

Safer Neighbourhoods and Active Communities Scrutiny Board Agenda

Thursday 17 December 2020 at 5.45pm

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This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

1. Apologies

To receive any apologies for absence.

2. Minutes

To confirm the minutes of the meeting held on 26 November 2020 as a correct record.

3. Declarations of Interest

(a) To receive any declarations of interest from members relating to any item on the agenda, in accordance with the provisions of the Code of Conduct and/or S106 of the Local Government Finance Act 1992.

(b) To receive any declarations of the existence and nature of any political Party Whip on any matter to be considered at the meeting.

4. Additional Items of Business

To determine whether there are any additional items of business arising which should be considered at the meeting as a matter of urgency.

Public Items

5. Housing Ombudsman Complaint Handling Code

To consider the approach undertaken to assess current practices for customer feedback in housing against the Housing Ombudsman's Code.

David Stevens Chief Executive

Sandwell Council House
Freeth Street
Oldbury
West Midlands

Distribution:

Councillors Moore (Chair);
Councillor P M Hughes (Vice-Chair);
Councillors Akhter, Bawa, Bostan, Edwards, M Gill, S Jones, Padda,
Sandars and M Yaseen.

Co-opted Member:-
Mr J Cash

Contact: democratic_services@sandwell.gov.uk

Information about meetings in Sandwell



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Safer Neighbourhoods and Active Communities Scrutiny Board

Apologies for Absence

The Board will receive any apologies for absence from the members of the Board.

Safer Neighbourhoods and Active Communities Scrutiny Board

Thursday 26 November 2020 at 5.45pm

Present: Councillor Moore (Chair)
Councillors Bawa, Bostan, Edwards, P M Hughes, M Y
Hussain and S Jones.

In Attendance: Deputy Leader of the Council (Councillor Crompton)

Officers: David Stevens (Chief Executive);
Alison Knight (Executive Director – Neighbourhoods);
Alan Caddick (Director – Housing and Communities);
Chris Jones (Project Director)

21/20 Apologies for Absence

Apologies for absence were received from Councillors Akhter, M Gill and Sandars and Mr J Cash.

22/20 Declarations of Interest

There were no declarations of interests made at the meeting.

23/20 Minutes

The minutes of the meeting held on 1 October 2020 were agreed as a correct record.



5



24/20 **Additional Item of Business**

Councillor S Jones requested clarification around COVID-19 grants for businesses in Sandwell, particularly in the hospitality sector. It was agreed that this would be added to the agenda later in the meeting.

25/20 **Discussion with Deputy Leader**

The Scrutiny Board received a presentation from the Deputy Leader, who was currently holding the Safer Neighbourhoods portfolio, on current and future key areas of work within her portfolio that came within the Board's terms of reference.

The Safer Neighbourhoods portfolio included:-

- town and neighbourhood development and working;
- safer neighbourhoods;
- leisure and recreation;
- the local environment (including waste and street cleaning);
- emergency planning and resilience.

Key areas of work relevant to this Scrutiny Board that were currently being undertaken by the Deputy Leader included:-

- Sandwell Aquatics Centre;
- Waste collections and the Household Recycling Centre;
- Community Safety – including particular work around domestic violence and hate crime;
- Reducing rough sleeping;
- CCTV, including supporting Police activity in West Bromwich town centre;
- Libraries reopening;
- Reopening of aspects of facilities at both Sandwell Valley and Lightwoods House.

From the comments and questions raised by members of the Scrutiny Board, the following responses were made and issues highlighted:-

- In relation to a query about improvement plans for Brunswick Park, Wednesbury, the Deputy Leader confirmed that she

welcomed ideas and suggestions. It was confirmed that the Council was working with the Friends of Brunswick Park to look at funding opportunities.

- The Executive Director – Neighbourhoods undertook to take up specific issues relating to the Strathmore Road development in Tipton that had been raised by councillors.
- The Council was actively looking at reopening libraries in a safe way and details would be shared with councillors going forward.
- The Sandwell Valley Masterplan would include aspects to support the Commonwealth Games 2022, but it was confirmed that there was no intention to develop in the Valley.
- Long term investment plans for the Council's blocks of flatted accommodation were being developed.
- The moving of Oldbury Library into the One Stop Shop would allow visitors to use multiple services during one visit, potentially increasing library use.
- It was expected that working arrangements for Council officers going forward would be 'hybrid' with part working from home and part office-based.

The Chair thanked the Deputy Leader for attending the meeting and responding to questions from members.

26/20

Appointment to the Building Safety Board

The Board was advised that the Cabinet Member for Homes had extended an invitation to the Safer Neighbourhoods and Active Communities Scrutiny Board to appoint a participating observer to the Building Safety Board, in order to provide an overview and scrutiny perspective to the work of that Board.

The Building Safety Board was responsible for reviewing Sandwell's approach to safety in High Risk Residential Buildings and fire prevention measures in the wider Council portfolio.

Resolved that Councillor M Y Hussain is appointed to the Building Safety Board as a participating observer for the remainder of the current municipal year.

27/20 **COVID-19 Business Grants**

Further to Minute No. 24/20 the Board was informed that the Council's website had up to date information for business owners to apply for grants. Whilst grant applications could not yet be submitted, businesses could commence the process now and complete the necessary forms in due course. The Chief Executive also confirmed that all councillors had been sent an update on the grants.

28/20 **Sandwell Aquatics Centre Project**

Further to Minute No. 12/19 the Board received an update on the Sandwell Aquatics Centre Project.

An overview of the Sandwell Aquatics Centre COVID-19 resilience plan was given. This plan was updated monthly and whenever Government guidance was amended. All appropriate and necessary safety measures were in place at the site, including restriction of visitors.

The Board viewed drone footage of the site from October 2020 and was provided with updates on the construction of the Centre. Whilst most of the works were in line with timetables, it was reported that the dive tower build had experienced a delay due to a classified storm in the area causing high winds. Mitigation measures meant that this would not cause delays to other aspects of the build however.

