

Customer Feedback and Complaints Policy

Version 1 October 2019, Review date: October 2020

Feedback

Compliment

Complaint

Comment

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Introduction

Stockton-on-Tees Borough Council is committed to providing excellent customer service. To support this aim, our culture of continuous improvement and customer excellence, the Council welcomes customer feedback to provide learning which supports improvements when they are required and feedback on what we do well.

The Council aims to promote a consistent approach to responding to customer feedback and complaints in terms of both quality and timeliness of service. The Council's performance with respect to customer feedback and complaints is monitored regularly and reported to senior officers and Members/ Councillors to ensure that learning drives continuous improvement.

This policy provides you with relevant information about how you can send your feedback and complaints to the Council. Specifically, it also provides information regarding the available support to complainants when making a complaint.



Customer Feedback

The Council welcomes your feedback and wants to learn from both good and bad experiences about what we do well and when you have received a good service.

Customer feedback is coordinated by a central team. Your feedback will be acknowledged within one working day and shared with the relevant service to which your query relates to.

Comments or positive feedback are always welcome and help us to inform future service delivery; these are shared with the relevant service area. If your feedback is specifically about an officer of the Council, it will be shared with the individual and their manager. The service area may wish to contact you to discuss your comments further, but this may not always be the case.

To provide feedback about any Council services, please use the contact details at the end of this policy.

Complaints

The Council recognises complaints as a way to understand concerns from members of the public about the services it delivers. Complaints help the Council to put things right, improve service delivery and ensure that members of the public are satisfied with the Council and the services it provides.

What is defined as a complaint?

The Council has considered what the Local Government and Social Care Ombudsman defines a complaint to be and this is outlined below.

An expression of dissatisfaction by one or more members of the public about:

- the Council's action
- the lack of action
- the standard of a service

This can be in relation to whether the action was taken or the service was provided by the Council itself, or a person, or body acting on behalf of the Council, that requires a response.

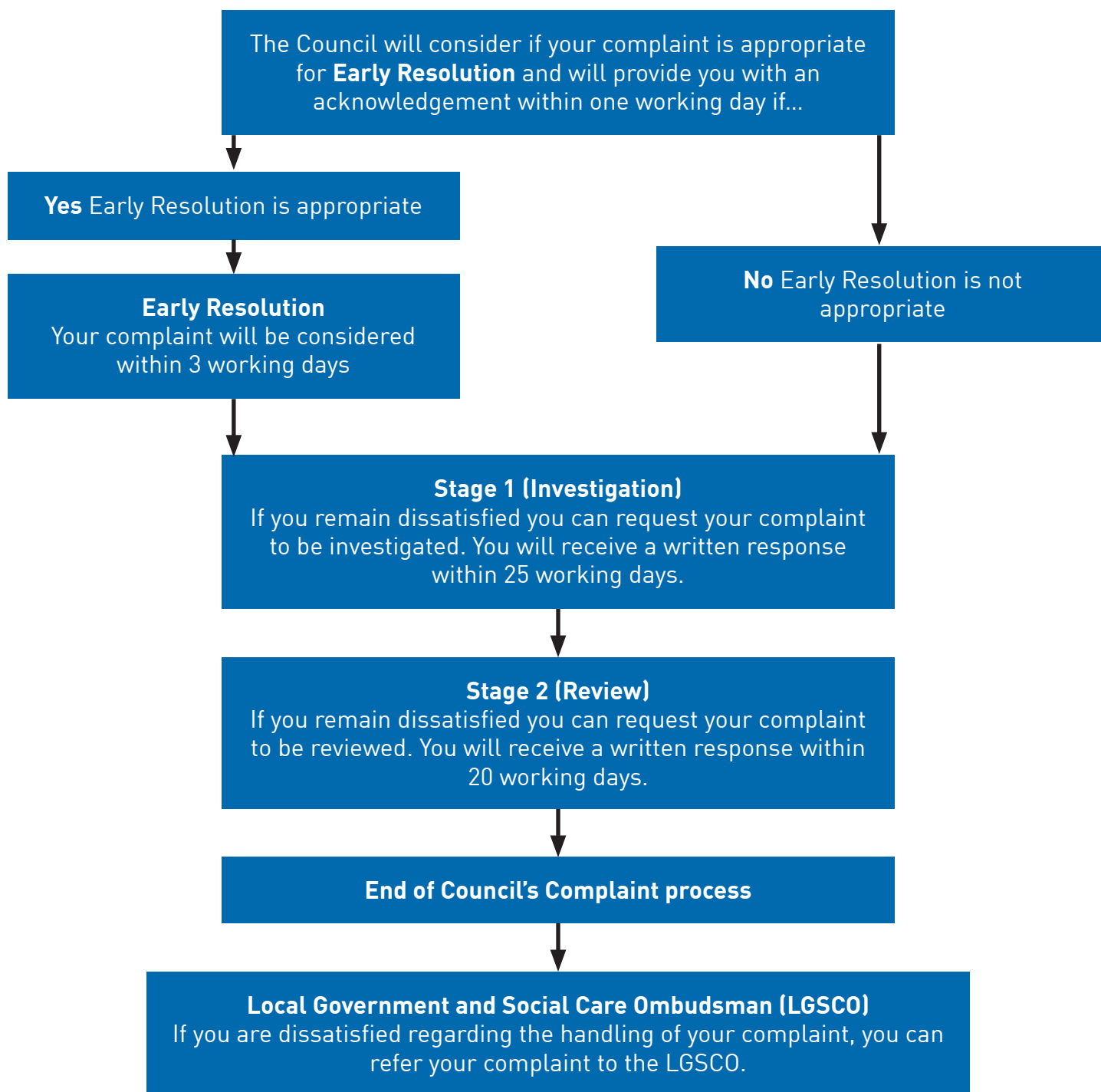
The Council will decide on whether the complaint you have made will be dealt with under the Customer Feedback and Complaints Policy or whether it is more appropriate to be dealt with under another Council process or procedure.

