

Sheffield City Council

Corporate Complaints Procedure

Reviewed September 2022

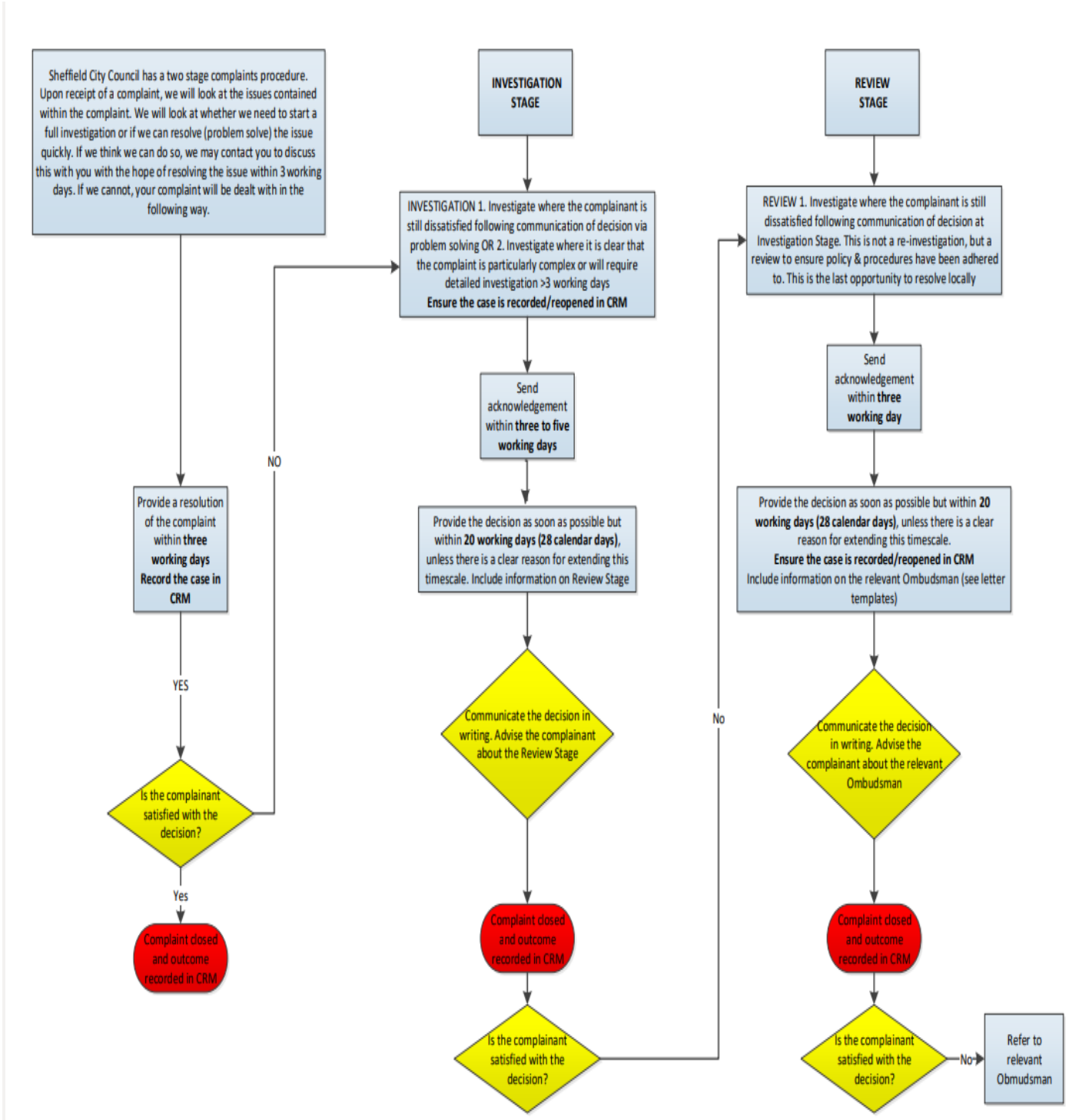
Effective Complaint Handling – Corporate Complaint Procedure

