

Wakefield Council – Compliments and Complaints Policy

1. Introduction

When dealing with the Council, we want you to have a positive customer experience. We are committed to delivering excellent services and using your feedback to help us to do this. Your feedback helps to improve and shape services to meet your needs, so we want to make it as easy, and as convenient, as possible for you to provide feedback and raise issues.

Our compliments and complaints policy sets out how you can provide feedback, how we will handle it and how we will resolve your complaints. You can expect all our correspondence to be open and honest, written in plain English and delivered within the agreed timescales.

We deliver a wide range of services, some of which have specific legislation that tell us how we must handle complaints. Complaints relating to social care services and public health will be handled in line with the requirements set out in the following legislation: □

- The Local Authority Social Services Act 1970;
- The Children Act 1989;
- The Care Act 2014;
- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 16 (Receiving and Making complaints)
- The Representations Procedure (Children) Regulations 2006;
- The Local Authority Social Services and National Health Service Complaints (England) Regulations (2009);

- The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trust, Public Health and Local Healthwatch) Regulations 2012.

The three strands to our complaint policy are: □

- Corporate complaints
- Adult's social care complaints
- Children's social care complaints

2. Definitions

A compliment is an expression of satisfaction about a Council service that has been delivered.

A complaint is as an expression of dissatisfaction about a Council service that requires a response.

In addition to compliments and complaints, the social care legislation also covers representations, concerns and comments.

These are defined as:

Representations – the term used to define the procedure for handling contact about the actions, decisions or failings of the local authority. Representation are not always complaints they can be concerns, comments, or compliments made by citizens that require a response or acknowledgement.

A concern is an issue drawn to the attention of Wakefield Council that would ordinarily be a complaint but the circumstances are such that the complainant does not want the issue treating as a complaint. A response will still be required; concerns will be treated in the same way as a complaint in that it may be investigated locally or by an independent investigator.

A Comment is an issue or an idea about how services may be improved that a customer, not necessarily a service user, wants to draw the attention of Wakefield Council to.

3. What the policy does not cover

This policy does not cover complaints relating to the outcome of applications and processes where there is an established appeals process. Including but not limited to: □

- Planning objections
- Benefit appeals
- Fixed penalty notice appeals
- School admissions appeal process
- Blue Badge applications
- Insurance claims

We will not accept complaints about the process or outcome of the above, however we will accept complaints relating to your experience.

The following matters also will not be considered under this policy; □

- Initial requests for a service such as reporting a faulty streetlight or a missed bin collection, the Council must have had the chance to put it right;
- Requests that fall under the Data Protection Act or Freedom of Information Act <http://www.wakefield.gov.uk/about-the-council/access-to-information>;
- Complaints where the complainant is making an insurance claim against the Council, if there are elements to the complaint that can be addressed under a complaints procedure they will be;
- Complaints about Councillors <http://www.wakefield.gov.uk/councillors-andmayor/roles-and-responsibilities>;
- Complaints from current or former Council staff about work conditions and/ or their experience of working with Wakefield Council;
- Complaints about any aspect of the Council's recruitment process

4. Who can complain?

A complaint can only be made by or on behalf of someone who Wakefield Council has a duty to provide a service to, or someone who has been or is likely to be caused injustice by an action or decision of Wakefield Council.

A complaint can be made, or if it has already been made continued on behalf of a customer by an advocate, solicitor, family member, friend or another third party- provided that the relevant consent (i.e. of the customer or someone with their power of attorney or, in the case of a deceased customer, their representative) to that approach is provided.

In addition to the above, legislation sets those who have the right to complain under the children's and adults social care procedures. If you are not a qualifying complainant under the relevant legislation, you will be informed of this in writing, within five working days.

There is a requirement for the Council to offer any young person who wishes to or is considering making a complaint an advocate. The young person does not have to accept this independent support and may choose someone else they know and trust to be their advocate, or they may choose not to have an advocate.

There is also a requirement for the Council to consider if it would be beneficial to appoint an advocate to independently support a vulnerable adult making a complaint.

