

Appendix 1 – What cannot be considered under the complaint's procedure:

** This list is not exhaustive

The complaint procedure does not include issues where there is a right of appeal, such as refusal of planning permission, a damage or injury claim, issue of a penalty charge or fixed penalty notice and blue badge, housing benefit or council tax reduction appeals. However, the complaint may be considered if it relates to the way the matter has been administered.

There are certain matters the Council do not deal with through the complaint process and stages in this procedure. The council offers a variety of services, and there may be more suitable methods for addressing certain issues.

Service requests

Initial service requests are not part of the complaints process. Service requests are defined as "a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision". This could be you alerting us for the first time that action is required i.e. reporting a missed bin or a broken streetlight.

These requests may however become a complaint if we do not deal with them appropriately, as referenced in the Local Government and Social Care Ombudsman's complaint handling code:

- Service requests are not complaints but may contain expressions of dissatisfaction. Organisations should have the opportunity to deal with a service request before a complaint is made. A complaint may be raised when the individual expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing.

If the Council receives a request for a service via the Have Your Say process, the service request will be sent to the relevant Team for the request to be responded to.

Repeat Complaints

Any complaint that has been fully responded to previously.

Complaints regarding issues that occurred over twelve months ago

We would not normally investigate complaints about something that happened more than a year ago, unless there are exceptional circumstances.

Complaints about councillors or MPs

If you believe an elected member or co-opted member has breached the Council's code of conduct, further information and how to submit a complaint can be found [here](#).

For MPs contact:

Office of the Parliamentary Commissioner for Standards
House of Commons
London
SW1A 0AA

Email: standardscommissioner@parliament.uk

Phone: [020 7219 1883](tel:02072191883)

Making an insurance claim against the Council

Insurance claims are not covered under this policy. If you wish to make a claim, please write to;

Insurance Claims
Westmorland Road
2nd Floor Nutgrove Villa
Huyton
L36 6GA

Email: insurance@knowsley.gov.uk

Appeals and Tribunals

If there is a more appropriate individual or organisation to deal with your complaint such as a tribunal, ombudsman or court it will be used to handle your concerns.

Appeals processes are in place for various areas, such as school admissions, benefit claims, and planning applications. To make sure you are following the appropriate path for your concerns, please refer to the guidance below regarding matters that we cannot address.

If an appeals procedure applies to your complaint, we will refer you to this and notify you of our actions at the start.

Appeals procedures must be completed before we can investigate any other issues you raise with us.

The following are examples of complaints where there is an appeals process and so we will not deal with them under this policy.

This list is not exhaustive:

Fixed Penalty or Parking Charge Notices

There are legal procedures that must be followed when challenging a fixed penalty or parking charge notice. An appeal must be made using the contact details on the notice.

Further information can be found on the website using the below links.

[Fixed penalties for environmental crimes](#)

[Civil parking enforcement](#)

Planning decisions or enforcement

Complaints relating to a planning application decision or an enforcement notice must follow a separate procedure. If you suspect a planning violation you must submit a written complaint to the service. Further information can be found on the website using the links below.

[Planning enforcement](#)

[How to appeal a planning decision](#)

Complaints about schools and education

If your complaint is about a school, you must make it directly to the school. Further information can be found on the Knowsley website [here](#).

Following the outcome of a school admissions appeal by an admissions appeals panel, complaints about the process should be sent directly to the Local Government and Social Care Ombudsman. The ombudsman is independent of Knowsley Metropolitan Borough Council and has the authority to investigate these types of complaints on your behalf.

They can be contacted as follows:

Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

Website: <https://www.lgo.org.uk/>

Phone: [0300 061 0614](tel:03000610614)

Housing Benefit of Universal Credit

If your complaint is regarding a decision about your entitlement to housing benefit you should contact the service. In certain circumstances you can appeal to an independent tribunal. Further information can be found on the [Knowsley housing benefit claim web page](#).

If you disagree with the decision about your Universal Credit you would need to contact the [Department for Work and pensions](#).

Blue Badge

If your complaint is relating to a decision to refuse a Blue Badge following an assessment, you have the right to appeal. Appeals can be made in writing to;

The Blue Badge Team
Centre for Independent Living
Unit 11, Brickfields
Huyton
L36 6HY

If you are unhappy due to having a blue badge confiscated, you should contact [0151 489 6000](tel:01514896000).

