

Comments, Compliments & Complaints Policy

Tamworth - celebrating our heritage, creating a better future

Classification: OFFICIAL

Document Location

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Revision History

Revision Date	Version Control	Summary of changes
October 2022	010101	Initial Draft
June 2023	010102	Minor changes following feedback from Housing Ombudsman

Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
Anica Goodwin	Executive Director Organisation	
TULG	Trade Union Liaison Group	
CMT	Corporate Management Team	
CAB	Cabinet	Feb 2023
Heads Of Service	Advisory Body	
DPO / Monitoring Officer	Advisory Body	

Approvals Minor Change and Scheduled Review

Name	Title	Approved
Nicola Hesketh	Information Governance Manager (DPO / Monitoring Officer)	
CMT	Corporate Management Team	July 2023

Approval Path

Major Change Nicola Hesketh Zoe Wolicki Heads of Service CMT

Cabinet

Action
Submission
Sponsor
Consultative Group
Corporate Approval
Approval

Document Review Plans

This document is subject to a scheduled 3 yearly review, or sooner where legislation or contract changes previse.

Updates shall be made in accordance with business requirements, and changes will be with agreement with the document owner.

Distribution

The document will be distributed through Astute as a **MANDATORY** policy where applicable and will also be available on the Intranet and Internet.

Security Classification

This document is classified as OFFICIAL

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Policy

Introduction

The Councils Comments, Compliments & Complaints policy provides a framework that enables customers to give feedback about the Councils' services and to ensure consistency and fairness when acting upon this feedback.

As a Council we want to offer a service that is right first time – every time. Occasionally though we accept that things do not go as we would like.

We encourage customers to tell us about their experience, good or bad, and/or suggest ways to improve our service delivery. This feedback can help us to:

- improve our performance
- improve our business processes
- re-design our services
- enhance our reputation
- train and develop our employees
- share good practice
- demonstrate service excellence
- support diversity and inclusion

Customer feedback supports development of the customer experience in the Councils desire to improve service, satisfaction, and to ensure the Council is utilising the feedback provided by customers when planning, designing services and improving services.

Scope

This policy:

- Applies to all Council employees, elected members and employees of organisations who deliver services on our behalf.
- Applies to anyone affected by our services.
- Covers all complaints, compliments and comments received about a service.
- States that compliments and comments can be made at any time.
- States that complaints can be made about a service within 6 months of the issue or incident occurring.

Compliments and Comments

A comment is a suggestion or observation about services provided.

A compliment is a positive remark about a service or an individual.

Compliments and comments are essential to appreciate where a team or an officer is demonstrating services that are meeting or exceeding customer expectations.

All compliments and comments are recorded, and a copy is sent to the relevant service manager to for review and action where applicable.

Comments can be made at: Tell us your suggestions | Tamworth Borough Council

Compliments can be made at: Compliment form | Tamworth Borough Council

Complaints

A complaint is defined as an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.

All complaints will be treated seriously, and a response given in accordance with the timescales set out in this policy.

Who can complain?

Anyone who receives or is seeking to receive a service from the Council, or anyone they have chosen to act on their behalf can make a complaint subject to the requirements of this policy.

Complaints made on behalf of someone else.

Those acting on behalf of someone must provide signed authorisation to act on the complainant's behalf.

Anonymous Complaints

Anonymous complaints are logged as service requests, unless the complaint raises issues of wider concern to the council that can be dealt with without further input from the complainant.

Anonymous complaints will be referred to the relevant service area who will take appropriate action based on their judgement of the information received. No reply can be made.

Complaint Examples

If a matter has already been reported to the Council and the work has not been completed, or it has taken longer than we said it would take - this is a complaint. In addition, the following may also be considered as complaints:

- When we have not provided a service to the standard stated, including repairs.
- Not answering a customer's question or delivered a service.
- Our policies and procedures have not been adhered to.
- Discrimination or harassment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- Delays in taking in action without a good reason.
- Giving incorrect or misleading information.

