

WARWICKSHIRE COUNTY COUNCIL COMPLIMENTS, COMMENTS & COMPLAINTS PROCEDURE FOR STAFF

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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SECTION 1: DEFINITIONS

1.1 Defining compliments, comments and complaints

1.1.1 Compliment

- An unsolicited expression of praise, admiration thanks or satisfaction from a customer.

1.1.2 Comments

- A comment is a proposal for change or improvement from a customer.

1.1.3 Complaint against service

- A complaint from a customer is an expression of dissatisfaction or disquiet about a specific service or services provided by the County Council, or provided by another agency on the County Council's behalf, which requires a response.

1.1.4 Complaint against an officer

- Sometimes a complaint is made against an officer due to their implementing policies and procedures of Warwickshire County Council. In this instance the complaint would be treated as a complaint against service, rather than against an individual.
- Occasionally complaints are about the behaviour and actions of individual staff. These will normally be dealt with under the complaints procedure, with a view to enabling staff to reflect and improve on their current practice, and to support managers in identifying performance and training issues.
- However, should the issues raised suggest that a member of staff has acted outside the boundaries of normal employment expectations; consideration must be given to referring the issue into the County Council's Disciplinary Procedures.

1.1.5 Vexatious complaints

- If a complainant, by way of the manner, frequency or repetitive nature of their contacts, expects an unreasonable, inappropriate or disproportionate response from this County Council.

1.1.6 What is defined as NOT a complaint:

- A first request for service
- Reporting a problem or fault for the first time
- Reporting a breach in planning control, or any other legislation
- An insurance claim
- A concern raised by a contractor, member of staff, or partner agency about something which does not directly relate to a service provided to them as service users by the County Council

1.2 Who may complain?

1.2.1 A person is eligible to make a complaint if they are an individual who has been, or may be, personally affected by decisions taken by this County Council, or the way services have been provided to them as individuals.

1.2.2 **Who may complain on behalf of someone else**

A representative acting on behalf of an eligible person may make a complaint where that person is a vulnerable adult, or has asked the representative to act on their behalf or is not capable of making the complaint themselves. A complaint may also be made by a representative in respect of a person who has died.

1.3 What may be complained about?

1.3.1 Complaints about services:

- This is intended to cover issues such as possible:
- Failure to provide a suitable standard or level of service
- Failure to follow the County Council's policies, rules or procedures
- Failure to consider all relevant information when coming to a decision
- Delay or failure to respond to a request for service or an inquiry
- Attitude or behaviour of staff
- Bias, discrimination or harassment

1.3.2 **Contracted out services and partnership arrangements:**

All contracted out services and partnership arrangements must:

- ensure that County Council customers are made aware of how to raise concerns about services they receive
- ensure customers are given information on how to access the County Council's corporate complaints procedure if dissatisfied with the contractor's handling of their complaint.

1.4 What can't be complained about?

1.4.1 What is NOT a complaint:

- A first request for service
- Reporting a problem or fault for the first time
- Reporting a breach in planning control, or any other legislation
- An insurance claim
- A concern raised by a contractor, member of staff, or partner agency about something which does not directly relate to a service provided to them as service users by the County Council

This procedure assumes that the County Council will be given a reasonable opportunity to put things right before action is taken under the complaints procedures. This would be to an agreed timescale, but in most cases would be expected to be within 4 weeks of the issue being raised.

1.4.2 The corporate complaints procedure cannot be used:

- If the person providing the feedback is not eligible (see above Definitions 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 procedure.
- If the person has already had the same issue investigated by a Local 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.
- 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)

1.4.3 Concurrent investigations

Whilst recognising the importance of complaints investigations, the County Council must be careful not to compromise or prejudice other procedures, for example:

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

1.4.4 Decisions on how to proceed in such situations will be taken on a case-by-case basis by the relevant Head of Service in consultation with the Customer Relations Manager and the Corporate Complaints Officer. The Customer Relations Manager has the discretion not to commence, or to suspend, complaints investigations if to proceed would compromise another procedure. However, the complaint investigation may, if appropriate, start or resume once the concurrent investigation is discontinued or completed.

