

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.

Should you require this policy in an alternative format please phone 0121 464 9995 or write to BCC, Complaints, contact us PO Box 16616, BIRMINGHAM B2 2HN who will consider your request. There is also an easy read version of this policy which can be found here:

https://www.birmingham.gov.uk/downloads/download/6127/complaints_procedure_easy_read_leaflet

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.

Triage of correspondence

The council will triage correspondence from citizens to determine the best course of action. This may be to register a service request, comment, compliment or complaint.

Service requests

A service request is a request from a citizen to the council requiring action to be taken to put something right. Service requests are not complaints, but are recorded, monitored and reviewed regularly. Where a citizen expresses dissatisfaction with the response to a service request, this will be considered as a complaint. We will continue to attempt to resolve the service request whilst responding to the complaint.

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).
- Consider how we can use the comment to improve the way we deliver our services in the future.

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 contact 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, however made, regardless if the word complaint is used. If the word complaint is not used, we will ask you if you would like to raise a formal complaint. A complaint can be about the standard of 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.

A complaint can be made by a citizen or a group of citizens. If a citizen is dissatisfied with the actions being taken a complaint will be raised. The investigation of the complaint will not hinder the remaining actions of any service requests that are required or in progress.

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

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 Ombudsman organisations they can contact.

We will not routinely exclude complaints within a 12-month period. However, if we are unable to accept a complaint we will write to you to inform why the matter is not suitable for the complaints process. This outcome does not affect your right to take this matter to the relevant Ombudsman who may request we investigate the complaint.

A complaint received outside of this timeframe will be reviewed based on the individual circumstances of the complaint to see if we are able to provide an informed response. We will consider if we are able to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.

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	If citizens complain directly to MPs and elected Members. These complaints upon receipt will require a written response to be made directly to the citizen with the MP or Councillor copied in
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
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
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 Breaches	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
Tenant Management Organisation (TMO)	TMOs operate a stand-alone complaints procedures. Please contact your relevant TMO for further details.

How to register a comment, compliment, or complaint?

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

Online <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 be investigated within 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 appeal process. Complaints will be accepted unless there is a valid reason which will be explained.

We will acknowledge and define the complaint within the first 5 working days of receipt as to if the complaints route is the correct process, If a complaint is to be raised, it will be logged and assigned to the relevant complaints team to investigate. We will contact the citizen to acknowledge the receipt of the complaint within this five-day period and set out what elements of the complaint we are able to investigate, and our understanding of the resolution sought. This is an opportunity to clarify elements of the complaint and explain why elements cannot be progressed or may need to progress through an alternative route.

Following the five-day period the council will investigate the complaint with the relevant service and respond within 10 working days. If during this period, the citizen raises further related issues we will incorporate these as part of the overall response. However, if the complaint has already been investigated a further separate complaint will be raised.

There will be occasions where complaints due to their complexity may exceed the service level agreement of 10 working days from the date of acknowledgement. In these cases, this should be no more than 10 working days without good reason. We will work with the citizen to agree an anticipated resolution date and the reasons why this is required. Your complaint champion will provide you with the details of the relevant Ombudsman Service within this correspondence.

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)

There will be occasions when the investigation of your complaint has been finalised, however, there may be outstanding actions remaining to fully resolve the complaint. We will provide you with a response and ensure any outstanding resolution actions are tracked and updates provided.

Stage 2 – Review the complaint.

If a citizen is unhappy with our decision at Stage 1, the complaint can be progressed to review. This is called a Stage 2 complaint. The citizen may explain why they feel our decision is incorrect and which elements they seek to review. If this is not the case, we will attempt to contact the citizen to clarify, otherwise we will review the entire stage 1 and associated resolutions which will be confirmed within our stage 2 acknowledgement. If there are any reasons why this complaint cannot be reviewed this will be communicated.

We will also investigate if there are any actions that can be taken to resolve the issue to the citizens satisfaction within the five-day period from receipt. If we are unable to do so this will be logged as a stage 2 review.

The complaint will be reviewed by a complaint champion who has not been involved in the original stage 1 response to ensure an independent review. We will acknowledge and define the review within the first five days and aim to respond within 20 further working days with our decision.

There will be occasions where complaints due to their complexity may exceed the service level agreement of 20 working days from the date of acknowledgement. In these cases, this should be no more than 10 working days without good reason. We will work with the citizen to agree an anticipated resolution date and the reasons why this is required. Your complaint champion will provide you with the details of the relevant Ombudsman Service within this correspondence.

There will be occasions when the investigation of your review has been finalised, however, there may be outstanding actions remaining to fully resolve the complaint. We will provide you with a response and ensure any outstanding resolution actions are tracked and updates provided.

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>

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

The Adult Social Care Statutory Complaints Procedure

This procedure only covers those services provided by, or commissioned by, Birmingham Adult Social Care. Non statutory complaints made to Adult Social Care will follow the above complaints procedure.

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/ukxi/2009/309/regulation/14/made>, 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://www.lgo.org.uk/make-a-complaint): www.lgo.org.uk/make-a-complaint.

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

www.housing-ombudsman.org.uk.

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://www.lgo.org.uk/make-a-complaint): www.lgo.org.uk/make-a-complaint

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>

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