5. Types of complaints

Corporate complaints (Appendix A)

General complaints for services provided by the Council for example, but not limited to; corporate services, noise nuisance, household waste and recycling collections, potholes/condition of road surfaces, street sweeping and litter bins, planning matters, council tax and benefits, libraries, sports and leisure facilities. These complaints will be dealt with under the corporate complaints procedure.

Children's social care complaints (Appendix B)

These complaints are about the exercising of its social service function or other services for which the Council has a responsibility to provide to children and young people. These will be dealt with under the children's social care complaints procedure.

Adult's social care complaints (Appendix C)

These complaints are about the exercising of its social service function or other services for which the Council has a responsibility to provide to adults. These will be dealt with under the adult's social care complaints procedure.

Multi – agency complaints

If you are making a complaint about a service that the Council provides in partnership with another organisation, we will try to coordinate a joint response. If your complaint relates to a service provided by one of our partners that we do not deliver jointly, you will be advised to contact them directly and follow their complaints procedure.

Complaints about the conduct of Council staff

If you have a complaint or concern about a member of staff, and our investigation finds that they have acted in a way that requires disciplinary action, our normal disciplinary policies will apply. The member of staff named in your complaint may be informed about the complaint, but it will not be referred back to them to respond to. Due to data protection it will not be possible for the Council to share the outcome or any details of any management actions identified from the investigation with you.

Anonymous complaints

Anonymous complaints will be investigated as far as is possible and the findings recorded.

Complaints about commissioned or a contracted service

Each provider will have their own arrangements for dealing with complaints. However, if your complaint is about a service which the Council is responsible for, which is delivered by a provider commissioned or contracted by the Council, the Council remains accountable for this. You will be signposted to the provider in the first instance, if you are not happy with the response from the provider, we will investigate your complaint. If your complaint is about

the provider of a commissioned or contracted service the matter will be dealt with in line with the contractual agreement in place. Due to data protection and for confidentiality it may not be possible for the Council to share any details or the full outcome with you.

Complaints about the handling of information or freedom of information (FOI) requests

Complaints about potential data breaches and/or the FOI process will be passed to the Council's information security team to respond.

Enquiries that may be referred to the customer relations team

Enquiries received by the Chief Executive, Leader and Directors may be, at the discretion of the Chief Executive's, Leader's or Directors office, referred to the customer relations team to be dealt with as a complaint if the enquiry relates to a service failure or dissatisfaction. □

Correspondence from an MP or Councillor on behalf of an individual customer may also be referred to the customer relations team to be dealt with under this policy.

6. Making a compliment

We are always glad to hear from customers who are satisfied with our services and the experience they have received. You can make a compliment in person, in writing, by telephone, by email, via the Council's website or on the appropriate leaflet.

All compliments are recorded, and a copy is sent to the relevant service manager to share the feedback with the member of staff or service.

7. Making a complaint

We aim to get things right the first time, but where this doesn't happen, in most cases, we will be able to resolve the matter quickly without the need for you to make a complaint. If we believe this is the case we will discuss this with you.

Our staff are able to resolve most issues of dissatisfaction, without the need for you to make a complaint. However there may be cases that require further investigation and the involvement of other officers to find out what went wrong. We will deal with these as complaints. Before making a formal complaint, we will ask that you give the service the opportunity to put things right.

If you are not satisfied with the Council's response you can make a formal complaint; in person, in writing, by telephone, by email, via the Council's website or on the appropriate compliments and complaints leaflet.

If your complaint is complex or lengthy we may ask you to outline your complaint points and desired outcome in writing to provide clarity about what is being investigated. Alternatively, the customer relations team may outline the complaint in writing to you and ask for your agreement that this is accurate before proceeding.

We will do all we can to make sure your experience with Wakefield Council is a positive one. In order to do this, we ask that you:

- are clear about what outcome you are seeking;
- work with the Council to resolve your complaint;
- treat our staff with respect;
- be honest and accurate with the information you provide;
- supply the Council with further information, if required.

