

South Gloucestershire Council Customer feedback procedure April 2014	Version: 3
	Last updated: April 2014

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Customer feedback procedure

1. Introduction

In common with all businesses that have a strong customer focus, we should be aiming to get things right first time. Nevertheless we'd be foolish to believe that we will never make mistakes or improve the way we provide our services. The important point is that we should correct mistakes where possible and learn from them.

We need to recognise that our viewpoint is not always the same as our customer's and that not all complaints are clearly labelled as such. When people are unhappy with how they have been treated or with the service they have received, they may not express themselves clearly. It is easy to forget how confusing our procedures can appear from the outside. Customer care is in part about being open and accessible and seeing our services from the public's point of view balanced against the need for the Council to work in the most effective manner.

Dealing with complaints should be seen as a positive opportunity to learn and improve things for our customers, rather than a negative defensive process. We cannot assume that we are always right or know best. When we make a mistake, we should be able to acknowledge it, apologise and put things right as quickly as possible. When an improvement to our service delivery can be achieved we should welcome the opportunity to take on board those suggestions. We have a "blame free" culture that allows us to learn from our mistakes and so improve our services and their delivery.

By monitoring and analysing complaints we can keep an eye on where things are not going as well as they could. We need to accept that complaints are one way of indicating that public expectations have changed or that a service needs support or further improvement.

Equally it is important that we have a scheme in place that allows our customers to recognise good service, and for this feedback to be passed on to the staff concerned. We also encourage customers to share their suggestions on how we can make changes in order to improve the services that we deliver. Where it is appropriate and possible to do so we will act on these suggestions so that the potential for service improvements can be maximised.

It is hoped this revised customer feedback procedure will help both staff and members to continually improve the delivery of our services.

2. Aims of the customer feedback procedure

The aims of this procedure are to ensure that:

- It is as simple and straightforward as possible for customers to make complaints, suggestions and compliments about Council services.
- The customer feels that their complaint has been properly investigated, even if the outcome does not uphold their complaint.
- The customer is told who is dealing with their complaint and is kept informed of the progress of their complaint.
- The Council responds to complaints within a reasonable time and in a courteous and efficient manner.
- The customer is told the circumstances in which they can take the complaint further if they are not satisfied with the outcome of the investigation.
- The Council learns from complaints and where appropriate, takes action to improve the quality of its services.
- Compliments are recognised at a team level, and at an individual level support staff recognition and motivation.

3. Definitions of customer feedback

Concerns

When a customer raises a 'concern' this is normally the first sign that something is going wrong in the eyes of the customer. A 'concern' is the first time the Council is made aware of the issue or situation. Every possible attempt should be made to resolve the concern.

Complaints

A complaint is an expression of dissatisfaction about the Council's action or lack of action, the standard of service, or where a concern has been previously raised with the Council and was not resolved to the satisfaction of the complainant.

Suggestions

An idea or proposal made by a customer about a Council service.

Compliments

A deliberate expression of satisfaction with a service, a response or any other action which has been specifically singled out for praise by the customer.

4. Ways customers can provide feedback

A customer may provide their feedback in writing either using the complaints form (either paper version or online), by letter, telephone, e-mail, or in person. The feedback must be accepted in any format and any language, including Braille.

5. Responding to suggestions and compliments

All suggestions about a Council service should be acknowledged, either by phone, face to face or in writing within five working days of receipt. The suggestion should be recorded accurately and then passed to the appropriate senior officer or manager for a decision as to whether any service improvements can be made as a result. If a service improvement is made the customer should be informed. If it is not possible and/or appropriate to make changes following a suggestion then the customer should be written to explaining why this is the case. This will show the customer that their feedback is taken seriously and will encourage them to feed back again.

Compliments should be acknowledged and the customer should be thanked for taking the time to compliment the service or a member of staff within five working days of receiving the compliment. The compliment should be shown to a senior officer or manager. If the compliment is about a member of staff, the member of staff should be informed by their manager and the manager should decide if a Council 'Thank you' card should be sent to the member of staff.

