

Have Your Say

**Complaints, Comments, Compliments
and Questions**

Policy and Procedures

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Purpose of this Policy and Procedure

Knowsley Metropolitan Borough Council is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them.

Complaints, comments, compliments and questions are important to us so that we can put things right where they have gone wrong, learn from complaints to improve our services and stop the same thing happening again.

The main aims are:

- To recognise the importance and value of customer feedback.
- To provide our customers with a clear way of contacting us and tell them when they will receive an answer.
- To provide accessible ways for our customers to give feedback to us easily.
- To use our customer's feedback to understand what is causing problems and change our processes to improve the services we provide.

Policy

This policy is to ensure that our customers have access to a 'Have your Say' process. The information will be used to improve the services we provide. Complaints can be made regarding any of our services. It may be about the standard of our performance, application of eligibility and assessment criteria, assessment, care management and review, communication, a delay, failure or mistake in the way a service is delivered, or about staff courtesy or attitude.

The Council also has a statutory duty under the NHS and Community Care Act 1990, National Health Service Complaints (England) Regulations 2009 No 309 and Children (Leaving Care) Act 2000, Adoption and Children Act 2002, Children Act 2004, Health and Social Care (Community Health and Standards) Act 2003 and Representations Procedure (England) Regulations 2006 to have a system for receiving complaints for adults and children's social care service users or their representatives.

What is our definition of a complaint?

“Any expression of dissatisfaction made by a person or organisation about a council service, or an action of a person providing a council service (provided by the Council or by a contractor or partner), whether justified or not.”

Who can complain?

Our customers and members of the public have access to the 'Have your Say' process if they wish to make a complaint. Complaints relating to children's social care may be made by service users (including any child who is looked after, in need, subject of a Special Guardianship Order or being placed for adoption) or by other people on their behalf, known as 'qualifying individuals'. Where someone complains on behalf of a service user or parent/guardian, they must give us the service user's permission to act for them in writing.

The Local Authority has the discretion to decide whether or not the 'qualifying individual' is suitable to act on behalf of the service user, or has sufficient interest in their welfare. If this requirement is not met, the council will notify them in writing giving a full explanation.

Making a complaint will not affect any service provision. We will try to be helpful, accessible and deal with complaints in a timely and thorough manner, keeping complainants informed throughout the process.

Where something has gone wrong we will apologise and try to put things right. We want to learn from complaints to improve our services for the future and where we do not agree with all or part of a complaint we will explain why.

What procedures do we follow to review your complaint?

The way we investigate a complaint will depend on the type of issue that is raised. When we consider a complaint, we will review it under one of the following procedures. When we acknowledge a complaint we will confirm with you which process the complaint is being investigated under.

- **The Corporate Complaints Procedure** (Appendix 1) has two internal stages:
 - Stage One: Investigation undertaken by a Service Manager
 - Stage Two: A review undertaken by a Head of Service
- **Adults Statutory Complaints Procedure** (Appendix 2) has one stage.
 - Stage One: Investigation undertaken by the Service Manager or Head of Service

In some instances, legal, criminal, safeguarding reviews or disciplinary proceedings may take precedence over complaints procedures and timescales.

- **Children's Statutory Complaints Procedure** (Appendix 3) has one internal stage, one stage with an Independent element and one external stage.

- Stage One (Local Resolution): Investigation undertaken by the Team Manager
- Stage Two (Local Resolution with an Independent Person): An investigation undertaken by either a Service Manager or Head of Service acting as the Investigating Officer or an external Investigating officer. An Independent Person will be appointed in all complaints to shadow the Investigating Officer.
- Stage Three (Independent Review Panel Hearing): Considered by an external independent review panel
- Final option for referral to the Local Government Ombudsman

In some instances, legal, criminal, child protection, Children Looked After review or disciplinary proceedings may take precedence over complaints procedures and timescales.

What if it's not actually a complaint? Comments, Compliments and Questions

As well as complaints, the Council also receives comments, compliments and/or queries.

You may have a suggestion about a service you have used and how it might be improved; or you might know somebody who is experiencing a problem with one of our services and wish to pass on the information. Whatever it is, we would like the opportunity to resolve any difficulties as early as possible.

If you have a compliment i.e. as an expression of thanks which highlight areas of good practice and acknowledge the hard work of staff, teams and/or services, the Customer Liaison Team will record, acknowledge and forward it to the individual member of staff, team or service.

Information provided by you is always fed into services to highlight good practices and possible improvements where applicable.

So please let us know.

