

CUSTOMER FEEDBACK PROCEDURE

**Compliments
Comments
Complaints**

March 2009

1 PRINCIPLES OF THE PROCEDURE

- 1.1 The Authority welcomes feedback; compliments, comments and complaints from customers. Feedback will be recorded and acted upon in accordance with the Customer Feedback Procedure and in line with the standards in the Customer Charter.

The procedure ensures that the Council can demonstrate that it draws on the experience of its customers, positive or negative, to bring about change in services.

- 1.2 Legislation determines how we must deal with social care complaints and feedback and there are separate procedures covering this.
- 1.3 Best practice promotes a fair and responsive feedback procedure. Procedures need to be open, easy to access and responsive to enable customers and/or their representatives to make Representations and complaints.
- 1.4 This Procedure is the method by which customers can give feedback and be sure that they will be listened to and taken seriously.
- 1.5 The Council is committed to promoting equality of opportunity for all people. We want to ensure all sections of the community are able to access the feedback procedure and will undertake monitoring to check that this is the case.
- 1.6 The Council recognises that some people have concerns about making complaints for fear of losing a service if they 'rock the boat' or fear being treated unfavourably. Customers will not be harassed or victimised as a result of making a complaint.

2 OBJECTIVES OF THE PROCEDURE

- 2.1 To provide an effective means for customers or their representatives to give feedback about the quality or nature of services and to ensure those who complain or comment that they have been dealt with promptly, fairly, openly and honestly.
- 2.2 To ensure complaints are acted on with the focus on complainants desired outcomes where these are realistic and achievable.
- 2.3 To resolve complaints quickly and as close to the point of service delivery as acceptable and appropriate.
- 2.4 To provide managers and Councillors with information to assist in monitoring performance and quality of service delivery.

- 2.5 To maintain public accountability on the effectiveness of customer feedback handling through production of an Annual Report.
- 2.6 Staff understand the objectives and requirements of the procedure.
- 2.7 To promote problem solving and focus on improvements in complaints handling and to avoid apportioning blame. Emphasis on correcting failings or problems.
- 2.8 To provide flexibility in resolving complaints with an option to suspend the complaints process where alternative methods to resolve complaints such as mediation or conciliation may benefit the complainant. See Section 13.

3 TERMS USED AND THEIR MEANING:

- 3.1 Where there is reference to the local authority sending responses 'in writing' the local authority will, if required, also provide the information in a format to meet the needs of the customer.
- 3.2 Days refers to working days, this excludes Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under Section 1 of the Banking and Financial Dealings Act 1971 (b).

4 ANONYMOUS FEEDBACK

- 4.1 Anonymous complaints fall outside of the scope of the feedback procedure and it is for the authority to decide what action it should take. Anonymous complaints will be referred to the relevant manager to agree a course of action, if any.

5 FEEDBACK ABOUT POLICIES

- 5.1 If someone raises a concern about a policy or service criteria levels this should be recorded as a 'representation' and those who have made the policy, very often Councillors, informed. Customers will receive feedback on their representations.

6 COMPLIMENTS & COMMENTS

- 6.1 Compliments will be acknowledged within 5 working days and recorded.

- 6.2 Comments about services which do not present as a complaint or compliment may be statements about how things could be improved and should be recorded to enable the Council to use suggestions to review the way services are provided. People may express disappointment, disagreement or observations about services without necessarily wanting to complain. Feedback of this nature will be recorded as a comment.

A reply in full, where possible, within 5 working days. If we cannot reply within 5 working days we will inform the customer and tell them why and when they can expect a full response.

7 HATE CRIME

- 7.1 A hate crime is a crime where the offender's hatred, bias or prejudice against an identifiable group of people is a factor in deciding who is victimised or the extent of the victimisation. Examples of hate crime include racial, sexual, disability harassment and homophobic violence. Where a complaint is received identifying a hate crime the Council's True Vision policy route will be taken. All customer reports of hate crime to the Council should be passed to Customer Relations for action.

Complainants will be advised of the course of action to be taken.

8 COMPLAINTS

8.1 Definition Of A Complaint

A complaint is....

"an expression of dissatisfaction about the standard of service, actions or lack of action by the Council or their staff affecting an individual customer or group of customers".

8.2 Who Can Complain?

- 8.2.1 Anyone receiving or seeking a service from the Council or anyone acting for those unable to complain personally, i.e. a 'representative'.
- 8.2.2 Some people may need assistance in order to make a complaint or enquiry. This may be provided by an advocate or carer.
- 8.2.3 A 'representative' is someone acting on behalf of a complainant where that person is unable to make the complaint himself, or has asked the person to act on his behalf or is under 18 years of age.

If the Council has cause to believe that a representative is not acting in the best interests of a complainant or they are not a suitable person to represent the service user the complaint will not be considered.

Any decision that a person is not a suitable person to represent the complainant will be sent in writing to the proposed representative with, as far as possible, reasons for the decision. The complainant, if of sufficient age and understanding will also be informed of the decision in writing.