A copy of all suggestions, compliments and any actions taken as a result should be sent to the relevant Departmental Complaints Representative (DCR), who will record them onto the corporate feedback system.

6. Receiving a complaint

Complaints can be received by the Council in a number of ways, via different access channels and via a number of officers, e.g. via the departmental complaints officers, directly by the relevant service area, or by a senior officer. It is important to act promptly when a complaint is received.

A copy of the complaint must be passed immediately to the relevant (DCR), who will record it onto the corporate feedback system and acknowledge receipt.

As required either the DCR or the Investigating Officer when appointed, will contact the complainant to discuss and / or clarify the complaint. Decisions regarding the scope of this procedure to respond to the complaint will be taken by the DCR in consultation with relevant Council officers.

If details of a complaint are made verbally then the acknowledgement letter must be sent to the complainant setting out the details of the issues raised for confirmation by the complainant.

In normal circumstances, the complaint should be acknowledged within two working days of the date of receipt. If the name of the investigator is not available at this point then details of the investigator should be provided within five working days of receipt of the complaint.

7. Who can make a complaint?

Anyone who receives, requests or is affected by our services can make a complaint. However, when responding to a complaint, the Council will consider the individual circumstances, on a case by case basis, with regards to the scope of this procedure, together with any issues of confidentiality, Data Protection and the rights of all the individuals involved.

Sometimes a customer may be unable or reluctant to make a complaint on their own as described below.

- *Complaints made on behalf of a group of people*

Where a complainant wishes to make a complaint on behalf of a group of people confirmation of consent from all individuals for the complainant to act on their behalf will be required with regard to the detail of the complaint and outcome(s) sought. Where it is considered appropriate, this confirmation must be given in writing and include the names, addresses and signatures of the individuals on whose behalf the complaint is being made. It is the responsibility of the complainant to provide this confirmation, which may need to be reconfirmed at different stages of this procedure.

Unless there are issues involving potential disclosure of personal data of individuals other than the complainant, the investigating officer will acknowledge receipt and thereafter communicate only with the complainant who submitted the complaint. As soon as potential disclosure issues are recognised, consideration must be given to how this will be addressed in any response, or further response, to the complaint and appropriate action taken to ensure that there are no inappropriate disclosures.

The investigating officer will ensure that at no time during the course of the investigation or reporting of the outcome of the investigation, that personal information is disclosed without first obtaining the prior written consent to the disclosure from the relevant individuals.

- *Complaints made on behalf of another*

If a complaint is made on behalf of another person, the complaint should be acknowledged in the usual way. However the Council will need to satisfy itself that the third party has permission and/or sufficient basis in law to act on the individual's behalf in making the complaint and with regard to the potential disclosure of personal information by the Council. Consideration will be given to contacting the individual concerned to do so. Where appropriate this action will take place at each stage of this procedure.

Where consent is required the individual(s) concerned should provide an authority signed and dated in the following or similar terms:

'I..... (complainant), of (address)
authorise (agent) to act on my behalf and to have

access to any document and information relevant to my complaint as the Council would make available to me directly.'

Signed

Dated

- *Children*

The United Kingdom ratified the UN Convention on the Rights of the Child in 1991. The convention acknowledges the right of children to act independently, to express views and to have due weight given to them. Accordingly, a complaint by a child should be dealt with in accordance with this procedure with due acknowledgement being given to the role of the child's parents and, possibly, the need for the child to be represented by an advocate. If in any doubt consult the Council's Equalities Team for further guidance.

- *Complaints made by MPs and Councillors on behalf of members of the public*

Not all correspondence from MPs or Councillors sent on behalf of members of the public are complaints. They could be enquiries, requests for service or the reporting of a problem and should be treated as such.

If correspondence from an MP or Councillor is deemed to be an official complaint, an acknowledgement letter will be sent to both the MP or Councillor and the complainant. The Council will normally correspond with the MP or Councillor who made the complaint on behalf of their constituent. In some circumstances, such as where the complaint is of a particularly sensitive nature, it may be more appropriate to correspond with the complainant directly. Where this is the case the Council will seek agreement with all relevant parties.

