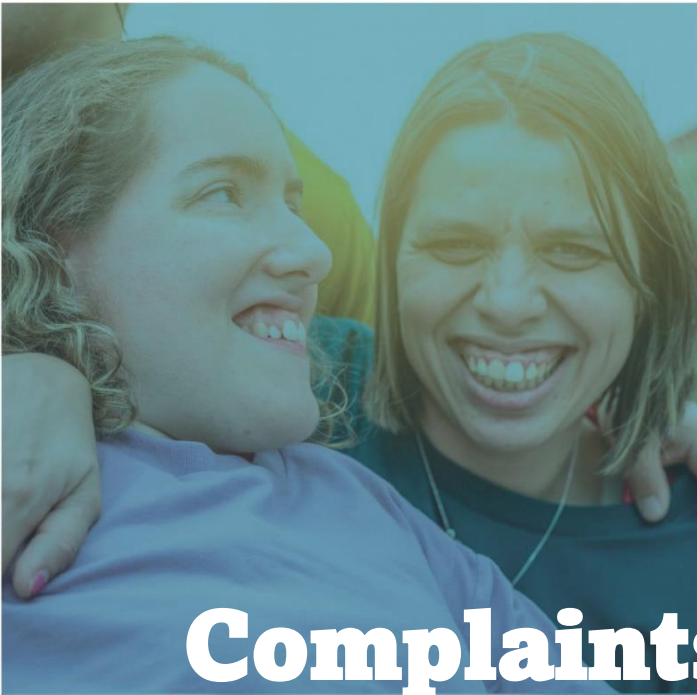




Milton Keynes
City Council



Complaints Policy



2023-2025



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Version 1.3



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Complaints policy

Tell us about your complaint	
Visit our website	Complaints and Compliments Milton Keynes City Council (milton-keynes.gov.uk)
Online form	Contact Us - MyCouncil (milton-keynes.gov.uk)
Email	complimentsandcomplaints@milton-keynes.gov.uk
Phone	01908 253817
Postal Address	Compliment and complaints, Milton Keynes City Council, Civic, Milton Keynes, MK9 3EJ

It is important that all members of the community have equal access to our Customer Feedback Policy. If you do not have English as a first language or might need help with interpretation and translation services, or require sign language, braille or large print, we can make this policy available to you in an accessible format. Contact our complaints team on the information above.

Definition of a complaint

Effective complaint handling enables individuals to be heard and understood. The starting point for this is a shared understanding of what constitutes a service request and what constitutes a complaint. In most cases organisations should be able to put things right through normal service request processes.

A service request may be defined as:

“a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision”.

This provides organisations with opportunities to resolve matters to an individual’s satisfaction before they become a complaint.

A complaint may be defined as:

‘an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.’

An individual should not have to use the word ‘complaint’ for it to be treated as such. A complaint that is submitted via a third party or representative should still be handled in line with the organisation’s complaints policy.

We will deal with all complaints under our complaints policy unless they are excluded - this is explained in Appendix A. This definition should be interpreted widely. If in doubt a matter should be recorded as a complaint. This does not include everything, but some common examples of service failure that could cause a complaint are: -

- Delay
- Poor record keeping
- Failure to take action
- Failure to follow procedures or the law
- Poor communication
- Giving out misleading information
- Failure to investigate
- The Council not doing what it said it would

MKCC may not be able to deliver the outcomes that customers expect from complaints. Many services that we deliver are highly regulated, so leave little room for exceptions to be made for individual circumstance. We will be clear with you about what we can and cannot deliver.

Complaints governance

Your complaint will be recorded on our complaints system, and you will be given a CU reference number. When we receive your complaint, our complaints team will review it and allocate it to the correct service for a response.

Timescales

We acknowledge that the complaint handling code from both the Local Government and Social Care Ombudsman and Housing Ombudsman expect stage one complaints to be completed within 10 working days. We are ambitious and working hard to reduce our timescales in line with these expectations, and will be closely monitoring our performance. Our current timescales are below and these will be kept under review for the next 12 months.

