

WARWICKSHIRE COUNTY COUNCIL POLICY AND PROCEDURE FOR HANDLING REPRESENTATIONS AGAINST POLICY

Making Sure Positive
and 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 & PROCEDURE

Warwickshire County Council Policy about Positive or Negative Customer Feedback – Representations Against Policy

1.1 Introduction

1.1.1 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.

1.1.2 The Council has a separate process for handling these representations against policy.

1.2 Listening to representations against policy

1.2.1 The County Council wants to know when people disagree with the way it has interpreted the legislation, directions, guidance and advice it follows.

1.2.2 A representation against policy can be defined as:

- A representation from a customer about the way the County Council has complied with and/or interpreted legislation, government guidance or other relevant advice in developing its policies.
- Or, a representation from a customer about how County Councillors and Senior Officers have decided how services will be delivered locally

1.3 Developing procedures to support our handling of representations against policy

1.3.1 **Consultation in advance of policy decisions**

Often, the most appropriate mechanism to use in advance of any policy decision being confirmed by the County Council is within the County Council's consultation framework. There will often be consultation activities within Communities that will be locally affected by a new policy. These are intended to ensure individual views are sought and responded to before policy decisions are made.

1.3.2 **Representations regarding policy decisions**

Often decisions that the County Council make about the good of the community have to be balanced against the impact of decisions on individuals. Individuals who believe that a County Council decision has impacted upon them adversely as an individual, can raise their concerns through this procedure

1.3.3 Our procedures are designed to:

- confirm the right of customers to disagree about the policies the County Council has
- provide extra feedback from our customers to help us review and improve our policies
- inform planning, service development, and resource allocation
- provide public accountability for the actions of Warwickshire County Council

1.3.4 It is important to separate out issues of individual complaint, i.e., how something has been applied in their individual circumstances, and when someone is challenging the basis on which the County Council provides its services to people. It is important for the way the policy has been applied in individual circumstances to be reviewed as part of the complaints process. This will ensure that it has been applied properly, and that there are no reasons why an exception to that policy should be made in this individual

case. If this has been established, but the customer remains unhappy about County Council policy, this should be registered as a representation against policy.

1.3.5 Complaints about policy decisions will be dealt with differently to complaints about services. This is because only senior managers are in a position to review the application of a policy decision, whether an individual can demonstrate an exemption to that policy, and whether a policy requires a review or adjustment.

1.3.6 The relevant senior manager will send a letter of acknowledgement to the person making the representation within 5 working days.

1.3.7 Within 10 working days the senior manager should send a full response to the customer. This response should explain why the County Council has interpreted its duties and powers in the way that it has, and advise how the individual's views about this will be included in future reviews of policy, procedure and practice guidance.

1.3.8 All representations against policy are considered as part of the learning and service development approach, and are reported on to senior managers and County Councillors as part of our annual reporting programme.

Summary Complaints against Policy Process

Please note that all timescales are for the staff member to meet, not a timescale to use as a customer expectation guideline; as Warwickshire County Council cannot control aspects such as the postal delivery timescales. Each Directorate must ensure that there is sufficient cover to ensure these timescales can be met.

Representation against policy
Within 1 working day, the representation is registered.
Within 5 working days, an acknowledgment letter is sent.
Within 10 working days, a Senior Manager will respond.

1.4 Enabling customers to comment on our policies

1.4.1 Access

All those who are affected, as individuals, by the policy decisions of this County Council will have access to information about how to make representations against policies. 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.

1.4.2 Being fair to all

We will ensure that the representations against policy procedure is 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.

1.4.3 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.

1.4.4 Ensuring reasonable, appropriate and proportionate use of this procedure.

The County Council is committed to dealing with all feedback, including representations against policy, 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 representations against policy procedure anyone who makes unreasonable, inappropriate or disproportionate demands on the County Council to respond to their feedback.

1.5 Monitoring, learning, and quality assurance

1.5.1 **Recording and monitoring**

All representations against policy will be logged on a specialist database by the feedback administrator for each service area. The Corporate Complaints Officer will oversee the monitoring of all representations against policy. Recording will include details of the feedback, the decisions made, the action taken and any consequential issues that arose. It will also 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, but reported upon at the same time as compliments, comments and complaints.

1.5.2 **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.

1.5.3 **A learning culture**

The County Council is committed to learning from all sorts of feedback from its customers. Representations against policy will be positively used to help the County Council to develop and improve its services.

APPENDIX 1

LEGISLATIVE FRAMEWORK

This guidance should be read in conjunction with other legislation and guidance relevant to the handling of feedback from customers such as:

- Disability Discrimination Act 1995
- Human Rights Act 1998
- Public Interest Disclosure Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000
- Local Government Act 1974 and 2000
- Race Relations Amendment Act 2002

APPENDIX 2

LIST OF KEY PROTOCOLS AND WORKING ARRANGEMENTS RELEVANT TO THESE PROCEDURES UNDER DEVELOPMENT

- Ensuring reasonable, appropriate and proportionate use of feedback procedures
- Handling representations from mps and councillors

APPENDIX 3

CONSULTATION UNDERTAKEN DURING THIS REVIEW

Thank you to all those who played a significant part in shaping the new strategy, policy and procedures. Listed below are the main contributors:

Chief Executive

Strategic Directors Management Team

Directorate Leadership Teams

Directorate Complaint Champions

Corporate Complaints Officer

Customer Relations Team

Customer Service and Access Management Team

County Councillors

County Councillor Reference Group

Front Line Managers who responded to our survey

Staff representatives from Legal Services, Insurance, Contract Management, Risk Management, Equality and Diversity, Organisational Development, Performance Management, ICT,

Staff who responded to our survey as citizens of Warwickshire and users of our services

Corporate Complaints professionals within 15 other Local Authorities who attended our National Forum

Complaints professionals within Warwickshire's District and Borough County Councils

The Local Government Ombudsman