



ST HELENS
BOROUGH COUNCIL

Comments, Compliments and Complaints Policy

Version Control

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09.06.2020	1.0	
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1. Introduction

The Council is committed to putting our customers first and providing high quality services. Occasionally things do go wrong and so we welcome and recognise the importance of customer feedback. The Council will ensure officers take ownership of complaints and respond positively to our customers' needs and expectations. We will work with you to resolve issues. This is an integral part of the service we provide. The Council will respond to complaints promptly and efficiently, resolving complaints quickly wherever possible. We will use the information received from complaints to drive improvements. For the purpose of this document, the term complainant refers to any person making a complaint, for example, a resident or a service user.

This policy sets out how the Council processes feedback from customers whether it is a comment, compliment or a complaint. Feedback from our customers is invaluable as it gives us the opportunity to put things right if there have been mistakes and, just as importantly, helps us to improve our services.

2. Complaints

What is a complaint?

The Council has adopted the following definition from the Local Government and Social Care Ombudsman.

"A complaint or concern is an expression of dissatisfaction about an act, omission or decision of the Council (whether that is provided directly by the Council or by a contractor or partner) either verbal or in writing, and whether justified or not, which requires a response"

A person receiving a service from the Council can make a complaint if they feel that there has been a failure in the service they have received. A request for a service, a comment or a suggestion are all distinct from a complaint. The Council will deal with notifications of a single service failure as a service request, for example, a report of a missed refuse collection.

We will ensure that there is a mechanism in place to monitor any repetition of failures and take appropriate action to remedy this. Complaints about Council services will be processed in accordance with the requirements of the General Data Protection Regulations, the Data Protection Act and associated Council policies.

Our Complaints Policy covers the following areas:

- Delays in our response to your enquiries and requests
- Failure to provide a service
- The standard of service provided
- The behaviour of our staff
- The facilities offered within the borough

Our policy applies to all expressions of dissatisfaction that are received within **12 months** of a service being provided and relate to the provision of any service provided by, or on behalf of, the Council.

There may be exceptional circumstances under which we may consider complaints older than 12 months, or those excluded under Section 7, and will be recorded as complaints and administered under this policy.

3. What Customers can expect

Customers can expect all comments, compliments, and complaints to be dealt with promptly, efficiently and with courtesy, and can expect to receive a consistently high quality service when they contact any member of our staff.

We will:

- ensure all staff are trained and supported to recognise a complaint and to assist customers in using the procedure effectively.
- ensure that all enquiries are processed fairly and confidentially;
- maintain a record of all comments, compliments, and complaints received in accordance with the requirements of the Data Protection Act 2018;
- resolve customer enquiries at the first point of contact where we can, or direct you to the right place if we can't;
- keep the customer informed of progress at every stage of the investigation of their complaint where necessary;
- respond to enquiries within the timescales specified in this policy either verbally or in writing;
- provide clear information about our services in appropriate formats;
- take appropriate action to resolve the complaint when necessary;
- inform the customer of their right of further redress, i.e. progressing to the next stage of the complaints procedure, or contacting the Local Government Ombudsman;
- monitor and evaluate complaints so that we can continually improve our services;
- monitor and report our performance in complaint handling.

4. What we expect from our Customers

We have a zero-tolerance policy regarding aggressive or abusive behaviour or language towards Council officers, in any medium, and will terminate dialogue whether electronic, in phone calls or interviews where this behaviour is displayed.

5. Comments and Compliments

Our customers may want to compliment us by letting us know when they are happy with the service, they have received from us. They may also want to comment on our service, their experience of it, or suggest as to how we can improve it.

When a comment is received, the information will be passed to the relevant service to consider and respond to within **10 working days**. An acknowledgement of the comment or compliment will be sent to the customer by the assigned officer, **within 3 working days** of receipt.

The customer will be informed of any action to be taken as a result of comments made, should they indicate they wish to be.