Complaints Generally Excluded

There may be times when the Council cannot investigate a complaint, this is usually because there are other separate independent appeal processes or procedures that should be followed.

This below list is not exhaustive and there may be other matters we cannot investigate, for example there is an appropriate body to deal with it. Where this is the case, we will advise you how to progress the enquiry.

Examples of excluded complaints include:

Time Limits

Complaints over 6 months old since a complainant became aware of the issue will be considered out of the time limit and not managed through the complaints policy.

Where the problem is a recurring issue, consideration will be given to any older reports as part of the background to the complaint if this will help to resolve the issue for the resident.

Reporting a Street Issue

If you have noticed a problem with issues such as litter, fly tipping, graffiti, dog fouling, fly posting, or a grounds maintenance, these can be reported using our <u>online street</u> <u>issues form</u>. These requests will not be managed through this complaints policy.

Housing repairs

If you wish to report a repair or you would like an update to an ongoing housing repair, the most effective way to obtain this is by contacting the repairs team on 08001830044 / repairs@tamworth.gov.uk

Further information is available at: Housing Repairs

Complaints received about housing repairs, where the target date has not expired, or an update to a repair is being requested, will not be considered under the complaints policy. These will be treated as service requests and passed to Housing Repairs for review and action where applicable.

Environmental Health

Some services deal with matters that the customer might consider to be a complaint, but which are routine everyday business for their department. Examples may include complaints about noisy neighbours, barking dogs', dirty restaurants, or food poisoning. These will be treated as service requests and passed to the relevant service area for review and action where applicable.

However, if a customer wishes to complain about how their initial or follow up service request was dealt with or not dealt with, then this would fall under the complaint's procedure.

Complaints about licenses, permits, approvals, consents, permissions or registrations or any related enforcement actions are dealt with under other procedures and there will be appeal mechanisms in place detailed with any correspondence you have received.

Further information can be found at: Environment | Tamworth Borough Council

Complaints about a planning application decision

Complaints about planning application decisions are dealt with under the national appeals process. Further details can be found at: Appeals - Planning Portal

Whilst the complaints policy will not be used to address complaints about the outcome of a planning decision, it can be used to investigate complaints about the procedures and processes used to arrive at a decision

Housing Benefit and Council Tax Reduction – decisions or appeals

Dealt with by the Benefit Appeals Tribunal. Further details can be found at: Appeal a benefit decision: Overview - GOV.UK (www.gov.uk)

Dealt with by the Valuation Tribunal. Further details can be found at: Council tax reduction appeal - Valuation Tribunal Service

Council Tax

The Valuation office deal with queries where the taxpayer believes they are in an incorrect council tax band Challenge your Council Tax band: Overview - GOV.UK (www.gov.uk)

If a taxpayer believes that the liability is incorrect, or a discount / exemption is incorrect then they can appeal to the Valuation Tribunal, but they must have appealed to the council 1st.

Appeal a Council Tax bill or fine: Appeal a bill - GOV.UK (www.gov.uk)

Business Rates

the Valuation Office deal with queries if the ratepayer believes the rateable value of his property is incorrect.

Business rates: How your rates are calculated - GOV.UK (www.gov.uk)

If the ratepayer wishes to dispute the non-award of a discount etc or anything that would affect the liability then this would go to the Valuation Tribunal, again after na appeal has been made to the council.

Home - Valuation Tribunal Service

Appeals relating to homelessness applications

Dealt with through the homeless appeal procedure. Details of how to request a review are provided on decision letters.

Complaints about staffing appointments, dismissals, pay and other Human Resource policy and procedures

This will be dealt with by the appeal process within the relevant policy.

Complaints made by members of staff against other members of staff

These are dealt with under other internal policies including the Grievance Policy, Conduct and Capability Policy, Whistle Blowing policy, Anti-Harassment and Anti Bullying Policy, Code of Conduct Policy.

<u>Complaints about Penalty Charge Notices (PCNs) or Fixed Penalty Charges</u> (FPNs)

Challenges and representations against the validity of a Penalty Charge Notice (PCN) are dealt with under a statutory appeals process. This process is designated by the Traffic Management Act 2004 and designed to safeguard the interest of the appellant. Details on how to challenge a PCN is contained within the notice.