If you want to include recordings, photos or videos as part of your complaint evidence, we ask that where possible you seek permission. Evidence submitted should be of good quality, relevant, authentic and referenced.

8. How the Council handles and responds to complaints

Your complaint will be handled in line with one of the three complaints procedures:

- Corporate complaints procedure
- Adults social care complaints procedure
- Children's social care complaints procedure

Each procedure, including the timescales and what you can expect at each stage is outlined in the appendices of this document.

Your complaint will be assessed and considered in line with the criteria and scope of this policy and relevant legislation.

If your complaint is complex and/ or the timescales outlined are not achievable we will agree a new target date with you.

If you remain unhappy, having exhausted the Council's complaints procedure, you will be referred to the Local Government and Social Care Ombudsman.

9. The Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman (LGSCO) is an independent person appointed by parliament who investigates complaints against Councils and other organisations. The service provided by the LGSCO is impartial and free of charge.

You can approach the LGSCO at any time, however they would normally request that the Council's complaints procedure is exhausted first.

Address:

Local Government and Social Care Ombudsman

PO Box 4771

Coventry

CV4 0EH

Telephone: 0300 061 0614

Website: <http://www.lgo.org.uk>

Some cases may be referred with your agreement, by the customer service manager, to the LGSCO before you have exhausted the complaints procedure if it is felt nothing further can be achieved.

10. Refusing a complaint investigation

Refusal at outset

In some cases we may decide not investigate your complaint. The decision to refuse a complaint at the outset will be made by the customer service manager.

Examples of complaints that will be refused are;

- If the complaint is not clear and cannot be clarified with sufficient details to undertake an investigation;
- Complaints raising the same issues, made by the same individual that have been considered, investigated and responded to;
- Complaints that have exhausted the policy and are being or have been considered by the LGSCO;
- Complaints that relate to events more than 12 months ago, these may be considered in exceptional circumstances such as the complainant has only become aware of the issue that relates to issues more than 12 months ago;
- Complaints about a matter of policy that has been decided by Cabinet or Council and where individual circumstances have been explored and/or considered. Unless the complaint is about how the policy has been applied;
- If you are taking legal proceedings in relation to the substance of the complaint;
- If the investigation of a complaint may conflict with legal proceedings. □
- Complaints that will not be dealt with under this policy (outlined in section 3)

If the Council decides not to investigate your complaint, you will receive an explanation for this, in writing, within 5 working-days of the receipt or as soon as is reasonably practicable.

Refusal at stage two or three

The decision to refuse a request for a stage two or three investigation under the children's procedure will be made, in line with statutory guidance, by the

Customer Service Manager and the Corporate Director for Children and Young People.

The decision to refuse a request for a stage two investigation under the corporate procedure will be made by the Customer Experience Manager.

The Council may deem it unnecessary, unless there are exceptional circumstances, to spend its resources on a stage two investigation under the corporate and children's procedure. If, for example:

- the response provided at stage one, shares clear rationale with the customer as to why a decision was made;
- the response at stage one provides evidence that a decision made was supported by statutory legislation;
- the response at stage one provides evidence that a decision made was supported by policy and procedure;
- a decision was made in line with a court order;
- the complainant is intending to or has taken legal action;
- the request to escalate a corporate complaint is received more than 12 months after the Council responded at stage one;
- the request to escalate a children's complaint is received more than 20 days after the Council responded at stage one;
- a decision was reasonable in the circumstances and explained fully in the stage one response;
- the complaint has been fully upheld at stage one and the Council considers a suitable remedy/ resolution has been offered.

If the Council declines the request to escalate your complaint, you will receive an explanation for this, in writing, within 5 working-days of the receipt of the request or as soon as is reasonably practicable.

11. Safeguarding concerns

If your feedback leads to safeguarding concerns, this will be referred to social care direct and/or the police. If a safeguarding investigation is required, and the complaints process may impede or hinder safeguarding activity, the complaints process will be suspended until this activity has concluded. If this is the case, we will inform you in writing and let you know how to pursue your complaint once the safeguarding investigation is complete.