Resolved that a further update on the Sandwell Aquatics Centre Project be brought to a meeting of the Safer Neighbourhoods and Active Communities Scrutiny Board in March 2021.

29/20 **Exclusion of Public and Press**

Resolved that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to information) (Variation) Order, 2006,

relating to the financial or business affairs of any particular person (including the authority holding that information).

30/20 **Sandwell Aquatics Centre Project**

The Board received further information relating to the financial impacts on the project as well as an overview of key areas of strategic risk. The Council continued to work with regional and national partners to mitigate and minimise risks associated with the project.

The Board placed on record its thanks for the hard work of the Project Director in challenging circumstances.

Meeting ended at 7.43pm

[Click here to watch a recording of the meeting](#)

Safer Neighbourhoods and Active Communities Scrutiny Board

Declaration of Interests

Members to declare:-

- (a) any interest in matters to be discussed at the meeting;
- (b) the existence and nature of any political Party Whip on any matter to be considered at the meeting.

REPORT TO

**SAFER NEIGHBOURHOODS AND ACTIVE COMMUNITIES
 SCRUTINY BOARD**

17 December 2020

Subject:	Housing Ombudsman Complaint Handling Code
Cabinet Portfolio:	Cabinet Member for Homes Councillor Allcock
Director:	Executive Director – Neighbourhoods Alison Knight
Contribution towards Vision 2030:	
Contact Officer(s):	Colette Knight/Sean Russell- Customer Feedback Coordinators

DECISION RECOMMENDATIONS

That the Safer Neighbourhoods and Active Communities Scrutiny Board:

1. Considers the approach undertaken to assess current practices for customer feedback in housing against the Housing Ombudsman’s Code and deems this as satisfactory in order to ensure ongoing compliance.

1 PURPOSE OF THE REPORT

- 1.1 To articulate the key themes and actions of the Housing Ombudsman Complaint Handling Code and to provide assurance to the Board that the statutory requirements of the Code have been identified and considered as part of the process to comply with the new regulations.

2 IMPLICATIONS FOR VISION 2030

- 2.1 The Housing Ombudsman Complaint Handling Code contributes to several of the priorities in Vision 2030 including: -

Ambition 1 - Sandwell is a community where our families have high aspirations and where we pride ourselves on equality of opportunity and on our adaptability and resilience.

Ambition 8 - Our distinctive towns and neighbourhoods are successful centres of community life, leisure and entertainment where people increasingly choose to bring up their families.

Ambition 10 - Sandwell now has a national reputation for getting things done, where all local partners are focused on what really matters in people's lives and communities.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 The Housing Ombudsman Complaint Handling Code was published in July 2020. Its purpose is to address concerns raised by residents about their experience of the complaint handling process and provide guidance to landlords on how they can achieve excellence in complaint handling. The Code seeks to set common expectations across the housing sector by introducing a universal definition of a complaint, define maximum complaint handling timescales, positively promote reviews of complaints by residents and encourage boards and accountable bodies to demonstrate learning through an Annual Report.
- 3.2 From 1 January 2021, following the landlord's self-assessment against the Code, The Housing Ombudsman will commence issuing of complaint handling failure orders, which is one of their new powers. It is expected that The Housing Ombudsman will be proportionate in their use of them and provide landlords with the opportunity to put things right. They will also give landlords insight into where their policies or procedures are failing, often and suggest remedial actions
- 3.3 As part of the resident review workstream, the Customer Feedback Team have been engaging with Sandwell Community Information and Participation Service (SCIPS) to look at the current information available to our residents and to work through the self-assessment process.
- 3.4 Three virtual meetings were held with members of SCIPs to look at the new requirements of The Housing Ombudsman's Complaint Handling Code and identify what information was already available to our residents and tenants. This work identified a lack of complaints information was

available via the council website or in some instances it was not particularly accessible. This gap is being addressed by timely and simple to understand complaint information being introduced onto the councils website.

4 THE CURRENT POSITION

4.1 The Housing Ombudsman Complaint Handling Code is well structured in its requirements and expectations for landlords to comply with the Code. As a result of an initial self-assessment and working with SCIPs there was a lack of information available on the following requirements:

- Definition of a complaint
- No exclusions to the policy where a complaint will not be considered
- Any evidence that exclusions were fair to residents
- Complaint policy was not online
- No information at what stage most complaints get resolved
- No available data to identify when responses are sent out within the Code timescales
- A lack of improvements made as a result of learning from complaints
- How we share lessons learnt with our residents, the board and in our annual report.

An action plan has been produced which details our responses to the gaps contained within the self-assessment. Some of the key work required to address the gaps is identified in 4.2-4.5.

4.2 To ensure compliance with the Code, the Customer feedback team has undertaken work on producing a revised Customer Feedback Guide (see Appendix 3) which has information on the definition of a complaint as well as what exclusions could apply where a complaint will not be considered. The Customer Feedback Guide has not replaced any procedures or policies that are currently available in the public domain, it's purpose is merely to pull everything together for the Council in one user friendly guide.

4.3 We have worked with SCIPs residents group to obtain evidence where any exclusions to the policy would be seen as fair to our tenants.

4.4 The Customer Feedback Team are working with the Service Manger – Housing Management to produce an online housing dashboard which demonstrates data on; how many housing complaints we have received in the previous financial year; when complaints are answered and at what stage; complaints that are upheld/not upheld; amount of compliments and comparisons of Stage 1 and Stage 2 complaints compared to previous years.

