

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 quality service to those who make them.

Complaints, comments, compliments and questions are important to the Council. We realise that sometimes things go wrong and you will want to tell us about it or make a complaint, so that we can put these mistakes right. We value your complaints as they can help us to improve our services and stop the same thing happening again. Complaints can also help the Council to change their policies and systems.

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 the Council easily.
- To use customer 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 one process that allows them to make a comment or complaint to the Council. Complaints can be made regarding any Council service and we will ensure that we respond to a complaint using the correct process.

This policy is made up of three processes:

1. The Corporate complaint process
2. The Adult statutory complaint process
3. The Children's statutory complaint process

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.

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?

The Council's 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 provide in writing the service user's permission to act for them.

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.

Knowsley Council continues to be committed to listening to feedback, dealing with all complaints fairly and impartially and to providing a high quality service to those who make complaints. Wherever possible a proactive approach is taken to resolve concerns prior to the issue becoming a formal complaint. Learning from complaints and compliments and progress against arising actions are monitored by the Service Area and Designated Complaint's Officer. Senior Officers are provided with a weekly update on all new complaints to ensure that the issues raised during the process are communicated appropriately and effectively within the Council. Monthly updates of both complaints and compliments are produced to ensure themes are identified and services improved and developed following such feedback. An annual complaints report is produced for Senior Managers, Elected Members and members of the public. The report is published on the Knowsley internet.

What is not covered by this policy and procedures?

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

- **Requests for a service**

If the Council received a request for a service via the Have Your Say process, the service request will be sent to the relevant Team for the request to be responded to.

- **Complaints about another Council or Local Authority**

Sometimes it is unclear which Council or Local Authority is responsible for the service / issue. If Knowsley Council receive a complaint relating to another Council we will

send the complaint on to the relevant Council or organisation and advise you accordingly.

- **Complaints that are over one year old**

Knowsley Council will consider any complaint received that involves an issue that has happened over a year ago. However, it is not always possible to respond to a complaint over one year old and the Council will write to you and explain the reason why in such cases.

- **Complaints about an Elected Member**

You can make a complaint if you think an elected member has breached the Council's code of conduct.

You can email codeofconduct@knowsley.gov.uk or complete an online form – all details are on the Knowsley Website or you can contact the Monitoring Officer, Huyton Municipal Buildings, Archway Road, Huyton L36 9YU

- **School/Education Complaints**

Any complaint regarding a child's education should be directed to the relevant school in the first instance.

- **Knowsley Housing Trust**

If your comment or complaint relates to Knowsley Housing Trust (KHT) / First Ark, you must contact them directly. You can telephone 0151 290 7000, or email enquiries@k-h-t.org.uk

- **Appeals / Tribunals**

Concerns and matters that have a right of appeal or have already gone or could go to a Court Tribunal or Government Minister

- **Fixed Penalty Notices**

The issue of a fixed penalty notice cannot be complained about. You can submit an appeal against the issue of the notice to the Service Area. However, you can make a complaint regarding the actions of staff or members of staff who issued the penalty notice

- **Repeat Complaints**

Any complaint that has been fully responded to previously

- **Whistleblowing**

Employee concerns (unless the complaint is regarding a service they receive) should be raised through the Councils grievance and or Whistle blowing procedures.

- **Complaints made in respect of a case where the complainant is subject of any review, investigation, potential prosecution or regulatory compliance action by the council.**

Any such complaint will be logged but no further action will be taken until such time as any proceedings have been fully concluded. The complainant will then be required to contact the Council and advise that they wish to proceed with the complaint.

What procedures do we follow to review your complaint?

The way the Council investigate a complaint will depend on the type of complaint/concern that you have raised. The Council will consider your complaint which will be reviewed under one of the following procedures.

The Corporate Complaints Procedure (Appendix 1) has two internal stages.

If we are able to resolve a complaint to the satisfaction of the customer at first point of contact then we will do so.

Stage One: Investigation undertaken by a Team Manager or Service Manager

Stage Two: A review undertaken by a Head of Service

If you remain dissatisfied you can refer your complaint to the Local Government Ombudsman.

Adults Statutory Complaints Procedure (Appendix 2) has two stages.

Stage One: Investigation undertaken by a Team Manager.

Stage Two: A review undertaken by a Service Manager / Head of Service.

If you remain dissatisfied you can refer your complaint to the Local Government Ombudsman.