You can visit our website <u>Parking - useful links | Tamworth Borough Council</u> where you will find useful information regarding the PCN and how to submit a challenge.

Fixed penalties received as part of a legitimate enforcement action (e.g., environmental crime or ASB) will have full details about the legislative appeals process.

If you wish to complain about our enforcement practices or the behaviour of a member of staff, we may be able to consider this under our Comments, Compliments & Complaints Policy.

<u>Freedom of Information (FOI), Environmental Information Regulations (EIR),</u> Data Protection

Complaints in connection with the Data Protection Act, for example a Subject Access request, accidental disclosure of information, or regarding Freedom of Information (FOI), Environmental Information Regulations (EIR) will not be dealt with under the council's Tell Us Policy.

There is a separate review, appeal, and complaint route, which leads to the Information Commissioner. Further information can be found using the links below:

FOI/EIR – Freedom of Information | Tamworth Borough Council SAR - Data Protection Act | Tamworth Borough Council

Complaints against Elected Member conduct

These are covered under a separate code of conduct - <u>Governance and Anti-Fraud | Tamworth Borough Council</u>

Housing Complaints

Where the issue giving rise to the complaint occurred over six months ago.

Where the problem is a recurring issue, consideration will be given to any older reports as part of the background to the complaint if this will help to resolve the issue for the resident. (N.B. it may not be appropriate to rely on this exclusion where complaints concern safeguarding or health and safety issues.)

ASB

The latest information and advice on anti-social behaviour and how Tamworth Borough Council can help (including a copy of the Council's Anti-Social Behaviour Policy) can be found on the Council's website at www.Tamworth.gov.uk/asb-zone. Whilst the complaints policy would not be used to address reports of ASB, it can be used if the complaint is that the ASB policy or process was not followed once the ASB was reported.

<u>Community Safety – Community Trigger requests</u>

ASB Case Review investigations under the ASB, Crime and Policing Act 2014 will be investigated as per legal guidance by all partners and can be requested through Staffordshire Police website

https://www.staffordshire.police.uk/advice/advice-and-information/asb/sf/asb-community-trigger/

Considerations which fallout outside of the agreed ASB review action plan and form part of specific complaint about Tamworth Borough Council process or action will be dealt with under this policy

Unacceptable behaviour by complainants

It is understood that people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming into the Council.

As a council we do not view behaviour as unacceptable just because a claimant is forceful or determined, however the actions of complainants who are angry, demanding, or persistent may result in unreasonable demands on the Council and unacceptable behaviour towards the Council's staff.

In such exceptional circumstances, the Council has a right to specify how the individual complaint will be handled and how future contact from the complainant will be permitted. A separate Managing Unreasonable Behaviour Policy sets out the

procedures for handling such complaints. If the Council has cause to invoke this policy details will be sent to the individual concerned.

Performance Standards

Tamworth Borough Council will monitor performance to identify under performance and trends and address any issues.

To support this, we will

- work to resolve expressions of dissatisfaction when they are first raised, before they become a complaint,
- record and acknowledge all comments and compliments, and complaints.
- seek the views and feedback from customers who have been through this policy & procedure.
- Provide a Stage 1 acknowledgement within 5 working days.
- Provide a response to Stage 1 complaints within 10 working days.
- Provide a Stage 2 acknowledgement within 5 working days.
- Provide a response to all Stage 2 complaints within 20 working days.
- Respond to enquiries without using jargon and using Plain English, however, sometimes we may need to quote law or legislation.
- Ensure that customers feel that their complaints are being treated seriously, even if the outcome does not meet their expectations because at times we are restricted by law and legislation.
- Be fair and put things right when we can.
- Inform customers how to take their complaint further if they are still not satisfied with the resolution offered.
- Listen to what customers tell us. If we make changes because of feedback, we will publish this with our performance reports.
- Ensure customers will not be treated adversely because of making a complaint.
- Ensure confidentiality with the information provided.