Complaints are managed by a central team who will provide you with an acknowledgement, within one working day. The central team will liaise with the necessary service area to provide you with a response.

An overview of the process

The Council aims to resolve complaints at the earliest opportunity. The Council's process for handling complaints involves an initial attempt within three working days to resolve issues quickly, this may involve a telephone call from an officer, and this process is called Early Resolution. If you remain dissatisfied following this early intervention, you may request your complaint to be considered at Stage 1 (investigation) where an officer will undertake an investigation into your complaint and provide a written response. If after Stage 1 you still remain unhappy, you can request that your complaint is considered at Stage 2 (Review) where a senior officer/ manager will undertake a review of the Stage 1 investigation. A written response will be provided, including details about next steps and contact details for the complaints regulator, the Local Government and Social Care Ombudsman.





What do you need to provide to make a complaint?

Complaints can be made by email, over the telephone, by letter or via the Council's website. Whatever way you make a complaint, the Council will ask you to provide the information below:

- Name and contact details (unless submitting an anonymous complaint)
- Details of your complaint – it is useful for you to provide dates and times where relevant to assist with an investigation.
- A desired outcome. This will help the Council understand what you would like to happen as a result of submitting your complaint. The Council will try to meet desired outcomes however it is not always possible to do so. Should this be the case, an explanation will be provided.
- Consent (where appropriate). If someone else is acting on your behalf to submit a complaint (e.g. an advocate), the Council will require your consent or documentation providing the relevant legal powers for them to do so (e.g. Power of Attorney).

Complaint Process

Early Resolution

The Council aims to resolve complaints at the earliest opportunity. Early Resolution is an opportunity for the Council to put things right and agree to undertaking actions which will lead to your complaint being resolved within a short time period, usually within three working days. Not all complaints will be appropriate for Early Resolution (you will be advised in your acknowledgement whether your complaint will be reviewed at Early Resolution). It is important that you provide details relating to your desired outcome or what you would like to happen as a result of your complaint, so that the Council can consider what action(s) it could take to make things better for you.

The Council will determine whether the complaint will be actioned using the Early Resolution process.

When will the Council consider Early Resolution?