Stage	Working days
Acknowledgement/Triage	5 working days
Stage 1	20 working days plus 10 working days for complex cases
Stage 2 Corporate	20 working days plus 10 working days for complex cases
Stage 2 Stat children	25 working days plus a maximum of 65 for complex cases
Statutory stage 3 (children's social care)	50 working days to complete the process

Oversight

Our Head of Customer Data and Insight has corporate responsibility for overseeing the process and reporting performance against our local completion times and Ombudsman targets. Our portfolio holder (Elected Councillor) has cabinet responsibility and oversight. Annually we will review our complaints performance and report this to Cabinet.

Complaints process

Acknowledgement

Once you have submitted your complaint, we will acknowledge your complaint within 5 working days sharing with you a CU reference number. This is a unique reference number that you can use when corresponding with us regarding your complaint. We will also summarise the main issues you are raising and the outcomes you are seeking if we have not accurately reflected what you are unhappy about, please let us know as soon as possible.

Complaint Investigation

We will

- deal with 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

Responding at Stage One (Comply or Explain)

Complaints will be completed within a maximum of 20 working days from the date of acknowledgement. This is unless we explain why we cannot complete the complaint investigation within that time frame, and agree a date with you for completion of the complaint investigation.

In your stage one complaint response we will clearly provide information on

- the complaint stage
- the complaint definition
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions
- details of how to escalate the matter to stage two if the resident is not satisfied with the answer

If you are not happy with the response you receive at stage one, you can contact us within a month and ask for your complaint to be investigated at stage two.

Responding at Stage two

Complaint responses will be completed within a total of 20 working days from the acknowledgement date of the complaint. To do so, we will need to understand

- What you are specifically unhappy about within the stage one response
- The impact of on you of the concerns you have raised

- What you expect the Council to do to put things right

Your feedback on these points will be considered. If we believe the stage one response answered all of these points, or if we need clarification on any of them, we will contact you. We will then follow our acknowledgement process.

Depending on the complexity of the investigation we may need to extend the timescales for stage two investigations by an additional 10 working days but this will be agreed with you in good time. We will keep you up to date on progress at agreed intervals.

In your stage two complaint response we will clearly provide information on

- the complaint stage
- the complaint definition
- the decision on the complaint
- the reasons for any decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions and
- details of how to escalate the matter to the Housing Ombudsman Service if you remain dissatisfied.

Note – we would expect you to send us a stage two request within a month of the date of our stage one response. We will use our discretion when considering stage two requests received after this. We would not consider any stage two request once 12 months have elapsed after the stage one response, unless there is a compelling reason to do so.

Remedies

Providing a remedy is about putting right what has gone wrong and learning from it. We will aim to remedy any personal injustice to you where an investigation into a complaint has identified fault on the part of the Council. There must be a clear link between the fault and the personal injustice to you.

The remedies we may offer are not necessarily about money. We would look to put you back into the position you would have been in if nothing had gone wrong. We would also look at the root cause of the complaint and aim to make sure that the fault does not happen again. We may issue a financial payment to reimburse you if you have suffered a quantifiable financial loss, or it might be more of a symbolic payment which serves as an acknowledgement of the distress or difficulties you have been put through.

We do not offer compensation in the way a court would. In some cases, an appropriate remedy may be for us to apologise to you for the fault that caused the injustice. We may look at making a change to a practice, policy or procedure if we think it is likely that further mistakes may affect other people in the future. When considering an appropriate remedy to a complaint, we will use our compensation policy, which is closely aligned to the Local Government and Social Care Ombudsman's Guidance on Remedies. You can find this document on the Ombudsman's website at www.lgo.org.uk

Next steps

If you remain unhappy it is your right to contact either the **Local Government and Social Care** or If you are a tenant of MKCC you can contact the **Housing Ombudsman**.