Reporting on complaint outcomes and seeking continuous improvement

Management information reports are available for service managers and CMT so that they can monitor the performance of their services in relation to complaints.

Examples of reports include:

- Number of stage 1 complaints received.
- Number of stage 2 complaints received.
- % of complaints upheld/partially upheld.
- % of complaints responded to within published timescales (stages 1 and 2)
- Number of compliments and complaints received.
- Number of complaints received by the Housing Ombudsman Service or the Local Government Ombudsman Service.

- composition of the contract of the contract

A quarterly complaints report will be presented to Cabinet via the quarterly performance report which will also incorporate:

- Complaints received, broken down to each service area.
- The Councils LGSCO annual letter.
- Housing Ombudsman decisions.
- Any learning identified and actions taken.

Comments, Compliments & Complaints Procedure

How to provide feedback or make a complaint

The Council encourages customers who have a concern to first contact a member of staff in the relevant service area who should try to resolve it. However, if a service user remains unhappy and wants to make a complaint or provide feedback, they can do so in several ways.

The Council's preferred method for receiving feedback or complaints is via the My Tamworth Portal or web form on the Councils website. This will normally ensure that the enquiry is adequately captured, and an acknowledgement sent.

It would be considered reasonable for officers to direct complainants to this facility in the first instance but must not do so at the risk of putting off the complainant or otherwise missing the complaint.

To provide **feedback**, customers can –

- Visit our website at <u>Tell us your suggestions</u> | <u>Tamworth Borough Council</u>
- Visit our website at www.tamworth.gov.uk and use the 'click to chat' or 'contact us' button on our homepage.
- Telephone 01827 709709.
- Write to us at Marmion House, Lichfield Street, Tamworth, Staffordshire, B79 7BZ or
- Ask any member of staff to assist.

To make a **complaint** via the Comments. Compliments & Complaints process, customers can –

- complete an e-form via the My Tamworth customer portal https://mytamworth.tamworth.gov.uk
- Visit our website at Making a Complaint | Tamworth Borough Council
- Telephone 01827 709709.
- Email tellus@tamworth.gov.uk
- Write to us at Marmion House, Lichfield Street, Tamworth, Staffordshire, B79 7BZ.
- Ask any member of staff to assist.

Customer Contact

Where a complainant advises an officer (either in person, by telephone or in writing) that they wish to make a complaint but are unable to use the Councils preferred method then that officer should capture the complaint on the web form on the complainant's behalf.

Receipt outside of this policy

Where a complaint is received by a service area either by post, telephone or by email, they should ensure that this is passed to the Information Governance Team without delay so that the complaint may be recorded on the corporate complaints system and allocated appropriately.

Social Media

Complaints received via social media channels (e.g., Twitter, Facebook) will be forwarded to the Information Governance Team and handled in keeping with this policy The Council will not provide complainant specific responses via social media sites.

Service Requests

Where a complaint is submitted, and the Council considers it fits the criteria of a service request (generally an issue that requires action that has not previously been reported to a service) then the complaint record will be changed to reflect this and closed. The requester will be informed of the decision and the case passed to the relevant service for action through their normal processes.

Reasonable adjustments

Should you require any assistance, or should you require Tamworth Borough Council to make adjustments to accommodate your needs to support you in making your complaint the Council will make any reasonable adjustment in accordance with the Reasonable Adjustments Guidance.

Stage One

The Information Governance team (IGT) will co-ordinate all Stage 1 complaints and within 5 working days of receipt of the complaint:

- Review communication received through this policy.
- If communication received through this policy is accepted for consideration as a complaint, ensure the complaint is logged and an acknowledgement issued.
- If the communication received is considered a service request, the IGT will:
 - record the details.
 - advise the customer that their communication is considered a service request and
 - o pass it to the relevant service area for action through their normal processes.

