Sheffield City Council Corporate Complaint Procedure

April 2024 Draft

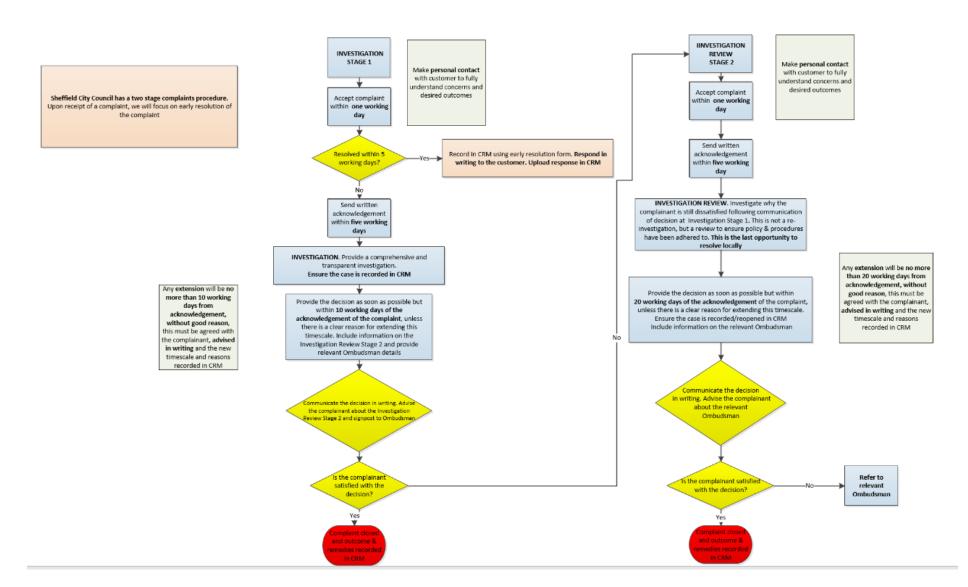
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PROCESS MAP

Note - There are separate procedures for Adults & Childrens statutory social are complaints - see: Feedback and Complaints - Home (sharepoint.com)



Roles and Responsibilities

<u>All</u> employees, irrespective of their job role, have a responsibility to deal with complaints. All employees must try to resolve the problem, wherever possible, at the first point of contact

The Council's Customer Services, Corporate Feedback and Complaint team will also provide advice and support for citizens and staff throughout the complaint process.

Contact us via

complaintsmanagers@sheffield.gov.uk or 0114 273 4660

At the Investigation (Stage 1) and Investigation Review (Stage 2) stages, there are six formal roles. Customer Services keep a record of who carries out these roles in each service.

These roles are as follows and are responsible for:

Accountable Manager

(Service Managers/Heads of Service/Directors)

- > Service area's adherence to corporate complaints policy and procedures
- Monitoring Investigating Manager's progress, timeliness, and quality of the response
- Approving written responses as required
- Approving and implementing outcomes (remedies and service improvements)
- Embedding learning within recorded timescales

Investigating Manager

(Operations Managers/Team Managers)

- Accept the Complaint (see Stages on page 9)
- Making personal contact and listening empathetically to the complainant
- In agreement with the complainant, understanding what went wrong and how to put it right
- > Sending a complaint investigation acknowledgement letter within 5 working days
- > Conducting a thorough, effective and proportionate investigation
- Keep the complainant updated regularly
- Provide a comprehensive written response within agreed timescales
- Record the complaint, acknowledgement letter, final response documentation, remedies and outcomes in CRM

Keep the Accountable Manager informed of the outcome (remedies) and learning

Effective Complaint Handling – Corporate Complaint Procedure

Reviewing Manager

(Operations Managers/Service Managers/Heads of Service)

- Making personal contact and listening empathetically to the complainant
- > In agreement with the complainant, understanding what they remain dissatisfied with and how to put it right
- Sending a complaint review acknowledgement letter within 5 working days
- Conducting a thorough and effective review of the complaint
- Keep the complainant updated regularly
- Provide a comprehensive written response within agreed timescales
- Record the complaint, acknowledgement letter, final response documentation, remedies and outcomes in CRM
- > Keep the Accountable Manager informed of the outcome (remedies) and learning

Designated Person

(MP, Councillor or Designated Tenant Panel)

Complaints about Council Housing Services will be dealt with through the Corporate Complaints Procedure. However, if complainants are unable to resolve their complaint through our complaints procedure they can contact a 'Designated person' who can help find a solution or refer it directly to the Housing Ombudsman Service.