- 4.5 Analysis of the 'lessons learnt' section of The Code, identified the need for the analysis of all Stage 1 and Stage 2 complaints for the period of April 2020 - September 2020. This has identified examples of proactive changes to processes and policies initiated by the analysis of complaint trends and activities. It is intended to publish these examples on our website to demonstrate our progressive approach to learning from complaints.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 As part of the development of The Housing Ombudsman's Complaint Handling Code, meetings have been held with key internal stakeholders from across the council, which included working with colleagues from The Children's Trust and Adult Services. Active consultation with the voluntary and community sector has been through meetings with residents from Sandwell Community Information and Participation Service. Due to the timescales and the current Covid-19 pandemic these meetings happened over a six-week period and were held virtually. This group will be utilised to test out any continuous improvement activity on an ongoing basis.

6 ALTERNATIVE OPTIONS.

- 6.1 If the Council chooses to not engage and be compliant with The Housing Ombudsman's Complaint Handling Code, we will be in breach of our Membership of The Housing Ombudsman's Scheme. There is a potential risk of complaint handling failure orders being served against the council, which would result in adverse publicity. Residents will not benefit from an improved customer experience if we are not proactive in learning from our complaints.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 There are no strategic resource implications arising from the report.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 The work undertaken is in line with requirements placed on the Council by the Housing Ombudsman.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 An equality impact assessment was not required for this proposal. An initial scan was undertaken and as there had not been any significant changes to policies or procedures and equality impact assessment was

not deemed necessary. Any future changes will be reviewed in the same way.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 There are no data protection implication arising from this report

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 There are no crime and disorder implications arising from the report.

12 SUSTAINABILITY OF PROPOSALS

12.1 The proposals will ensure that the complaints process and guide will be fit for purpose and improvements can be continuously be introduced by the Council.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 There are no direct health and wellbeing implications arising from the report.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 The proposals will support the effective dealing of complaints related to any council managed property or land.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The Scrutiny Board is invited to consider the information presented to it and identify any recommendations it may wish to make in relation to this matter.

16 APPENDICES:

Appendix 1 – Presentation

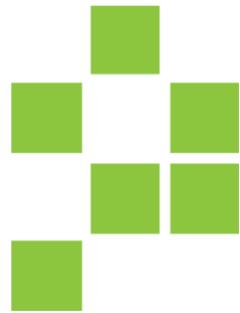
Appendix 2 – Housing Ombudsman Self-Assessment

Appendix 3 – Web Page

Alison Knight

Executive Director Alison_knight@sandwell.gov.uk

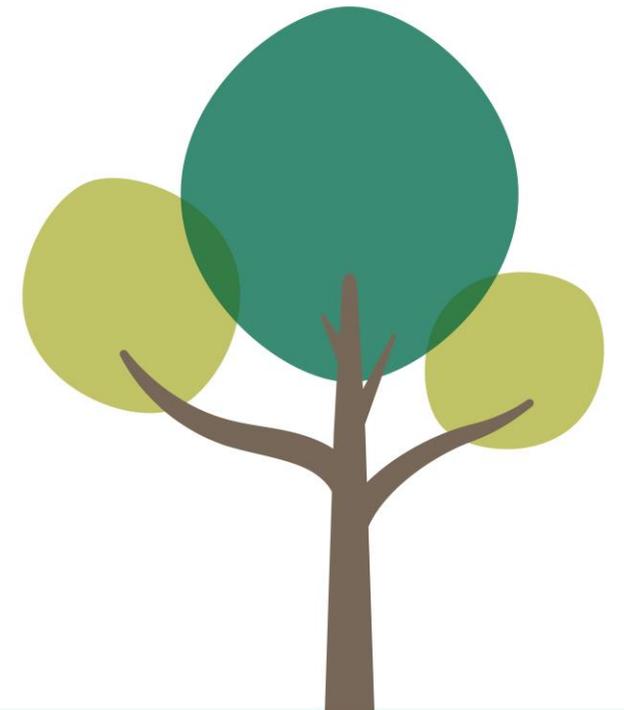
0121 569 5030



Housing Ombudsman Complaint Handling Code

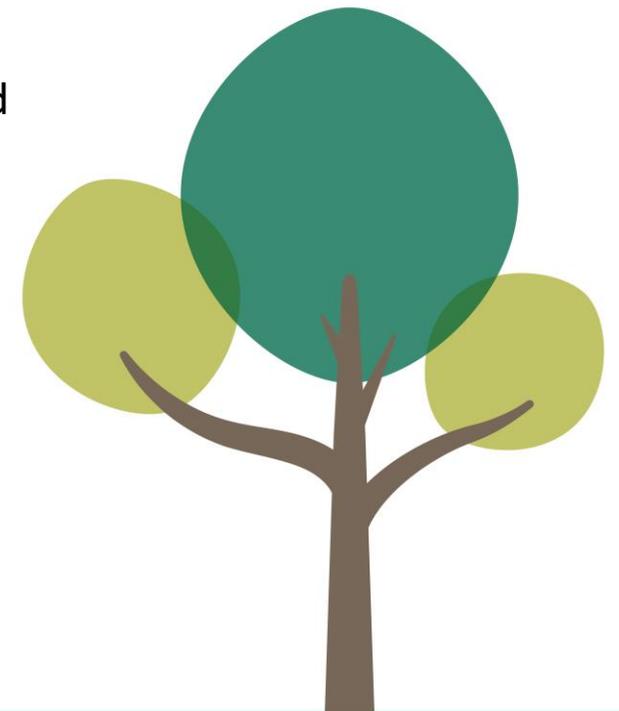
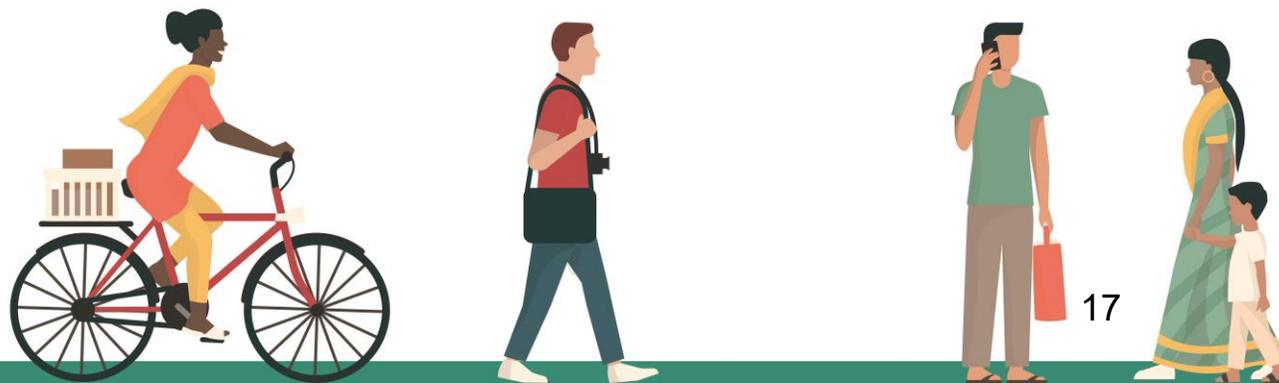