- We will acknowledge your comment, compliment or question within three working days however if you have sent it to the Council using our online facility an immediate automated acknowledgment will be sent to you.
- The comment, compliment or question will be passed to a Service Manager and a response will be provided within ten working days if applicable.

Standards

Listen to your complaints, comments and suggestions.

If you make a complaint we will:-

- Acknowledge the matter that you have raised within three working days
- Fully investigate your complaint
- We will treat you with dignity and respect
- If your complaint is time critical (i.e. there is a specific and imminent deadline for action/objections/submissions) or contains allegations of misconduct, fraud or criminal activity or is a comment/complaint relating to children's or adult social care, you will receive a full response within 10 working days of receiving the complaint. If this is not possible due to the complexity of the enquiry, we will
- advise you of our revised timescale which will be within 20 working days of receipt of your complaint and we will explain why there has been a delay.
- For all other complaints, you will receive a full response within 15 working days of receiving the complaint. If this is not possible due to the complexity of the enquiry, we will advise you of our revised timescale which will be within 30 working days of receipt of your complaint and we will explain why there has been a delay.
- Offer a full and clear explanation and be fair and honest
- Apologise if we have made a mistake, and put things right as quickly as possible
- We will handle and process information in accordance with the Data Protection Act and Council's Information Security Policy

Expected of you

- Treat all our staff with respect. If you do not we will refuse to deal with your enquiry until your behaviour is acceptable
- Provide us with all of the information we need to help you; and
- Tell us what you would like us to do to resolve your complaint.

Unreasonably persistent complainants and unreasonable complainant behaviour

The majority of complaints made to the Council will be dealt with in a timely and effective manner through the appropriate application of the complaints procedures outlined in this policy document. In a minority of cases however, the way in which complainants pursue their complaint can impede investigations and lead to significant resourcing issues.

The Council has adopted the Local Government Ombudsman's guidance in relation to unreasonable and unreasonably persistent complaints

[Visit the Ombudsman's website](#)

What is not covered by this policy and procedures?

There are certain matters we do not deal with through the complaint processes and stages in this procedure. They are:

- Something that the complainant knew about more than 12 months before they raised it with us.
- Complaints that have previously been dealt with through all stages of the relevant complaints procedure.
- Initial service requests, for example reporting a faulty street light (although this may become a 'complaint' if dealt with inappropriately or with undue delay).
- Matters which have a right of appeal or have already gone or could go to, a Court, Tribunal, or Government Minister (for example if a customer does not agree).
- Objections to consultation processes
- Complaints in relation to:
 - Internal Management of Schools
 - Knowsley Housing Trust.
 - Elected Members and
 - Independent Providers
- Employee concerns (unless the complaint is regarding a service they receive). These concerns should be raised through the Council's grievance and / or Whistleblowing procedures.

How can customers contact us?

To provide an accessible service, customers are able to submit complaints, comments and compliments through a number of channels to the Customer Liaison Team.

- Complete the online form at:
<https://secured.knowsley.gov.uk/haveyoursayform>
- Write to Customer Liaison Team, Knowsley Council, Huyton Municipal Buildings, Archway Road, Huyton, L36 9YU
- Pass your written comments, complaints to a member of staff at one of our One Stop Shops
- For comments, compliments or complaints regarding Adults Social Care or Children's Social Care you can phone 0151 443 3231

All leaflets are available in other formats on request by email to haveyoursay@knowsley.gov.uk to meet our customer's specific needs. These other formats include language translation, braille and large print.

Please note:

You retain the option to make an anonymous complaint, however in order to provide you with a response to your complaint Knowsley Council will require a full postal address or personal email address.

- If a customer's first language is not English we can use the National Interpreting Service to assist them.

Complaints Relating To Providers

At present all Providers of social care services contracted by the council are obligated to present service users with a complaints process. If you are unhappy with the service they have provided to you then you should contact them directly with your complaint. If you are dissatisfied with the response you receive from the Provider then you can contact the Customer Liaison Team to discuss your options.

The Customer Liaison Team will record all complaints relating to Providers to ensure we are able to monitor the volume, reason, outcome of these complaints. We will then update our records to show that the complaint has been passed to the Provider for investigation. We will ask the Provider to supply the Council with a copy of the response to your complaint. This information will be sent to our Commissioning Team. The Commissioning Team meet with the Providers regularly and usually have complaints as a standard item to be discussed quarterly.

Complaints relating to Freedom of information Requests / Environmental Information Regulation Requests.