Examples of when your complaint will be considered for Early Resolution are listed below:

- If your complaint can be resolved within the same day, for example by a member of staff returning your phone call.
- If the Council recognises that there has been an error and it can quickly be put right.
- If your desired outcome is something which can be easily achieved.

Your complaint may not be suitable for Early Resolution if:

- A full investigation is required, for example interviews with staff, reviewing records and correspondence.
- If your desired outcome is something which requires a significant change to service delivery.
- The complainant/ a number of complainants have submitted complaints relating to a similar issue and a coordinated response is required.

All complaints will be acknowledged within one working day. You will receive an acknowledgement providing you with a reference number and a response date. You will be informed as part of your acknowledgement whether your complaint will be considered under the Council's Early Resolution process for complaints.

Early Resolution will involve a council officer making contact with you (often by phone) to resolve your complaint within three working days of the Council receiving your complaint. The three working days will begin the day after your correspondence has been received, for example if you sent your complaint on Monday you would expect to hear from a council officer by the end of Thursday. If it is not possible for the action to be taken which leads to the resolution of your complaint within three working days, the council officer may decide to agree with you how they can resolve your complaint and provide you with a timescale.

If your complaint has been considered under Early Resolution and you are unhappy with the outcome, you can request that your complaint is considered at Stage 1 (Investigation). You will need to provide details of why you remain dissatisfied and what your desired outcome is. This will be given consideration to determine if it is appropriate for Stage 1 for further investigation. The Council recommends that complainants submit their requests for consideration of their complaint at Stage 1 within 20 working days of being notified of the outcome of Early Resolution.

Stage 1 - Investigation

Complaints considered at Stage 1 will be investigated by a council officer and responded to in writing within **25 working days** of either a request for consideration at Stage 1 following Early Resolution being received, or of the Council receiving a complaint (if Early Resolution was not deemed appropriate). The 25 working days will begin the day after your complaint has been received. You will receive an acknowledgement advising you of the Council's response date and a reference number (if you have not been previously provided with one as part of Early Resolution).

Stage 1 involves a council officer undertaking an investigation into the issue(s) raised and providing you with a response.

You will be informed at the earliest opportunity if there are going to be any delays in providing a response by the expected response date.

Details will be provided on how to request that your complaint is considered at Stage 2 of the Council's procedure, should you remain dissatisfied. Requests for complaints to be reviewed at Stage 2 must include the reasons for your request to progress to the next stage and also your desired outcome. The Council recommends that complainants submit their requests for consideration of their complaint at Stage 2 within 20 working days of receiving the complaint response.

Stage 2 - Review

Complaints at Stage 2 will be reviewed by a senior council officer or manager and responded to within 20 working days of the Council receiving a request to escalate the complaint to Stage 2. The 20 working days will begin the day after your request for Stage 2 has been received. An acknowledgement will be provided within three working days of your request for a Stage 2 review. This will provide a confirmation that your complaint will be reviewed at Stage 2 and the expected response date. If your complaint is not appropriate for review at Stage 2, you will be informed of the reasons why and your options for next steps.

Stage 2 will involve a review of the response which was provided at Stage 1 to ensure that the response was accurate, thoroughly investigated and opportunities to resolve the matter have been adequately considered.

A Stage 2 response will contain the contact details for the complaints regulator, the Local Government and Social Care Ombudsman (LGSCO) who you may want to contact should you remain dissatisfied.

Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman (LGSCO) reviews the way that the Council has responded to complaints. The LGSCO will only investigate your complaint once you have completed the Council's complaints procedure if you have been referred the LGSCO early or if your complaint takes more than 12 weeks to receive a response.

You can make a complaint to the LGSCO for free and complaints are investigated independently.

For more information about how to make a complaint or to find out about the remit of the LGSCO, please visit: www.lgo.org.uk/make-a-complaint or call 0300 061 0614.

Complaints not covered by this Policy

The Council has a number of different procedures and processes across its service areas for service users to express their dissatisfaction. The information below is provided to guide you to select the most appropriate route for your complaint. You may be advised that your complaint is not appropriate for consideration as a corporate complaint and you will be directed to the most appropriate route.

Service requests

Service requests will not be dealt with under this procedure. If received, service requests will be directed to the relevant service area for consideration. An example of a service request is reporting a pothole to be fixed or fly tipping to be cleared.