If considered a complaint the service area's designated officer will:

- Prepare and provide a detailed draft response for the Information Governance team to review & issue to the customer setting out and explaining the findings of their investigations.
- All the issues raised in the complaint will be addressed and, if necessary, further
 information will be gathered, possibly by telephoning or meeting the complainant.
 In some cases, it may be necessary to conduct a detailed investigation.
- The designated officer may resolve the complaint by phone or in person, which must be followed up in writing, provided to the Information Governance team for issuing to the complainant.
- The written response must include:
 - the complaint stage
 - o findings on each aspect of the complaint, (e.g. upheld, not upheld, partially upheld or no conclusion)
 - o the decision on the complaint with reasons for that decision
 - o the details of any remedy offered to put things right
 - o details of any outstanding actions
 - o details of how to escalate the matter to stage two if the resident is not satisfied with the answer

The Information Governance team will, within 10 working days:

- Provide the full response, including details on how the complainant can escalate their complaint.
- Where extension of time is required to enable the Council to fully respond to a complaint, and this is likely to be beyond 20 working days, the Information Governance team will contact the complainant and agree timescales.

Stage Two

If a complainant is dissatisfied with the Stage 1 response received, they can request that it is escalated to Stage 2 unless it is a complaint which is excluded as detailed in this policy.

Stage two complaints must be made by the customer **within one calendar month** from the date of the formal Stage 1 response unless there is a compelling reason that the request for escalation to stage 2 could not be provided in this time frame.

The escalation to stage 2 should relate to the same issues, if it relates to additional issues these will be dealt with as a new enquiry under this policy.

The Information Governance team will co-ordinate all Stage 2 complaints and within 5 working days of receipt of the complaint:

- review the escalation request in conjunction with the relevant service Head of Service and establish if the complaint meets the requirement for escalation.
- If the complaint meets the requirements,
 - o ensure the complaint is logged and acknowledged.
 - Send to the appropriate service area for review and response.
- If the complaint doesn't meet the requirements, advise the sender of the decision and the right to refer their complaint to the Ombudsman.

The appropriate Service Lead will:

 Prepare and provide a detailed response for the Information Governance team to issue to the customer setting out and explaining the findings of their investigations.

The Information Governance team will, within 20 working days:

- Provide the full response, including details for escalation, should they be dissatisfied with the Stage 2 response.
- Where extension of time is required to enable the Council to fully respond to a complaint, and this is likely to be beyond a further 10 working days, the Information Governance team will contact the complainant and agree timescales.

Escalation

We acknowledge that there may be certain circumstances when, despite having been through the complaints process a customer remains dissatisfied. In these instances, the customer can contact the relevant Ombudsman who will investigate a complaint against the Council.

The Ombudsmen are independent, impartial and a free service, they can be contacted at:

The Local Government Ombudsman

Website: www.lgo.org.uk Telephone: 0300 061 0614

Opening hours: Monday to Friday - 10am to 4pm (except public holidays)

Housing Ombudsman Service

For complaints against Tamworth Borough Council Landlord Services

- Online complaint form: www.housing-ombudsman.org.uk/residents/make-a-complaint/
- Phone: 0300 111 3000
- Email: info@housing-ombudsman.org.uk
- Postal address: Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ

Consultation

Consultation on this policy has taken place with CMT, Heads of Service, Service Managers, and customers from our diverse community.

Roles & responsibilities:

Corporate Management Team (CMT) will:

- ensure the policy is adhered to.
- review complaints performance and lessons learned on a quarterly basis.
- approve compensatory payments where necessary.

Heads of Service & Service Managers will:

- manage delivery of the policy within their service area.
- designate an officer to review and respond to Stage 1 complaints via the Information Governance team.

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- provide Stage 2 responses to the customer via the Information Governance team.
- ensure the policy is applied when dealing with complaints.
- · demonstrate learning from feedback.
- include the policy principles in any contracted or commissioned services.

Designated Officers responding to Stage 1 complaints will:

- investigate Stage 1 complaints.
- provide Stage 1 responses to the customer via the Information Governance team.
- ensure the policy is applied when dealing with complaints, including adherence with response timescales.

