
Providing Feedback Policy

A POLICY FOR DEALING WITH
PUBLIC FEEDBACK TO THE
COUNCIL INCLUDING
COMPLAINTS



Council of the
ISLES OF SCILLY

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1. INTRODUCTION

The Council of the Isles of Scilly strives to deliver high quality, value for money services. In order to do this, we need to know what members of the wider community think of the services provided so that they can be continually reviewed and improved.

This guide defines the different forms of feedback and commentary submitted by the public and assesses how different forms of feedback should be handled. The aim should be to create clear minimum service standards that can be monitored and reported.

The Council should seek to utilise customer feedback. This means better recording of feedback across departments, as well as stricter more efficient processes for dealing with feedback. It is important that our response to negative feedback is proportionate - we must apply recourses and time to complaints which warrant investigation, whilst at the same time we should not overreact to complaints that could be solved quickly, easily and to the satisfaction of the customer.

All feedback should be monitored, and recorded centrally so we can monitor areas of service and get a clear overview of how the public view the Council.

2. DEFINITIONS

For the purpose of this procedure, we can assess numerous types of feedback. Feedback that is included in this policy are:

- Compliments
- Comments & Suggestions
- Requests for Service
- Further Requests for Service
- Policy Complaints
- Process and Service Complaints – Stage 1
- Process and Service Complaints – Stage 2

There are some types of communication that are not covered in this policy. These are:

- Feedback about 'third party' services not provided by the Council
- Feedback about Children's Services including Children's Social Care
- Feedback about an elected member of the Council
- Feedback where there is a right of appeal process
- Feedback about the Five Islands School
- Feedback made by staff of the Council about their employer

COMPLIMENTS

A compliment is praise from a customer about any aspect of a service delivered by the Council of the Isles of Scilly or any third party acting on their behalf.

COMMENTS & SUGGESTIONS

A comment or suggestion is a constructive criticism, suggestion or concern about a service offered by the Council or someone operating on their behalf.

REQUESTS FOR SERVICE

A service request is a request requiring action to be taken to put something right. Service requests are not complaints, but must be recorded, monitored and reviewed regularly.

A request for service is a request for an action to be carried out by the Council. This can either be a service that is only carried out upon request/observation (eg Fixing a park bench) or a regular request that has failed (eg Failure to collect rubbish).

FURTHER REQUEST FOR SERVICE

A further request is separate from a first request if the action has not been completed within a reasonable time frame. When an initial request for service is received a date for completion of the service should be set, any requests for the same service after this date should be labelled as further requests for service. Further requests for services should also cover a second repeat failing of a regular Council service (eg second failure to collect the same person's rubbish).

POLICY COMPLAINTS

A complaint about a policy or decision of the Council (eg rate of Council tax) where there is no objection over the procedures followed.

PROCESS FOR SERVICE COMPLAINTS – STAGE 1

Stage 1 is the first investigated complaints stage.

Where a customer makes an expression of dissatisfaction, however made, about a service provided by the Council, a member of staff or someone working on behalf of the Council.

The complainant should feel that correct procedure has not been followed, they have been mistreated, the Council's action was unjust, or the Council has repeatedly failed to provide the expected service.

A complaint must be raised when a service user expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.

The council will not stop their efforts to address the service request if the service user complains.

An expression of dissatisfaction with services made through a survey is not defined as a complaint, though wherever possible, the person completing the survey should be made aware of how they can pursue a complaint if they wish to.

PROCESS OR SERVICE COMPLAINTS – STAGE 2

Where a complaint that has been submitted as a Process or Service Complaint – Stage 1 and the complainant is dissatisfied by the conclusion, they can resubmit the complaint at Stage 2.

Definitions and procedures relevant to this policy but not covered by it.

FEEDBACK ABOUT 'THIRD PARTY' SERVICES NOT PROVIDED BY THE COUNCIL.

These should be made to the third party concerned unless there are statutory responsibilities involved.

FEEDBACK ABOUT CHILDREN'S SERVICES INCLUDING CHILDREN'S SOCIAL CARE These should be submitted under the Children's Services Complaints Procedure.

FEEDBACK ABOUT THE CONDUCT OF AN ELECTED MEMBER OF COUNCIL

Councillors follow a Code of Conduct and comments relating to this should be dealt with in accordance with Council's Code of Conduct Complaint Assessment Procedures.

FEEDBACK WHERE THERE IS A RIGHT OF APPEAL PROCESS OR LEGAL REMEDY

In processes where a decision of the Council can be appealed, applicants should be directed to follow this process to its conclusion.