Existing appeals processes

The Council will not deal with complaints under this procedure regarding services where there are existing appeals processes. You will be advised of the relevant appeals process and given details of how to make an appeal. An example of this may be the school admissions panel who deal with matters of dissatisfaction regarding decisions on school placements.

Adult's Social Care and Children's Social Care complaints

There is a statutory procedure for dealing with complaints relating to Adults and Children's Social Care. Complaints that meet the criteria will be considered using these statutory procedures. Those that fall outside the scope of the statutory procedures will be considered using the Council's Customer feedback and Complaints Policy. You will be advised if this is the case, provided with the relevant timescales and next steps.

Complaints about a contractor of a service

If you have a complaint to make regarding a service which is delivered on behalf of the Council by a contractor or third party provider, in most circumstances, if they have their own complaints procedure, the Council would welcome the opportunity for them to put it right. If however you feel that you are unable to discuss the matter with the contractor or have not received a response from them, the Council will consider whether your complaint is appropriate to be considered under this procedure. You will be advised directly of the Council's consideration of the best course of action.

Complaints about a Council Policy

If you are unhappy or disagree with a Council policy, it will not be considered as a complaint. Your comments will be forwarded to the relevant service for consideration. If however you feel that you do not have equal access to a Council service or you have been treated unfairly under a policy, your complaint will be considered under this procedure.

Anonymous complaints

All anonymous complaints (i.e. where individuals do not provide their name or contact details) will be investigated, however it will not be possible to provide a response. If however, an anonymous complaint does not provide enough information to enable the Council to investigate or to take further action, the Council will not investigate. Anonymous noise complaints cannot be investigated.

Complaints about schools

All schools have own complaint procedures and in the first instance complaints should be directed to the schools. However if you feel your complaint would not be appropriate to be forwarded to a school, the Council may consider whether it is appropriate under this policy.

Elected Members

Complaints about Elected Members/ Councillors are reviewed under the Council's Code of Conduct. For more information, please visit www.stockton.gov.uk/conductofcouncillors.

Insurance Claims

Complaints involving personal injury and/ or loss or damage to property will be dealt with separately by the Council's Insurance Team and not under this procedure. For more information, please visit www.stockton.gov.uk/insuranceclaims.

Employee conduct or behaviour

Complaints about members of staff either in isolation or as a wider complaint can be submitted using the contact details at the back of this policy. These will always be investigated however depending on the nature of the complaint about the member of staff, it may not be possible to share with you the full details of the investigation and outcome.

Freedom of Information (FOI) responses

If you are unhappy with the response to your FOI, you can request an internal review and escalate to the Information Commissioner's Office (ICO) if you still remain unhappy.



Complaints older than 12 months

The Council will not usually investigate any complaint made more than 12 months after the date of the event / matter that instigated the complaint, or the date that the complainant became aware of it. Time delays can mean that a thorough investigation is no longer possible. Consideration will be given to complaints where there are special circumstances leading to delayed reporting.

Complaints sent directly to a senior manager, director or chief officer

Complaints received by the Council, whether directed/ addressed to a chief officer or senior officer of the Council will be processed in line with this policy. Complaints will be acknowledged, coordinated and responded to by the central team.

Complaints subject to legal proceedings

If legal action is being taken either by yourself or by the Council, the Council may not deal with your complaint if it is considered that to do so would prejudice the conduct of those proceedings. There may also be circumstances where a complaint may need to be put on hold until after the legal proceedings have taken place. In either case, you will be informed of the Council's decision.

Complaints which have concluded

Complaints which have already been fully investigated by the Council and the Local Government and Social Care Ombudsman will not be dealt with under this procedure.

Complaints regarding Data Protection or misuse of personal information

Complaints regarding Data Protection will be dealt with under the Council's data breach procedure. For example if you think the Council has not handled personal information appropriately, please visit the Council's website www.stockton.gov.uk/dataprotectionandfoi.

Information for Council Officers only

Complainants regarding personnel matters

Complaints from members of staff regarding matters concerning the workplace will not be dealt with under this policy. Complaints should be reported to a line manager or Human Resources directly.