It is important that staff record compliments, so we can report on the good news received from our customers. Compliments should be recorded on the Customer Record Management Database (CRM). If a member of staff does not have access to this, details of the compliment should be forwarded to the Customer Service Team, who will record the details. An acknowledgement, thanking the customer for their compliment, should be sent to the customer by the assigned officer **within 3 working days** of receipt.

Timescales for the acknowledgement of comments and compliments are as follows:

	Acknowledge	Respond
Comment	3 working days	10 working days
Compliment	3 working days	

6. How to complain

A Customer can use any of the following ways to make a complaint:

- by e-mail to contactcentre@sthelens.gov.uk ;
- through our [website](http://www.sthelens.gov.uk/contactus) at www.sthelens.gov.uk/contactus
- by using our St Helens Borough Council app
- by letter – write to us at:
Customer Services
1st Floor
Wesley House
Corporation Street
St Helens
WA10 1HF
- in person at your nearest Library or at our town Contact Centre reception:
Customer Services
Ground Floor
Wesley House
Corporation Street
St Helens
WA10 1HF
- by telephone - call us on 01744 676789
- through your ward Councillor;
- through a representative, e.g. a friend, an advocate or lawyer using any of the methods above;
- or with the assistance of a member of our staff.

Social Media Complaints

When a complaint is received on the Council's Official Social Media account(s), complainants will be asked to make contact by one of the methods stated above, so that we can ensure that we have the full details of their dissatisfaction with our services.

7. How the Council will deal with the complaint.

Our complaints procedure under this policy is a two-stage process. When a complaint is received, the Council has discretion over the stage at which the complaint is investigated.

In some instances, it may be necessary for the Council to refer the matter directly to the Local Government Ombudsman, particularly when the complainant has already exchanged correspondence with the Council addressing the issues raised and these cannot be further elaborated upon.

There will be times when the investigating office will need more time to investigate the complaint. If this is the case, then we may place the complaint on hold, or extend the deadline for our response. In either case, the complainant will be notified of the new deadline.

All complaints must be logged on the Customer Record Management Database for all stages and their progress through the procedure is monitored. This also enables them to be reported to Departmental Managers and Councillors and form part of the Council's Corporate Performance Management Report.

8. Stage One: Frontline Resolution

Our teams will always do their best to try and resolve problems at the first point of contact, however if that is not possible, we will log the issue as a complaint.

A **Stage One** complaint will be looked at by a service supervisor or manager of the service which has caused the customer to be dissatisfied.

If the complaint cannot be resolved informally, then it will be logged on our Customer Record Management Database and allocated to an appropriate officer to deal with it.

The maximum amount of time given for responding to a **Stage One** complaint is **10 working days**. The assigned officer will acknowledge the complaint within **3 working days** and we will aim to resolve in the time remaining.

If our investigation into the complaint is going to take longer than the maximum 10 days, our Customer will be notified that this is the case.

9. Escalation to Stage Two

If the complainant is unhappy with the response given at **Stage One**, then they have a **maximum of 28 days** from the date of the response, in which to appeal against the outcome and request that their complaint to be escalated to the **second stage**. In doing so, the complainant will need to clearly detail why they believe that the complaint was not addressed in the first stage.

Before commencing **Stage Two** of the complaint process, the complaint will be reviewed to assess whether it is appropriate to do so.

Examples of where we would not consider the complaint at **Stage Two** are

- Legislative issues
- General dissatisfaction in the response given at **Stage One**

To progress a complaint to Stage Two, we would need to receive new information, or be advised of other matters which would call the original response into doubt. In some cases, it would be more appropriate to provide a further response under **Stage One** of the process.

The request to escalate the complaint may be made in any of the methods outlined under '**6 How to Complain**', quoting the original reference number.

10. Stage Two: Review by Director

At **Stage Two**, the relevant Director for the service will review the response provided to the complainant received at **Stage One**, along with the reasons why they felt that their complaint was not addressed, or why they are dissatisfied with the response received.

The maximum amount of time given for responding to a **Stage Two** complaint is **15 working days**. The assigned Director will acknowledge the complaint within **3 working days** and will aim to resolve in the time remaining.