Council Tax support

If your complaint is regarding a decision about your entitlement to council tax reduction or other council tax support, you should contact the service to request explain and request a reconsideration. Following this, you can appeal if you disagree with the decision.

Further information can be found on the Appealing Council tax reduction decisions page on the [Knowsley Council Appealing Council Tax reductions web page](#).

Noise complaints

Knowsley Councils Environmental Health team investigate noise nuisance issues. Further information about how to report a noise nuisance can be found on the Knowsley website [here](#).

Antisocial behaviour

To report instances of antisocial behaviour, please find information and who to contact on the [Knowsley website Anti-social behaviour page](#).

Fly Tipping

If you would like to report fly tipping to Knowsley Council, please visit the [fly tipping page on the Knowsley website](#).

Complaints about another Council or Local Authority

Sometimes it is unclear which Council or Local Authority is responsible for the service or issue. If Knowsley Council receive a complaint relating to another Council, we will send the complaint to the relevant Council or organisation and advise you accordingly.

Landlords including LIVV Housing

If you want to make a complaint about a private landlord or housing association, please contact them directly.

If your comment or complaint relates to LIVV Knowsley (formerly known as Knowsley Housing Trust), you must contact them directly.

Further information can be found on the [Comments and complaints about a landlord page](#) on the Knowsley website.

Email address for making a complaint is: contactcentre@livvhousinggroup.com

Telephone number [0151 290 7000](tel:01512907000)

Freephone number: [0800 561 0007](tel:08005610007)

Legal Proceedings

If a complaint includes a legal challenge questioning the legality of a decision, action or inaction, it will follow a separate process from the Ombudsman and will not be addressed under the complaint policy.

Allegations of fraud, theft, or corruption by a member of our staff

We are committed to being open and accountable for our staff. If you have serious concerns about our staff, please come forward and let us know. All concerns will be treated in the strictest of confidence. Whilst these will not be dealt with as a complaint, they will be forwarded to the relevant service who will respond to you directly.

A ban from or restriction on entering council premises or contacting the council

If you disagree with restrictions we will review if the restrictions have been applied appropriately. Following the review, if you remain unhappy, you will need to ask the Local Government and Social Care Ombudsman to consider whether or not our decision has been reasonable.

You can write to the Ombudsman at;

Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

Website: <https://www.lgo.org.uk/>

Phone: [0300 061 0614](tel:03000610614)

Employment Issues

Complaints made by employees concerning their employment will be referred to Human Resources to be considered in line with internal HR procedures.

Complaints made by job applicants who wish to complain about the recruitment and selection process will be dealt with by the relevant recruitment manager.

Complaints about social care services

There are two acts of parliament that require local authority social care services to have a procedure for considering representations (including complaints) by an individual or anyone acting on their behalf in relation to the discharge of, or any failure to discharge, any of their social services functions.

The two acts are:

- The Children Act 1989 Representations Procedure (England) Regulations 2006
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

Complaints about either adult or children's social care issues are dealt with under separate statutory timescales and are outside this policy.

Complaints relating to Freedom of Information Requests (FOI'S)/ Subject Access Request (SAR'S) / Environmental Information Regulation Requests (EIR's)

If you are not satisfied with the response to your freedom of information request, subject access requests or environmental information regulation request the matter can be escalated with a request for an internal review.

FOI/EIR Internal review requests should be made within 40 working days of the initial response. Knowsley Council are not obliged to provide a review if it is requested after more than 40 working days. We will acknowledge an internal review request and provide a target date for response, which should usually be within 20 working days.

There may be circumstances where we may require more time to complete an internal review, for example if we need to address complex issues, consult with third parties, or consider substantial amounts of information.

In these circumstances we will inform the requestor that we will need more time and provide a reasonable target date. This should be no more than an additional 20 working days unless there are legitimate reasons why a longer extension is necessary.

As with requests for information, if we require clarification for your internal review request then the timescale to respond does not start until the clarification is provided by you.

Providing an internal review within a maximum of 40 working days matches the timescales for internal reviews in the Environmental Information Regulations 2004 (EIR) - in which internal reviews are a statutory requirement.

SAR Internal review requests should be made as soon as you are able after initial response. We will acknowledge an internal review request and provide a target date for response, which should usually be within 30 days.

As with requests for information, if we require clarification for your internal review request then the timescale to respond does not start until the clarification is provided by you.

For information relating to Freedom of Information/Environmental Information Regulations - [Freedom of information and environmental information regulations | ICO](#)

For information relating to Subject Access Request - [A guide to subject access | ICO](#)