The Ombudsman's role is to investigate complaints of maladministration by Local Authorities

Local Government and Social Care Ombudsman	
Website	www.lgo.org.uk
Postal Address	Local Government & Social Care Ombudsman PO Box 4771 Coventry CV4 0EH
Telephone number	0300 061 0614

Housing Ombudsman	
Website	https://www.housing-ombudsman.org.uk
Postal Address	Housing Ombudsman Service, PO Box 152, Liverpool L33 7WQ
Telephone number	0300 111 3000

Appendix A - Exclusions to this policy

There are things that we cannot look at under this complaints policy. As a rule, we will consider complaints under the scheme where the route of progression is to the Local Government and Social Care Ombudsman and Housing Ombudsman.

Here are some specific things that we cannot look at under the complaints policy: -

- Requests for a service. You should give us a chance to act or put things right before you make a complaint. This is called a request for service or a service request. If a request for a service is not dealt with properly or within the appropriate timescale, then you can complain to us.
- Complaints, comments and compliments from employees of the City Council, Council employees can only use the complaints policy as external users of Council services. We cannot consider personnel matters (such as employment or disciplinary issues).
- Complaints by one service about another
- Where an alternative means of redress exists, such as via the Police or a court
- Complaints about a matter that has been decided by a Court or Tribunal
- Complaints about or that fall within the remit of another Council or Local Authority
- Complaints that are more than one year old You should let us know as soon as possible if there is a problem. If you have left it more than 12 months since knowing about the problem, we will use our discretion when deciding if we will consider your complaint.
- Complaints where the matter has not affected you personally or caused you an injustice
- Complaints where the issue affects most people in the Council's area
- Complaints where you have made a financial claim against the Council
- Complaints about the conduct of Elected Members. These should be made to the Monitoring Officer who will give consideration as to whether there needs to be reference to the Council's Standards Committee.
- Complaints where you have, or had, a right to appeal or take legal action and we think it is reasonable for you to have done so. This might be to: -
 - a tribunal (such as the Housing Benefit Appeals Service)
 - a Government minister (such as a planning appeal. There is specific information about Planning appeals further on in this section), or
 - the courts.
- Complaints about live Planning applications Complaints relating to live planning applications are exempt from the Council's complaints policy procedure as there is a separate procedure that needs to be followed when challenging a planning application. You can make any complaints or comments on a current live planning application by accessing the Planning Explorer online. You can find this by entering "Planning applications" in the search box on the Council's website milton-keynes.gov.uk. We can consider complaints about planning decisions under the complaints policy only after a decision on a planning application has been made
- Matters for the Planning Inspector

- The Planning Inspector acts on behalf of the responsible Government minister. Applicants should appeal to the Planning Inspector if the complaint concerns: -
 - a delay – usually over eight weeks –in deciding an application for planning permission
 - a decision to refuse planning permission
 - conditions placed on planning permission, or
 - a planning enforcement notice.
- Complaints made in respect of a case where the complainant is the subject of any investigation, review, potential prosecution or regulatory compliance action by the Council pursuant to its statutory functions until such time as such proceedings have been fully concluded (including any appeal proceedings) Any such complaint will be initially logged but no further action will be taken until such time as any proceedings have been fully concluded and the complainant has confirmed that they still wish to proceed with their complaint under the complaints procedure.
- Complaints against Parking Services (Issue of Penalty Charge Notice). Following the decriminalisation of parking in the City there are strict legal procedures that need to be followed when challenging the issue of a penalty charge notice (PCN). This process falls outside the remit of the complaints process. An informal challenge can be made by accessing the Informal Challenge to a Penalty Charge Notice online form. You can find this by entering “PCN” in the search box on the Council’s website.
- Blue Badge appeals The Disabled Persons Blue Badge Scheme requires Local Authorities to follow legislation and government guidance when assessing a person’s eligibility for a Blue Badge. Given this, all appeals against a decision not to issue a Blue Badge fall outside of the complaints policy and should be made direct to the Parking Services.
- Confiscation of a Blue Badge or investigation of alleged Blue Badge misuse There are strict legal procedures that need to be followed if you are unhappy about having a Blue Badge confiscated or if we investigate alleged misuse of a Blue Badge. Such complaints fall outside the complaints policy and should be made direct to Parking services .