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Effective Complaint Handling – Corporate Complaint Procedure

Process Map



Please note there are separate procedures for Statutory Social Care and complaints that have escalated to the Ombudsman. See: [Feedback and Complaints SharePoint site](#)

Effective Complaint Handling – Corporate Complaint Procedure

Roles and Responsibilities

All 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, 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 and Investigation Review stages, there are six formal roles. Customer Services keep a record of who carries out these roles in each service. These roles 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)

- 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 3 working days
- Conducting a thorough, effective and proportionate investigation
- Keeping the complainant updated regularly
- Providing a comprehensive written response within agreed timescales
- Keeping the Accountable Manager informed of the outcome (remedies) and learning

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 3 working days
- Conducting a thorough and effective review of the complaint
- Keeping the complainant updated regularly
- Providing a comprehensive written response within agreed timescales
- Keeping the Accountable Manager informed of the outcome (remedies) and learning

Effective Complaint Handling – Corporate Complaint Procedure

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

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
- 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
- Keeping the Council's complaints case management system up to date. This may include uploading response documentation and any identified learning outcomes

Complaints Manager
Includes Statutory Duty
(Customer Services Complaint & Feedback team)

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

The Complaint Manager also acts as link/liasion 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, advice, and support to all staff on management of complaints
- Supporting Accountable, Investigating and Reviewing Managers with statutory social care complaints/Ombudsman 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

Effective Complaint Handling – Corporate Complaint Procedure

Stages

When a citizen makes an initial complaint, the person dealing with this has an opportunity to resolve it through problem solving:

Problem Solving / Investigation Stage

- Make **personal contact** and 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
- Log the complaint in the complaints case management system. **All complaints must be recorded in the system**
- If you can resolve matters to the complainant's satisfaction, **it is good practise to follow your discussion up 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: [Feedback and Complaints SharePoint site](#) – see '**Corporate Complaints**' directory >Templates*
- If you are unable to resolve the complaint, or the complaint requires more formal investigation, the complaint should be progressed for a Review.
- See '[Investigating a Complaint](#)' below for more information

New!

All complaints MUST be recorded in CRM, including those resolved via problem solving

'How To' guides are available at [Feedback and Complaints SharePoint site](#)

Review Stage

If the complainant is not satisfied with the outcome of the Investigation, or with the way their complaint was handled, they may ask for the response to be reviewed. This is the Review stage.

- The Review is an important part of the complaints process. It is our **last opportunity to put things right**
- The 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 re-investigation**
- The Review is led by the Accountable Manager who approved the Investigation response
- Staff members should remain objective, responsive, and committed to resolving the complaint. This will prevent any further escalation
- At the end of the Review, the Review response letter should be agreed and approved by the Accountable Manager's line manager. The letter should include details of the relevant Ombudsman for further escalation if required

Ombudsman

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

- The Ombudsman will liaise with the Customer Services, Feedback & Complaint team. This team will coordinate and manage Ombudsman enquiries and further investigations
- The Ombudsman will usually re-direct any complaints which haven't been through the Problem Solving/Investigation and 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. The Customer Services Feedback & Complaint team will record this on the system and contact the appropriate service to make them aware

Effective Complaint Handling – Corporate Complaint Procedure

Timescales

Problem Solving

3 WORKING DAYS FROM RECEIPT OF COMPLAINT

- There is scope to potentially extend the timescale for few more days if the approach will take longer than the three working days
- This can only be extended with agreement from the complainant

Investigation Stage

20 WORKING DAYS (28 CALENDAR DAYS) FROM RECEIPT OF COMPLAINT

- We always seek to acknowledge the complaint within 3-5 working days

Council Housing & Neighbourhoods (including Repairs & Maintenance) timescales are different. These are explained below:

10 WORKING DAYS FROM RECEIPT OF COMPLAINT

- There is scope to extend. This should not exceed a further 10 days without good reason