8. Anonymous complaints

Anonymous complaints should be considered, where the complaint provides sufficient information to identify the issue of concern. Although because of its anonymous nature it will not be possible to respond to the complainant. Anonymous complaints should be referred to the DCR who will then liaise with the relevant service manager to determine the most appropriate way to consider the point(s) of complaint.

9. Support to the complainant

Making a complaint should not be difficult or cause unnecessary worry for anyone. Complainants may choose to be supported by someone else, such as a family member or friend, or an advocate from another organisation. The complainant must be reminded that within meetings and normal

communications, it is possible that personal information could be disclosed to the person supporting them.

Some complainants may need advice and confidential support from an independent advocate to make their complaint. Complainants can have support from an advocate of their choosing, with whom the Council will liaise accordingly (subject to the necessary authorisations having been obtained). However the Council cannot be held liable for any costs associated with such support.

10. Scope of the procedure for making and responding to complaints

Each complaint is considered on an individual basis. However, complaints may relate to matters where separate arrangements and procedures apply. Customer Relations and the DCR can provide advice on what can be considered via this procedure. They will be able to direct customers to the appropriate alternative procedure as required. Contact your DCR to discuss, or contact Customer Relations on 01454 868009 or via email CustomerCare@southglos.gov.uk.

If, at any point, it is apparent that a complaint is not covered by this procedure, is not sufficiently substantive, or a complainant's desired outcome is partially, or wholly, unachievable through this procedure then the DCR should contact the complainant to make this clear. In some circumstances it may still be appropriate to look into the concern(s) raised. Where this is the case the DCR will consider in consultation and/or jointly with appropriate colleagues, how best, if at all, this might be moved forward, under this procedure, or otherwise.

Where it is decided not to progress the complaint further the complainant must be provided with contact details for the Local Government Ombudsman (LGO) to enable them to seek advice or involvement regarding the Council's response to their complaint.

In normal circumstances a complaint may relate to:

- Failure to respond to a routine service request.
- Inadequate/unsatisfactory service.
- Failure to follow policies/rules/procedures.
- Undue delay in taking action.
- Discourteous/unhelpful staff.
- Discrimination/harassment.
- Inaccurate/misleading information.

This list is not exhaustive.

This procedure does not cover:

- Requests for a service.
- Requests for information about policies, procedures or services available.

- Disagreement with a properly made decision.
- Matters where there is a right to appeal or a legal remedy (e.g. the refusal of planning permission, statutory right of appeal under housing benefit regulations).
- Contracts between the Authority and any other party.
- Complaints about rights under the Freedom of Information Act 2000 or Data Protection Act 1998 or the Environmental Information Regulations 2004.
- Complaints made to schools or about schools.
- Complaints about the School Curriculum made under Section 23 of the Education Act 1988.
- Education Admissions Appeals.
- Special Educational Needs and Disability Tribunal.
- Complaints about childcare providers.
- The statutory complaints procedure operated by the Children's, Adults and Health department.
- The statutory appeals procedure operated by the Planning Inspectorate.
- The statutory appeals procedure operated by the housing service (homelessness) to review decisions made about eligibility for housing.
- The statutory appeals procedure operated by the revenues and benefits section.
- Employment matters
- Complaints from employees or on the behalf of employees.
- Complaints from or about any South Gloucestershire Council partner organisation.
- Complaints from or about Elected Members.
- Any other appeal/legal court process.

This list is not exhaustive.

11. Personal injustice

We will not normally investigate a complaint unless there is good reason to believe that the complainant has suffered personal injustice as a direct result of the Council's action(s) or lack of action(s).