Children's Statutory Complaints Procedures (Appendix 3) has one internal stage / local stage, one stage with an Independent Person and either an Internal Investigating Officer or External Investigating Officer and one external stage- the Review panel.

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 to all complaints to shadow the Investigating Officer.

Stage Three (Independent Review Panel): Considered by an external independent reviewpanel.

If you remain dissatisfied you can refer your complaint to the Local Government and Social Care 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 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 concerns 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 or services, the Customer Liaison Team will record, and forward it to the individual member of staff, team or service.

Information provided by you is always sent to services to highlight good practices and possible improvements where applicable, so please let us know.

- The Council 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.
- Your comment, compliment or question will be passed to a Service Manager and if appropriate a response will be provided within ten or fifteen working days whichever is applicable.

Standards

Listening to your complaints, comments, questions and suggestions.

If you make a complaint we will:-

- Acknowledge the matter that you have raised within three working days
- Fully investigate your complaint
- 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, you will receive a full response within ten 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 twenty 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 fifteen working days of receiving the complaint. However sometimes this may not be possible due to the complexity of the enquiry. We will advise you of our revised timescale which we will try to be within thirty 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 Council staff with respect. If you do not, we may 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.

Further details can be found in the policy below.

<http://bertha.knowsley.gov.uk/Documents/Policy-Statement.docx>

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 complaint 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 and Social Care Ombudsman guidance in relation to unreasonable and unreasonable persistent complaints.

The Local Government and Social Care Ombudsman

PO Box 4771
Coventry CV4 0EH

0300 061 0614

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

ONLY 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.

Complaints Relating To Providers

In the first instance, you should contact the service provider.

All providers must have a complaints procedure that you can ask to see. This will tell you how to make a complaint.

If you are not satisfied with the response

If the care or service is **funded or arranged by Knowsley Council**, you can make a complaint to the Council.

If you **pay for your care yourself** you can contact the; The Local Government and Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH.

Telephone: 0300 061 0614

Complaints relating to Freedom of Information Requests (FOI'S) / Environmental Information Regulation Requests (EIR's).

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.

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

If the complaint is going to take longer than the allocated ten or fifteen 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 3 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 in association with the Services and if the complaint contains allegations of misconduct, fraud or criminal activity, the timescale set for the complaint will be ten working days from receipt of the complaint. If the complaint does not contain allegations of misconduct, fraud or criminal activity then the complaint will be responded to within fifteen working days.
- The complaint will be passed to the service area, who will arrange for the investigation and a response within fifteen working days from the date of the complaint.
- If the complaint is going to take longer than the allocated ten or fifteen working days, the complainant will be notified by the Customer Liaison Team of the reasons why and given an expected response time.
- A response will be provided to you by email or letter depending on your preference. On some occasions a complaint may be resolved by telephone however, you will receive a follow up email or letter confirming the details of the conversation.
- Every effort will be made to resolve your complaint at stage one however, you will be advised how to escalate your complaint to 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.
- Requests for complaints to be escalated to stage two of the Have Your Say process must be made in writing (which includes emails), within twenty working days of receipt of your stage one response. If you need support we will arrange this for you.
- The request must give the reason for progressing to stage two of the process and details of your required outcome(s).

Contact details for the Customer Liaison Team are documented on page 9.

Stage 2

- 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 ten or fifteen working days from the date of the complaint.
- If the complaint is going to take longer than ten or fifteen 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 the complaint has completed the two stages of the process, the complainant can refer the matter to the Local Government Ombudsman.

The Ombudsman's contact details will be included in the stage two response letter or email.

The Local Government Ombudsman is an independent body who investigates complaints about Councils. However the ombudsman will usually only accept complaints that have completed the Council's complaint process.