An appeal or complaints process should be followed prior to consideration of a legal remedy.

FEEDBACK MADE BY STAFF OF THE COUNCIL

Complaints about Council staff or members that have been made by staff of the Council should be handled under the Council's grievance policy.

3. WHO CAN COMPLAIN?

- Any person or organisation receiving or seeking to receive a service from the Council of the Isles of Scilly.
- Any person acting on behalf of an individual or group of individuals including Councillors, MPs, advice agencies or other advocacy groups.

4. PROMOTING EQUALITY OF ACCESS

The Council of the Isles of Scilly is committed to ensuring that all customers/service users are given full and equal access to the *Using and Processing Feedback Policy* as well as the public guide *Providing Feedback*. Where appropriate this policy and other related materials can be made available in alternative formats.

Where people are unsure how to go about making a complaint, or how best to put their case or they have difficulty with written or spoken English, the Head of Policy, Communications and Democratic

Services is available to provide assistance and support as required. Anonymous complaints will not be accepted. Compliments as well as Comments and Suggestions can be submitted anonymously.

The *Providing Feedback Policy* will be available on request. The public guide *Providing Feedback* will be displayed in the One Stop Shop and other Council offices. It will be publicised to customer service users through Council publications and on the Council's website www.scilly.gov.uk.

5. HOW CUSTOMERS CAN SUBMIT THEIR VIEWS

Customers/service users can provide feedback in person, by telephone or in writing (by letter or e-mail). Feedback does not need to be provided directly to the actual service which is the subject of the feedback, and any member of staff or member can accept feedback.

Any feedback received should be forwarded as soon as possible to a relevant officer mentioned in sections 6-8 of this policy. Feedback in writing can be made using the Feedback Form, by letter, or e-mail direct to the Council.

Where people are seeking the correct officer to approach with feedback, they should be directed to the Head of Communications and Policy who can assist them with their enquiry.

6. PROCESSES

6.1 COMPLIMENTS

Upon receipt, compliments should be forwarded to an officer concerned in that area or the relevant Head of Service.

The compliment should be sent to the Head of Policy, Communications and Democratic Services for recording on a central feedback system.

The relevant Head of Service should then write to the customer to thank them for their feedback.

The individual concerned, lead member and Chief Executive should be informed.

6.2 COMMENTS & SUGGESTIONS

Comments upon receipt should be sent to the relevant Head of Service. Comments will then sent to the Head of Policy, Communications and Democratic Services for recording on a central feedback system.

Copies of suggestions and comments will then be sent to lead members and relevant officers. A selection of suggestions, filtered for repetition and relevancy, will be presented to management team regularly.

If the customer has requested feedback, or it is deemed relevant, feedback shall be provided. However, comments should not always and do not require a response.

6.3 REQUEST FOR SERVICE

The request should be sent to the relevant service. The request should be sent to the Head of Policy, Communications and Democratic Services for recording on a central feedback system.

. The service should then make contact with the customer to respond to the request. As part of this contact, they should lay out a timeframe for when the service is likely to be completed.

6.4 FURTHER REQUEST FOR SERVICE

The request should be sent to the relevant service. The request should be sent to the to the Head of Policy, Communications and Democratic Services for recording on a central feedback system.. The service should then make contact with the customer and arrange for the request to be dealt with. The customer must be informed of their right to issue a complaint if they desire. A sample line might include:

“If you are still unhappy with the situation you can submit a formal complaint to the Council. This can be done by contacting the Head of Policy, Communications and Democratic Services by email , letter phone, or by appointment.”

6.5 POLICY COMPLAINT

The complaint should be sent to the relevant Head of Service and sent to the Head of Policy, Communications and Democratic Services for recording on a central feedback system. They should then speak to any relevant officers for further information and reply to the customer accordingly. The customer must be informed of their right to a formal complaint if they are unhappy with the response. An example line would be:

“If you feel you are unhappy with the way this policy has been implemented, or you feel the Council has behaved inappropriately you can make a complaint to the Council. This can be done by contacting the Head of Policy, Communications and Democratic Services by phone, letter, email or by appointment.”

7. PROCESS OF SERVICE COMPLAINTS (STAGE 1)

7.1 TIMEFRAMES AND COMMUNICATION

Upon receipt, all complaints should be sent to the Head of Policy, Communications and Democratic Services. The Head of Policy, Communications and Democratic Services should send a holding letter acknowledging the receipt of the complaint. This must be sent within **3 working days**.