1.5 Anonymous complaints

1.5.1 Anonymous complaints should always be recorded in the same way as other complaints. Advice must be sought from the appropriate Head of Service, the Customer Relations Manager and the Corporate Complaints Officer to decide the most appropriate course of action. The fact that the complaint is from an anonymous source is not enough in itself to justify a decision not to pursue the matter. Nor should it rule out referral to other procedures as relevant.

1.5.2 If an anonymous complaint is investigated, it must be borne in mind that these will inevitably be likely to be more difficult to respond to and resolve.

1.6 Complaints relating to more than one local authority

If a County Council service is being provided on our behalf by another Local Authority we will normally retain responsibility for investigating any complaints. However, on a case-by-case basis, it may be agreed to commission the investigation task from the local authority where the customer is receiving the service. The adjudication responsibility will always remain with this County Council. This County Council will seek to respond in the same way to any similar investigation request from another local authority.

1.7 Withdrawal of a complaint

1.7.1 A complainant or their advocate may withdraw the complaint either verbally or in writing at any time. We would need to write to confirm our understanding that they wished to withdraw their complaint, if it was withdrawn verbally.

1.7.2 In some cases where complaints are withdrawn, it may be necessary to continue the investigation to ensure the County Council has followed practice, policy or procedural guidance or that the County Council has discharged its statutory obligations. Examples of the sorts of situations in which the County Council might wish to continue the investigation after the customer has withdrawn their complaint include:

- Where other individuals or the local community may continue to be affected
- Where it might influence service or policy decisions
- Where there would be a recognised risk in not completing the investigation.

The decision to terminate or continue the investigation will be made by the relevant Head of Service in discussion with the Customer Relations Manager and the Corporate Complaints Officer.

1.7.3 Complaints made by vulnerable people, which are withdrawn before the completion of an investigation, will be considered carefully by the service complaints champion. Any vulnerable person who withdraws a complaint must be contacted by them to determine why the complaint has been withdrawn and whether it would be in the vulnerable person's best interest to pursue the investigation further.

SECTION 2: COMPLAINTS PROCEDURE

Compliment: An unsolicited expression of praise, admiration, thanks or satisfaction from a customer.

- 2.1 Compliments may be received in writing, via the web, by the telephone (direct or through the Customer Service Centre), at reception points, One Stop Shops' or during meetings.
- 2.2 All compliments should be registered within the appropriate database for each service area, and forwarded to the manager of the service involved to determine what further action should be taken.
- 2.3 As a minimum, each compliment should be formally acknowledged in writing to the person making the compliment within 5 working days.
- 2.4 The Local Service Team Manager will be asked to share the compliment with the individual and/or team members, consider what best practice this demonstrates, and how this might be shared within the County Council to improve services for all.
- 2.5 All compliments are considered as part of the learning and service development approach, and should be reported on to senior managers and County Councillors as part of our annual reporting programme.

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.

Compliments

Within 1 working day, compliment is registered

Within 5 working days, an acknowledgement letter is sent

Within 3 working days, Manager to share the compliment with individual or team member.

If the compliment is received and actioned by the team, this must be retrospectively registered on service area database within 10 working days

SECTION 3: COMMENTS PROCEDURE

Comment: A comment is a proposal for change or improvement from a customer

- 3.1 Comments may be received in writing, via the web, by the telephone, in One Stop Shops, at reception points or during meetings.
- 3.2 All comments should be noted and referred to the relevant Local Service Team Manager.
- 3.3 The comment will be registered by the Manager and a letter of acknowledgement will be sent to the person making the suggestion within 5 working days, and a full response sent to the customer within 10 working days explaining what might be able to happen about the comment.
- 3.4 All comments 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.

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.

Comment
Within 1 working day, the suggestion is registered
Within 5 working days an acknowledgement letter is sent
Within 3 working days, Team Manager to investigate whether action is to be taken
If the suggestion is received and actioned by the team, this must be retrospectively registered within 10 working days

SECTION 4: COMPLAINTS PROCEDURE

Complaint: For detailed definition see Section 1.