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

- Pick up a leaflet from one of the council's One Stop Shops
- Write to the Local Government and Social Care Ombudsman at PO Box 4771, Coventry CV4 0EH
- Telephone 0300 061 0614
- [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 or if the complaint is made on line you will receive an automated response. Any complaint made by telephone call will receive a written acknowledgement.
- The correspondence will be reviewed by the Customer Liaison Team in association with the Adult Service Manager and if the complaint contains allegations of misconduct, fraud or criminal activity, the timescale set for the complaint will be ten working days from receipt of the complaint. If the complaint does not contain allegations of misconduct, fraud or criminal activity then the complaint will be responded to within fifteen working days.
- The complaint will be passed to the Team Manager who will investigate and respond to the complaint.
- A response will be provided to you by email or letter depending on your preference. On some occasions a complaint may be resolved by telephone however you will receive a follow up email or letter confirming the details of the conversation.
- You will receive direct contact from the Team Manager responding to your complaint; this may be a telephone conversation or a meeting.
- If you need support, the Council will arrange this for you
- If the complaint is going to take longer than ten/fifteen working days, the complainant will be notified by the Customer Liaison Team of the reasons why and given an expected response time.
- Requests for complaints to be escalated to stage two of the Have Your Say process must be made in writing (which includes emails). If you need support we will arrange this for you. Request for a stage two should be received within twenty working days of receipt of your stage one response.
- The request must give the reason for progressing to stage two of the process and details of your required outcome(s).

Contact details for the Customer Liaison Team are documented on page 9.

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 the Service Manager for review and response within ten/fifteen working days from the date of the complaint.
- If the complaint is going to take longer than ten/fifteen working days, the complainant will be notified by the Customer Liaison Team of the reasons why and given an expected response time.
- You will receive direct contact from the Service Manager responding to your complaint this may be a telephone conversation or a meeting.
- If you need support, the Council will arrange this for you.
- If the complaint is going to take longer than ten/fifteen working days, the complainant will be notified by the Customer Liaison Team of the reasons why and given an expected response time.

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

The Local Government and Social Care Ombudsman is an independent body who investigates complaints about Councils. However the Ombudsman will usually only accept complaints that have completed the Council's complaints process.

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

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

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 ten working days from the date of the complaint.
- A response will be provided to you by email or letter depending on your preference. On some occasions a complaint may be resolved by telephone however, you will receive a follow up email or letter confirming the details of the conversation.
- Every effort will be made to resolve your complaint at stage one, however, you will be advised within your stage one response how to escalate your complaint to stage two. The Council would expect a request for escalation to stage two to be made within twenty working days of receipt of the stage one response.
- You will receive direct contact from the Team Manager responding to your complaint; this may be a telephone conversation or a meeting.
- If you need support the Council will arrange this for you.
- If the complaint is going to take longer than ten 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 twenty 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 in writing within twenty 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.

Requests for complaints to be escalated to stage two of the Children's statutory complaint process must be made in writing (which includes emails). The request must give the reason for progressing to stage two and details of the required outcome(s).

- The Customer Liaison Team will appoint an internal or external Investigating Officer and Independent Person to carry out the investigation.
- If the complaint is going to take longer than twenty five working days, the complainant will be notified by the Customer Liaison Team of the reasons why and given an expected response time.
- The expected timescale for a response to the complaint is twenty five working days. If an Advocate is required or there are exceptional circumstances, as with stage one, this may need to be extended up to sixty five working days.
- At the end of the investigation the complainant will receive a report from the Investigating Officer, the Independent person and a letter of adjudication from the Adjudicating Officer. In most cases the Assistant Executive Director of Children Services acts as the Adjudicating Officer.
- A letter is also sent to the complainant advising of their right to progress to stage three of the Children's statutory process if they remain dissatisfied.
- Any individual who was the subject of a complaint will be notified in writing of the outcome of the complaint.

Requests for complaints to be escalated to stage three of the Children's statutory complaint process must be made in writing (which includes emails). The request must give the reason for progressing to stage three and details of the required outcomes. This request must be made within twenty working days of received the stage two reports and response.

Stage Three (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 two 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 thirty 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 Assistant Executive Director of Childrens Social Care within five working days of the hearing.
- The Council must respond to the complainant within fifteen working days of receiving the panel's report. The response should detail:
 - What actions are to be taken in light of the findings; and recommendations and timescales for their implementation.

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 and Social Care Ombudsman.

The Local Government and Social Care Ombudsman is an independent body who investigates complaints about Councils. However the Local Government Ombudsman will usually only investigate the complaint once the Council has had the opportunity to investigate the complaint through its own complaint procedures.

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

Pick up a leaflet from one of the Council's One Stop Shops

- Write to the Local Government and Social Care Ombudsman at
PO Box 4771, Coventry, CV4 0EH
- Telephone 0300 061 0614
- By fax on 024 7682 0001
- [Visit the Ombudsman's website](#)

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.

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

[Visit the Ombudsman's website](#)

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 and Social Care 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.
- Unacceptable behaviour when contacting the Council, such as using unacceptable language and or aggressive behaviour towards any Council Officers