- 8.2.4 Individuals may approach Councillors or Members of Parliament for advice or assistance. If this results in a complaint made on behalf of the individual it will be routed through the relevant complaints procedure.

8.3 Making A Complaint

- 8.3.1 A complaint can be made to any member of staff orally or in writing.
- 8.3.2 Complainants may require the support of an independent advocate and consideration should be given to supporting complainants to access an independent advocate. Customer Relations can give assistance to complainants to follow the procedure and inform complainants of their rights.
- 8.3.3 When a person makes a complaint they will be sent details of the complaints procedure.

8.4 Withdrawing A Complaint

- 8.4.1 A complaint can be withdrawn orally or in writing at any time by the complainant, representative or advocate. The withdrawal of a complaint will be acknowledged in writing.
- 8.4.2 If at any time a complainant decides not to pursue a complaint further the Service must decide if the matter has been satisfactorily concluded. If there are outstanding issues to be investigated or addressed these must be followed up under appropriate internal management review systems, but cannot be done so using the complaints procedures.

8.5 Freezing Decisions

- 8.5.1 In extreme cases if a complaint is about a proposed change to a service, the decision may need to be deferred (frozen) until the complaint is resolved. Consideration will be given to deferring a decision that will have a significant effect upon the life of an individual until the complaint has been resolved, having regard to the best interests of the customer.

9 THE COMPLAINTS PROCEDURE

9.1 The complaints procedure has three stages:

- Stage 1 – Local Resolution
- Stage 2 – Service Investigation
- Stage 3 – Independent Investigation

9.2 The Council may decide not to escalate through the stages of the complaints procedure where the complaints are fully upheld or the issues are no longer in dispute. If the complainant is dissatisfied purely because of the proposed remedy to an upheld complaint the remedy will be reviewed by the line manager of the officer responding to the complaint. Any decision not to escalate the complaint will be put in writing to the complainant with the reasons why.

9.3 Alternative options for resolving complaints are detailed in Section 13 and include conciliation and mediation. These will be used only where the complainant is in agreement.

10 STAGE 1 – LOCAL RESOLUTION

10.1 The Council will take all reasonable steps to resolve the complaint at Stage 1.

10.2 The timescales for completion are:

5 working days from receipt of the complaint, or where this is not possible, as soon as reasonably practicable.

10.3 Complainants will be notified in writing of the outcome of the authority's consideration of the complaint; whether the complaint has been upheld or not; the reasons why and the complainants right to service investigation (Stage 2) where appropriate.

11 STAGE 2 – SERVICE INVESTIGATION

11.1 Complaints will progress to Stage 2:

- At the complainants request where the complaint has not been resolved at Stage 1....OR
- The complainant and local authority are in agreement that the complaint should not be considered at stage 1.

11.2 Complaints at Stage 2 will be clarified if there is any doubt about the detail of the outstanding issues.

- 11.3 The timescale for responding to stage 2 complaints is 15 working days after the date on which the record of the complaint was agreed. If the Council cannot meet the timescale the complainant will be informed of the reason for delay and a date when they can expect a full response.
- 11.4 The complaint will be investigated by a senior manager of the service. The complainant will be kept informed, as far as is reasonably practicable, of progress of the investigation.
- 11.5 Complainants will be notified in writing of the outcome of the Stage 2 consideration of the complaint; whether the complaint has been upheld or not; the reasons why and the complainants right to independent investigation (Stage 3) and detail how to make a request.

12 STAGE 3 – INDEPENDENT INVESTIGATION

- 12.1 The complaint will be investigated by a senior officer or manager outside of line management of the service complained about.
- 12.2 The investigator will draw up a statement of the complaint for agreement by the complainant. The statement must be signed by the complainant or their representative.
- 12.3 The timescale for responding to Stage 3 complaints is 15 working days after the date on which the record of the complaint was agreed. If the Council cannot meet the timescale the complainant will be informed of the reason for delay and a date when they can expect a full response.
- 12.4 The complainant will be kept informed, as far as is reasonably practicable, of progress of the investigation.
- 12.5 Following finalisation of the report from the investigator, Customer Relations may offer and facilitate an adjudication meeting between the service, the complainant and investigator as a further opportunity to resolve the complaint before the department responds formally to the complainant.
- 12.6 A complainant not wishing to attend a meeting will be sent a full written response to the complaint.
- 12.7 An adjudication meeting is optional and any difficulties setting up a meeting will result in a written response being provided.
- 12.8 Complainants will be informed of their right to refer their complaint to the Local Government Ombudsman if they remain dissatisfied with the response to the stage 3 complaint.

13 ALTERNATIVE DISPUTE RESOLUTION

- 13.1 When dealing with complaints the focus should always be on resolution. This may mean that alternative methods to the complaints procedure could be considered such as conciliation or mediation. The clock for the purposes of the complaints procedure will stop when the agreement to enter into conciliation/mediation is reached.
- 13.2 Conciliation is a meeting chaired by customer relations between a senior officer or manager and the complainant (and/or their representative) to try to resolve the issues of complaint through discussion.
- 13.3 Mediation is a more formal process and is likely to be suitable for more complex cases where relationships between the complainant and the service are strained. The mediation process involves a number of stages including interviews of both parties with the aim of bringing them together in a face to face meeting to then reach agreement on resolution. Only trained mediators will undertake mediation on complaints issues.
- 13.4 Where the complainant agrees to either conciliation or mediation as an alternative method of complaint resolution they retain the right to re-enter the complaints procedure if matters of complaint remain outstanding at the end of the process.