4.1 Introduction

4.1.1 The handling and consideration of complaints about service issues consists of three stages:

- local resolution – Stage 1
- formal investigation – Stage 2
- Review – Stage 3.

4.1.2 The timescales in working days are:

- 10 working days at Stage 1 (with a further 10 working days for more complex complaints or if additional support to customer is required);
- 25 working days at Stage 2 (with maximum extension to 65 working days)
- 30 working days to conduct a Stage 3 review;
- For those complaints that reach the end of Stage 3, a total overall timescale to complete final consideration of the complaint from Stage 1 to Stage 3 should be six months at the maximum.

4.1.3 The timescales for complainants to respond within are:

- 20 working days to request a Stage 2 investigation at the conclusion of Stage 1;
- 20 working days to request a Stage 3 review at the conclusion of Stage 2;
- 1 year to request the Local Government Ombudsman to look at any continuing concerns after the completion of Stage 3.

4.1.4 Complaints about policy decisions will be dealt with differently. 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. The relevant senior manager will send a letter of acknowledgement to the person making the representation within 5 working days. 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.

4.1.5 There may be some situations where the complaint signifies potentially a significant risk to the customer, other customers in the community, or to the County Council. It is important to identify such cases quickly and ensure a risk assessment is conducted to ensure that appropriate action is taken to safeguard people, services or goods 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 types of situations, and specialist advice and support will be provided by the Corporate Complaints Officer and the Strategic Risk Manager. Normal considerations regarding procedural timescales and investigative levels may need to be escalated quickly to ensure the effective management of the potential risk.

4.2 Receiving a complaint

4.2.1 As soon as it becomes apparent that someone wishes to make a complaint, they must be informed about the County Council's complaints procedure and how to register their complaint. Complaints may be made to any member of staff verbally, in writing or electronically.

If a complaint is received this should be registered within the service area's dedicated complaint database as soon as it is reasonably practicable.

4.2.2 Complaints will normally be registered at Stage 1, unless the complainant specifically requests Stage 2 immediately, or the local service team manager decides the issues raised are too complex or sensitive to be dealt with at Stage 1. If the local service team manager and the customer do not agree on this matter, advice should be sought from the Corporate Complaints Officer.

4.2.3 The Complainant retains the right to approach the Local Government Ombudsman at any time. However the Local Government Ombudsman will ordinarily expect the County Council to consider the complaint initially and may refer the complaint back to the County Council if this is not done.

4.3 Time limit for making a complaint

4.3.1 There is a maximum one year time limit for making complaints, but customers are expected to make the County Council aware as soon as possible after an incident of any concerns they have. The sooner after an incident the County Council are informed, the easier it is for us to investigate concerns or problems, and the more promptly action can be taken if things need to be put right..

4.3.2 Decisions on whether to make an exception to this will be made on a case-by-case basis by the relevant Head of Service, the Customer Relations Manager and the Corporate Complaints Officer. The complainant will be advised in writing whether the exception can be made or not and the reasons why. The response will also advise the complainant of their right to approach the Local Government Ombudsman.

4.4 Enabling customers to comment on our services

4.4.1 All staff receiving complaints will proactively consider whether advocacy or other support might help the complainant to express their concerns and use the complaints procedure successfully and will promptly refer complainants to appropriate sources for support.

4.4.2 Complainants will be encouraged to access support services and translation and interpretation services commissioned by Warwickshire County Council if it appears this will be helpful.

4.4.3 Customers may have already chosen someone else to act on their behalf such as a friend, relative, solicitor, District or County Councillor or MP. In such a case Warwickshire County Council would need to ensure that the customer was aware of the complaint and happy for their representative to access the procedure for them. This is to ensure that personal information is protected in line with the Data Protection Act. If someone has asked a representative to act on their behalf Warwickshire County Council must ensure that any correspondence sent to the representative is copied to the customer.