The customer service manager, in consultation with the appropriate service manager and the relevant staff, will notify any representatives who are considered not to be acting in the service user's best interest and inform them why no action will be taken on their complaint. A decision may need to be considered whether the complaint should still be investigated and an advocate appointed.

12. Deferring a decision

If your complaint is about a proposed change to a care-plan, a placement or a service, it is likely that the decision may need to be deferred until your complaint is considered, unless this would place the service user at risk.

The decision to defer would be made through a detailed discussion and risk assessment between the Customer Service Manager and the manager responsible for the service. Decisions will be made on a case-by-case basis, taking into account the effect upon the mental or physical wellbeing of an individual.

If the Council declines the request to defer a decision about a care plan, a meeting will be offered to the service user with the Customer Service Manager and relevant Service Manager for them to explain this decision.

13. Withdrawing and closing complaints

You can withdraw your complaint at any time, either verbally or in writing. If you withdraw your complaint, it will be acknowledged in writing within 5 working-days of receipt of the withdrawal or as soon as is reasonably practicable.

The customer relations team may contact you throughout the complaints process for further information or clarity about your complaint or to try and schedule a meeting. If, after a reasonable number of attempts, you do not respond your complaint will be closed by the Council.

If a complaint is withdrawn or closed the investigation may still continue to assist learning.

14. Complaint records and confidentiality

All complaints will be dealt with in confidence, with information only shared internally with those who are required to respond to the complaint. We will not share your information with third parties unless your complaint relates to a service we deliver in partnership or commission or in order to comply with any legal and/or regulatory obligations.

15. Managing Unreasonably persistent and unacceptable behaviour

The Council is committed to dealing with complaints fairly and proportionately and to making services as accessible as possible. The Council has a duty to deploy resources efficiently and for the benefit for all customers which means we will not spend a disproportionate amount of time and resource to respond to enquiries or complaints that have been addressed in full.

The Council will not tolerate abusive, offensive, threatening or other forms of unacceptable behaviour.

The procedure for managing persistent, unacceptable and unreasonable behaviour describes the action we will take if a customer acts in an unacceptable way and/ or abuses their right to receive an appropriate and proportionate response to a legitimate complaint or enquiry.

The procedure can be viewed in appendix D of this document.

16. Reporting of data and reviewing

In line with the legislation detailed in section one, Wakefield Council will produce an annual complaints report which will analyse the volume, type and source of customer feedback received.

Compliments and complaints will also be included in the Council's quarterly performance clinic.

The complaints policy and procedures will be reviewed on an annual basis.

17. Suitable and realistic remedies

A complaint cannot be used to overturn a correctly made decision. If we find fault that has caused you injustice, at any stage of a complaint investigation, you will be offered a remedy (which is proportionate, appropriate and reasonable based on all the facts of the case) which aims to put you back in the position you would have been in if nothing had gone wrong.

It is important for you to be realistic about what remedies we can offer for different cases. Remedies may include; a letter of apology, a review of the procedure or policy used, a review of the process to deliver a service.

18. Further information and contact details

Social Care Complaints Team

Wakefield Council

County Hall

Bond Street

Wakefield

WF1 2QW

Tel: 01924 302840

Email: socialcarecomplaints@wakefield.gov.uk

Corporate Complaints Team

Wakefield Council

County Hall

Bond Street

Wakefield

WF1 2QW

Tel: 0345 8 506 506

Email: Complaints-corporate@wakefield.gov.uk

Corporate complaints procedure

Local resolution

For suitable complaints, where an investigation is not required and/ or the complaint and potential outcomes do not need to be explored, an officer within the relevant service area will be asked to contact you within 24 hours to seek an early resolution and agree a suitable remedy.

Stage one complaint

If your complaint requires an investigation and/ or you are not satisfied with the proposed remedy provided at the local resolution stage your complaint will be logged as a stage one. This investigation takes place by the relevant manager and a written response will be provided within ten working days.

