

WARWICKSHIRE COUNTY COUNCIL COMPLIMENTS, COMMENTS & COMPLAINTS POLICY

Making Sure Positive
or Negative Customer
Feedback Is Valued and
Used to Improve Services

Local Government Act 1974

Local Government Act 2000

Education Act 1996

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*Working for
Warwickshire*

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POLICY

Warwickshire County Council Policy about Positive or Negative Customer Feedback – Compliments, Comments and Complaints

1.1 Introduction

1.1.1 Warwickshire County Council actively encourages all customer feedback about its services, including compliments, comments, complaints and policy representations. We want to work with customers, their representatives and other professionals to provide quality services to meet their needs.

1.1.2 To do this we must:

- listen to people carefully;
- take their views seriously and act on them where we can.

1.1.3 We need to:

- find out when things have gone well and customers are happy;
- improve our services by making the most of bright ideas or comments about our services;
- find out when things go wrong and put them right;
- learn from our mistakes and make sure they don't happen again.

1.1.4 We need to be clear with customers and staff what our policies, service entitlement criteria and service standards are, so that they can identify and take action when these fall below or above reasonable expectations.

1.1.5 Often decisions that the County Council make about the good of the community have to be balanced against the impact of decisions on individuals. Policies are the guiding principles, or framework, within which the County Council provides its services to the community as a whole. The Council has a separate process for handling these representations against policy. (See Companion Document)

1.2 Listening to compliments

1.2.1 The County Council wants to hear from people when we get things right. This helps us to:

- understand what services people value and why;
- share good practice;
- make sure we learn and develop in a way which keeps providing a good service to our customers;
- recognise and reward when our staff “go the extra mile”.

1.3 Listening to comments

1.3.1 We believe that listening to our customers' comments helps us to improve the way we do things. We welcome any suggestions about how we might do things differently or better, and are committed to taking seriously any suggestions for service improvements.

1.4 Listening to complaints

1.4.1 A healthy working relationship with our customers will include customers feeling able to challenge decisions and actions they do not understand or disagree with.

1.4.2 Our customers may find it difficult to talk about their views or concerns. They may:

- be worried that complaining will lead to a reduction in services or “repercussions” from staff providing an important service to them;

- find it difficult to speak out because of things like how their disability affects them, their language or their level of communication skills,
- their concern about how the County Council view their racial, cultural or religious background or their age, gender or sexual orientation.

1.4.3 The County Council wants all our customers to feel confident that their views will be taken seriously, and that there will be no “repercussions” if they need to raise genuine concerns.

1.5 Developing procedures to support how we listen to customer compliments, comments, complaints

1.5.1 Our procedures are designed to:

- confirm the right of customers to disagree about what, how and when services are provided to them;
- enable those denied a service to challenge that decision;
- allow customers to complain about the quality of service;
- ensure that complaints or suggestions are acted upon wherever possible;
- provide extra feedback from our customers to improve on the existing quality and appropriateness of our services;
- inform planning, resource allocation and quality assurance.

1.5.2 The objectives of this policy are to:

- empower our customers and their representatives to challenge decisions, and question service quality and appropriateness;
- influence planning, resource and allocation and quality assurance mechanisms, and strengthen organisational learning;
- encourage a strong proactive problem solving culture within all County Council services;
- identify and correct bad practice;
- validate and promote good practice;
- provide public accountability for the actions of Warwickshire County Council services.

1.6 Enabling customers to comment on our services

1.6.1 Access

All those who receive a service from the County Council, and those who feel they ought to, will have access to information about how to compliment, comment on, or complain about that service. The primary channels will be via the web site, the one stop shops and the customer service centres, but will also include leaflets for the public, access to a freephone telephone number, and publication of service “champion” contact details in relevant publications.

1.6.2 Being fair to all

We will ensure that these services are accessible equally to all sections of the community who may be in need of them and will not inadvertently discriminate against particular groups. Particular account will be taken of factors such as disability, age, gender, religion, race and sexual orientation.

1.6.3 Support for those who might need it

If our customers feel or appear to be at any sort of disadvantage in being able to express themselves, the County Council will offer them the help and support they need to have their concerns listened to and understood. This may include translation or interpretation services, or referral to sources of local independent advocacy and advice.

1.7 Encouraging problem-solving

1.7.1 Solving problems close to where they happen

Concerns or worries are often raised as part of normal everyday interaction between the County Council and its customers. Normally, these will be easily resolved by the staff working directly with the customer. It is our policy to encourage staff to work with our customers to explore and resolve problems before they become complaints. However, where this is not possible, it is our policy to investigate and answer complaints as close to where the problem occurred as possible.