4.5 Conciliation

4.5.1 This County Council recognises that complaints procedures may not, in themselves, enable damaged working relationships between staff and customers to be repaired. The Corporate Complaints Officer will provide advice and support to staff when a conciliation approach may be needed in addition to, or instead of, action within the complaints procedures. Complainants and staff will be offered the opportunity for conciliation in these circumstances.

4.6 Clarifying the complaint

4.6.1 Many complaints received are clear and contain the level of detail needed to enable them to be investigated straight away. In such cases, the timescales for the County Council completing the complaint process starts from the moment that complaint is made to any member of staff.

4.6.2 However, if the complaint needs to be clarified, urgent action will be taken by the relevant local service manager to do this with the complainant. In such cases, the timescale for the County Council completing the complaints process will start from the moment that the complaint has been clarified and agreed with the complainant.

4.7 Freezing decisions

4.7.1 If the complaint is about a proposed change to a service, the decision may need to be deferred (frozen) until the complaint is considered. Consideration should always be given to deferring a decision that will have a significant effect upon the life of an individual until the complaint has been considered, having regard to the best interests of the customer, the public interest and any statutory requirements on the County Council.

4.7.2 The decision to defer will normally be made through detailed discussion and risk assessment between the Corporate Complaints Officer and the Local Team Manager responsible for the service, within the context of the work being undertaken with the customer. Decisions need to be made on a case by case basis, but there should be a presumption in favour of freezing unless there is a good reason not to. In cases where decisions are met with opposing views, the relevant Senior Manager and the Customer Services Manager should be consulted to provide an ultimate decision.

4.8 Stage 1 local resolution for service complaints

4.8.1 The focus of Stage 1 is on encouraging dialogue and exchange of information between the complainant and the Local Service Manager, exploring and explaining the thinking behind decisions and actions, and agreeing a way forwards. The Local Service Manager is responsible for making all relevant local enquiries to ensure that this can be a meaningful and informed review, which can be completed quickly.

4.8.2 The expectation is that the majority of the complaints will be considered and resolved at Stage 1. If the Local Service Manager feels that Stage 1 is unlikely to resolve the issue, then moving straight to Stage 2 can be considered. Where both parties agree, the complaint can move directly to Stage 2. Where one party disagrees with using local resolution, the relevant Head of Service, in consultation with the Corporate Complaints Officer, will make the final decision on proceeding directly to Stage 2.

4.8.3 The Local Service Manager dealing with the complaint will send a letter to the complainant confirming the final outcome of their enquiries, and ensure the complaints database is updated to reflect this. If the complainant is a vulnerable person, a meeting should be set up to confirm the agreed outcome or resolution.

4.8.4 The complainant should be informed in that letter that they have the right to move the matter on to a Stage 2 and who to contact in this instance, if their complaint has not been resolved their satisfaction.

Summary of Stage 1 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.

Timescale for officer	Action
Within 1 working day	<ul style="list-style-type: none">• Logged on complaints database• Forwarded to Local Service Manager for action• Identify if any support is needed. Suspension of the complaint for no more than 10 days whilst support is arranged.
Within 2 working days of confirming complaint details	<ul style="list-style-type: none">• Letter sent by Local Service Manager Team detailing how the complaint will be responded to.
Within 10 working days	<ul style="list-style-type: none">• Local Service Team Manager will complete local enquiries and share outcome with complainant.• If extension of timescale needed Local Service Team Manager will negotiate this with complainant.• The Complainant will be advised that they have 20 working days to request Stage 2 if they remain unhappy
After 20 working days	<ul style="list-style-type: none">• If no request is received to progress to Stage 2, consideration of the complaint is ended.

4.9 Stage 2 service investigation

4.9.1 Where the complaint has not been resolved under the local resolution Stage1, and the complainant has decided that they want to move to a Stage 2, a Stage 2 Investigation will be undertaken, normally by a senior officer within the Directorate.