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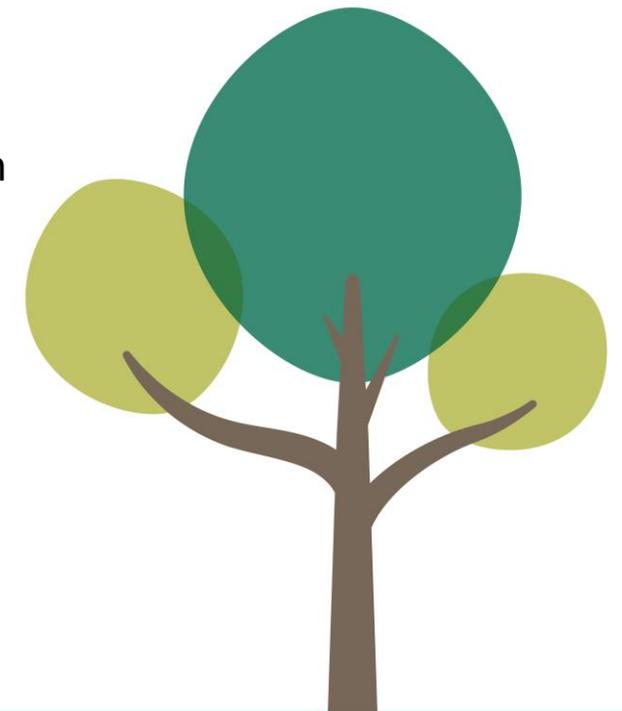
What is the Housing Ombudsman's Complaint Handling Code?

- Provides the future framework for complaint handling by Local authorities and social landlords
- Aims to introduce greater consistency across landlords' complaint procedures
- Intended to create a 'resident-focused process'
- Easier for tenants to make complaints about their landlords
- Landlords will be asked to self-assess against the code by 31 December 2020 and publish the results
- Non-compliance could result in the Ombudsman issuing complaint handling failure orders



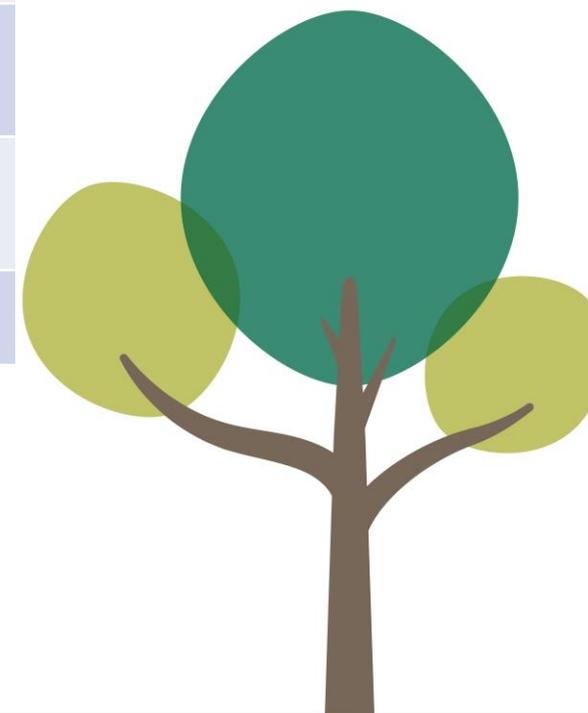
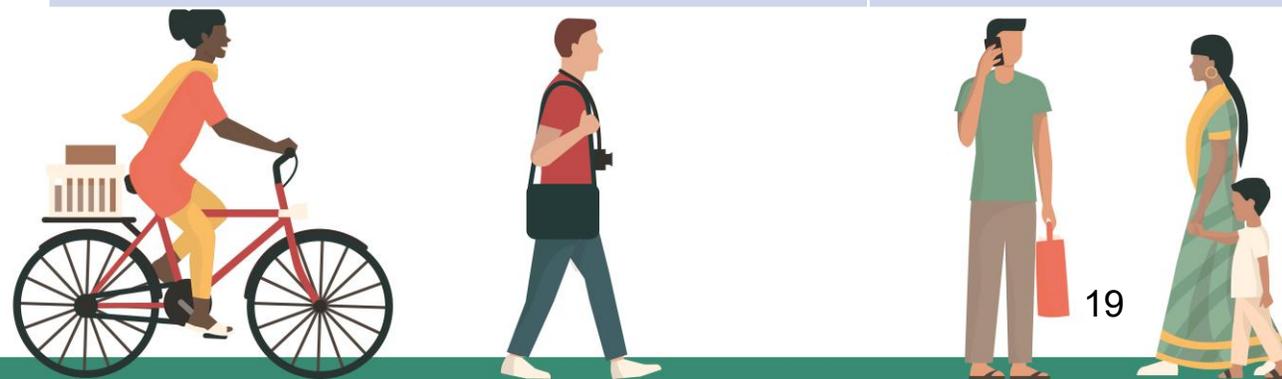
The Complaint Handling Code – Key points