Confidential Reporting Policy (Whistleblowing)

Council officers can confidentially report their concerns about aspects such as fraud or corruption to bullying and harassment in the workplace via the Council's Confidential Reporting Policy. A copy of this policy is available on the Council's internal intranet.



Support

The Council recognises that receiving appropriate support when making a complaint is important for some individuals. The nature of certain complaints may lead to some complainants feeling that they would like another individual's support to guide them through the process or represent them. The information below provides details on the support available when making a complaint.

Advocacy support and representation

An advocate or representative is someone who can submit complaints on your behalf and can support you through the process, this may be a family member or relative, an organisation, a solicitor or a Councillor/ Member of Parliament. This can include where people feel they need support in relation to mental health and well-being or disabilities. An advocate's role is to listen to your views and concerns and help you to explore your options. They can provide information to help you make an informed decision, accompany you to meetings and contact the Council on your behalf. An advocate should not give their personal opinion, try to make decisions for you or make judgements about you. More information can be found on the Council's website www.stockton.gov.uk/complaints.



Members of Parliament (MPs) and Councillors

You may ask a Member of Parliament (MP) or elected members/ councillors for support in making a complaint. MPs or elected members/ councillors who state that they are acting on behalf of the complainant will be assumed to have consent to do so. Complaint responses may be disclosed to the individual representing their constituent without the Council needing the complainant's written authority.

Making a complaint on behalf of someone else

If you would like to make a complaint on someone else's behalf, before accepting the complaint the Council will need to confirm that you have the authority to do so.

If the individual has the ability to make decisions in their own right, the Council needs to ensure that they have provided their consent for you to act on their behalf. This is because providing you with a response may involve disclosing personal information relating to the individual and therefore the Council needs to ensure that the rights of the individual are protected. The Council will contact the individual to ask them to complete and sign a consent form.

In circumstances where the individual does not have the capacity to complain in their own right, the Council will ask you to provide relevant documentation to confirm that you have the relevant powers to act on their behalf. This may include documentation such as Power of Attorney. If you are unsure what documentation you need to provide, please contact the Council using the details at the end of this procedure document and you will be advised further.

Accessibility and additional languages

The Council wants all of its customers to feel that they are able to send their feedback and/ or complaints for consideration. Please contact the Council using the details at the end of this policy if you require information provided in large font, translated into Braille, or into another language. If you have any other additional requirements which you would like the Council to consider when corresponding with you, please use the contact details at the end of this policy.

Expectations of complainant behaviour

The Council appreciates that complaints are sensitive in nature and that complainants will feel passionate about their concerns and will want to share this with the Council. Council Officers should at all times treat you with respect as an individual, listen to your concerns and provide you with the information as necessary.

The Council expects complainants to also behave in a respectful manner at all times through the process. This involves not using unacceptable language, derogatory terms, being personal in nature or threatening, either verbally or in your correspondence to the Council. If complainants decide not to behave in a respectful manner, the Council will take appropriate action to support and protect its staff. The Council has considered the guidance and good practice advice provided by the Local Government and Social Care Ombudsman in dealing with these matters and this is outlined below.

Persistent complainants

The Council recognises that having complaints investigated will be important to you and it is committed to resolving complaints where possible. There may be occasions where contact from complainants becomes so frequent and persistent that it hinders the Council's ability to consider your complaint and other individuals' complaints appropriately.

Examples of persistent behaviour include;

- Contacting a number of council officers/ one council officer about the same issues and not allowing each officer time to look into concerns and to respond before sending the next piece of correspondence/ making contact.
- Contacting a number of council officers/ one council officer about the same issue or asking the same questions even though a response to the questions has been given.
- Pursuing a complaint which has completed the Council's complaints procedure and/ or the Local Government and Social Care Ombudsman's process, where a final decision has been issued.
- Sending a considerable amount of correspondence to the Council asking for updates on complaints when the expected response date has not yet passed.