1.7.2 Exploring different ways to solve problems

We recognise that a complaint investigation may not necessarily help to improve ongoing working relationships between the customer and the staff involved. We may ask customers to explore with us different ways to help resolve outstanding issues and improve working relationships as an alternative to, or in addition to, pursuing the different stages of the complaints procedure.

1.7.3 Recognising risk and the need for escalation

Whilst it is our policy to aim to resolve complaints locally, there may be some situations where there is a significant risk to the customer, other customers in the community, or to the County Council. It is our policy to identify such cases quickly and ensure a risk assessment is conducted to ensure that appropriate action is taken to safeguard people at risk, and develop appropriate contingency plans to manage the risk involved. A risk assessment toolkit will be provided for staff to enable them to identify these type of situations, and specialist advice and support will be provided.

1.8 Seamless services

1.8.1 The County Council has internal protocols to ensure complaints which cross service areas are dealt with in a co-ordinated and consistent way. Where possible complainants will receive a complete single response to their complaint. Where there is more than one lead officer involved in a complaint, we will consider who will be responsible for handling the complaint and who will ensure that the complainant is kept informed.

1.8.2 The County Council will also ensure that appropriate external protocols are agreed with key partner agencies, such as Borough and District County Councils, to ensure a similar co-ordinated approach, whilst ensuring different legislative and policy requirements within respective agencies are met.

1.9 Compliance with legislation and guidance

The corporate compliments, comments and complaints procedure is designed to comply with the expectations of the Local Government Act 1974, and 2000. It is also intended to meet the guidance provided by the Local Government Ombudsman.

1.10 Key policy decisions about who can use our compliments, comments and complaints procedures

1.10.1 Eligibility

Only those categories of person specified will have an automatic right to use these procedures. Essentially, the system is intended for the use of external individual customers who have been, or may be, personally affected by decisions taken by this County Council, or the way services have been provided to them as individuals.

1.10.2 Exclusion

This procedure cannot be used in the following circumstances.

- If the person providing the feedback is not eligible. (Please see definitions in the Procedure document, items 1.2 and 1.4.1)

- If the feedback is not about the County Council's services or anyone providing services on its behalf.
- If the person has provided the same or similar feedback which has been dealt with already through this or another appropriate procedure.
- If the person has already had the same issue investigated by a Commissioner, such as the Ombudsman or the Information Commissioner.
- If an alternative statutory complaints or appeals process exists which is more appropriate for considering the issues being raised, for example Schools Complaints Procedures, Adult and Children Social Care Complaints Procedures, SEN Disability Tribunal, Planning Appeals Procedure.
- If a more appropriate local appeals process is available, for example Admission Appeals Panel, Fostering Panel, Adoption Panel
- If the person has signalled their intention to take legal proceedings in relation to the substance of their feedback – eg compensation claims.
- If the County Council is taking, or considering, legal action relating to the issue.
- If the person providing the feedback expects an unreasonable or disproportionate response to the issues they raise – eg, if the person is considered to be behaving in a vexatious way.
- If it relates to the behaviour of a County Councillor or co-opted member of the County Council under the Member Code of Conduct the complaint should be referred to the Monitoring Officer of the Council
- If it relates to allegations of fraud or corruption, so should be referred to the County Council's Audit Services Manager for investigation
- If it relates to a proposal, decision or omission by a Committee of the County Council which might be in contravention of any enactment or code of practice and constitute maladministration, so should be referred to the Monitoring Officer for investigation
- If the complaint is made by an employee of the Council raising a grievance about an employment issue (this should be dealt with under the relevant Grievance/Disciplinary Procedure)

1.10.3 Feedback which relate to issues other than this, such as service provider disputes about contracts, will not be eligible to use this procedure.

1.10.4 **Ensuring reasonable, appropriate and proportionate use of this procedure.**

The County Council is committed to dealing with all feedback, including complaints, fairly and impartially, and to providing a high quality service to those who give us feedback. There are a number of things that may or may not be within a person's control that can impact on the manner and frequency of their approaches. These may include, for example, drug or alcohol dependency issues, their mental health and their cognitive ability, but the list is not exhaustive. The County Council will take advice from relevant professionals in these circumstances. However, the County Council reserves the right to exclude from the compliments, comments and complaints procedure anyone who makes unreasonable, inappropriate or disproportionate demands on the County Council to respond to their feedback.

1.10.5 If a person is excluded from making complaints for any of the reasons given above, this should be reported to the Regulatory Committee and the local Members where the person making the complaint lives (and/or the area about which the complaint is made if this is different).

1.11 The compliments procedure

Compliments will be recognised, registered, responded to, and acted upon where possible as potential opportunities to spread good practice across the service and the County Council.

1.12 The comments procedure

Comments will be recognised, registered, responded to, and acted upon where possible as potential opportunities to spread improvement suggestions across the service and the County Council.

