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**Birmingham City Council**

**Comments, Compliments and Complaints Policy**

# Why do we need this policy?

We are committed to providing an excellent service to our citizens; however, we accept that we do not always get it right and that citizens have a right to raise any concerns they may have with the standard of services we provide.

We aim to achieve:

* **A consistent procedure** – We want to ensure that our citizens have a fair, consistent, and structured process for addressing the concerns they have with a service we provide.
* **A positive and informative procedure** – We want the outcomes from citizen contact with the council to help the monitoring of our performance and assist to improve services.
* **A quality procedure** – We want the procedure to improve relationships with citizens and encourage best practice by our employees.

We believe that all citizens of Birmingham should be able to share their experiences with us to enable us to improve our services going forward.

We will ensure that our contact is clear, avoids jargon and is in plain English.

We are committed to treating everyone fairly and consider equality and diversity positively. Any reasonable adjustments to support a citizen throughout this process will be executed in line with the Equalities Act.

**What is a Comment, Compliment, or Complaint?**

**Comments -**share ideas and opinions about improving our services to better serve citizens. Inform us if there is a fault or issue with something that the council may be able to take action to resolve, such as a comment relating to the layout of the Birmingham City Council’s website.

**Compliments –** let us know when we are doing things well. It is good for our staff to know that our citizens appreciate the work they do. It also enables us to identify areas of best practice and share them across the council with other teams.

**Complaints -** tell us when there is dissatisfaction with a service. It allows us the opportunity to improve, put things right, and where necessary, adjust the way we work.

We want to ensure that we are consistent in the way we deal with, and respond to, comments, compliments, and complaints.

**Comments**

We are always looking for ways to improve our services and you as a citizen may have ideas about how we can do this. A comment can be a suggestion, idea, or observation about an area of our service.

If we receive a comment, we will.

* Acknowledge receipt of the comment.
* Investigate and action any issues that have been raised (There may be some comments that do not require an investigation, if this is the case, we will inform of this within the acknowledgement).
* Consider how we can use the comment to improve the way we deliver our services in the future.
* Respond within 20 working days if it is appropriate to do so to advise on the action we have taken.

**Compliments**

If we do something well, we would like to know. If you consider praise is merited for an individual, team or service, then please tell us. When a compliment is received, we will:

* Acknowledge the compliment.
* Feedback the compliment to the relevant service area.
* Consider how we can use the compliment to improve the way we deliver our services across the council.

**Complaints**

This policy explains what to do if citizens and individuals are unhappy with any of the services we provide. It explains the timescales for addressing complaints and who to contacted if the citizen is unhappy with our response.

The complaints procedure is a two-stage process. This procedure does not address complaints made in respect of Adult Social Care or Children’s Social Care as these are covered by statutory complaints regulations, nor does it cover services where there is an appeal process in place. Details of these processes are provided later within this policy.

**What is a complaint?**

A complaint is an expression of dissatisfaction. It can be about the standard of a service provided, or actions the council have or have not taken, which affect someone using council services or those services provided on behalf of the council.

We receive complaints in relation to all council services and those services that are delivered on the council’s behalf by other organisations and third parties. In some instances, citizens may be unhappy with the handling or response we provide to their complaint. In this case we will provide advice in relation to which of the two Ombudsman organisations they can contact.

We are usually only able to investigate a complaint at both stages within 12 months of the time the citizen became aware of the issue. A complaint received outside of this timeframe will be assessed to see if we are able to provide an informed response.

The Housing Ombudsman receives all council housing tenant’s and leaseholder complaints and the Local Government and Social Care Ombudsman for all other services.

Citizens have a right to access the Ombudsman Service throughout their complaint, not only when the complaint process is exhausted.

**Complaint types**

The following complaint types are in scope of the policy:

| Complaint Type | Description |
| --- | --- |
| General Complaints | General complaints managed under the council’s complaints process  |
| Adult Social Care Statutory Complaints  | Complaints received regarding services provided by, or commissioned by, Adult Social Care. These complaints are processed in accordance with the statutory complaint regulations |
| Education Statutory Complaints | Complaints received regarding services provided by, or commissioned by, the Education and Skills team. These complaints are processed in accordance with the statutory complaint’s regulations |
| Members of the council and MP Complaints and Enquiries | Citizens can complain directly to MPs and elected Members. These complaints upon receipt into the council will require a written response to be made directly to the MP or Councillor |
| Complaints from the Ombudsman | Complaints escalated by citizens to the Ombudsman. Where a complaint is received by the Ombudsman the council will co-operate fully |
| Chief Executive Complaints | Complaints which have been submitted to the Chief Executive and may be from citizens or members of the council or MP’s |
| Complaints from or about contracted companies | Third party agencies, this can include any individual, body or contractor who represents the council e.g., Housing repairs contractor, Council Tax Enforcement Agents |
| Complaints against professionals made by other professionals.  | If made using the council’s complaint process. If raised via a professional body these will follow a separate process. |