Case Coordinators and Customer Services Corporate Feedback & Complaints team support the administration of corporate and statutory complaints. Corporate complaints are managed through the complaints case management system (CRM):

Case Coordinator

(Staff responsible for allocation/monitoring of complaints within their Service area)

Case coordinator:

- Accurately recording complaints received by the service on the complaints case management system (CRM)
- ➤ Identifying the Accountable Manager and Investigating Manager on the day the complaint is received
- Allocating all complaints (on the day of receipt) to an Accountable Manager and Investigating Manager through the case management system (CRM)
- Keeping the Council's complaints case management system up to date. This may include uploading response documentation and any identified learning and outcomes.

Complaints Manager

Includes Statutory Duty

(Customer Services Corporate Complaints & Feedback team)

Regulations require Local Authorities to assign an officer to undertake certain tasks for statutory complaints. This officer is known as the Complaints Manager.

The Complaint Manager also acts as link/liaison officer for statutory Ombudsman enquiries/investigations. The role of the Complaint Manager includes:

- Overseeing the council's complaints policy and procedures
- Maintaining customer focus
- Providing guidance, impartial advice, and support to all staff on management of complaints
- Supporting Accountable, Investigating and Reviewing Managers with statutory social care complaints/Ombudsman advice and responses
- Overseeing the arrangements for reporting and publicity
- ➤ Liaising with Investigating/Reviewing and Accountable Managers and others (e.g. Independent Reviewing Officer/Ombudsman/Panel Chairs) to identify options for resolution
- Providing reporting at organisational, service, and departmental levels. This enables performance and learning to be identified and acted upon to improve service delivery

Scrutiny & Oversight

Complaints Senior Executive

Director responsible for Corporate Feedback & Complaints Team

Responsible for overseeing complaint handling performance

This Officer will assess any themes or trends to identify potential systemic issues, serious risks, or policies and procedures that require revision.

To have lead responsibility for complaints to support a positive complaint handling culture.

Member Responsible for Complaints

Deputy Leader of the Council

To ensure that the governing body receives regular information on complaints that provides insight on the organisation's complaint handling performance.

Stages:

When a citizen makes an initial complaint, the person dealing with this has an opportunity to resolve it at the first point of contact or within 5 working days:

- Make personal contact, preferably by phone to establish what the problem is. Get a clear understanding of what the complainant sees as a resolution
- Where possible, agree a way forward and take action to put things right. Explain what happened and apologise to the complainant as appropriate.
- All complaints must be recorded in CRM:
 - Log the complaint in the complaints case management system (CRM).
 Make a complaint to the council (sheffield.gov.uk)
 - If the complaint is completed retrospectively (and within 5 working days only), please use <u>Problem Solving (retrospective recording of a complaint that</u> <u>has been problem solved) (squiz.cloud)</u>
- If you can resolve matters to the complainant's satisfaction, good practise is to follow up your discussion in writing. You should send a short follow up communication (letter or email). Templates are available for you to use to draft this
 - See template letters: <u>Feedback and Complaints SharePoint site</u> see
 'Corporate Complaints' >Templates
 - This response should also be uploaded into CRM.
- If you are unable to resolve the complaint within 5 working days or the complainant remains dissatisfied, the complaint should be progressed to an Investigation Stage 1

MUST DO!

All complaints and responses

<u>MUST</u> be recorded in CRM, including those resolved at the first point of contact or within 5 working days

'How To' guides are available at Feedback and Complaints SharePoint site

If the complainant is not satisfied with the outcome, or with the way their complaint was handled, they may ask for the response to be more fully investigated. This is the Investigation - Stage 1.

