply

Sometimes there is a different, more appropriate procedure which must be used instead of the complaints 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
- 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 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 Workers can be dealt with under the appeals procedure under the Mental Health Act

9. Direct Payments and Self-funded services

Complaints, which are about direct payments and individual budgets, 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.

10. Treatment of 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.

11. 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
- Complaint by another professional body or organisation
- Complaints which relate to contractual arrangements or other business arrangements made with the Local Authority
- Complaints where the subject matter has previously been investigated under these procedures or previous procedures prior to this one
- Any complaint which is being or has been investigated by the Local Government and Social Care Ombudsman or Housing Ombudsman
- Where a court has made, is making, or is about to make, a determination on the specifics of the complaint (please consult with the Complaints Resolution Manager and/or legal team)

12. Who Can Complain?

- Any person or organisation receiving or looking to receive a service from the Council or its contractors.
- Any person acting on behalf of an individual or group of individuals, provided they have written consent to do so; (this includes Members, MPs, Advice Agencies and other advocacy groups).

13. 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

14. Anonymous complaints

The Local Authority does not deal with anonymous complaints. However any anonymous complaints relating to vulnerable groups such as children, the elderly, and people with mental health or learning difficulties will be considered and investigated if there are safeguarding issues.

15. 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 form with a leaflet or factsheet
- 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>
- By letter
- By Telephone (written confirmation will be required)
- Email (complaints.review@southampton.gov.uk)
- In person

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.

16. Complaints involving multiple agencies

Customers may wish to make a complaint which straddles other organisations e.g. National Health Service or Mental Health Services. The Complaints Resolution Manager will liaise with colleagues within the other organisation to provide a

coordinated response.

17. 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

18. 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 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.

19. Reporting and Feedback

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

20. Resolution and remedies

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

Here are some examples of remedies which complainants might expect:

- apology
- explanation
- action taken that should have been taken previously
- reconsideration of a decision that was not taken properly
- improved procedures
- re-run procedures
- re-calculation of monetary amounts owed

21. Complaint Escalation

The initial investigation and response to a complaint 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 complaint.

If the complainant receives their response from the service area complained of and remains dissatisfied, they may ask for an independent review. The escalation process will be contained on the resolution letter/communication.

The complainant will need to explain, in writing, the reasons for their dissatisfaction and why they are requesting a review. The Complaints Resolution Manager will review the stage 1 investigation with the service area manager. Where necessary, the Complaints Resolution Team will undertake the review.

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 or by the Complaints Resolution Team.

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 review process is dictated by the Complaints Resolution Team manager. Where this occurs the complainant will be informed of the reasons.

In the majority of cases the independent review will be undertaken by the Complaints Resolution Team (or if the complaint is about that team, by the Council's Head of Legal Partnerships or nominee.).

In some cases, where it can be shown to be an appropriate and reasonable method of resolving a complaint, the Complaints Resolution Manager may invite the parties to the complaint to participate in an informal mediation process as an alternative to or prior to consideration by the Complaints Resolution Team.

22. Further Escalation

Complainants have the right to contact the relevant Ombudsman if they remain dissatisfied once **both** stages of the complaints procedure have been exhausted. Contact details will be included in the formal stage two response/communication.

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

23. 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. The Complaints Resolution Manager, together with the relevant Service Manager will consider whether or not the issues that gave rise to the complaint should be considered further through an internal management review. This work should then be used in the consideration of any need for subsequent actions in the services the Local Authority deliver.

Quick Guide to the Corporate and Adult Social Care Complaints Procedure