4.9.2 The Stage 2 Investigation provides comprehensive, open, transparent and fair consideration of the complaint, with a formal written report of the investigation, to be shared with the complainant. The investigator needs to discuss the findings, conclusions and recommendations with the relevant head of service or other suitable senior manager before the report is sent to the customer.

4.9.3 Once the complainant has decided that they want a Stage 2 investigation, the investigator will ensure that the details of the complaint and complainants desired outcomes are recorded in writing and, if possible, agreed with complainant.

4.9.4 If there is not already a nominated Internal Complaint Investigator, the relevant Head of Service will appoint an Investigating Officer to investigate the complaint and prepare a written report. The Investigating Officer may be employed by this County Council but may alternatively be someone independent of the County Council appointed specifically to carry out the investigation and prepare the report. It is for the County Council to determine who is the most appropriate person to conduct the investigation.

4.9.5 The Investigating Officer will confirm the detail of the complaint with the complainant and their expectations for resolution. Once this is agreed, the Investigation timescale will start. The relevant Head of Service and Local Service Team Manager must be advised of the complaint, and kept informed of the action being taken by the investigator.

4.9.6 The Investigating Officer will then plan how the investigation will be carried out. The Investigation Officer will ensure that the complainant and the Head of Service and Local Service Team Manager are informed of the progress of the investigation.

Stage 2 investigation timescale

4.9.7 The timescale for the Stage 2 investigation can only start once the details of the complaint and the complainant's desired outcomes are recorded in writing and agreed with the complainant. In some cases the complainant will have provided all this information from the outset and the timescale will start immediately. However, in some cases further clarification is needed, and this will normally be the responsibility of the Investigating Officer. If the complainant amends or adds to the agreed written record of complaint at a later point in the investigation, the Stage 2 timescale starts again from the date the record was amended.

4.9.8 The Investigation should be completed and the service response sent to the complainant within 25 working days from the date on which the complaint was agreed. It is recognised that this will be impractical in some cases and the 25 working day limit to be extended in certain circumstances to a maximum of 65 working days.

4.9.9 Wherever possible, extensions should be agreed with the complainant. Communication will be maintained with the complainant and where possible reach a mutual agreement as to what is reasonable where the 25 working days is not feasible.

4.9.10 Possible reasons for extension might include:

- where the complaint involves several agencies or all or some of the matters concerned are the subject of a concurrent investigation;
- if the complaint is particularly complicated;
- if a key witness is unavailable for part of the time.

4.9.11 Where it is not possible to complete the investigation in the 25 working day period, it must be done no later than 65 working days from the date on which the written complaint was agreed.

The complainant must be informed as soon as possible in writing of:

- the reason for the delay; and
- the date by which they will receive a response.

4.9.12 The Investigating Officer must produce a detailed report, which can be shared with the complainant, to a specified format and standard. The Investigating Officer must discuss his findings and recommendations with the Head of Service or relevant senior manager before writing to the complainant explaining the outcome of the investigation and any action to be taken as a result, and enclosing the investigation report.

4.9.13 The Head of Service may find it helpful to meet the complainant to discuss the response and any actions they propose.

4.9.14 The completed Stage 2 investigation should be forwarded to the Corporate Complaints Officer for registering on the Corporate Complaints Register. The Stage 2 Investigation should also advise the complainant of how to move to Stage 3 and who to contact in this instance. If no request to proceed to Stage 3 is received from the complainant within 20 days, then consideration of the complaint is ended.

4.9.15 The relevant Head of Service is responsible for ensuring that any recommendations contained in their response are actioned.

4.9.16 Summary of process for Stage 2

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.

