



South  
Staffordshire  
Council

# COMPLAINTS PROCEDURE

## **COMPLAINTS CHARTER**

**South Staffordshire Council** provides many facilities and, whilst we always do our very best to offer the high quality service that the public deserves we are aware that, sometimes things do go wrong. The Complaints Procedure has been set up to enable you to tell us if you believe we are at fault.

If anyone at the Council has not dealt with you or an issue you have raised appropriately, follow this simple procedure and we **promise** that we will deal with your complaint speedily and seriously.

### **1. Raise it with the person involved**

Either by telephone or face to face. This gives the individual the opportunity to put it right or explain the reasons for the action taken. You do not **have** to do this, but it is often the most effective first step. (If you have to come to the Council Offices, it is sensible to make an appointment first).

### **2. Write to us about your complaint by filling in a complaints form**

You should send your complaints form to Lin Robinson, the Head of Governance and Scrutiny Services at the FREEPOST address given on the form. Receipt of the completed form will be acknowledged and your complaint investigated by the relevant officer of the Council.

You will receive a written reply to your complaint within the timescale specified in paragraph 5 of the Procedure. A complaint form is attached to this document.

### **3. Still not satisfied ?**

Then you will usually have the right to explain your grievance to a panel comprising 1 councillor and 2 independent members. Details of how to do this will be sent to you with the reply to your complaint.

Obviously, in a summary like this we cannot cover every point but, if you need further help before completing the complaints form, please telephone the Governance and Scrutiny Services Unit on 01902 696529 or 696147 with any questions you may have.

This procedure is in addition to your rights to approach a local councillor, your member of parliament, or the local government ombudsman at any stage, but we hope you will follow it to enable us to learn how we can improve our service delivery to you. The Local Government Ombudsman will usually expect a complainant to give the Council a chance to consider a complaint before the Ombudsman will undertake an investigation.

# **COMPLAINTS PROCEDURE**

## **1.0 OBJECTIVE**

The Complaints Procedure is a part of South Staffordshire Council's commitment to achieving the service standards it has set itself. The Council will :-

- ❖ Listen to your views
- ❖ Seek to learn from its mistakes; and
- ❖ Seek to improve continually

## **2.0 DEFINITION OF A COMPLAINT**

2.1 In this Procedure a complaint is :-

***"An expression of dissatisfaction by a customer about the Council's service provision"***

2.2 This includes :-

- a) quality of service below the Council's published standards;
- b) lack of information or misleading information given when requested;
- c) discourteous treatment;
- d) decisions made other than in accordance with Council policy without adequate reasons given;
- e) lack of explanation about below standard service.

2.3 Some issues will **NOT** be treated as complaints, such as :-

- a) complaints about private individuals (which could become complaints if not dealt with properly);
- b) complaints about service outside the Council's sphere of operations
- c) complaints about a decision of the Council to provide a new service or to discontinue a previously provided service or about a determination of the Council other than on procedural grounds;
- d) complaints about a matter before the courts;
- e) contractual or commercial transactions;
- f) matters about which there are other remedies (e.g. right of appeal or a legal remedy).
- g) complaints regarding action(s) taken more than 12 months prior to the complaint being lodged (or in certain cases, action(s) which the complainant became aware of more than 12 months prior to the complaint being lodged).
- h) complaints that a councillor has breached the Code of Conduct for Members.

### **3.0 WHO CAN COMPLAIN**

- 3.1 Anyone can lodge a complaint. The Council will investigate all complaints received.
- 3.2 The Council wants to be open in its investigations and seeks to remove any fears a complainant may have in invoking the Complaints Procedure. The Council gives an assurance that no one will suffer prejudice on the part of the Council as a result of lodging a complaint.
- 3.3 An anonymous complaint will NOT be processed through the system.

### **4.0 INITIAL COMPLAINT**

- 4.1 Initially you are encouraged to make the complaint to the person giving/delivering the service. Every effort will be made to deal with the complaint fully and courteously. If the complaint cannot be dealt with in this informal way then the formal procedure can be invoked.
- 4.2 To make a formal complaint you should complete a complaint form and return it to Lin Robinson, the Head of Governance and Scrutiny Services at the FREEPOST address given on the form.

N.B. It is necessary for the Council to have details of your complaint in writing. The easiest way for you to do this is to complete a complaint form. You may attach to the form any additional details you wish considered. If you have any difficulty completing a complaint form, please contact Governance and Scrutiny Services Unit (see contact details at paragraph 3 of the Complaints Charter).