Investigation - Stage 1

- 1. Make **personal contact**, **preferably by phone** to establish what the problem is. Get a clear understanding of what the complainant sees as a resolution. **Actively listen!**
 - Allow the complainant to state their case and to provide any additional evidence as appropriate
 - Provide the complainant with your contact details and how to contact you throughout the complaint process.
- 2. All complaints must be recorded in CRM:
 - o Log the complaint in the complaints case management system (CRM). Make a complaint to the council (sheffield.gov.uk)
- 3. Check if the complainant has any vulnerabilities, accessibility (e.g. BSL user) or reasonable adjustment requirements (e.g. support person required). If so, record in CRM and make/agree the necessary arrangements.
- **4.** Check if the complaint relates to any sort of **discriminatory behaviour** (e.g. racial discrimination). If so, **record in CRM on the complaint record**.
- 5. Agree timescales with customer for completion of investigation and final response. Wherever possible, you should aim to RESPOND to the complaint within 10 working days of the complaint being acknowledged. If the case is complex and you think more time is needed, agree an extension period with the customer, providing your reasons in writing. This extension should be no more than an additional 10 working days (max 20 working days in total).
- 6. Note complaints must be RESPONDED to within 10 working days of the complaint being acknowledged, even if they are not yet fully resolved.
- 7. Where possible, agree a way forward and take action to put things right. Explain what will happen next and apologise to the complainant as appropriate. Provide details of when you will next update them. **Keep the complainant regularly updated!**
- 8. Send a complaint acknowledgement letter within 5 working days. This must be uploaded within CRM. Link to templates is provided below.
 - o If you can RESOLVE matters to the complainant's satisfaction, good practise is to follow up your discussion in writing. You should send a comprehensive response letter (or email). This response should be approved by your Accountable Manager. The letter should include details of the relevant Ombudsman for further escalation as required. This response should also be uploaded into CRM.
 - Templates are available for you to use to draft this. See template letters: Feedback and Complaints SharePoint site see 'Corporate Complaints' >Templates*
- 9. Any extension beyond an additional 10 working days must be i) agreed with your Head of Service and if approved ii) agreed with the customer, providing reasons. This extension and reasons must be recorded in CRM.

- o <u>In all such cases, the complainant should also be provided with the contact details of the relevant Ombudsman (see below).</u>
- 10. Ensure the outcome, agreed remedies and any learnings/service improvements are recorded in CRM before the complaint is closed. Close the complaint in CRM.

Investigation Review -Stage 2

If the **complainant remains dissatisfied**, the complaint should be progressed to an Investigation Review - Stage 2

- Complainants are not be required to explain their reasons for requesting a Stage 2 consideration.
- We will make reasonable efforts to understand why a complainant remains unhappy as part of its Stage 2 response.

The Investigation Review is an important part of the complaints process. It is our **last opportunity to put things right.**

- ➤ The Investigation Review is an opportunity to review the investigation process, the conclusions reached, and the steps taken to resolve the complaint. It is not a full reinvestigation.
- The Investigation Review is led by the Accountable Manager who approved the Investigation (Stage 1) response
- Staff members should remain objective, responsive, and committed to resolving the complaint. This should help in preventing any further escalation.
- Complete steps 1-4 as detailed under the Stage 1 investigation process (see page 10).
- Agree timescales with customer for completion of investigation and final response. Wherever possible this should be <u>within 20 working days of the complaint being acknowledged.</u> If the case is complex and you think more time is needed, agree an extension period with the customer, *providing your reasons*. This extension should be no more than an additional 20 working days (max 40 working days in total). Extension periods and reasons for extension should be recorded in CRM.
- Complete steps 6 8 as detailed under the Stage 1 investigation process (see page 10).
- At the end of the Investigation Review, the Review response letter should be agreed and approved by the <u>Accountable Manager's line manager</u>. The letter should include details of the relevant Ombudsman for further escalation as required.
 - Templates are available for you to use to draft this. See template letters:
 Feedback and Complaints SharePoint site see 'Corporate Complaints'
 Templates* This response should also be uploaded into CRM.
- Any extension beyond an additional 20 working days must be i) agreed with your Head of Service and if approved ii) agreed with the customer, providing reasons.

Any extensions with reasons must be recorded in CRM.

- In all such cases the complainant should also be provided with the contact details of the relevant Ombudsman (see below).
- Ensure the outcome, agreed remedies and any learnings/service improvements are recorded in CRM before the complaint is closed. Close the complaint in CRM.

Effective Complaint Handling - Corporate Complaint Procedure

Ombudsman

If the complainant is dissatisfied with the response after the Investigation Review, they can be referred to the relevant Ombudsman.