The Director assigned to reviewing **Stage Two**, will provide further clarification to our initial response, or will propose an alternative solution to resolve the issue.

There will be occasions at either stage of the process, when we will need more time to investigate the complaint. Should this be the case, the complaint may be placed on hold and/or the deadline for response may be extended. This extension should not exceed 12 weeks and the new deadline must be communicated to the complainant.

11. Local Government Ombudsman

At any time during the course of an investigation by the Council, a complainant can refer their complaint to the Local Ombudsman.

However, the Ombudsman will normally give the Council the opportunity to resolve the complaint via their internal procedure first unless the nature of the complaint is felt to warrant immediate intervention.

The Ombudsman office for complaints about St Helens Borough Council is as follows:

Local Government Ombudsman

PO Box 4771

Coventry

CV4 0EH

Tel: 0300 061 0614

Fax: 024 7682 0001

Website: www.lgo.org.uk

Complaints referred by the Ombudsman are addressed to the Chief Executive and forwarded to the Democratic Services Section where they will be logged onto the contact system and linked to the original complaint record.

12. Complaints and Enquiries from an MP or Councillor

The complaints policy is intended for individual customers to seek resolution to an issue. A Member of Parliament (MP) or Councillor can make a formal complaint or an enquiry on behalf of a constituent. The Council distinguishes between an enquiry and a complaint made on behalf of a constituent. Complaints made via an MP or Councillor will be processed

through the Complaints process. Enquiries from a MP or Councillor will be handled outside the Complaints process.

13. Anonymous complaints

We will still consider and record anonymous complaints, but they will not be responded to. However, if a customer wishes to remain anonymous to the service being complained about, the complaint will be responded to, and the name withheld from the service.

14. Complaints about third party service providers

More of our services are now being delivered by other organisations. However, the Council remains responsible for the actions of its partners or contracted service providers when they are carrying out services on our behalf. In such instances, complaints should be directed to the Council as already detailed in this policy. However, should the matter be about a service delivered by the third party, but not a service provided on behalf of the Council, the customer will be requested to contact the relevant provider directly.

15. Timescales

	Acknowledge	Respond
Stage One	3 working days	10 working days
Stage Two	3 working days	15 working days

16. Exclusions

Certain complaints are covered under separate legislation or Council policies and will be dealt with accordingly:

17. Statutory Complaints - Children's Service and Adult Social Care

There is a statutory process laid down by law for handling complaints about Adult Social Care and Public Health and Children's Services. This includes any relevant service that is commissioned or provided by an external contractor on behalf of the Council.

Adult Social Care or Public Health - A statutory adult's or Public Health complaint is an expression of dissatisfaction in relation to a service provided, action taken or refusal of service by Adult Social Services, Public Health or its commissioned Providers. A complaint must qualify under the Adult's or Public Health complaints legislation such as the Care Act 2014 or any other relevant legislation.

Children's Services - A statutory children's complaint is an expression of dissatisfaction in relation to the Council's duties under the Children Act 1989, to ensure children are safeguarded and their welfare is promoted.

Further information on how to make a complaint to these services can be found on our website. If your complaint is regarding one of these departments, you will be advised under which process your complaint will be considered.

[Adult Social Care Complaints](#)

[Children's Social Care Complaints](#)

[Children's Social Care Complaints Procedure](#)

Complaints about schools or colleges are not considered by the Council. Schools have their own complaint process. Complaints about a school or a staff member of the school should be made to the school's head teacher and then the Chair of the school's governing body. You will be informed which procedure you need to follow when making a complaint.

18. Right of Appeal

The policy does not include any procedures covered by the right of appeal, for example: -

- Council tax reduction scheme and housing benefit decisions
- Council tax banding
- Parking and enforcement fines
- Planning decisions
- Blue Badges
- Licensing
- School admissions, exclusions or transport

If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you. See **Appendix 1** for more details.

Complaints where the Council has already started legal proceedings or there is a right of redress in law and where it is reasonable to have expected the complainant to have pursued that course of action.