- Universal definition of a complaint
- Requirement to improve access for residents
- Ensuring residents are aware of the complaint procedure, the Code, and their right to access the Housing Ombudsman Service (HOS)
- Fairness in complaint handling with a resident-focused process
- Taking action to put things right and appropriate remedies
- Creating a positive complaint handling culture
- Continuous learning and improvement – demonstrate learning with evidence in Annual Reports



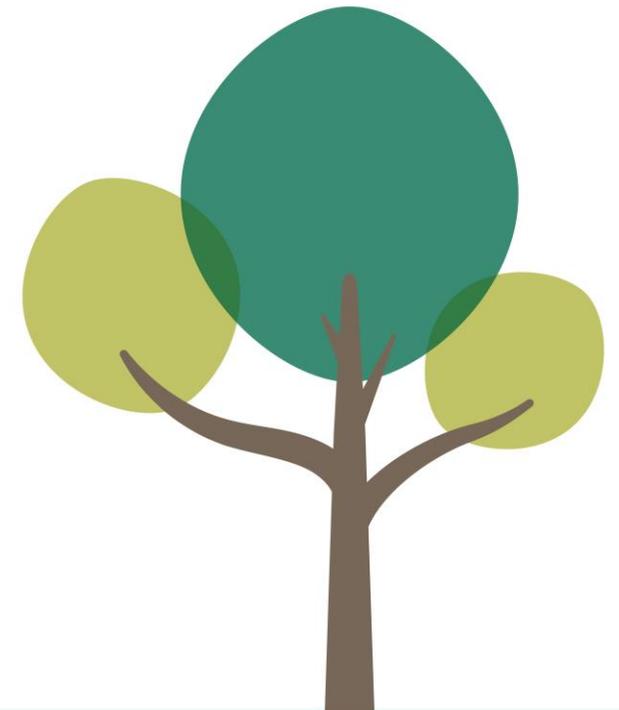
What we have done so far to implement the code for Sandwell MBC:

Initial self-assessment	Work already done
No visibility of complaint definition	Set up working group and hosted virtual meetings with Sandwell Community Information Participation service (SCIPS) to get residents feedback and ideas
Unable to see exclusions policy online	New customer feedback procedure written and awaiting approval. All information and links in one easy accessible webpage
No information available for when complaints are resolved	Introduced a new Housing Dashboard for resolution times, stages of complaints and compliments received
How satisfied are our residents when complaints are resolved	New customer feedback process to be implemented from January. Survey results to be published. New complaints system in 2021 would aid this process.
What improvements have we made as a result of lessons learnt	Working with Service Manager on a 'lessons learnt' project



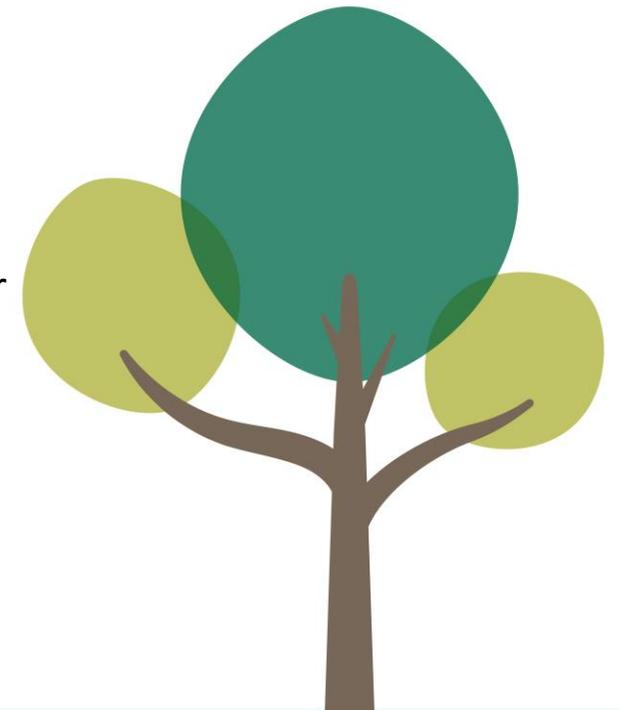
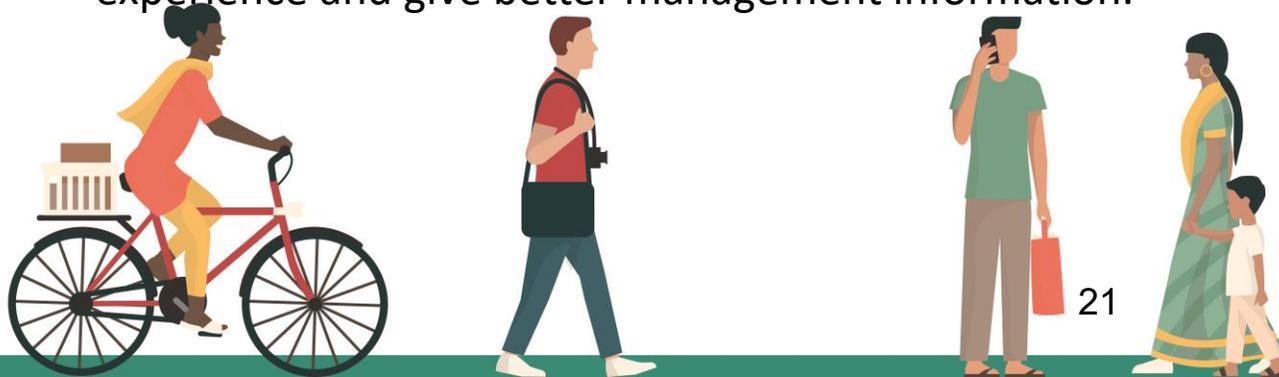
What needs to be done by end of December 2020:

1. Report outcome of Self-assessment to board
2. Self Assessment needs to be approved
3. Update any policies and procedures (deadline of 31st March 2021 for this)
4. Approval for web page
5. Self Assessment needs to be published on website by 31st December 2020
6. Housing Dashboard needs to be approved and published.
7. Lessons learnt process needs to be agreed



Moving forward into 2021:

- The Housing Code has made us look at the complaints process for the Council as a whole rather than just housing
- As a consequence of looking at housing complaints new webpage designed for easier accessibility, however no policies or procedures needed to be changed at present.
- Consulted with colleagues in Adults and Children's Trust on new information webpage
- Looking at complaints for Housing has made Customer Feedback Team look at producing dashboards for other service areas
- Moving from two feedback systems to one will improve efficiencies and customer experience and give better management information.