## Exceptions

There are some further exceptions which are not included in the complaint’s policy. They are provided below:

|  |  |
| --- | --- |
| Complaint Type | Description |
| Whistleblowing Complaints | Members of staff reporting an issue/problem |
| HR Recruitment Complaints | Candidates making a complaint about the recruitment process  |
| Complaints against professionals made by other professionals.  | Not actioned within this policy |
| Children’s Trust Complaints | Complaints made against the Children’s Trust to make a complaint to the Children’s Trust please use the following link <https://www.birminghamchildrenstrust.co.uk/info/6/contact_us/41/give_feedback_or_complain_about_birmingham_childrens_trust> |
| MP and Councillor Complaints  | Complaints made against MPs and Councillors - To make a complaint against a MP or Councillor please use the following link <https://www.birmingham.gov.uk/info/50069/councillors/284/complain_about_a_councillor> |
| Funding Complaints  | Organisations that receive funding from the City Council cannot complain about their funding or associated matters. The procedure they should use will be provided in their contract documents or agreements |
| Employee complaints | Employees cannot use this procedure to complain about terms and conditions of employment. They should follow the grievance procedure |
| Appeal  | An appeal against a decision to refuse planning permission, an appeal against a school admission or exclusion decision, complaints where legal proceedings have already begun, or complaints covered by the council’s insurance procedures |
| Complaints using different routes  | A complaint that has been settled in another way, for example by the courts, a tribunal, one of the Ombudsman organisations or the Information Commissioner’s Office  |
| Children’s Complaints  | Complaints being investigated under legal procedures for children and families |
| Parking and Traffic Complaints  | Appeals against parking and traffic offences should be made via the City Council’s website at: [**https://www.birmingham.gov.uk/parkingenforcement**](https://www.birmingham.gov.uk/parkingenforcement) |
| Blue Badge Complaints  | Complaints against a decision to refuse a disabled parking badge are made via the City Council’s website at: [**https://www.birmingham.gov.uk/info/20062/disabled\_parking\_blue\_badges/122/appeal\_against\_a\_blue\_badge\_application\_decision**](https://www.birmingham.gov.uk/info/20062/disabled_parking_blue_badges/122/appeal_against_a_blue_badge_application_decision) |
| Statutory homeless reviews requested under section 202 of the Housing Act 1996 | These reviews are not complaints and follow a separate process |
| Homeless application review requested under part 6 of the Housing Act 1996 | These reviews are not complaints and follow a separate process |
| Planning Enforcement Breeches  | There is a dedicated form to complete when contacting the council in relation to Planning Enforcement Breach’s. This includes breaches about development taking place without planning permission, or properties used for business or other uses where permission has not been received.[Report a planning breach | Birmingham City Council](https://www.birmingham.gov.uk/info/20160/planning_applications/23/planning_enforcement) |

**How to register a comment, compliment, or complaint?**

**Brum Account** <https://www.birmingham.gov.uk/myaccountpage>

**Online** [**https://www.birmingham.gov.uk/yourviews**](https://www.birmingham.gov.uk/yourviews)

**Phone** 0121 464 9995

**Letter:** BCC, Complaints, Contact us PO Box 16616, BIRMINGHAM B2 2HN

### Stages of our complaints process

We recognise and value everyone who lives, works, or visits Birmingham. We aim to ensure that the complaints procedure is accessible to everyone if they require it. We offer various ways to contact us, via the website, leaflets, forms or by telephone.

We will make all efforts to resolve a citizen’s concerns whilst not obstructing access to the complaints procedure or creating any unreasonable delay. When a concern is made, we will acknowledge and log the concern if relevant at stage one of the complaints procedure within five working days of receipt.

If we can resolve the issue as soon as it’s brought to our attention, we will do so. However, we know that this will not always be possible, in which case the complaint will proceed to Stage 1 – formal complaint and the citizen advised accordingly by the member of staff receiving the complaint.