- The Ombudsman will liaise with the Corporate Feedback & Complaint team. This team will coordinate and manage Ombudsman enquiries and further investigations.
- The Ombudsman will usually redirect any complaints which haven't been through the Investigation and Investigation Review stage. In this case, the Ombudsman will usually direct the complainant back to the Council.
- ➤ If the Ombudsman decides to close a complaint without making formal enquiries, this will be recorded on the Council's case management system (CRM). The Corporate Feedback & Complaint team will record this on the system and contact the appropriate service to make them aware.

Timescales

Acknowledgement Letter

WITHIN 5 WORKING DAYS FROM RECEIPT OF THE COMPLAINT

In all cases where a complaint cannot be resolved at the first point of contact or within 5 working days, an acknowledgement letter should be sent and uploaded to the case management system (CRM).

Investigation Stage 1 Response

WITHIN 10 WORKING DAYS OF THE COMPLAINT BEING ACKNOWLEDGED

- Ensure an acknowledgement letter has been sent within 5 working days from receipt of the complaint
- Within 10 working days of the complaint being acknowledged, a comprehensive, written response should be provided to the complainant. <u>This response must be</u> <u>uploaded to CRM.</u>
- Any extension to the above timescales must be agreed with the complainant and reasons provided. <u>The extension must not exceed an additional 10 working days</u> without good reason.
- Note You MUST RESPOND within 10 working days of the complaint being acknowledged, even if the complaint is not yet RESOLVED.

Investigation Review Stage 2 Response

WITHIN 20 WORKING DAYS OF THE ESCALATED COMPLAINT BEING ACKNOWLEDGED

- An acknowledgement letter should be sent within 5 working days from receipt of the complaint. This must be uploaded into CRM
- Within 20 working days a comprehensive, written response should be provided to the complainant. This response must be uploaded to CRM
- Any extension to the above timescales must be agreed with the complainant and reasons provided. <u>The extension must not exceed an additional 20 working days</u> <u>without good reason.</u>
- Note You MUST RESPOND within 20 working days of the complaint being acknowledged, even if the complaint is not yet RESOLVED.

Ombudsman

- A response to preliminary/informal Local Government and Social Care Ombudsman (LGSCO) enquiries is usually received in 3 working days
- The Housing Ombudsman (HO) gives a specific date on cases by case basis
- A response to formal Ombudsman enquiries/investigations usually takes 20 working days for LGSCO and 15 working days for HO

5 Key Elements

There are five key elements to effective complaint handling:

Identifying & Accepting a Complaint

Defining a Complaint

Investigating a Complaint

Making & Communicating the Decision

Putting Things Right

1. Identifying and Accepting a Complaint

Our definition of a complaint is, 'an expression of dissatisfaction, however made, about the standards 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 individuals/residents.'

Being Customer Focussed

Actively Listen! Be Empathetic!
Consider whether you need to make any reasonable adjustments for the complainant

Being Open & Accountable

Provide a point of contact!

Citizens should know how they can complain

Acting Fairly & Proportionately

Act independently and have an open mind

Offer citizens support to make a complaint if needed

Putting Things Right

Try to resolve at the first point of contact or within 5 working days

If you find something has gone wrong, do not wait until the complaint process
has been completed to put it right

Questions to ask when receiving a complaint:

- ➤ Is the enquiry a service request rather than a complaint? See Policy for definitions and differences
- ➤If a complaint, does the complainant require any reasonable adjustments? See: Access for disabled people | Sheffield City Council
- ➤ Does the complainant have/require a representative? If so, do they have the complainant's consent to act on their behalf, and are you satisfied they are acting in the complainant's interest?
- ➤ Have you already considered and responded to the complaint? Check CRM for any history
- ➤ Is the complaint within the scope of the Council's complaints procedure? If so, which procedure should the complaint be considered under and what are the timescales?
- ➤ Do parts of the complaint concern another public sector organization (e.g., Health or Police)?