Timescale for Officer	Action
Within 5 working days	<ul style="list-style-type: none"> Initially clarify basic complaint details and desired outcomes.
Within next 5 working days	<ul style="list-style-type: none"> Investigating Officer is appointed.
Within 10 working days	<ul style="list-style-type: none"> The Investigating Officer contacts the Complainant and clarifies further complaint detail and investigation process needed.
Within 25 working days	<ul style="list-style-type: none"> The investigation will be completed unless extension agreed by complainant. If the complainant changes the basis of the complaint, the 25 working days timescale starts again from the adjustment. The investigator will write to the complainant, after consultation with Head of Service of relevant senior manager, explaining their response to the complaint and sharing the findings and recommendations.
Within 10 working days and only if appropriate	<ul style="list-style-type: none"> The Head of Service may meet with the complainant to explain their response to the complaint.
After 20 working days of response to complainant	<ul style="list-style-type: none"> If no request to proceed to Stage 3 is received from complainant, the complaint is closed.

4.9.17 Early referral to Local Government Ombudsman

The Head of service or relevant senior manager may discuss with the Customer Relations Manager and the Corporate Complaints Officer whether the complaint is suitable for early referral to the Ombudsman, if the complaint has been upheld at Stage 2, and Stage 3 is unlikely to be able to add further to the County Council's consideration.

4.10 Stage 3 Review

4.10.1 The Review is conducted by the Corporate Complaints Officer, on behalf of the Chief Executive. It is an open review focusing on achieving understanding of the complainant's continuing concerns and identifying any practical remedies or creative solutions which might help the County Council to resolve these.

4.10.2 Requests to go to Stage 3 should specify as precisely as possible what in relation to the County Council's response to the complaint the complainant remains unhappy with, and what action or measures the complainant feels are still needed.

4.10.3 The Review should conclude within 30 days of the receipt of the request for a Review or the date that the necessary clarification is received.

4.10.4 The purpose of the Review will be to look at:

- Whether or not the complaints process was carried out properly and fairly.
- Whether or not the conclusions reached by the investigators on the basis of the material available were reasonable and fair.

- Whether or not action taken by the investigators on the basis of any conclusion reached was appropriate, having regard to all the circumstances.
- Whether or not the complainant's expectations for resolution have been met and whether or not more can be done to help to achieve this.

4.10.7 The Review will not reinvestigate the complaints, nor will it consider any substantively new complaints that have not been first considered at Stage 2.

4.10.8 The persons involved with the investigation at Stage 2 will be advised of the request for a Stage 3 Review, and asked to provide information and respond to any questions raised by the Corporate Complaints Officer.

4.10.9 The Corporate Complaints Officer will liaise with the relevant Strategic Director and Head of Service regarding their conclusions and recommendations, and write to the complainant within 30 working days to explain the outcome of their review. If further time is needed to conduct the review, this should be agreed with the complainant. The outcome should be shared with all relevant staff. The findings will explain any recommendations and the reasons for them.

4.10.10 The Strategic Director will be responsible for ensuring any actions or recommendations within the Stage 3 Review are completed in a timely way.

4.10.11 The Chief Executive will be copied into any Stage 3 Review outcomes.

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.

Summary of stage 3 process

Timescale	Action
Up to 20 working days after receipt of the Stage 2 response	<ul style="list-style-type: none"> • Complainant requests Review
Within 2 working days	<ul style="list-style-type: none"> • Corporate Complaints Officer acknowledges request.
Within 30 working days of the complainant's request for Review (or when clarification is received)	<ul style="list-style-type: none"> • Review completed and findings shared with complainant, Head of Service and Strategic Director
Within 5 working days after receiving Review findings	<ul style="list-style-type: none"> • Corporate Complaints Officer advises the complainant of the right to progress to the Local Government Ombudsman.

4.11 The Local Government Ombudsman

4.11.1 The Commission for Local Administration in England (CLA) or Local Government Ombudsman service was established under Part III of the Local Government Act 1974 (the Act) as an independent body responsible for investigating complaints from or on behalf of members of the public of alleged injustice arising from maladministration on the part of local authorities and of certain other bodies.

4.11.2 There are three Local Government Ombudsmen in England and they each deal with complaints from different parts of the country. Warwickshire County Council are currently dealt with by their York Office.