### Stage 1 Formal Complaint

Upon receipt of a complaint from the citizen the Complaint teams will triage the complaint. This involves reviewing the correspondence to see if the actions required would be a service request, comment, complaint, or something that requires progressing through an alternative method such as an appeals process. Complaints will be accepted unless there is a valid reason which will be explained. We will also investigate if there are any actions that can be taken to resolve the issue to the citizens satisfaction within this five-day period.

A complaint which is not able to be resolved upon receipt within the first five days of review and triage will be assigned to the relevant complaints team to investigate. We will contact the citizen to acknowledge the receipt of the complaint and set out what will be investigated, and the understanding of the resolution sought. This is an opportunity to clarify any elements of the complaint. The council will investigate the complaint with the relevant service and respond within 10 working days.

When investigating the complaint, the independent Complaints Champion will.

* Deal with all complaints on their merits
* Act independently and have an open mind.
* Take measures to address any actual or perceived conflict of interest.
* Consider all information and evidence carefully.
* Keep the complaint confidential as far as possible, with information only disclosed if necessary to properly investigate the matter.

As part of the investigation the complaints champion will consider.

* Length of time that the situation has been ongoing.
* Frequency and severity of the issue
* Number of different failures
* Impact of the failures and individual circumstances
* What appropriate remedy can be achieved such as practical or financial remedy. (If you are a tenant or live in a Council owned property financial remedy will be awarded in line with the City Housing Compensation Policy)

### Stage 2 – Review the complaint.

If a citizen is unhappy with our decision at Stage 1, they can ask us to review it. This is called a Stage 2 complaint. The citizen will need to explain why they feel our decision is incorrect. The complaint will then be reviewed by a complaint champion who has not been involved in the original stage 1 response to ensure independence from the service area. We will respond within 20 working days of the Council receiving the stage 2 complaint with their decision. We would ask a citizen to escalate their complaint within two months from receipt of their stage one response, however upon each request to escalate we will assess the individual circumstances as to the reason for escalation outside of this timeframe.

If the citizen is still dissatisfied after the complaint has been reviewed this will have exhausted the council’s complaints procedure. The citizen may wish to refer the complaint to the relevant Ombudsman organisations. We will always provide these contact details within our response to a stage 2 complaint.

The Ombudsman will consider early access to their service by the complainant on a case-by-case basis. If the complaint is regarding any council service, except council housing, the web address for the Local Government and Social Care Ombudsman is: [**https://www.lgo.org.uk/make-a-complaint**](https://www.lgo.org.uk/make-a-complaint)

If the citizen is a council housing tenant or leaseholder and the complaint is about the council as a landlord, they should contact the Housing Ombudsman Service. The web address for the Housing Ombudsman is**:** [**www.housing-ombudsman.org.uk**](http://www.housing-ombudsman.org.uk)

**The Adult Social Care Statutory Complaints Procedure ​**

This procedure only covers those services provided by, or commissioned by, Birmingham Adult Social Care.

The procedure for the Adult’s Social Care Statutory complaints only begins after we have checked that the person making the complaint has permission and consent of person who is subject of the complaint. This is particularly important when someone is making a complaint on behalf of someone else.

### Stage 1 Formal Complaints

If we can resolve the issue as soon as it is brought to our attention, we will do so. If the complaint can be resolved within 48 hours, it will not need to be progressed as part of the formal Adult Social Care statutory complaints Procedure.

We know that this will not always be possible, in which case the complaint will proceed to Stage 1 – Formal complaint. The citizen will be advised accordingly by the member of staff managing their case.

###  Full Investigation

All Stage 1 complaints will be acknowledged within 2 working days. A full written response providing the complaint outcome will be sent to the citizen within 20 working days from the date the complaint was sent for investigation. It is hoped that this response will resolve all the elements of the complaint for the citizen.

There will be occasions where statutory complaints due to their complexity exceed the service level agreement of 20 working days. In these cases as per the complaints regulations [https://www.legislation.gov.uk/uksi/2009/309/regulation/14/made](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.legislation.gov.uk%2Fuksi%2F2009%2F309%2Fregulation%2F14%2Fmade&data=04%7C01%7CJoanne.Podmore%40birmingham.gov.uk%7Cdec8d23c0820475c53f708d8bc8176cb%7C699ace67d2e44bcdb303d2bbe2b9bbf1%7C0%7C0%7C637466611506923514%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=QdAvhhdrEU30LaarhqBeHadp2h%2Bsl8ZyeAY0QrCddys%3D&reserved=0) ,we will aim to respond as soon as possible and within a maximum period of six months. We will keep the citizen informed about the progress of their complaint throughout the investigation.