2. Defining a Complaint

Seeking Continuous Improvement

What are people complaining about? If you are receiving multiple complaints about the same issue, it can be a sign of systemic failure

Being Customer Focussed

Define what the complainant says went wrong from their point of view and the impact it had on them

Being Open & Accountable

Be clear on timescales and when the complainant will hear from you

The best way to accurately define a complaint is to <u>speak to the complainant.</u> This will allow you to:

- Check your understanding of the issue they want you to investigate and under which complaint procedure you should consider it
- > Identify opportunities to resolve the complaint at the earliest opportunity
- Manage the complainant's expectations and answer any questions about the process
- > Hear the complainant's view of what has gone wrong and how they say it has affected them

Best practice:

- Hear the complainant's view of what has gone wrong and how it has affected them
- ➤ Define the complaint from the complainant's point of view. Include details of what the complainant thinks has gone wrong and how it has impacted them
- Within 5 working days, write to the complainant setting out your understanding of their complaint, what will happen next, and when they can expect a response. This helps reduce the likelihood of a later complaint that you have not addressed their concerns. See
 - 'Acknowledgement template' held in: Feedback and Complaints Home (sharepoint.com)
- Always establish the issue at the heart of the complaint and what the complainant wants. If the complainant disagrees with your complaint statement, and you cannot reach agreement, proceed using this information. You should let the complainant know you will proceed on that basis.

*Where we decide the complaint is not within the scope of the complaints procedure or identify reasons for not accepting the complaint, we will inform the complainant of our decision and/or our reasons and provide signposting to the relevant Ombudsman.

3. Investigating a Complaint

What went wrong?

What should have happened?

Once you are clear what the complaint is about, you will need to gather information and evidence to reach a decision. You need to use this information to decide two things:

What should have happened?

- The law
- Government guidance/circulars
- · Council policies and procedures
- Case law Professional bodies
- The Ombudsman's view

What Happened?

- The complainant or representative
- Members of staff
- Third parties
- Case records Correspondence (emails, phone records, letters)

The information you need will depend on the nature of the complaint. Below are potential useful sources:

You then need to decide what information is relevant, reliable, and important to the issue being complained about. You may ask yourself:

- ➤ Who/When/When is the information from?
- > Is it supported by other information?
- ➤ Are there any gaps? Do you need more information?
- > Do you have enough information to make a decision that will stand up to scrutiny?

The Ombudsman investigates fault causing injustice. When reviewing conflicting information, it is sometimes useful to ask whether what happened disadvantaged the complainant.

Being Open & Accountable

Let the complainant know who is investigating their complaint and how to contact them

Being Customer focussed

Keep the complainant informed at all stages of the investigation, especially if there is a delay

Getting it Right

Spend time planning

4. Making and Communicating a Decision

Your complaint, Our decision...

Acting Fairly & Proportionately

Ensure the complainant knows how they can challenge the decision if they remain unhappy

Being Open & Accountable

Share the information you have considered with the complainant so they can understand your findings

Being Customer Focussed

Consider whether the complainant needs support understanding your decision. This may be a meeting to discuss the findings

Putting Things Right

If something has gone wrong tell the complainant how and when you will put it right

Getting it Right

Be clear what your decision is, and what you will do to put things right if something has gone wrong

Questions to ask when communicating a decision:

- Was the authority or its agents at fault?
- Should what happened not have happened?
- ▶ If so, how exactly has this disadvantaged the complainant? ►
- ➤ If so, what does the Council need to do to put things right?

A good response letter consists of:

- ➤ The statement of complaint (agreed with the complainant at the start of the process)
- The steps you have taken to investigate the complaint
- What you have taken into account
- Your decision and reasons for it
- What will happen next
- If action is to be taken, how, when and by whom?
- An apology (as appropriate)
- Any changes you will make to processes and procedures following the complaint

5. Putting Things Right

Put the complainant back in the position they would have been had the fault not occurred

See <u>Guidance on remedies - Local Government and Social Care Ombudsman</u>. It explains the principles underpinning how we remedy complaints.

Making Sure It Doesn't Happen Again!

Your complaint investigation and outcome should help you find the root causes of problems.

Where systems and processes haven't worked properly, make improvements.

This may include changing policies and procedures, or training staff

Seeking Continuous Improvement

Ensure you have a mechanism in place to learn from complaints you uphold

Getting it Right

If you have found something went wrong, what has been the impact on the complainant?

This is what you need to put right!

Putting things right for the complainant:

- Focus less on what went wrong, and more on the consequences, the injustice
- > Consider whether the complainant has contributed to the consequences
- > Take account of the complainant's views but exercise your own judgement
- Any remedy should be appropriate and proportionate to the harm suffered
- Sometimes specific actions will be required (e.g. a new assessment or appeal)
- ➤ If there is no other way to put things right, consider a financial payment in line with the LGSCO's Guidance on remedies: Guidance on remedies Local Government and Social Care Ombudsman
- > Assess whether the complainant has been put to a lot of time and trouble pursuing the complaint

If there is something to apologise for, do it!