Designated Officers responding to Stage 2 complaints will:

- investigate Stage 2 complaints.
- provide Stage 2 responses to the customer via the Information Governance team.
- ensure the policy is applied when dealing with complaints, including adherence with response timescales.

The Information Governance Team will:

- monitor the progress of Stage 1 and Stage 2 complaints.
- develop the policy, procedure and promote the scheme.
- · ensure that the policy is being adhered to
- oversee responses issued at all stages of the process.
- co-ordinate a single response to complaints if it involves more than one service area.
- ensure that officers/services who receive compliments are made aware of the feedback received.
- provide feedback, analysis, and performance information to Service Managers and Corporate Management Team.
- support the procedure whereby a complaint has been made to the relevant Ombudsman.
- ensure all Elected Members and MP complaints follow the procedure of the Comments, Compliments and Complaints Policy
- ensure that complaints about contractors are passed directly to the relevant Service Manager for review and response and that contractors adhere to the policy and process.

Tamworth Borough Council Community İmpact Assessment

Part 1 – Details			
What Policy/ Procedure/ Strategy/Project/Service	Comments, Compliments & Complaints Policy & Procedure		
is being assessed?			
Date Conducted	Dec 2022		
Name of Lead Officer and Service Area	Nicola Hesketh		
	Information Governance		
Commissioning Team	N/A		
(if applicable)			
Director Responsible for project/service area	Anica Goodwin		
Who are the main stakeholders	Employees / Customers		
Describe what consultation has been	CMT		
undertaken. Who was involved and what was	TULG		
the outcome	Members		
	Customers		
Outline the wider research that has taken			
place (E.G.			
commissioners, partners, other providers etc)			
What are you assessing? Indicate with	A decision to review or change a service		
assessing: mulcate with	Change a service		

an 'x' which applies		
	A Strategy/Policy/Procedure	
	A function, service or project	
What kind of assessment is it? Indicate with an 'x'	New	
which applies	Existing	
	Being reviewed	
	Being reviewed as a result of budget constraints / End of Contract	
Part 2 – Summary of As	sessment	
Give a summary of your poutcomes of the area you	proposal and set out the aims/ or are impact assessing.	objectives/ purposes/ and
-	ents & Complaints Policy & Proceeds Complaints Policy & Proceeds Complete Proceeds (Complete Proceeds)	
Who will be affected and	how?	
All employees / Custome	rs	
Are there any other functi	ons, policies or services linked	to this impact assessment?

No

Yes

V

If you answered 'Yes', please indicate what they are?
Unreasonable Behaviour Policy
Data Protection Policy
Information Security Policy

Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a <u>direct</u> impact on them?

Impact Area	Yes	No	Reason (provide brief explanation)
Age		Ø	The policy applies consistent and fair treatment irrespective of age.
Disability		V	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment		V	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership		V	The policy applies consistent and fair treatment irrespective of marital status.
Pregnancy & Maternity		Ø	The policy applies consistent and fair treatment irrespective of pregnancy and maternity
Race		Ø	The policy applies consistent and fair treatment irrespective of race
Religion or belief		Ø	The policy applies consistent and fair treatment irrespective of religion or belief.
Sexual orientation		☑	The policy applies consistent and fair treatment irrespective of sexual orientation

Sex		Ø	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community		V	Not a factor
Those with Caring/Dependent responsibilities		Ø	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past		Ø	Not a factor
Children		V	Not a factor
Vulnerable Adults		V	Not a factor
Families		V	Not a factor
Those who are homeless	Q		Homeless may not have access to technology or telephony to make complaints
Those on low income		Ø	Not a factor
Those with Drug or Alcohol problems		V	Not a factor
Those with Mental Health issues	V		May have limited capacity to make complaint
Those with Physical Health issues		Ø	Not a factor
Other (Please Detail)			

Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
Homelessness	Homeless may not have access to technology or	Officers provide support for complaints process

	telephony to make complaints	
Mental Heath	May have limited capacity to make complaint	Officers provide support for complaints process

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
n/a				

Date of Review (If applicable)	
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End of Document