Stage two complaint

The Council's customer relations team will assess your request, reviewing the response provided at stage one and considering your request in line with the criteria for a stage two complaint.

The Customer Experience Manager will make a decision to progress or refuse your request.

If your request is progressed, an investigator who has had no involvement with the complaint will review the case and a written decision will be provided within fifteen working days. Their role is to look at how the complaint has been dealt with including the circumstances of the case and how the decision (at stage one) has been reached. Identifying if the Council has made mistakes by something it has done, or failed to do. This involves comparing what has happened against the Council's formal processes and procedures.

The investigating officer may contact you to discuss your complaint further.

Children's social care complaints procedure

The children's social care procedure has three stages, stage two and three have considerable levels of independence and objectivity. The investigator at stage two, although commissioned by Wakefield Council is not an employee of the Council and the independent person is provided through a contract

with an independent provider, VOICE. The chairperson and independent members of the review panel are equally independent.

Who can complain under this procedure?

- Any child being looked after by the Council
- Any child not currently being looked after by the Council, but who is a child in need.
- A parent or person with parental responsibility or a residency order for any child in the above situations (older children may be asked whether they wish to have a complaint made on their behalf)
- A Local Authority foster parent of a child whom they are providing care (again older children may be asked whether they wish to have the complaint made on their behalf)
- Any other person with a significant interest in a child's wellbeing, in accordance with the Children Act 1989.

Complaints about schools

These must be discussed with the Headteacher or the Chair of Governors as schools have their own complaints procedure over which the Council have no authority.

Complaints made directly by a child

These are looked into by a complaints and representations officer, acting in the capacity of children's complaints officer. All children are offered advocacy, which is provided by Barnardos. The offer of advocacy is a statutory duty as defined by the Children Act 2004.

Local resolution

Where possible and appropriate for the nature of the complaint, the customer relations team will, in agreement with the complainant, ask a team manager from within the service area to contact the complainant, within 24 hours, to try and locally resolve the issues raised.

Stage one

A relevant manager from the service that is subject to the complaint investigates the complaint and provides a written response within 10 working-days.

The response will outline details of the investigation, the decision, and any actions to be taken by the service including any learning or improvements that have been identified.

The complaints officer may offer to meet with the complainant and the relevant responding manager to promote a resolution at an early stage. If this is deemed the best way forward, a summary letter of what was discussed will be sent to the complainant by the agreed response date.

If the complainant is unhappy with the response or a response has not been made within the timescale the complainant has a right to request, in writing, within 20 working-days from the date of the response letter, for an escalation to stage two.

Stage two

The request for a stage two investigation will be considered in line with the stage two criteria by the customer service manager and the corporate director for children and young people. If the stage two request is progressed, an independent investigator carries out the stage two investigation. The Council is also required under the Children Act 1989 to appoint an independent person, whose function is to ensure the investigation is carried out thoroughly and fairly.

Before the stage two investigation commences, a signed statement of the complaint will be drafted by the independent investigator and agreed with the complainant. The independent investigator will meet with the complainant to discuss the complaint. If the complainant wishes, they can be accompanied to this meeting by a friend, relative or advocate.

Once this has been agreed, a service manager makes a decision about each element of the complaint based on the findings of the investigation. The complainant receives a letter from the service manager within 25 working-days of agreeing the statement, informing them of the decision about each element of the complaint and a copy of the investigator's and independent person's report.

If the case is complex the timescales can be extended up to 65 working-days, the complainant will be kept informed of any extensions.

If the complainant is dissatisfied with the outcome of stage two they can request, in writing, within 20 working-days from the date of the response letter, that their complaint is escalated to stage three.

Stage three

The agreement for a stage three panel is made, by the customer service manager and the corporate director for children and young People. The panel will be arranged within 30 working-days of the agreement and the panel report will be provided 5 working days after the panel meeting.

Review panels comprise of an independent chairperson and two independent panel members. The complainant will be invited to attend the review panel and can, if they wish, be accompanied by a friend, relative or advocate.