In these circumstances the Council will contact the complainant, usually in writing, to inform and advise that their behaviour is not conducive to Council business and will explain the reasons for this. The complainant will be asked to reconsider their contact in future. If the persistence continues, a senior officer or manager will decide whether the circumstances justify a restriction of contact. The individual will be informed of the reason for the decision and for how long the restriction will apply before reconsideration is given. Information relating to how the individual can appeal a decision will also be provided.

Examples of restrictions which may be considered include:

- Restricting contact to one point of contact.
- Restricting how contact can be made.
- Limiting the contact to one form only and for a certain number of times (e.g. one letter per week)
- Restricting telephone calls to specified days or times, or to voice messages only.

The action above will be taken to support council officers to consider the complaint and undertake their investigation. In all cases, appropriate records will be kept outlining the reasons for the action which has been taken and a date for when the action should be reviewed.

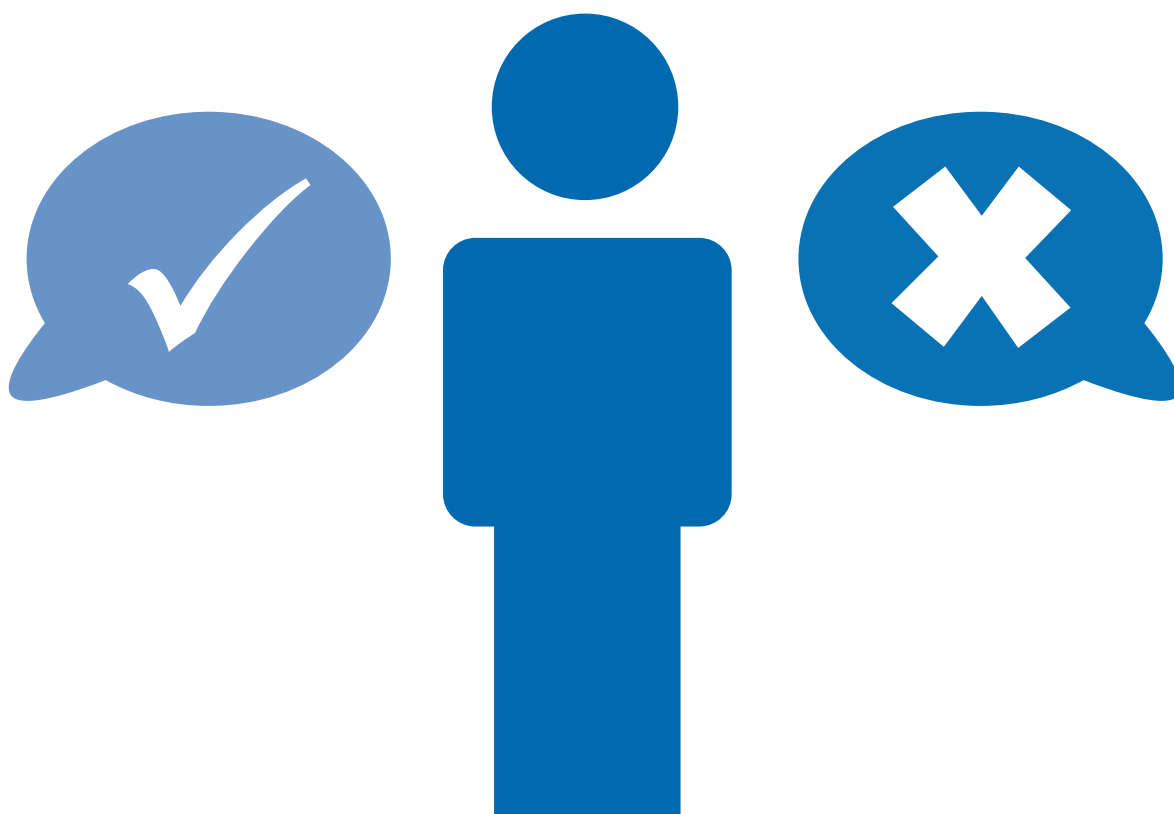
Unreasonable behaviour and unacceptable language

The Council will not tolerate any behaviour by complainants which is considered unacceptable, offensive, abusive, threatening or deceitful. The Council has a duty of care to its staff and as such will take any necessary action to protect council officers.