Whistleblowing

The City Council operates a confidential reporting (whistleblowing) procedure, which is available to anyone wishing to report concerns that something is not right, for example:-

- Suspected fraud and/or corruption
- Inefficiency and misconduct
- Damage to the environment
- Abuse in care
- Health and safety

All whistleblowing cases are dealt with by an appropriate investigating officer. A whistleblowing referral can be made in either of the following ways: By phone: 01908 253587 By email fraud_central@milton-keynes.gov.uk. You can find this by entering “whistleblowing” in the search box on the Council’s website

- Complaints about the way a Freedom of Information (FOI) request has been dealt with
The FOI complaints procedure is triggered when a requestor expresses dissatisfaction with the outcome of their request. The FOI complaints process is a single-stage process which usually takes 20 working days, but can take 40 in exceptional circumstances. Under Section 50 of the FOI Act any requestor has the right to make a complaint about the way we have dealt with their request to the Information Commissioner's Office (ICO).
- The Information Commissioner's website is www.ico.gov.uk and the postal address and telephone numbers are:- Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK95AF. Telephone 0303 123 1113, email mail@ico.gsi.gov.uk.
- Complaints about Education (Children's Services) Any complaints about a child's education should be directed to the Headteacher of the school concerned in the first instance. For further information search for "school complaint" on the council's website
- Complaints where the route of appeal is to a Special Educational Needs (SEN) tribunal The SEN Code of Practice provides an alternative right of appeal for complaints about the subjects below, including access to dispute resolution and mediation services and progression to the first tier SEN tribunal. In line with the SEN Code of Practice we will not accept complaints about:
 - a decision not to carry out an Education Health and Care Plan (EHCP) needs assessment or re-assessment
 - a decision that it is not necessary to issue an EHCP following an assessment
 - the description of a child or young person's SEN specified in an EHCP, the special educational provision specified, the school or other institution or type of school or other institution (such as a mainstream school/college) specified in the plan or that no school or other institution is specified or an amendment to these elements of the EHCP
 - a decision not to amend an EHCP following a review or re-assessment, or a decision by a local authority to cease to maintain an EHCP. We will let you know if the SEN Code of Practice guidelines apply to your complaint.

Appendix B - Statutory children's social care complaints

Will initially follow the first stage of the complaints process

At stage two

An Independent Investigating Officer and Independent reviewing officer will be appointed to investigate the complaint. They will aim to provide their report within 25 working days, however, if they need longer this will be agreed with you and the extension should be no longer than 65 working days.

Stage three statutory children's complaints

If you are still dissatisfied you have the right to ask for your complaint to be heard by a Review Panel within 20 working days of receiving Children's Services response. A Review Panel is made up of an Independent Chair and two Independent Persons.

Stage three does not re investigate the complaint nor will it consider any substantively new complaints that have not been first considered at stage two

Review Panels are designed to:

- listen to all parties;
- consider the adequacy of the Stage 2 investigation;
- obtain any further information and advice that may help resolve the complaint to all parties' satisfaction;
- focus on achieving resolution for the complainant by addressing his clearly defined complaints and desired outcomes;
- reach findings on each of the complaints being reviewed; Getting the Best from Complaints 15
- make recommendations that provide practical remedies and creative solutions to complex situations;
- support local solutions where the opportunity for resolution between the complainant and the local authority exists;
- to identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress; and
- recommend any service improvements for action by the authority.

The panel will look at all of the information held about your complaint and may ask to speak with individuals involved during the stage one and two investigations. You will also be able to make verbal or written statements to the panel. The panel will review how your complaint has been dealt with and consider what should happen next. The Chair will write to you and the Director of Children's Services within 5 working days of the panel being held.

Following receipt of this Children's Services have 15 working days to consider a response and write to you.

This is the final stage of the complaints procedure. If you remain dissatisfied with the Council's response following the 3 stages, you can contact the Ombudsman

Appendix C - Adult social care omplaints about a care provider

CQC cannot get involved in individual complaints, but is happy to receive information about our services which are registered with them at any time. You can contact the CQC at:

Website: www.cqc.org.uk

Address:

Care Quality Commission National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

Telephone: 03000 616161

