

Sheffield City Council Complaints Policy

April 2014



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1 Introduction

- 1.1 The purpose of Sheffield City Council's Complaints Policy is to ensure that complaints about our services are dealt with effectively, consistently and fairly.
- 1.2 Through this Policy, our aim is to provide customers and Council employees with clarity over the way that complaints about Sheffield City Council's services will be dealt with.
- 1.3 We also aim to provide clarity over what types of problems raised by customers will and will not be dealt with through the Complaints Policy.
- 1.4 It is our intention that customers should be able to make a complaint in any way they choose, including through our website, by email, by telephone, in writing or in person. We do not require customers to make their complaint in writing.
- 1.5 In implementing the Complaints Policy, our commitment is to focus on solving the problems that customers raise with us.
- 1.6 All employees of Sheffield City Council will carry out our commitment to solving problems and responding positively to complaints.
- 1.7 Our general commitment to customer service, including good complaint handling, is set out in our [Customer Charter](#).

2 Our approach

- 2.1 Sheffield City Council values our customers' views on the way we deliver our services. We are committed to using these views to improve our services.
- 2.2 When a customer makes a complaint, their complaint will be handled through with the approach set out in this Policy. We will do this irrespective of where and how they make their complaint.
- 2.3 Our definition of a complaint is **“any expression of dissatisfaction, whether justified or not”**.
- 2.4 Our approach to dealing with complaints is based on the following principles:
 - It should be **easy** for customers to make a complaint
 - When a complaint is made, we will focus on early resolution and, wherever possible, **we will try to solve the complaint at point of contact or within three working days**

- We want to know why a customer is unhappy, and what they feel we could do to **resolve their complaint**
- When investigating a complaint, the person dealing with it will make **personal contact** with the customer, wherever possible
- We will aim to ensure that **individual needs are taken into account** when dealing with complaints
- When responding, we will where appropriate, **thank the customer, clearly explain what happened and what we will do, and will apologise and put in place remedies**
- Our tone will be **open, responsive and avoid unnecessary formality**. Written correspondence will use Plain English
- Customers who make a complaint **will be treated fairly**, and will not be victimised or discriminated against either in the investigation or conclusion of their complaint, or in any service they receive or request
- Dealing with complaints is the **responsibility of all Sheffield City Council employees**
- We will **keep a record** of complaints raised by customers
- We will **learn from complaints** so that we can improve our services

3 Scope of the Policy

3.1 Complaints will usually be about the following:

- Problems caused by something we have done or not done
- Dissatisfaction with the way the customer has been treated
- Dissatisfaction with a decision or Council policies
- Dissatisfaction with the quality or quantity of a service being provided
- Dissatisfaction with the cost of services or charging mechanisms

3.2 We will deal with most complaints about Sheffield City Council services through the approach set out in section four of this Policy. This approach is our Corporate Complaints Procedure.

3.3 Complaints about Council Housing Services will be dealt with through the Corporate Complaints Procedure, but there is an additional process that involves referral to a

Designated Person once the complaint has been through the Council's Corporate Complaints Procedure.

- 3.4 There are specific statutory requirements on complaints about children's social care, adult social care, and public health. We will handle complaints about these services through separate Complaints Procedures that meet the statutory requirements. However, the principles in section two of this Policy will apply, wherever possible, to complaints about these services.
- 3.5 Problems raised by Members of Parliament or Councillors on behalf of customers are normally dealt with through the Council's Member Enquiry procedure. However, Member Enquiries that are complaints will be dealt with through the appropriate Complaints Procedure.
- 3.6 Complaints received by The Leader of the Council, Cabinet Members, the Chief Executive or Executive Directors will be passed to the appropriate Council service, who will respond to the customer.
- 3.7 We will deal with anonymous complaints as far as possible, and keep a record of the complaint.
- 3.8 However, there are some things that we will not treat as a complaint, because there are other, more appropriate ways of dealing with them. These include situations when:
 - The complaint is a first request for a service that can be acted upon and resolved, e.g., a request for a repair to a street light that is not working
 - The complaint is about something that the Council is not responsible for. In these instances we will, when possible, direct the customer to the organisation that deals with the issue
 - There is an appeals process to deal with **decisions**. Examples of services where there is an appeals process include parking Penalty Charge Notices, planning applications, school admissions, special educational needs, re-housing, Housing Benefit and Council Tax Support, Council Tax, Business Rates, Discretionary Housing Payments, Council Tax Hardship Scheme, Blue Badges, and Child Travel Passes
 - An issue is being raised by a Council employee about their employment. This is because Council employees have other ways to raise these
 - The complaint is about the management of a school. These are dealt with by the Head Teacher or the school's Governing Body
 - The complaint is about a voluntary or community organisation that receives Council funding, as this should be dealt with by the organisation itself, unless the complaint is about fraud, financial or other serious matters. In this case the Council will consider a complaint, but only if the organisation is in receipt of Council funding

3.9 We may not be able to fully respond to a complaint until another procedure has been completed. This includes situations where:

- There are safeguarding adults or children procedures
- There are disciplinary proceedings against employees
- Police investigations and criminal proceedings are in process
- Legal proceedings, including insurance claims, are being pursued against the Council by the customer in relation to the complaint

