

# Corporate Complaints & Compliments Policy

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## 1. Introduction

Our Complaints Procedures are provided as an integral part of our commitment to put the customer at the heart of everything that we do. We will use complaints to demonstrate listening to our customers and also to support service improvement.

We want to develop our services and our Council, so that we can continually grow and improve and we believe that the management of complaints is an integral part of this. We believe that complaints can be a rich source of information about how our performance is perceived and how it can be improved and we will apply learning accordingly.

This policy sets out the key areas including:

- Aims and objectives
- The stages of the formal complaints procedure
- Roles and responsibilities of staff;
- Monitoring arrangements; and
- Data publication

We should strive to find sustainable solutions to the challenges faced by our residents through the provision of a high standard of customer care. Our approach should be driven by core values set out in the County Council's Customer Service Standards and in particular of **openness, accountability** and **honesty**. We should always focus on the best outcome for the customer where this is realistic and feasible.

## 2. Aims and objectives

All feedback should be dealt with in a fair, confidential, consistent, effective and timely manner. The objectives of the complaints policy are to:

- Provide an accessible means for all service users, or their advocates, to complain if they are dis-satisfied, or to offer compliments and suggestions should they choose;
- Provide a fair and consistent process for resolving complaints;
- Establish timescales for complaint resolution;
- Facilitate the use of complaint information as a means of monitoring performance and improving services;
- Ensure complainants and members of staff have the same rights to be treated with courtesy and respect; and
- Ensure that plain English is used when answering customer complaints
- To resolve complaints quickly and as close to the point of service delivery as is acceptable and appropriate
- To ensure that employees of the County Council understand the objectives and requirements of the procedure and are supported in handling complaints

### **3. Complaints**

#### **3.1 Defining a complaint**

The Council defines a complaint as follows:

***“Any expression of dis-satisfaction about the Council’s provision of, or failure to provide, a service for which it has responsibility”***

#### **3.2 Who can complain?**

Anyone who uses or is affected by our services can complain. This includes, not exclusively

- Residents
- People who work in or visit the County
- Local businesses
- Community groups

#### **3.3 Support and advocacy**

Many people feel daunted at the prospect of making a complaint. They may be unsure how to go about it, or how best to put their case. The Council has a positive approach to complaints and will encourage people to seek the support of friends or other advocates such as Citizens Advice Bureau. The council will assist people in finding such support. The Council will also give assistance to people who have difficulty with written or spoken English and to disabled people.

The Council will, where appropriate, accept complaints from advocates or 3<sup>rd</sup> parties, provided that the person affected has given their consent. Consent may be taken verbally provided it is clear that the person giving it can be identified.

In some cases, for example children or vulnerable people, if it seems that the person may be unable to give their consent, the Council will make a judgement as to whether it is appropriate to accept the complaint from an unconfirmed representative.

#### **3.4 Anonymous complaints**

A complaint will not automatically be dismissed if it is submitted anonymously. A judgement will be made on a case by case basis whether or not to look into the substance of a complaint made anonymously.

#### **3.5 How can complaints be made?**

The Council encourages any customer who has a concern to first speak to a member of staff in the relevant service area who should try to resolve it. However if a service user remains unhappy and wants to make a complaint, we need to make it easy for them to do so.

We accept complaints

- On the Council's complaints leaflet (available to order from Business Services)
- Via the Council's online complaint form
- By letter
- By e-mail
- By telephone
- In person

Although we accept complaints made by telephone, it's helpful for the Council to record them in writing so that we have a clear record of the complainant's views on what went wrong and what the Council should do to put things right. Our Complaints team will write this up and agree it over the phone with any service user wishing to make a complaint by telephone.

### **3.6 Complaints that fall outside of the corporate complaints policy**

Certain types of complaint will not be dealt with through the Council's corporate complaints procedure because there are other processes more suitable for dealing with them, or because they are outside the Council's control. This includes, not exclusively:

- Matters of law or central government policy
- Decisions that have been made by elected members. The Corporate complaints procedure can however look at the accuracy or completeness of officer reports and which informed those decisions
- Complaints from staff about personnel matters, including appointments, dismissals, pay, pensions and discipline.
- Complaints where the customer or the Council has started (not threatened) legal proceedings
- Complaints about the merits of an Insurance claim, or matters that would be more appropriately considered by an Insurer
- Social care complaints where they qualify under statutory obligations. There are specific statutory regulations which relate to both Childrens and Adults complaints These are available from our Complaints team
- Requests for Council services. Most commonly these relate to reports of defects in the Highway and in such cases the Council should be given a reasonable opportunity to respond to the issue before recording as a complaint.
- Complaints that have already been decided by a court, independent tribunal or Ombudsman

- Complaints that are simply criticisms or disagreement with Council policy or decisions
- Services for which there are alternative statutory appeal or tribunal processes including (but not limited to)
  - Appeals against statutory notices
  - Parking appeals
  - School admission or exclusion appeals
  - Special Educational Needs – if about a placement

If in any doubt about whether the complaint will be accepted, the customer should be advised to submit the complaint to the Council for consideration.