If you are not satisfied with the response to your freedom of information request or environmental information regulation request the matter can be escalated with a request for an internal review/ stage one complaint as follows;

Complete the online form at:

- <https://secured.knowsley.gov.uk/haveyoursayform>
- Write to Customer Liaison Team, Knowsley Council, Huyton Municipal Buildings, Archway Road, Huyton, L36 9YU
- Pass your written comments, complaints to a member of staff at one of our One Stop Shops

The request will be passed to the Head of Service or Senior Officer for review and a response will be sent within 15 working days from the date of your request for an internal review.

If the complaint is going to take longer than the allocated 15 working days, the complainant will be notified by the Customer Liaison Team of the reasons why and given an expected response time.

Should you make a complaint under this procedure but remain dissatisfied you can appeal against the decision by contacting the Information Commissioner. The Commissioner's postal address is Wycliffe House, Water Lane, Wilmslow SK9 5AF. The telephone number for the Information Commissioner's Office is 0303 123 1113 or 01625 545745. The e-mail address is: casework@ico.org.uk

APPENDIX 1

Corporate Complaints Procedure

Stage One

- The Customer Liaison Team will acknowledge the complaint within three working days or if the complaint is made on line you will receive an automated response.
- The correspondence will be reviewed by the Customer Liaison Team and if the complaint contains allegations of misconduct, fraud or criminal activity, the timescale set for the complaint will be 10 working days from receipt of the complaint. The complaint will be passed to a Service Manager who will arrange for an investigation and response.
- The correspondence will be reviewed by the Customer Liaison Team and if it does not contain an allegation of misconduct, fraud or criminal activity, the timescale set for the complaint will be 15 working days from receipt of the complaint. The complaint will be passed to a Service Manager who will arrange for an investigation and response.
- If the complaint is going to take longer than the allocated 10 or 15 working days, the complainant will be notified by the Customer Liaison Team of the reasons why and given an expected response time.

Stage Two

If a customer is not satisfied with the response received at stage one, the matter can be escalated to stage two and a request made to the Customer Liaison Team to progress the complaint to Stage two.

- The Customer Liaison Team will acknowledge the complaint within three working days. The timescales for your complaint will remain the same as the stage one timescales.
- The complaint will be passed to a Head of Service for review and response within 10 or 15 working days from the date of the complaint.
- If the complaint is going to take longer than 10 or 15 working days, the complainant will be notified by the Customer Liaison Team of the reasons why and given an expected response time.

If a complainant remains dissatisfied with the way that we have dealt with the complaint after going through all of the above two stages, the complainant can refer the matter to the Local Government Ombudsman. The Ombudsman's contact details will be included in the stage two response.

The Local Government Ombudsman is an independent body who investigates complaints about councils. However the ombudsman will usually only

investigate once the council has had the chance to investigate the complaint through its own complaints procedure.

There are a number of ways you can contact the Local Government Ombudsman:

- Pick up a leaflet from one of our One Stop Shops
- Write to the Local Government Ombudsman at PO Box 4771, Coventry CV4 0EH
- Telephone 0300 061 0614
- By fax on 024 7682 0001
- [Visit the Ombudsman's website](#)

APPENDIX 2

Adults Social Care Complaints Procedure

In some instances, legal, criminal, safeguarding reviews or disciplinary proceedings may take precedence over complaints procedures and timescales.

Stage One

- The Customer Liaison Team will acknowledge the complaint within three working days.
- The correspondence will be reviewed by the Customer Liaison Team in association with the Head of Adult Services and if the complaint contains allegations of misconduct, fraud or criminal activity, the timescale set for the complaint will be 10 working days from receipt of the complaint.
- The complaint will be passed to a Service Manager who will arrange for the complaint to be investigated and a response provided.
- The correspondence will be reviewed by the Customer Liaison Team in association with the Head of Adult Services and if it does not contain an allegation of misconduct, fraud or criminal activity, the timescale set for the complaint will be 15 working days from receipt of the complaint. The complaint will be passed to a Service Manager who will arrange for the complaint to be investigated and a response provided.
- We will agree with you the best way to deal with the things that you have told us about.
- If you need support we will arrange this for you.
- We will consider a range of options with you to achieve a resolution and these may include:
 - obtaining a second opinion
 - having a re-assessment of your needs
 - meeting to discuss matters
 - arranging for mediation or an independent investigation
- If the complaint is going to take longer than 10/15 working days, the complainant will be notified by the Customer Liaison Team of the reasons why and given an expected response time.