A 'word' version of the complaint form is available on the Council's website [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk). Your completed form can be e.mailed to [gss.complaint@sstaffs.gov.uk](mailto:gss.complaint@sstaffs.gov.uk)

## **PROCEDURE**

### **5.0 TIMESCALE FOR THE HANDLING OF A COMPLAINT**

The Council will endeavour to adhere to the following timetable for dealing with a complaint.

Acknowledgement Confirmation Referral	} 4 days
Stage 1 response sent	28 days

Time suggested for complainant to submit request for Stage 2 Panel hearing	14 days
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\*Arrangement of Stage 2 hearing 42 days

\*subject to request being received within recommended timescale

- NB. (i) "days" means working days (i.e. days when the Council Offices are open).
- (ii) if a complainant appeals "out of time" a complaints panel will still be called, but the period for determination of the appeal will be extended to take account of the delay. No action will be taken on a request for a Stage 2 hearing received more than 6 months from the date of the Stage 1 decision.

## **6.0 STAGE 1 – INITIAL REVIEW**

- ❖ When a complaint is submitted in writing to the Head of Governance and Scrutiny Services (preferably by completion of a complaint form), it should state :-
  - (i) the nature of the complaint;
  - (ii) what action has already taken place;
  - (iii) why the complainant is still dissatisfied.
- ❖ Within 4 days of its receipt, the Head of Governance and Scrutiny Services will :-
  - (i) acknowledge receipt and confirm details of the complaint to be investigated.
  - (ii) allocate a complaint reference.
  - (iii) advise the complainant of the name and contact details of the person who will be responding to the complaint and the date by which the complaint must be determined.
  - (iv) advise the person(s) complained about that a complaint has been received and is being investigated.

## **7.0 STAGE 2 – COMPLAINTS PANEL**

- ❖ If the complainant so requests, the Head of Governance and Scrutiny Services will :-
  - (i) acknowledge receipt of the request for a hearing
  - (ii) arrange for a panel comprising 2 independent panel members plus 1 councillor to investigate the complaint. (N.B. The Panel will be chaired by one of the independent members).

## **GENERAL POINTS**

### **8.0 WHO WILL INVESTIGATE A COMPLAINT**

- 8.1 Usually at Stage 1, the complaint will be referred to the member of the Council's Strategic Management Team responsible for the service(s)/employee(s) identified in the complaint.
- 8.2 If the complaint is lodged in respect of the actions of a Director the Stage 1 investigation will be carried out by the Chief Executive or Deputy Chief Executive.
- 8.3 If the complaint is lodged in respect of the actions of the Deputy Chief Executive, the Stage 1 investigation will be carried out by the Chief Executive.
- 8.4 If the complaint is lodged in respect of the actions of the Chief Executive, the Stage 1 investigation will be carried out by the Leader of the Council.
- 8.5 If a Stage 2 complaints panel is convened to consider a complaint concerning any member of the Governance and Scrutiny Services Unit, the composition of the complaints panel will be agreed by the Chief Executive or, if the Chief Executive has carried out the Stage 1 investigation, the Deputy Chief Executive.

### **9.0 SUPPORT IN MAKING A COMPLAINT**

- 9.1 A person wishing to make a complaint may ask a friend, relative, or professional adviser to assist with the submission of the details of the grievance. This will not affect the way the complaint is handled by the Council.
- 9.2 Help in submitting a complaint may be sought from other organisations (e.g. Citizens' Advice Bureau). This will not affect the way a complaint is handled by the Council.

## **10.0 FAIRNESS TO PERSON COMPLAINED ABOUT**

10.1 The Council wishes to ensure that **all** parties against whom a complaint is made are treated fairly. To this end the persons complained of will :-

- ❖ be told immediately and fully about any complaint made against them;
- ❖ given an opportunity to give their version of the events;
- ❖ be kept informed of progress on and the result of the investigation of the complaint.

## **11.0 "LEARNING THE LESSONS"**

11.1 The Council takes the view that it can learn from complaints, whether founded or not, and is committed to this learning process as part of its overall commitment to customer care.

11.2 Irrespective of the outcome of a complaint, a summary of action taken under the formal stages will be monitored as part of the Council's commitment to continually improving its services.