If the Council receives a complaint and decides not to accept it on any of the above grounds, the customer should be clearly informed why and, where possible, an alternative route should be suggested.

### **3.7 Time limits**

It is far easier to find out what happened and to put things right if complaints are received at the time. As time passes it becomes increasingly more difficult to investigate events fairly and fully. People's memories fade, staff who were closely involved may have left the Council or records may no longer be available.

For these reasons the Council will normally only accept complaints made within twelve months of the incident or circumstances that led to the complaint. However if there are exceptional circumstances provided by the complainant for the delay in submitting the complaint, the Council may make a discretionary decision to consider the complaint.

If the Council receives a complaint and decides not to accept it on the above grounds the customer should be told why.

## **4. The Complaints Procedure**

The Council should always seek to resolve complaints at the earliest opportunity. On some occasions where it appears the matter can be resolved within a matter of days, the Complaints team will try to resolve informally by asking the service area to clarify the situation. This does not preclude the complainant from making a complaint if this fails to resolve the matter.

Some complaints received by the Council have to be dealt with under a statutory process and will not follow the steps set out below; these complaints normally concern the delivery of adult or children social care services. Separate policy documents exist for both these areas and are available through the complaints team.

#### 4.1 Stage 1

If a concern cannot be resolved to a customer's satisfaction at the point of service delivery, or if the customer wishes to make a complaint regardless, a formal complaint should be recorded – unless an exemption, as set out in Section 3.6 applies.

The council will nominate an appropriate officer to respond to the complaint at this stage; this appointment should take into account the seriousness and the nature of the complaint. If the complaint involves the Team Manager, a more senior manager should respond. An officer, against whom a complaint is personally directed, should not respond to a complaint

Complaints should always be acknowledged within **three** working days, and a full written reply should follow within an agreed timescale. Our standard is 10 working days, but this can be extended at the request of the department up to a maximum of 65 working days in exceptional circumstances. Timescales start from the date the Complaint was received by the Complaints team, not the department against which the complaint is made.

The complaints team will keep the complainant updated throughout and as and when extensions need to be made.

Some council services are provided by external contractors. In those cases the contractor may be required to reply to a complaint at Stage 1, but they are expected to conform to the Council's standards for dealing with complaints. The Council retains overall responsibility for such complaints.

The Council's aim is to resolve as many complaints as possible at Stage 1. This requires responses to be honest and open, admitting fault when things have gone wrong and being flexible around how the response is delivered.

#### 4.2 Stage 2

If a complainant remains dis-satisfied with the outcome at Stage 1 they should contact the Complaints team who will review the response to see if there is any further clarification that can be made or any new issues to respond to. If there are, the responding manager or appropriate other will be asked to re-consider the matter.

If on review, the Complaints Manager is satisfied that the response has addressed all of the issues and there is nothing additional that can be added, then the complainant should be directed to Stage 2 of the process, which is usually the Local Government Ombudsman<sup>1</sup>.

The Ombudsman considers complaints about local authorities with a focus on administrative failure. In most cases the Ombudsman will normally only consider complaints if the issues concerned have exhausted the Council's complaints procedure. However the Ombudsman has discretion to investigate at any time should they elect to do so.

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<sup>1</sup> The Complaints Manager will signpost to any other appropriate organisations if the Ombudsman does not have jurisdiction.

The Complaints Manager oversees all matters relating to the Local Government Ombudsman on behalf of the Council and in their capacity of Link Officer.

### **4.3 Acknowledging complaints**

All acknowledgements should include:

- A brief summary of the complaint as the Council understands it
- The date the complainant should expect a full response
- Contact details of the sender

In the event that a full response can be made within the three working days an acknowledgement need not be sent.

### **4.4 Complaints spanning more than one service area**

In the event that a complaint involves more than one service, a co-ordinated single response will be sent to the complainant. This is normally managed by the Complaints team.

## **5. Rights and Responsibilities**

### **5.1 Customer rights**

In keeping with the County Council's customer service standards, our customers have the right:

- To be treated with respect and courtesy at all times;
- To receive an apology if a complaint is partially or fully upheld
- To be kept informed openly about the progress of their complaint
- To have assistance if they need help in making a complaint

### **5.2 Staff rights:**

Our staff will be trained and supported in how to effectively handle and resolve complaints, but we expect that customers respect their rights not to be verbally or physically abused.