14 OTHER PROCEDURES FOR RESPONDING TO CUSTOMER FEEDBACK & EXCLUSIONS

14.1 Other Procedures

- 14.1.1 Complaints about Adults' Social Care services will be dealt with under the Adults' Statutory Complaints Procedure.
- 14.1.2 Complaints about Children's Services, including statutory complaints and education issues are dealt with under the Children's Services Procedure.
- 14.1.3 The School Standards and Framework Act 1998 places a duty on the governing body of maintained schools to manage complaints about the school. These complaints are therefore not the responsibility of the Local Authority.
- 14.1.4 Complaints about Councillors who may have breached the Code of Conduct fall to the Council's Standards Committee to address under a separate procedure. Complaints of this nature must be submitted to the Monitoring Officer of the Council.

- 14.1.5 Representations about policies may be made but these will not be dealt with through this procedure. If someone raises a concern about a policy this should be recorded as a Representation and those who have made the policy, very often Councillors, informed. Customers will receive feedback on their Representations.
- 14.1.6 Where a service is delivered through a partnership with another organisation the complaint should be directed to the organisation who delivered the service.
- 14.1.7 Where the delivery of a service is commissioned from another organisation, and arrangements are in place to respond to customers directly, feedback should be addressed to the provider in the first instance. Where customers remain dissatisfied with the response, they are entitled to escalate it to the service responsible for commissioning the service.

14.2 Exclusions From The Procedure

- 14.2.1 It is important that customer's complaints are dealt with effectively and this includes ensuring the correct procedure is used to make sure that the rights of the individual are protected and that there is no interference with another procedure or process that may take precedence. APPENDIX A details the Exclusions from this procedure.

15 LOCAL GOVERNMENT OMBUDSMAN

- 15.1 If at the conclusion of the complaints procedure the complainant is not satisfied with the outcome they may refer their complaint to the Local Government Ombudsman

PO Box 4771, Coventry, CV4 OEH
advice@lgo.org.uk

Email:

16 MONITORING THE OPERATION OF THIS PROCEDURE

- 16.1 Records will be kept of each item of feedback received, the outcome of each complaint and whether there was compliance with the time limits.
- 16.2 Reports will be compiled periodically to meet local regulatory requirements. To maintain public accountability on the effectiveness of customer feedback handling an Annual Report will be produced.

Exclusions from the Customer Feedback Procedure

The complaints procedure does not cover:

Requests for services. For example, reporting a pot hole. Requests for service will be passed to the service for action.

Requests for information on Council policy or practice. There is a separate procedure for requests that fall under the Freedom of Information Act.

Requests for explanations of Council policy or practice.

Matters for which there is a right of appeal. For example, where there is an appeal process within the Council or to an independent tribunal, or legal remedy.

A complaint relating to a claim under public liability will not be dealt with under the complaints procedure.

A complaint will not be considered, or further considered, through this procedure where in relation to the substance of the complaint:

- It has been withdrawn by the complainant
- It repeats a complaint that has previously been considered through the complaints procedure
- It has been investigated by a Local Commissioner under section 26(1) of the Local Government Act 1974
- It is unclear
- It is vexatious or frivolous – The Council’s policy on Vexatious and Unreasonable Complaints will be applied in these cases
- Where the subject of complaint relates to events more than one year before the date the Council receives the complaint unless:

... the Council is satisfied that it would not have been reasonable to expect the complaint to have been made earlier than it was; and

... although there had been delay in making the complaint it is still possible to consider the complaint effectively and fairly

- Where the local authority decides that consideration, or further consideration, of the complaint under these procedures would prejudice the conduct of any proceedings or investigation falling under the following sections a) – d) below:

a) the complainant has stated in writing to the local authority that he is taking, or intends to take, proceedings in any court or tribunal

- b) the local authority is taking, or proposing to take, disciplinary proceedings against any person
- c) the local authority has been notified that any person is conducting an investigation in contemplation of criminal proceedings; or
- d) the local authority has been notified that criminal proceedings are pending

Where this is the case the action being taken under paragraphs a) – d) will be known as a 'concurrent consideration'. The local authority will advise a complainant in writing why a complaint has been excluded from these procedures and state what the 'concurrent consideration' is that has resulted in the exclusion.

Other sections/departments of the Council and its partners Internal complaints (department to department) should be dealt with through line management, SLA arrangements, and where appropriate HR policies including whistle blowing and/or grievance procedure. Complaints from partners about our services could also be addressed through the contracts process and review of SLAs

The Council will advise a complainant in writing why a complaint has been excluded from these procedures.

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