1.13 The complaints procedure

1.13.1 Stage 1 Local resolution: If immediate problem-solving action does not resolve the issue for the customer, complaints about service availability, service standards, or the actions or inactions of staff will normally be looked at under Stage 1 of the complaints procedure. This will normally be conducted by the local service team manager.

1.13.2 Stage 2 Formal Investigation: The County Council may either ask a senior manager within the service or commission an external investigator if appropriate.

1.13.3 Stage 3 Review : The Review will be undertaken by the Corporate Complaints Officer on behalf of the Chief Executive.

1.13.4 **Freezing (deferring) decisions**

County Council decisions that will have a significant effect upon the life of an individual, may be deferred until the complaint has been considered, having regard to the best interests of the customer, and any considerations about responsibilities to the wider public.

1.13.5 Suspension

Complaint investigations may be suspended if a complaint is subject to concurrent investigation under one or more of the following procedures:

- child protection;
- safeguarding of vulnerable adults;
- court proceedings;
- grievance procedures;
- disciplinary procedures;
- criminal proceedings.

This is because these are considered to have priority over the complaint investigation process. Once they are concluded, any outstanding issues of complaint can then be investigated.

1.14 Local Government Ombudsman

1.14.1 If the Local Government Ombudsman may be able to help the County Council's understanding and interpretation of facts, (and consideration of suitable options for remedy and redress), we will seek their advice at an early stage of the complaints procedures. 1.14.2 At the end of Stage 2, if the Corporate Complaints Officer believes that a Stage 3 Review is unlikely to produce a demonstrably different outcome for the customer, the Corporate Complaints Officer will discuss with the Strategic Director and the Head of Service the option of referring the case direct to the Local Government Ombudsman, rather than completing a Stage 3 Review. If this is agreed, the Corporate Complaints Officer will then discuss with the customer the possibility of the customer making an early referral to the Local Government Ombudsman.

1.15 Redress & compensation

1.15.1 When we have established that we have got things wrong we are committed to trying to put them right for the individual concerned. In all such cases we will apologise in writing. We will also explain what we will do to put things right and share the experience to reduce the possibility of it happening again. We will listen to what the complainant says they want to happen to resolve things for them. We will make all reasonable efforts to agree solutions.

1.15.2 Financial payments are exceptional. Complaints investigators and the Corporate Complaints Officer can make recommendations to the County Council about financial payments, as indeed could the Local Government Ombudsman. However, Strategic Directors are only able to authorise payments of up to £1000. Higher payments need to be approved by the County Council's Regulatory Committee. This Committee will normally require the Local Government Ombudsman to have been involved in suggesting an appropriate Local Settlement figure, and will always require there to have been detailed consideration by the County Council's Legal Services Team and Insurers Team. This is unlikely, therefore, to be the most appropriate route for a customer to pursue if their primary aim is to seek financial compensation.

1.16 Monitoring, learning, and quality assurance

1.16.1 Recording and monitoring

All compliments, comments and complaints will be logged on a specialist database by the complaints administrator for each service area. The Corporate Complaints Officer will oversee the monitoring of all compliments, comments and complaints feedback received. Recording will include details of the feedback, the decisions made, the action taken and any consequential issues that arose. It will also specifically identify complaints about discrimination issues, and will monitor use of the procedure by customers who provide us with equality and diversity information relating to disability, religion, race, age, gender and sexual orientation. Representations about policy issues will be monitored separately, and reported upon at the same time as compliments, comments and complaints.

1.16.2 Record management

All functions of this procedure will adhere to the requirements of the Data Protection Act 1998, and the Freedom of Information Act 2000.

1.16.3 A learning culture

The County Council is committed to learning from all sorts of feedback from its customers. Compliments, suggestions, and complaints will all be positively used to help the County Council to develop and improve its services. This will include:

- a range of guidance material about this procedure for customers, staff, managers and senior officers;
- a focused training programme for staff to ensure they have access to the tools required to handle customer feedback successfully.
- regular reporting of outcomes to senior officer forums, Overview and Scrutiny Committees, and Cabinet;
- published annual reports
- consideration of feedback outcomes in future service development and delivery planning, and the review of existing or planned policies.

1.17 Death, serious injury or major incident:

The County Council is committed to thorough and prompt investigation of all situations in which a customer receiving services may have been at risk of death or serious injury, or have actually been seriously injured or killed. Whilst other procedures (such as criminal proceedings, coroners inquiry, Health and Safety investigations, investigations by the County Council's Insurers) may need to take precedence initially over any complaint investigation. However, it is important that customers, family and carers are made aware of their right to raise concerns about the incident through this procedure once these other procedures have been concluded, if they remain unhappy. The Customer Relations Manager should be alerted quickly to such incidents and, if appropriate, involved in the County Council's internal review and response to any such incident.