Complaints about action taken in relation to employment matters such as appointments, pay or dismissals.

Complaints already under consideration by the Local Government Ombudsman.

19. Freedom of Information and Subject Access Requests

All requests to review or complain about the information supplied in relation to a Freedom of Information and Subject Access Request are exempt from this policy but will be considered by the by the Senior Information Management Officer. Further information around data protection and freedom of information can be found on our website at <https://www.sthelens.gov.uk/1895>

20. Allegations of criminal behaviour or fraud.

We are committed to combating fraud and corruption by employees or members of the council who abuse their position of trust. Such allegations are unlikely to be handled under this policy. The matter may need to be directed to the police or considered under the Council's Confidential Reporting Confidential Reporting "Whistleblowing" Policy

21. Complaints about schools and academies

Each school has its own complaints procedure and complainants will need to direct their comments to the Head Teacher or Chair of Governors

22. Requests for Service

Requests for service will not be dealt with under this policy. However, if a request for service is not dealt with within the appropriate timescale, then an unfulfilled service request may be logged as a complaint, should the customer wish to do so.

23. Complaints about elected members

If you wish to complain about the conduct of a Member of St Helens Borough Council or any Parish Council in St Helens submit your complaint in writing to:

Monitoring Officer
St Helens Borough Council
Town Hall
Victoria Square
St Helens
WA10 1HP
Tel: 01744 673256
E-mail: monitoringofficer@sthelens.gov.uk

24. Persistent or Vexatious Complaints

Dealing with a complaint ought to be a straightforward process, but in a minority of cases, people pursue their complaints in a way, which can either impede the investigation of their complaint or can have significant resource issues for the council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint. In order to address the problem, the council has introduced a Vexatious Complaints Policy

25. Support, Monitoring, Evaluation and Review

This policy is coordinated by the Customer Service Improvement Team, in our Customer & Digital Services division, who provide guidance and support to staff on best practice in handling complaints. The team also monitor and report on the Council's performance in complaints handling and resolution, supporting our services in identifying areas for service improvement, and learning, along with assisting in planning to reduce repeat complaints.

26. Accessibility

We treat each person as an individual and work to identify and meet the different needs of customers to promote equality of access.

To ensure this we will:

- publish this policy and advice leaflet on the Council's Website <https://www.sthelens.gov.uk/feedback>;
- ensure all documents are available in other languages and formats, as required;
- analyse the information provided on the corporate complaint form by age, gender, race and disability, to enable us to identify and address any possible discrimination or barriers to accessing Council services;
- assist in making the arrangements for customers who may have specific requirements e.g. British Sign or foreign language interpreter

Further information about the Council's Comprehensive Equality Policy can be found on our website.

Appendix 1 – Appeals Processes

SERVICE	TYPES OF APPEAL
Blue Badges	<u>Blue Badge award decisions</u>
Contaminated Land	<u>Remediation notices</u>
Council Tax	<u>Council tax banding</u>
	<u>Council tax reduction scheme decisions</u>
Environmental Health	<u>Noise abatement notices</u>
Fostering	<u>Fostering panel decisions</u>
Freedom of Information	<u>Freedom of Information Internal Review</u>
Highways	<u>Street Works Licence</u>
Housing Benefit	<u>Housing benefit award panel decisions</u>
Licensing	<u>House to house collections licence</u>
	<u>Permit for road and street activities</u>
	<u>Premises licence</u>
	<u>Taxi licences</u>
Parking	<u>Penalty Charge Notices (PCN)</u>
Planning	<u>Planning application decisions</u>
	Planning Notices Served
Private Housing	<u>Private landlords – remedial work notices</u>
Private Housing	<u>House of multiple occupation licenses</u>
Schools	<u>School place allocation</u>
Schools	<u>School exclusions</u>
Special Educational Needs and Disability	<u>School transport</u>
	<u>Education, health and care plan decisions</u>
Supporting People	<u>Home support subsidy applications</u>
Under One Roof	<u>Appealing against decisions on eligibility and exclusions</u>