Housing Ombudsman Complaint Handling Code: Self-assessment form Sandwell MBC November 2020

Compliance with the Complaint Handling Code			
1	Definition of a complaint	Yes	No
	Does the complaints process use the following definition of a complaint? <i>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 resident or group of residents.</i>	✓	
	Does the policy have exclusions where a complaint will not be considered?	✓	
	Are these exclusions reasonable and fair to residents? Evidence relied upon: Discussed with residents focus group, who agreed that exclusions were fair and reasonable for residents.	✓	
2	Accessibility		
	Are multiple accessibility routes available for residents to make a complaint?	✓	
	Is the complaints policy and procedure available online?	✓	
	Do we have a reasonable adjustments policy?	✓	
	Do we regularly advise residents about our complaints process?	✓	
3	Complaints team and process		
	Is there a complaint officer or equivalent in post?	✓	
	Does the complaint officer have autonomy to resolve complaints?	✓	

	Does the complaint officer have authority to compel engagement from other departments to resolve disputes?	✓	
	If there is a third stage to the complaints procedure are residents involved in the decision making?	✓	
	Is any third stage optional for residents?	✓	
	Does the final stage response set out residents' right to refer the matter to the Housing Ombudsman Service?	✓	
	Do we keep a record of complaint correspondence including correspondence from the resident?	✓	
	At what stage are most complaints resolved? Stage 1	✓	
4	Communication		
	Are residents kept informed and updated during the complaints process?	✓	
	Are residents informed of the landlord's position and given a chance to respond and challenge any area of dispute before the final decision?	✓	
	Are all complaints acknowledged and logged within five days?	✓	
	Are residents advised of how to escalate at the end of each stage?	✓	
	What proportion of complaints are resolved at stage one?	87%	
	What proportion of complaints are resolved at stage two?	89%	
	What proportion of complaint responses are sent within Code timescales? <ul style="list-style-type: none"> • Stage one 77% Stage one (with extension) 11% • Stage two 84% Stage two (with extension) 16% 		
	Where timescales have been extended did we have good reason?	✓	
	Where timescales have been extended did we keep the resident informed?	✓	
	What proportion of complaints do we resolve to residents' satisfaction From Jan 2021 monthly residents survey to be introduced.		
5	Cooperation with Housing Ombudsman Service		
	Were all requests for evidence responded to within 15 days?	✓	

	Where the timescale was extended did we keep the Ombudsman informed?	✓	
6	Fairness in complaint handling		
	Are residents able to complain via a representative throughout?	✓	
	If advice was given, was this accurate and easy to understand?	✓	
	How many cases did we refuse to escalate? No cases were refused escalation What was the reason for the refusal? N/A		
	Did we explain our decision to the resident?	✓	
7	Outcomes and remedies		
	Where something has gone wrong are we taking appropriate steps to put things right?	✓	
8	Continuous learning and improvement		
	What improvements have we made as a result of learning from complaints? TBA		
	How do we share these lessons with: a) residents? Lessons learnt report on website. Resident Action Group meetings b) the board/governing body? Yearly reporting c) In the Annual Report? TBA		
	Has the Code made a difference to how we respond to complaints?		✓
	What changes have we made? New webpage for all complaints policies and procedures. All in one place with definition of a complaint and explaining processes. Residents Focus Groups – regular meetings Residents complaint surveys		

CUSTOMER FEEDBACK GUIDE



We're
listening



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Introduction

The Council aims to provide excellent services to customers and deliver those services right first time.

Occasionally things do go wrong and so we welcome and recognise the importance of customer feedback.

The Council will ensure officers take ownership of complaints and respond positively to our customers' needs and expectations. We will work with you to resolve issues. This is an integral part of the service we provide.

The Council will respond to complaints promptly and efficiently, resolving complaints quickly wherever possible. We will use the information received from complaints to drive improvements.

For the purpose of this document, the term complainant refers to any person making a complaint, for example, a resident or a service user.

What is a complaint?

The Council has adopted the following definition from the Local Government, and Social Care and Housing Ombudsman.

“A complaint or concern is an expression of dissatisfaction about an act, omission or decision of the Council (whether that is provided directly by the Council or by a contractor or partner) either verbal or in writing, and whether justified or not, which requires a response”

A person receiving a service from the Council can make a complaint if they feel that there has been a failure in the service they have received.

A request for a service, a comment or a suggestion are all distinct from a complaint. The Council will deal with notifications of a single service failure as a service request, for example, a report of a missed refuse collection. We will ensure that there is a mechanism in place to monitor any repetition of failures and take appropriate action to remedy this.

Complaints about Council services will be processed in accordance with the requirements of the General Data Protection Regulations, the Data Protection Act and associated Council policies.

Initial Stage

The Council takes complaints seriously and places a strong emphasis on contacting the customer at the early stage of receiving a complaint. At this stage, whenever possible, we will contact you by telephone or email and talk to you about the issue you have complained about. We will look to resolve the matter for you quickly and without the need for escalation to the formal complaints process.