As part of the holding letter (or where necessary **within 1 week** of the original receipt in a separate letter) the Head of Policy, Communications and Democratic Services should write to the complainant and inform them of the following:

- The investigating officer
- The definition of the complaint
- The complainant's right to have the definition of the complaint reviewed
- A brief outline of the areas to be investigated
- An outline of the timescales and conditions under which these timescales can be reviewed
- How they can contact the Head of Policy, Communications and Democratic Services during the complaint investigation
- How they will be informed of the decision reached
- Informed of their rights to view the complaint file
- How they can appeal the decision reached through stage 2

Within 15¹ working days of the definition of the complaint being sent, the Head of Policy, Communications and Democratic Services or investigating officer, must write to the complainant with the decision reached. This letter must cover:

- Who the investigating officer was
- The definition of the complaint
- The areas investigated
- A brief outline of the processes undertaken
- A decision on the outcome of the complaint, with the decisions explained
- The decision should include an explanation of any remedies offered and details of any outstanding actions
- Informed of their rights to view the complaint file
- How they can appeal the decision through stage 2 if they are not satisfied with the response

The 15-day deadline can be extended on the condition that the complainant is written to inform them of the delay, and the cause of the delay is explained. Any delays should be kept to a minimum.

For social housing complaints any request for an extension to timescales beyond **10 working days** must include the contact details of the Ombudsman.

SOCIAL HOUSING COMPLAINTS

All complaints received in relation to social housing must be accepted unless there is a valid reason not to do so. If the Council as landlord decide not to accept a complaint, they must evidence their reasoning. Each complaint must be considered on its own merits.

The circumstances where a social housing complaint will not be considered (or escalated) include the following exclusions:

- The issue giving rise to the complaint occurred over 12 months ago
- Legal proceedings have been started. This is defined as details of the claim, such as the Claim Form and Particulars of the Claim, having been filed at court.

¹ For matters relating to **social housing** the response time is **10 working days**

- Matters that have previously been considered under the complaints policy.

The reason for not accepting a complaint will be given to the complainant and the right to take that decision to the Ombudsman will be explained. Under those circumstances, if the Ombudsman does not agree that the exclusion has been fairly applied by the Council, the Council may be instructed by the Ombudsman to take on the complaint.

Tenants of social housing can have the opportunity to have a representative deal with their complaint on their behalf and be represented or accompanied at any meeting with the landlord.

Separate procedures are in place for managing unacceptable behaviour from social housing residents and /or their representatives. These are set out in the Tenant Handbook.

7.2 RESPONSIBILITIES AND PROCESSES

The Head of Policy, Communications and Democratic Services should name an investigating officer who will look into the complaint. The investigating officer can be a senior officer within the relevant department area but should not be directly involved in the substance of the complaint.

The investigating officer and the Head of Policy, Communications and Democratic Services should set out the areas to be investigated.

All officers and members are obliged to assist with the investigation where they are asked to. Documents, emails etc should be provided on request unless there are information governance reasons for not so doing.

The conclusion of the investigation is to be reached by the investigating officer.

The final conclusion letter can be written by the investigating officer or the Head of Policy, Communications and Democratic Services.

A file containing all evidence collated during the investigation must be kept. Subject to information governance reasons this should be available to the complainant.

The Head of Policy, Communications and Democratic Services can at their discretion, with permission with their line manager, move a complaint submitted under Process and Services Complaint – Stage 1 to another feedback category if it is deemed relevant. If this is done, the Head of Policy, Communications and Democratic Services must write to the complainant explaining the following:

- The process under which the complaint will now be investigated
- The reasons for this decision.
- How they can appeal this decision.

The complainant can appeal a reclassification with the Head of Policy, Communications and Democratic Services. If their appeal is rejected and they are still dissatisfied, they should complain directly to the Local Government Ombudsman.

The Council will allow complaints to escalate through all stages of the process unless there are valid reasons to not do so. In these circumstances the reasons will be clearly set out and will take account of relevant national guidance and codes such as the Housing Ombudsman Complaint Handling Code.

PUTTING THINGS RIGHT

Where something has gone wrong the Council will acknowledge this and will set out the actions it has already taken, or intends to take, to put things right. These can include :

- Apologising
- Acknowledging where things have gone wrong
- Providing an explanation, assistance or reasons
- Taking action if there has been a delay
- Reconsidering or changing a decision
- Amending a record or adding a correction or addendum
- Providing a financial remedy
- Changing policies or practices.