3.10 There are some complaints that we will not deal with through this Policy. This includes situations when:

- The same complaint is from the same customer, and it has already been investigated through all stages of the relevant Council complaints procedure. In this instance the customer should contact the relevant Ombudsman
- The complaint is about something that the customer knew about more than twelve months before the complaint was made, unless there are exceptional reasons for the delay
- There are restrictions in place on how we will handle complaints through the application of the Unreasonable Complainant Behaviour Policy

3.11 There are some complaints about the Council that are outside the scope of the Complaints Policy:

- Complaints about Freedom of Information, Data Protection and Environmental Information Regulations legislation are covered by a separate procedure. However, if the complaint about these issues forms a small part of a wider complaint, the complaint will be investigated through this policy
- Complaints about the outcome of procurement and contract tendering processes will be dealt with through the Dispute Resolution Process
- Complaints about the conduct of Councillors. The Standards Committee oversees the Members' Code of Conduct and is responsible for considering complaints about Councillor.

4 Dealing with complaints

- 4.1 Our Complaints Policy has two approaches to dealing with complaints.
- 4.2 The first is complaints that can be resolved through the **Problem Solving** approach, sometimes referred to as 'informal complaints'. This is where a customer has raised a problem and:
- it can be fully resolved (or there is an agreed way forward on how to resolve the problem) within three working days, and
 - there is no need for formal investigation, and
 - the problem is resolved to the customer's satisfaction.
- 4.3 Resolving complaints through the Problem Solving approach is the Council's preferred method, and we aim to deal with the majority of complaints in this way.
- 4.4 However, the Council will need to deal with some complaints through a formal **Investigation** approach due to their complexity.
- 4.5 If it is not possible or appropriate to resolve the complaint through the Problem Solving approach, we will formally investigate the complaint through an **Investigation**.
- 4.6 We will send the customer a written response within 28 calendar days of the start of the Investigation.
- 4.7 If it is not possible to meet the 28-day timescale, we will contact the customer to explain why, and agree a timescale for a response.
- 4.8 If the customer is not satisfied with the outcome of the Investigation, they can ask for a review of their complaint through an **Investigation Review**.
- 4.9 We would normally expect the customer to ask for their complaint to be reviewed through an Investigation Review within 28 days of our response being sent, unless there are exceptional circumstances.
- 4.10 The Investigation Review is the end of the Council's complaints procedure. There is no further right to appeal to the Council following completion of the Investigation Review.
- 4.11 If the customer remains dissatisfied, they may take their complaint to the relevant Ombudsman or external body.
- 4.12 At each stage of the complaints process, we will advise customers who to contact if they are not satisfied with the outcome of the complaint, or the way it was handled.

5 Putting things right and learning

- 5.1 In resolving complaints, we will work with the customer to try to achieve their preferred outcome, and when appropriate we will apologise.
- 5.2 When the Council is at fault, we will aim to resolve the complaint by putting the customer back into the position they would have been in had the fault not occurred, or by offering another remedy if this is not possible.
- 5.3 Our approach to remedies will be consistent with the key principles used by the Local Government Ombudsman.
- 5.4 We aim to learn from complaints, so that we do not repeat the same problem. Our focus is on service improvement wherever possible.

6 Complaints about contracted service providers

- 6.1 Sheffield City Council's contracted service providers are expected to have a complaints policy that meets our requirements.
- 6.2 We expect our contracted service providers to respond to complaints in line with their contractual requirements.
- 6.3 However, if the customer's complaint is not addressed by the contracted service provider (and it is in the scope of our policy, as set out in section three) or in exceptional circumstances, Sheffield City Council will take responsibility for investigating the complaint.

7 Complaints about more than one organisation

- 7.1 Where a complaint is made about Sheffield City Council and another organisation, such as the NHS, we will work with that organisation to provide a single, joint response.

8 Recording complaints

- 8.1 Council services will keep a record of complaints, so that they can be regularly reviewed by the service to provide an understanding of issues raised to help improve service delivery.
- 8.2 Where possible, we will collect customer information so that we understand which customer groups are contacting us with complaints.

9 Data protection and consent policies

- 9.1 Complaints will be handled in the strictest confidence at all times. Employees will ensure that any information received as part of the handling of the complaint is disclosed only to those who can demonstrate a valid need to know it.
- 9.2 Complaints records will be stored safely and securely and disposed of in line with the Complaints Retention and File Disposal Guidelines.
- 9.3 Where complaints are made by a third party on behalf of a customer, then where appropriate and possible the consent of the customer will be confirmed.

10 Reporting

- 10.1 We will meet the statutory requirements on reporting our performance on how we handle complaints.

11 Unreasonable Behaviour from Complainants

- 11.1 There are a small number of customers who, because of their behaviour and/or the frequency or nature of their contacts with the Council, hinder our consideration of their complaint.
- 11.2 We refer to such behaviour as 'unreasonable' complainant behaviour.
- 11.3 In these circumstances we will consider invoking sanctions through the Council's Unreasonable Complainant Behaviour Policy.
- 11.4 Examples of the behaviours which may cause the policy to be invoked are:
 - Constantly changing the basis of the complaint
 - Introducing trivial or irrelevant new information
 - Adopting a 'scattergun' approach
 - Making unnecessarily excessive demands on the time and resources of staff
 - Submitting repeat complaints
 - Use of discriminatory and/or offensive language/views

For further information, please contact:

Complaints Team
Customer Services
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