Matters that are reported to the Council to take action, for example reporting fly tipping, a street light not working etc. will not be considered as a complaint unless these issues have been reported previously with no resolution. The Council will aim to deal with such issues informally.

When a matter remains unresolved or complex and needs further investigation, we will register the matter as a formal complaint. Your complaint will be passed to the relevant department to consider and a formal response will be sent.

Who can make a complaint?

A complaint may be made by:

- a person who is affected by our services
- an individual or organisation acting on behalf of someone (written consent is required)
- an organisation that has been impacted by our services

Timescales for making a complaint

Complaints must be made no later than twelve months after the date on which the matter occurred.

If there are good reasons for not having made the complaint within the above time frame and, if it is still possible for the Council to investigate

the complaint effectively and fairly, we may decide to still consider the complaint.

How to make a complaint

If you wish to talk about an issue you are experiencing, please first speak to an officer in the department that you have an issue with. We will try and resolve matters promptly and prevent them from escalating. You can do this by telephoning the Council's contact centre. Please see the link below for contact details of our service areas:

[Sandwell Council Contact Us](#)

However, if you wish to make a complaint, the quickest and easiest way to do this is by completing the online complaints form at My Sandwell click on the link below to log on to your account or to set up an account with us:

[My Sandwell](#)

You can also make a comment, complaint, suggestion or compliment in writing to:

Customer Feedback Team
Sandwell Council
Roway Lane
Oldbury
B69 3ES

Accessibility

In the event you wish to make a complaint it is useful to put the details of your complaint in writing. If this is something you do not feel comfortable doing or have difficulty in doing you can:

- appoint an advocate to act on your behalf
- ask your local Councillor to act on your behalf
- ask a friend, carer or family member to help you
- ask an organisation like Citizens Advice Bureau to help you.

The Council does not require consent of an individual to disclose their personal information to a Councillor. It is considered that the individual

has provided implied consent to the processing of their personal data that is reasonably necessary to pursue the complaint. We will require written consent from any other 3rd party to act on behalf of an individual.

How the Council will deal with your complaint - Formal Stage

The Corporate Complaints process consists of 2 stages with the exception of Children's, Adult and Public Health Complaints:

Stage One

At Stage One the investigation involves the complaint being considered by an experienced officer from the department the complaint is regarding. In cases where the complaint concerns more than one Council service, the Council will ensure that the response is coordinated, and a collective response will be given to all issues raised.

The Council will acknowledge receipt of a complaint within 3 working days. The acknowledgement will provide the contact details of the officer investigating the complaint and the time frame for a response.

We will respond to a Stage One complaint within 10 working days. We aim to resolve most complaints during this stage. We will agree an extension to this timescale with the complainant if required.

Stage 2

If the complainant is dissatisfied with the outcome of the Stage One response, they can request to escalate their complaint to Stage Two which is the final stage of the complaints process. The complainant must specify the reasons for wanting to proceed to Stage Two. Simply stating that they are unhappy with the response received or just exercising the right to escalate to the next stage are not justified reasons to initiate a Stage Two investigation.

A Stage Two request should be made within 28 working days of the date of the Stage One response. The complainant is required to explain why they remain dissatisfied and, where appropriate, provide clear reasons for escalation. The Council will then determine whether the complaint

can be considered at Stage Two. The decision to accept a complaint as qualifying as a Stage Two complaint will be made promptly and should take no more than 3 working days. If we cannot accept your complaint we will inform you and tell you why.

Following the acceptance of a Stage Two complaint, an investigating officer will be appointed. The investigating officer will not have had any previous involvement with the case.

The investigating officer will review the entire case, such as the original complaint, any background information relating to the complaint matter, the response provided at Stage One and any other information which has relevance to the complaint.

The timeframe to respond to a Stage Two complaint is 20 working days from the date of receipt, with the exception of Children Trust & Adult Services and Housing. We will agree an extension to this timescale with the complainant if required.

Local Government and Social Care Ombudsman and the Housing Ombudsman Service

If the complainant remains dissatisfied with the response following the Stage Two response, they can escalate their complaint to the Local Government and Social Care Ombudsman Service or the Housing Ombudsman Service. These free to use services are external to Sandwell MBC. Contact details for the appropriate body will be provided in the Council's Stage Two response.

The Ombudsman's service is the final stage for complaints about the Council, their investigations are independent to the Council. The Ombudsman service will assess the complaint and advise the Council if they decide to initiate an investigation.

The Ombudsman will normally only consider complaints once complainants have exhausted the Council's complaints process.

If you require further information, please click the following links:

[Local Government Ombudsman](#)

Complaints that cannot be considered under this policy

There are certain types of issues and complaints that fall outside this policy. This list is a general guide but not exhaustive and includes matters such as:

- a request for a service (e.g. a report of a single service failure); or issues that can be resolved informally.
- objections about a provision for which there is an alternative process, e.g. appeals, reviews or tribunal processes
- a complaint where the complainant or Council has started legal proceedings in respect of the matter being complained about
- a complaint that has already been decided by a court or independent tribunal,
- a Statutory complaint about Adult Social Services, Public Health or Children's Services
- allegations of fraud or corruption (which would be more appropriate to be dealt with by the Council's Anti-Fraud or Whistle Blowing procedure)
- a complaint about a Councillor. The Council's Monitoring Officer, will consider these complaints.
- a complaint about a personnel matter, including appointments, terms and conditions of employment (or disciplinary issues)
- a complaint about a Council policy e.g. The Council's implementation of a Government policy
- Insurance claims
- a complaint which the complainant has known about for more than twelve months before registering it
- a complaint that has been previously investigated, responded to and concluded

When the Council cannot consider a complaint under this policy, you will be advised and provided with any alternative options that may be available.

Complaints and Enquiries from an MP or Councillor

The complaints policy is intended for individual citizens to seek resolution to an issue. A Member of Parliament (MP) or Councillor can make a formal complaint or an enquiry on behalf of a constituent.