**Stage 2 - Review the Complaint**

If there is dissatisfaction with the outcome of the Stage1 investigation, then the citizen can request that the council arranges for the complaint to be reviewed by an independent Complaints Champion.

We will aim to ensure all reviewed complaints are responded to within 20 working days from the date of the request to review the complaint is received.

Should a citizen wish to escalate their complaint during the service level agreement timeframe, prior to receiving their complaint response, for reasons such as being unhappy with the way the complaint is being handled by the allocated Complaint Champion, they can ask that the handling of the complaint be assessed by the Senior Manager within the complaint service. This will not affect their complaint response in any way.

**Next steps for Adult Social Care Statutory Complaints Procedure**

Should the citizen remain dissatisfied upon receipt of the outcome of the complaint, they may wish to refer the complaint to the Local Government and Social Care Ombudsman for consideration. They can be contacted by visiting the [Local Government and Social Care Ombudsman website](http://https/www.lgo.org.uk/): [**www.lgo.org.uk/make-a-acomplaint**](https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.lgo.org.uk%2Fmake-a-acomplaint&data=04%7C01%7CJoanne.Podmore%40birmingham.gov.uk%7Cdec8d23c0820475c53f708d8bc8176cb%7C699ace67d2e44bcdb303d2bbe2b9bbf1%7C0%7C0%7C637466611506923514%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=HNGQ0VQfvjctNPX1Mz1Q6nuQwYt857BiQbbz6rdDOjk%3D&reserved=0).

Alternatively, if they are complaining as a council housing tenant, they can visit the website of the Housing Ombudsman:

**[www.housing-ombudsman.org.uk](https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.housing-ombudsman.org.uk%2F&data=04%7C01%7CJoanne.Podmore%40birmingham.gov.uk%7Cdec8d23c0820475c53f708d8bc8176cb%7C699ace67d2e44bcdb303d2bbe2b9bbf1%7C0%7C0%7C637466611506933469%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=zYi6RhazGd69mgc%2FDP4n6agIgjdsrjGleUaO6tVqviM%3D&reserved=0)**.

**The Children’s Social Care Statutory Complaints Procedure**

The Children’s Social Care Statutory Procedure is managed by Birmingham Children’s Trust and can be found here: [**https://www.birminghamchildrenstrust.co.uk/info/6/contact\_us/41/give\_feedback\_or\_complain\_about\_birmingham\_childrens\_trust**](https://www.birminghamchildrenstrust.co.uk/info/6/contact_us/41/give_feedback_or_complain_about_birmingham_childrens_trust)

Should citizens remain dissatisfied with the outcome of the complaint from the Children’s Trust, they may wish to progress it with the Local Government and Social Care Ombudsman. They can be contacted by visiting the [Local Government and Social Care Ombudsman website](http://https/www.lgo.org.uk/): [**www.lgo.org.uk/make-a-acomplaint**](http://www.lgo.org.uk/make-a-acomplaint)

**Advocacy - getting someone else to complain on your behalf.**

Citizens can ask someone to help make their complaint and represent them during the investigation. They will need to give written consent for the individual to act on their behalf and we will need to receive it before we can respond to them directly about the complaint. If we do not have this authorisation, then we will respond directly to the citizen.

**Anonymous complaints**

We will accept anonymous complaints; however, we cannot respond to them. These complaints will be recorded and investigated as far as possible, and a record kept.

You can use the following link to send a complaint to the council.[**https://www.birmingham.gov.uk/yourviews**](https://www.birmingham.gov.uk/yourviews)

**Unreasonable/Unreasonably Persistent complaints and unreasonable behaviour from complainants**

The council consider unreasonable and unreasonably persistent complainants are those citizens who, because of the frequency or nature of their contact with us hinder our consideration of their or other people’s needs.

In addition, we also consider physical and verbal abuse directed towards our staff as unreasonable behaviour.

The city council has an Unreasonable/Unreasonably Persistent Policy which will be implemented to address situations as they arise. To find out more about this policy please visit: <https://www.birmingham.gov.uk/downloads/file/19422/unreasonable-unreasonably_persistent_complainer>

**Birmingham City Council Privacy Policy**

We collect, hold, and process information, including personal data about the citizens of Birmingham. This allows us to provide our services more effectively. To find out more about our policy please visit: [**https://www.birmingham.gov.uk/info/20154/foi\_and\_data\_protection/384/privacy\_statement**](https://www.birmingham.gov.uk/info/20154/foi_and_data_protection/384/privacy_statement)