Any remedy offered will reflect the impact on the resident or customer as a result of any fault identified. The Council will take account of the guidance issued by the Ombudsman when deciding on appropriate remedies. Any remedy proposed will be followed through to completion.

The Head of Policy, Communications and Democratic Services can attempt to solve complaints informally (without a nominated officer and full investigation) if they wish. If this is to be done, the complainant must be informed that:

- A decision has been taken to treat the complaint informally
- What this means and how it is different to a formal investigation
- The reasons behind this decision
- That the complainant can appeal this decision.

In these circumstances the complainant has the right to decide if their complaint should be investigated formally or not. This decision does not rest with the Head of Policy, Communications and Democratic Services or any other officer or member.

8. PROCESS AND SERVICE COMPLAINTS – STAGE 2

If the complainant is dissatisfied with the conclusion reached in stage 1, they can request their complaint be investigated under stage 2.

8.1 TIMEFRAMES AND COMMUNICATIONS

All complaints submitted under stage 2 should be directed to the Chief Executive. The Chief

Executive will then liaise with the Head of Policy, Communications and Democratic Services to investigate the complaint. The Chief Executive can nominate another officer to investigate the complaint, providing they are a senior officer and not involved in the department in question.

Upon receipt of the complaint the Chief Executive, or someone acting on their behalf, should send a holding letter acknowledging the receipt of the complaint. This must be sent within **3 working days**.

As part of the holding letter (or where necessary **within 1 week** of the original receipt in a separate letter) the Chief Executive or someone acting on their behalf should write to the complainant and inform them of the following:

- Who is reviewing the complaint
- The definition of the complaint, stressing any changes or additions to the original
- Explain why the complainant was dissatisfied with the conclusion at stage 1
- The complainant's right to have the definition of the complaint reviewed
- A brief outline of the areas to be investigated
- An outline of the time-scales and conditions under which these timescales can be reviewed
- How they can contact the Council during the complaint investigation
- How they will be informed of the decision reached
- Informed of their rights to view the complaint file
- Their right to appeal to the Local Government Ombudsman

Within 20 working days of the definition of the complaint being sent, the Chief Executive, or someone acting on his behalf, must write to the complainant with the decision reached. This letter will clarify:

- The complaint stage
- Who investigated the complaint
- The definition of the complaint, stressing any changes or additions to the original
- Explain why the complainant was dissatisfied with the conclusion at stage 1
- The areas investigated
- A brief outline of the processes undertaken
- A decision on the outcome of the complaint, with the reasons for the decision explained
- The details of any remedy offered to put things right
- Details of any outstanding actions
- Their rights to view the complaint file
- How they can appeal the decision to the Ombudsman Service.

The 20 day deadline can be extended on the condition that the complainant is written to inform them of the delay, and the cause of the delay is explained. Any delays should be kept to a minimum.

For social housing complaints any request for an extension to timescales beyond **10 working days** must include the contact details of the Ombudsman.

8.2 PROCESSES AND RESPONSIBILITIES

The Chief Executive has the right to nominate someone on their behalf to investigate the complaint. However, the person cannot be involved in the department area under scrutiny. The final decision letter must be written by or on behalf of the Chief Executive.

Stage 2 complaints cannot be transferred to other procedures, and the issue should be fully investigated unless withdrawn by the complainant. The Chief Executive or someone nominated on their behalf can suggest to the complainant that they contact the Local Government Ombudsman and avoid stage 2 if they think this is suitable.

All Stage 2 complaints should normally go through Stage 1 before going to Stage 2.

9. COMPLAINTS ABOUT THE COMPLAINTS PROCEDURE

If a complaint is made against the Head of Policy, Communications and Democratic Services about an issue unrelated to a complaint they are currently handling, then the complaint should be processed as normal, however the Head of Policy, Communications and Democratic Services 's line manager should take on the responsibilities of the Head of Policy, Communications and Democratic Services.

If the complaint is made against the Head of Policy, Communications and Democratic Services Officer or investigating officer with regards to how the complaint process is being administered, the Chief Executive (or someone nominated on his behalf) should review the situation and decide if the complaint is founded.

If the complaint is founded then a new investigating officer and/or someone to take on the role of the Head of Policy, Communications and Democratic Services must be found.

If the complaint is unfounded a letter must be written by the Chief Executive or on his behalf explaining the decision reached and the reasons for it. The complaint should then continue as it had previously, and the complainant should be advised to contact the Local Government Ombudsman if they are unhappy with this decision.