You will be informed if your behaviour, actions or language is deemed to be unacceptable and provided with an opportunity to reconsider your actions. Should such behaviour continue after this warning then the Council will not correspond with you any further about your complaint or decide not to discuss your complaint further with you if you are calling on the phone (i.e.. terminating the call).

Council officers will also consider if the unacceptable actions of complainants will be appropriate for the individual to be considered for inclusion on the Employee Protection Register (EPR). The EPR is a register which informs council officers of potentially harmful situations by providing effective information. Where appropriate to do so, individuals will be informed if they have been added to this register.

In cases where it is felt that the behaviour is extreme or threatens the immediate safety and welfare of staff, the Council will consider options such as reporting to the Police or taking legal action. In such cases, the Council may not give the complainant any prior warning.





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Other information

Joint responses

If a complaint relates to more than one service area within the Council, a lead service will be agreed and a coordinated response will be prepared. One response will be provided to your complaint.

There is a joint protocol between local authorities and health partners with respect to dealing with complaints that cover both health and local authority joint service provision. This protocol will be used to determine how your complaint will be handled. You will be notified with a point of contact and an expected response date.

Collective complaints

Where appropriate complaints made by a number of individuals on the same subject will be dealt with as one investigation. It may be appropriate for each complainant to receive a response directly unless a representative has been nominated on behalf of the individuals.

Withdrawing a complaint

You may withdraw your complaint at any time by contacting the Council using the details at the end of this policy. Consideration will be given as to whether the concerns raised need to be fully investigated, for instance if there were safeguarding concerns relating to you or other individuals.

Deceased individuals

In circumstances where the individual is deceased and you would like to make a complaint about the service they have received, the Council will require you to provide documentation to confirm that you have been granted the right to their personal information. Documentation may include Grant of Probate or a Letter of Administration. If you are unsure what documentation you need to provide, please contact the Council using the details at the end of this procedure document and you will be advised further.

Adoption Tees Valley or complaints relating to adoption services

Complaints relating to Adoption Tees Valley (adoption agency) must be referred directly to Adoption Tees Valley in the first instance, more details can be found on their website www.adoptionteesvalley.org.uk. Stage 1 (Investigation) will be undertaken by Adoption Tees Valley and any complaints which progress to Stage 2 (Review) will be undertaken by the Council.

Appeal and Complaints Committee

In exceptional circumstances a senior officer/ manager may use their discretion to refer a complaint to the Appeals and Complaints Committee (comprising of Elected Members/ Councillors) for consideration. You will be informed if your complaint is appropriate for consideration by this Committee and of the relevant timescales.

Contact

If you would like to contact the Council to provide feedback or to make a complaint, please use the contact details below.

Online

Visit the Council's website homepage www.stockton.gov.uk and search for Customer Feedback and Complaints in the "top tasks" section. An online form is available to complete.

Email

Email your feedback to foiandcomplaints@stockton.gov.uk.

Phone

01642 527521

Calls are answered Monday- Friday 9.00am – 4.00pm. Out of these hours there is a voicemail facility. Voice messages are responded to within 1 working day.

Address

Information Governance Team
Information and Improvement
Stockton-on-Tees Borough Council
Municipal Buildings,
Church Road,
Stockton-on-Tees,
TS18 1LD

Social Media

In line with this procedure, the Council will not respond formally to complaints which have been uploaded to any social media platform. Please use the contact details outlined above.

Privacy information/ Data Protection

All personal information collected is for the purpose of responding to customer feedback and complaints and will only be shared with relevant service areas of the Council or third parties where the law enables the Council to do so (e.g. MPs or councillors). For more information about how the Council processes your personal information please visit: www.stockton.gov.uk/data-privacy.

Confidentiality

The Council considers the importance of confidentiality when handling customer feedback and complaints. However to enable a complaint investigation to be undertaken, personal information will be shared with the investigating officer and on occasions other officers where necessary. Personal information will not be shared with anyone unnecessarily and will be handled in line with data protection legislation.

If information is given to the Council in confidence, the information will not be disclosed without consent, unless the Council has a legitimate or legal reason to do so e.g. a safeguarding concern regarding a child or young person.