Complaints Involving More than One Service

- A complaint may be about more than one Council service. In these cases, the Accountable Managers of all the relevant services will need to agree which service will lead the Investigation stage so that a single response is sent. This should not cause a delay in the handling of the complaint.
- Once this has been agreed, a Lead Investigating Manager should be appointed. They will carry out the Investigation, with input from other managers as required.
- ➤ The Investigation will be carried out in the same way as any other Investigation at the Investigation stage.
- ➤ However, before the response is sent it will need to be approved by **all** the **Accountable Managers** of **all services** involved in the complaint

Third Party Complaint Handling

Legal and policy background

Councils frequently provide local public services by arrangement with a third-party partner or external commercial provider. The law says the Ombudsman can treat the actions of third parties as if they were actions of the council, where any such third-party arrangements exist (Local Government Act 1974, section 25(6) to 25(8). This means the Ombudsman will hold the council responsible for third party actions, including complaint handling, where services are being provided on behalf of the Council.

The Council has standard clauses in its contracts requiring providers to operative a well-publicised and accessible complaints policy which is broadly reflective of the Council's Complaints policy and provides for early contact, problem solving, transparency, timely resolution, and for review where appropriate.

Providers are required to fully cooperate with complaint investigations, including any Ombudsman investigations and provide information and/or remedy in a timely manner.

Handling complaints

Where the council agrees that third parties will respond to complaints on our behalf, they should agree appropriate arrangements to oversee, agree and quality check those responses. The Ombudsman will regard a response from the council's partner as that of the council. The council therefore need to be confident the partner is speaking with the same voice.

Complaints about service or funding levels and policy need to be addressed by the council, not a partner/provider (e.g. contractor).

If someone has completed a partner's/ provider complaints process, we would not expect them to then go through the council's complaint process.

A council is responsible for a partner's/provider/third party's actions, including complaint handling. The council wish to know about complaints to the third party. This is to monitor the contract or agreement and so it can suggest ways to resolve complaints where appropriate.

Joint complaint handling

- Where a complaint is about a Council service and another organisation, such as the NHS, the service will aim to work with that organisation to provide a single joint response
- ➤ In these cases, the Accountable Manager of the Council service will need to agree with the manager of the other organisation which organisation will lead the investigation
- ➤ When the Council is leading the investigation, it will be carried out in the same way as any other Investigation at the Investigation stage
- ➤ Before the response is sent, it will need to be approved by the Accountable Manager of the Council service and the lead manager of the other organisation

Unreasonable and Persistent Complainant Behaviour

In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably or be unreasonably persistent in their contacts and submission of information. This can impede the investigation of their complaint (or complaints by others). It can also consume significant amounts of resource. This can occur while their complaint is being investigated, or once the investigation has finished.

For further information on this, please see:

- Guidance on managing unreasonable complainant behaviour Local Government and Social Care Ombudsman
- Feedback and Complaints Unreasonable Complainant Behaviour All Documents (sharepoint.com)
- Examples of the actions/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/behaviour

If a service experiences behaviour of this type, they should seek advice from the Corporate Feedback & Complaint team and ensure that any restrictions placed on an individual's contact due to unacceptable behaviour are proportionate and demonstrate regard for the provisions of the Equality Act 2010.

Further information and support

If you would like further information/support about the Complaints Policy, please contact the Council's Corporate Feedback & Complaints Team at:

Telephone 0114 273 4660

Email: complaintsmanagers@sheffield.gov.uk

We will deal with most complaints about Sheffield City Council services through the approach set out in this document. However, it should be noted that there are separate procedures for complaints about Children's Social Care, Adult Social Care and Public Health services.

For further information, see:

- Joint Complaint Handling Code Local Government and Social Care Ombudsman
- Designated persons Housing Ombudsman (housing-ombudsman.org.uk)
- [Withdrawn] Complaints procedure Public Health England GOV.UK (www.gov.uk)
- Our commitment to equality | Sheffield City Council
- Our values | Sheffield City Council
- The Nolan principles | Good Governance (good-governance.org.uk)

Detailed guidance of the Council's complaints case management system (CRM), as well as examples of template letters and other useful documents can be found on the Feedback & Complaint's SharePoint site:

Feedback and Complaints - Home (sharepoint.com)