Review Stage

20 WORKING DAYS (28 CALENDAR DAYS) FROM DATE COMPLAINANT EXPRESSES CONTINUED DISSATISFACTION

- We always seek to acknowledge the complaint within 3 working days from the date the complainant requests a Review

Council Housing & Neighbourhoods (including Repairs & Maintenance) timescales are different. These are explained below:

20 WORKING DAYS FROM REQUEST TO ESCALATE

- There is scope to extend. This should not exceed a further 10 days without good reason
- We always seek to acknowledge the complaint within 5 working days from the date the complainant requests a Review

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

Effective Complaint Handling – 5 Key Elements

5 Key Elements

There are five key elements to effective complaint handling:

Identifying and Accepting a Complaint

Defining a Complaint

Investigating a Complaint

Making and Communicating the Decision

Putting Things Right

Effective Complaint Handling – 5 Key Elements

1. Identifying and Accepting a Complaint

A complaint is any expression of dissatisfaction whether justified or not about a service that the Council delivers or is responsible for (e.g. contractors)

Being Customer Focused

Consider whether you need to make any reasonable adjustments for the complainant

Being Open and Accountable

Citizens should know how they can complain

Acting Fairly and Proportionately

Offer citizens support to make a complaint if needed

Putting Things Right

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:

- Does the citizen wish to pursue a complaint?
- Does the complainant require any reasonable adjustments? See: [Access for disabled people | Sheffield City Council](#)
- Does the complainant have 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?

- 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)?

Effective Complaint Handling – 5 Key Elements

2. Defining a Complaint

Being Customer Focussed

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

Being Open and Accountable

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

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

The best way to accurately define a complaint is to *speak* to the complainant.

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
- 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 here [Feedback and Complaints SharePoint site](#)
- 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 (as applicable)

Example:

Mrs X complains the Council has failed to carry out a proper assessment of her needs. She says this has resulted in her being denied services she is entitled to

Effective Complaint Handling – 5 Key Elements

3. Investigating a Complaint

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 Went Wrong?

What Should Have Happened?

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

What Happened?

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

What Should Have Happened?

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

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

- Who/When/Where 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 and Accountable

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

Being Customer Focused

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

Getting It Right

Spend time planning the investigation and deciding how you will obtain the information you need

Effective Complaint Handling – 5 Key Elements

4. Making and Communicating a Decision

Your complaint, Our decision....

Getting It Right

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

Being Customer Focused

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

Being Open and Accountable

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

Acting Fairly and Proportionately

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

Putting Things Right

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

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?

- Any changes you will make to processes and procedures following the complaint
- If the complainant disagrees, how they can challenge the decision

Effective Complaint Handling – 5 Key Elements

5. Putting Things Right

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

See [Guidance on Remedies - Local Government and Social Care Ombudsman](#). It explains the principles underpinning how we remedy complaints.

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!

Seeking Continuous Improvement

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

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

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
- 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***

Effective Complaint Handling – 5 Key Elements

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 the Accountable Managers of ***all services*** involved in the complaint

Effective Complaint Handling – Corporate Complaint Procedure

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.

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 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

Effective Complaint Handling – Corporate Complaint Procedure

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 SharePoint site - 'Unreasonable Complaint Behaviour Policy'](#) directory

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 Customer Services Feedback & Complaint team.

Effective Complaint Handling – Corporate Complaint Procedure

Further Information

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:

- [Guidance on Effective Complaint Handling for Local Authorities - Local Government and Social Care Ombudsman](#)
- [The Housing Ombudsman's Complaint Handling Code \(housing-ombudsman.org.uk\)](http://housing-ombudsman.org.uk)
- <https://www.gov.uk/government/organisations/public-health-england/about/complaints-procedure>
- [Equality Objectives 2019-23 \(sheffield.gov.uk\)](http://sheffield.gov.uk)
- [The Nolan principles | Good Governance \(good-governance.org.uk\)](http://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 SharePoint site](#)