The Council distinguishes between an enquiry and a complaint made on behalf of a constituent. Complaints made via an MP or Councillor will not be processed through the Complaints process.

Enquiries from a MP or Councillor will be handled outside the Complaints process.

If you wish to make a complaint about your MP or Councillor concerning a breach of the Members Code of Conduct. These types of complaints are investigated by the Council's Monitoring Officer. The Monitoring Officer who will be in contact with you within 5 working days to acknowledge your complaint and advise what next steps will be.

If you require further information, please click on link below:

[How the Monitoring Officer carries out their duties](#)

Putting things right - remedies and redress

The objective of redress is to rectify any mistakes or problems at the earliest opportunity. The Council will acknowledge faults when they occur and take responsibility for putting things right and avoiding a reoccurrence.

Following an investigation into a complaint, if it is recognised that the service did not meet the required standards, the Council will:

1. apologise where appropriate
2. rectify the mistake or problem within an agreed time frame and provide you with the service you should have received
3. make a decision that should have been made earlier
4. review practice, policy or procedure as appropriate

in some cases, it may be appropriate to offer financial recompense to recognise time and trouble taken to resolve an issue, or for any distress that may have been caused due to incorrect action or failure to take

action. In such cases the Council will seek guidance from the Ombudsman's service.

Statutory Complaints - Children's Service and Adult Social Care

There is a statutory process laid down by law for handling complaints about Adult Social Care and Public Health and Children's Services. This includes any relevant service that is commissioned or provided by an external contractor on behalf of the Council.

Adult Social Care or Public Health - A statutory adult's or Public Health complaint is an expression of dissatisfaction in relation to a service provided, action taken or refusal of service by Adult Social Services, Public Health or its commissioned Providers. A complaint must qualify under the Adult's or Public Health complaints legislation such as the Care Act 2014 or any other relevant legislation.

Details on Adult Social Care Complaints procedure can be found [here](#)

[Further information on Adult Social Care can be found on the website by clicking here](#)

Children's Services - A statutory children's complaint is an expression of dissatisfaction in relation to the Council's duties under the Children Act 1989, to ensure children are safeguarded and their welfare is promoted.

[Further information on Sandwell Council's Children Trust can be found on the website by clicking here](#)

If your complaint is regarding one of these departments, you will be advised under which process your complaint will be considered.

Complaints about schools or colleges are not considered by the Council. Schools have their own complaint process. Complaints about a school or a staff member of the school should be made to the school's Headteacher and then the Chair of the school's governing body. You will be informed which procedure you need to follow when making a complaint.

Housing Services

If you wish to make a complaint or a compliment concerning housing, please click into the link below for further information

[Housing Complaint and Compliment Guide](#)

For information on our housing complaints performance please click on the link below.

[Housing Complaints Performance Data](#)

Managing unreasonable complainant behaviour

The Council want to deal with complainants in way that is open, fair and proportionate. In a minority of cases people pursue their complaints in a way that is unreasonable. Complainants may behave unacceptably or be unreasonably persistent in their contact with the Council. This is resource intensive and hinders our services to other customers. We will not tolerate abusive, offensive, threatening or other forms of unacceptable or unreasonable behaviour. The Council has a policy for managing unreasonable complainants. When we identify that a person is behaving in an unreasonable manner we will inform the complainant and may take some or all of the following steps:

- review the case and ensure that the issues in hand have been considered properly
- decide whether the policy is appropriate
- decide what restrictions will be placed on future contacts and for how long
- decide what type of contact we will continue to have with the complainant and the frequency of that contact
- decide when restrictions will be lifted or whether it should continue
- provide details of your right of review against the decision to restrict contact

Further information regarding Unreasonably Persistent behaviour can be found by clicking on the link below:

[Unreasonably Persistent behaviour procedure](#)

Confidentiality and disclosure

The Council handles complaints in accordance with the requirements of Data Protection Act 2018.

It is necessary to collect, store and use personal data to administer and investigate any complaint made to the Council. The Council will only use this information to deal with your complaint.

All complaints information will be collected and held on a system which will only be accessible by staff handling and responding to complaints.

Complainants can make a subject access request (SAR's) under the Data Protection Act for information that is held on them by the Council. The Council will follow the Information Commissioner's guidance that states material on complaint files constitutes the complainant's personal data, so any material sent to the Council is usually disclosable under the Act.

The Council will not share your information with other organisations without your consent, except for organisations that the Council are contracted with or where the Council is required to do so by law.

[If you require further information, click here](#)

How long the Council will keep your records

The Council will keep information relating to complaints for two years following closure of the complaint except Children's, Adult Service and Public Health complaints. Where legal action has been taken, information will be kept for seven years after completion of the action. Following this retention period all information will be destroyed under confidential conditions.

Whistle Blowing Policy

Sandwell Council has a whistleblowing policy and reporting form (also known as a Confidential Reporting Code) to allow people to raise serious concerns on a confidential basis.

For further information please click on the links below:

- [Whistleblowing policy](#)  (DOC)
- [Whistleblowing - reporting form](#)  (DOC)

Reasonable Adjustments Policy

The Council is committed to providing excellent customer service and delivering high quality services to our residents.

This policy sets out what a reasonable adjustment is, how to make a reasonable adjustment to us, our duties and responsibilities and what considerations we will take into account when reviewing your request.

We must take reasonable steps in the way that we work to ensure we are compliant with Equality & Diversity legislation and regulations.

This policy does not seek to explain how we will approach every situation, it is intended as a general statement of our policy and

- confirms our commitment to improving accessibility for everybody that we deal with;
- sets out some of the basic principles of our legal duty to provide reasonable adjustments; and
- sets out the factors that we will take into account in dealing with requests for reasonable adjustments

For further information please click on the link below:

[Link to Reasonable Adjustment Policy](#)