The purpose of the review panel is to review the decision made in respect of each complaint at stage one and two of the procedure. The review panel has to provide reasons for each of their recommendations. The review panel's recommendations are considered by the corporate director for children and young people who makes a final decision about each complaint and informs the complainant, in writing, within 15 working-days of receiving the panel's recommendations.

Adults social care complaints procedure

The adult social care complaints procedure comprises of one stage, and will be delivered in line with the statutory legislation.

The procedure focuses on an outcome rather than process driven approach. This allows us to listen to feedback from comments, concerns, compliments, and complaints to identify:

- What's working
- Help identify potential service problems
- Help identify risks
- Highlight opportunities for staff improvement □ Provide information

Local resolution

Where possible and appropriate for the nature of the complaint, the customer relations team will, with your agreement, ask a team manager from within the service area to contact you within 24hours to try and locally resolve the issues raised. If you remain dissatisfied after a discussion with the relevant manager or wish to log a formal complaint you can escalate your complaint to stage one.

Stage one

Your complaint will be assigned to a relevant manager to investigate and respond and you will have an opportunity to be involved in the decision as to how your complaint is investigated.

You will be offered a meeting with a team manager within the service (subjected to the complaint) to explore and seek an early resolution. A complaints officer may also attend this meeting. If it is not possible for you to attend a meeting or you would prefer not to, a phone call may be scheduled instead.

A written response from the investigating manager will be provided confirming what was agreed and discussed at the meeting, details of the investigation, the final decision and any actions to be taken by the service including any learning or improvements that have been identified.

Your complaint will be acknowledged, verbally or in writing, within 2 working-days and the timescale for the final response is 10 working-days.

If you are not satisfied with what was agreed and discussed during the meeting or phone call, you will be advised to await the Council's final response which will signpost you to the LGSCO.

If you do not wish to have a meeting or phone call, you will be provided with a written response to your complaint, within ten working-days.

If your complaint is deemed complex or particularly contentious by the customer service manager, the Council has the option to appoint an independent investigator.

Unreasonably persistent and unacceptable behaviour procedure

Definition

Unacceptable and/ or unreasonable behaviour may include one or two isolated incidents whereas, unreasonably persistent behaviour is a build-up of incidents or behaviour over a longer period. Examples of persistent, unacceptable and unreasonable actions and behaviours include, but are not limited to;

- refusing to specify the grounds of your complaint, despite offers of help;
- refusing to cooperate with the complaints investigation process; □ refusing to accept that certain issues are not within the scope of a complaints procedure;
- insisting on your complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- making unjustified complaints about staff who are trying to deal with the issues you have raised, and seeking to have them replaced; □ changing the basis of your complaint as the investigation proceeds;
- denying or changing statements you have made at an earlier stage;
- introducing trivial or irrelevant new information at a later stage;
- raising many detailed but unimportant questions, and insisting they are all answered;
- submitting falsified documents;
- adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations and/or staff of Wakefield Council;
- making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses;
- submitting repeat complaints with minor additions/variations insisting to make these 'new' complaints;
- refusing to accept the decision; repeatedly arguing points with no new evidence.

New complaints and enquiries

New complaints and enquiries from customers whose behaviour has previously been deemed persistent, unacceptable or unreasonable will be assessed. Restrictions imposed in respect of an earlier complaint or enquiry will not automatically apply to a new matter but will be assessed by the designated contact officer on a case by case basis.

Restrictions

If your behaviour is so extreme that it threatens the immediate safety and welfare of our staff we may report the matter to the police or consider taking legal action. In such cases, we may not give you prior warning.

We have a responsibility to safeguard the health and safety of our employees and if your behaviour is deemed dangerous this matter will be referred to the health and safety team.

The following restrictions could be imposed;

- The customer will be banned, requiring them to communicate only with one named member of staff;
- Placing limits on the number and duration of contacts with staff per week or month;
- Offering a restricted time slot for necessary calls;
- Limiting the complainant to one medium of contact (telephone, letter, email etc);
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location;
- Refusing to register and process further contact about the same matter.