Anne Seex

Local Government Ombudsman
Beverley House
17 Shipton Road
York YO30 5FZ

Phone: 01904 380200

Fax: 01904 380269

Email: enquiries@lgo.org.uk

4.11.3 Their single channel for customer enquiries, to identify complaints that require further consideration by the County Council, and those complaints which are outside the jurisdiction of the Ombudsman, is through their Access and Advice Centre, based in Coventry, which opened in April 2008. Once complaints have been through this initial process, they are referred to the relevant office for further detailed consideration.

The new contact details for the LGO Advice Team from 1 April 2008 are:

Telephone: Mon-Fri 8.30am to 5pm, 0845 602 1983

Address: Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH

Email: advice@lgo.org.uk

Text: 0762 4804323

4.11.4 They investigate complaints about most County Council matters including housing, planning, education, social services, consumer protection, drainage and County Council tax. It is an independent, impartial and free service. The objective of the Ombudsmen is to secure, where the County Council has been at fault, satisfactory redress for complainants and better administration for County Councils.

4.11.5 The Ombudsmen can investigate complaints about how the County Council has done something. But they cannot question what a County Council has done simply because someone does not agree with it.

4.11.6 The Local Government Ombudsman cannot investigate anything that has or had a remedy by way of a court of law unless the Ombudsman is satisfied that, in the particular circumstances, it is not reasonable to expect the person aggrieved to have resorted or to resort to court proceedings.

4.11.7 The Local Government Ombudsman would normally expect a complainant to have had their complaint investigated at all stages of the County Council's complaints procedures before they will consider looking into their complaint. If a complainant contacts the Local Government Ombudsman earlier, this will normally be referred back to the County Council as a "premature" complaint, for the County Council to register within its own complaints procedures. Occasionally, the Local Government Ombudsman may use their discretion to decide to investigate at this earlier stage.

4.11.8 The complainant at the end of the County Council's Stage 3 Review has one year to decide whether or not they wish to ask the Local Government Ombudsman to look into any continuing concerns they may have.

4.11.9 The County Council is obliged to cooperate promptly and fully with all enquiries from the Local Government Ombudsman, and with any investigation they decide to make into the issues that the complainant has raised with them.

4.11.10 The Local Government Ombudsman encourages Local Settlement of complaints wherever possible. They are keen to support County Councils in providing fair remedies and making necessary improvements where County Councils have accepted they are at fault. If a County Council can demonstrate this, the Local Government Ombudsman is unlikely to investigate further.

4.11.11 Should a County Council disagree that they are at fault, and be unable to arrange a Local Settlement, the Local Government Ombudsman can decide to conduct a full investigation. This may result in one of three conclusions:

- No Maladministration
- Maladministration which has not caused Injustice
- Maladministration causing Injustice.

4.11.12 If the Local Government Ombudsman conducts a formal investigation, they will produce a formal report to the County Council, making recommendations if the County Council is considered to be at fault regarding what they should do to put things right. If the County Council does not respond satisfactorily, the Local Government Ombudsman can require the County Council to publish a statement in local press detailing the actions recommended by the Local Government Ombudsman, and explaining its reasons for not complying with their recommendations.

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

- Handling Complaints with Disciplinary Issues
- Handling Complaints about Contracted Out Services
- Complaints about Processing of Personal Information
- Co-ordinating Complaints Responses across the County Council
- Ensuring Reasonable, Appropriate and Proportionate Use of Feedback Procedures
- Handling Representations from MPs and Councillors

APPENDIX 3

LIST OF PRACTICE GUIDANCE UNDER DEVELOPMENT

- Publicising and Making Complaints Services Accessible
- Problem-Solving – All Staff
- Advocacy
- Alternative Dispute Resolution
- Identifying the Right Procedures to Follow
- Options for Remedies and Redress
- Guidance for Local Service Managers on how to Conduct Stage 1 Enquiries
- Guidance for Senior Manager on Supporting the Problem-Solving Role of Local Service Managers at Stage 1
- Guidance for Investigating Officers on how to Conduct Stage 2 Investigations
- Guidance for Senior Managers on their Role responding to Stage 2 Investigations
- Ensuring Organisational Learning
- Supporting Staff

APPENDIX 4

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