If a complainant remains dissatisfied with the way that we have dealt with the complaint after going through all of the above stages, the complainant can refer the matter to the Local Government Ombudsman. The Ombudsman's contact details will be included in the response.

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APPENDIX 3

Children's Social Care Complaints Procedure

In some instances, legal, criminal, child protection, Children Looked After reviews or disciplinary proceedings may take precedence over complaints procedures and timescales.

Stage One (Local Resolution)

- The Customer Liaison Team will acknowledge the complaint within three working days.
- The complaint will be passed to a Head of Service, who will arrange for the investigation and response within 10 working days from the date of the complaint.
- If the complaint is going to take longer than 10 working days, the complainant will be notified by the Customer Liaison Team of the reasons why and given an expected response time.
- If a response has not been provided within 20 working days, or the complainant is not satisfied with the response, they can request that the process moves to stage two.

Please note: Any individuals who are the subject of a complaint will be notified in writing of the outcome.

Stage Two (Independent Investigation)

- If the complainant remains dissatisfied with the outcome a request can be made by the complainant to progress to stage two. This request must be made within 20 working days of:
 - The expiry of the local authority's timescale for a response at Stage One; or
 - Receipt of the response at stage one, whichever is the later.
- The Customer Liaison Team will appoint an internal or external Investigating Officer and Independent Person to carry out the investigation.
- If at any stage during the investigation, the Investigator believes that the complaint is now capable of early resolution, then the Customer Liaison Team will suspend the complaint investigation.
- The expected timescale for a response to the complaint is 25 working days. If an Advocate is required or there are exceptional circumstances, as with stage one, this may need to be extended up to 65 working days.

- If the complaint is going to take longer than 25 working days, the complainant will be notified by the Customer Liaison Team of the reasons why and given an expected response time.
- At the conclusion of the stage two response, the complainant must be informed of their right to progress to stage three if they remain dissatisfied. This request must be made within 20 working days of receipt of the outcome from stage two.
- Any individual who was the subject of a complaint will be notified in writing of the outcome of the complaint.

Stage 3 (Independent Review Panel Hearing)

- A Review Panel will be arranged if the request demonstrates that:
 - The report or response at stage two was incomplete or inaccurate
 - The complaints procedure has not been followed
 - The service has acted unreasonably in the consideration or resolution of the complaint
- Early referral can be made to the Ombudsman if the complainant and the Customer Liaison Team agree that a review panel is unlikely to provide a different outcome to that of the Stage 2 response, and:
 - The report and response at Stage two is robust and complete
 - All complaints have been upheld
 - There is a clear action plan for delivery, and
 - The majority of the desired outcomes are met.
- If the request for a Review Panel is accepted, the Customer Liaison Team will appoint three independent panel members. The independent review panel hearing must take place within 30 working days of the request being received from the complainant.
- The complainant has the right to a representative to support them or speak on their behalf. This should not be a lawyer acting in a professional capacity.
- The Panel will send a report on their findings and recommendations to the complainant and the Director of Safeguarding and Social Care within five working days of the hearing.
- The Council must respond to the complainant within 15 working days of receiving the panel's report. The response should detail:
 - what actions are to be taken in light of the findings
 - recommendations and timescales for their implementation.

Final Stage

If a complainant remains dissatisfied with the way that we have dealt with the complaint after going through all of the above stages, the complainant can refer the matter to the Local Government Ombudsman.

The Local Government Ombudsman is an independent body who investigates complaints about councils. However the ombudsman will usually only investigate once the council has had the chance to investigate the complaint through its own complaints procedure.

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APPENDIX 4

Unreasonably persistent complainants and unreasonable complainant behaviour

The majority of complaints made to the Council will be dealt with in a timely and effective manner through the appropriate application of the complaints procedures outlined in this policy document. In a minority of cases however, the way in which complainants pursue their complaint can impede investigations and lead to significant resourcing issues.

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Definition

Unreasonable complainant behaviour or unreasonably persistent complainants may have reasonable grounds for complaint but pursue them in unreasonable ways; or they may pursue complaints which have no substance or have previously been investigated. Contact by such complainants with the Council may be amicable whilst placing significant demands on resources, or may be emotional and distressing for those involved.

The Local Government Ombudsman outlines a number of examples of unreasonable or unreasonably persistent complainants and the types of behaviour that may be encountered:

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.

- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and other bodies prior to exhausting the Council's complaints policy.
- Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Refusing to accept the decision – repeatedly arguing the point and complaining about the decision.
- Combinations of some or all of these.