### **5.3 Unacceptable behaviour by complainants:**

It is understood that people may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a complaint coming into the Council.

As a council we do not view behaviour as unacceptable just because a claimant is forceful or determined, however the actions of complainants who are angry, demanding or persistent may result in unreasonable demands on the Council and unacceptable behaviour towards the Council's staff.



In such exceptional circumstances, the Council has a right to specify how the individual complaint will be handled and how future contact from the complainant will be permitted. A separate Unreasonable Complainants Policy sets out the procedures for handling such complaints. If the Council has cause to invoke this policy details will be sent to the individual concerned.

## **5.4 Responsibilities**

The responsibilities for the resolution of complaints are set out below for employees. The priority is the effective handling of complaints at, or close to, frontline staff or by a local manager. It is important therefore that all staff receive the necessary support and guidance to handle complaints.

**All staff** are responsible for the following:

- at the pre-formal stage, striving to resolve complaints and if this is not possible,
- referring the matter to an appropriate officer to action;
- having an understanding of stages of the corporate complaints policy and procedures;
- ensuring that the agreed timescales are met and procedures are followed

The Complaints Manager is responsible for the following:

- ensuring that all complaints are managed in accordance with the Council's complaints policy
- managing the Council's responses to all complaints referred to it by any Ombudsman
- ensuring data is kept in accordance with monitoring requirements
- promoting corporate learning from complaints

## **6. Performance & Monitoring**

### **6.1 Publishing complaints data**

The Complaints Manager produces an annual report covering all complaints handled under the corporate procedure. This is subject to overview by the Scrutiny Commission prior to being finalised and published online. Typically this report tables data around volumes, themes and outcomes for complaints as well as learning that has been generated.

### **6.2 Equality Monitoring**

The council is committed to equal opportunities and tackling all forms of discrimination. To assist the council identify areas where there may be discrimination in service provision, we will undertake periodic equality monitoring to assess whether there are any equalities issues underpinning the issues raised by complainants.

### **6.3 Lessons Learned**

The Complaints Manager and senior managers across the County Council regularly review the lessons learned from considering complaints about services so that we can improve our services.

## **7. Relevant Legislation**

There are a number of key areas of legislation that the Council must adhere to in the course of dealing with complaints. The principle ones are set out below.

### **7.1 Data Protection Act 1988**

The Data Protection Act 1988 provides protection for personal information, which is information which affects someone's privacy, and gives individuals the rights to access information held about them, and to correct wrong information held about them. Also the Council must notify the Information Commissioner of all processing of personal information which is carried out on its behalf.

We will ensure the principles of the Data Protection Act are adhered to, and that all personal information provided by complainants will only be retained by the Council and shared with other Council departments where necessary so that all communication is dealt with appropriately.

### **7.2 Freedom of Information Act 2000**

The Freedom of Information Act 2000 gives people the right to access information held by public authorities. The act ensures that, subject to certain limited exemptions, anyone can receive information that they request from a public authority. The Council is committed to the principles of openness, transparency and accountability in its activities and supports the right of any person to seek information under the Act

### **7.3 Human Rights Act 1998**

The Human Rights Act 1998 came into force on 2<sup>nd</sup> October 2000. Public authorities must act compatibly with the EU convention on Human Rights and should interpret the legislation and regulations with which we work, so far as possible, in a way which is compatible with Convention rights. Our corporate complaints policy and procedure reflects some of the main principles by:

- Providing a fair and accessible procedure
- Providing a 2 stage process with the Ombudsman acting as an independent review body
- Providing for disclosure of relevant information to all parties; and
- Reflecting the Council's equality policy by seeking to ensure that no person is the subject of discrimination

#### **7.4 Immigration Act 2016 (Fluency)**

Part 7 of the Immigration Act creates a duty to ensure that all public authority staff working in a customer facing role speak fluent English or Welsh to an appropriate standard.

Accompanying guidance states that Local Authorities must operate a complaints procedure so that if a member of the public feels that a customer-facing public authority worker has insufficient proficiency in spoken English or Welsh for the performance of their role they can make a formal complaint to the public authority, which is then investigated and a response provided.

The Corporate Complaints procedure will be used to record and manage all such complaints.

A complaint about a public sector member of staff's accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint about the fluency duty

Following the receipt of a legitimate complaint, public authorities must assess its merits against the necessary standard of spoken English or Welsh fluency required for the role in question. This should be undertaken through an objective assessment against clear criteria set out in the role specification relevant to the role in question.

Any fluency complaints, together with actions taken will be reported on in the Annual report

#### **8. Review Schedule**

The corporate complaints policy document is subject to a minimum annual review cycle to ensure it remains up to date and current with any legislative changes. This document was last reviewed:

16 November 2016