12. Complaints about a decision made under regulatory functions

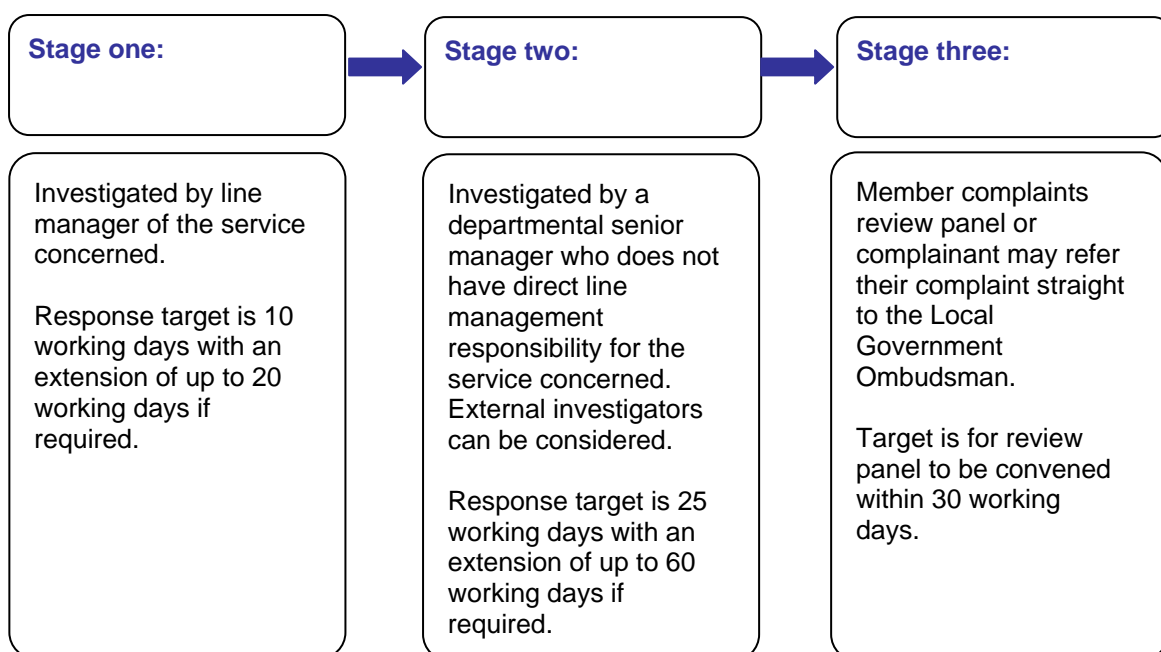
A large number of the decisions made by the Council are made in accordance with a statutory procedure, i.e. the Council does not have discretion about the process that has to be followed to make a decision. Such decisions include decisions about planning applications or licensing applications, these can be described generally as regulatory functions.

A complainant may disagree with the outcome of a decision that has been made following a procedure. In such cases the complainant should first notify the service area that has made that decision. Decisions taken following a statutory procedure can not be reviewed using this procedure. The decisions stand unless or until successfully challenged through legal proceedings.

The decision will not be reviewed but where the complainant has complained of procedural failures, the DCR must be informed. They will decide how the complaint should be considered; either under this procedure or otherwise and will advise the complainant accordingly. Any consideration of the complaint will not however affect the decision that has been made.

If the complainant remains dissatisfied advice will be given as to whether or not it is possible to progress the complaint further and if so the most appropriate way to do so.

13. How the procedure works for responding to complaints



14. Local Government Ombudsman

In normal circumstances the final stage in the process is for independent review by the Local Government Ombudsman (LGO). It can investigate a complaint, order the disclosure of documents or make findings of 'maladministration.' This means the LGO is satisfied that there has been an unreasonable delay or departure from a local authority's procedure, which has resulted in injustice, loss, injury or distress to the complainant.

The LGO will usually only consider a complaint (providing that it falls within their jurisdiction) after it has been through the Council's complaints procedure and the customer remains dissatisfied. This could be after stage 2 when the formal procedure has ended or after stage 3 if the complainant wishes to request a stage 3 review panel. However, the complainant can contact the LGO at any time and especially where the Council may have refused to consider, or further consider, the complaint under this procedure. The LGO would, in any case, expect the Council to have advised the complainant of their right to contact the LGO regarding the Council's response to their complaint.

The LGO contact details are shown below:

Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Tel: 0300 061 0614
Text: 0762 4803014
Web: www.lgo.org.uk

15. Timescales

The deadline for response at each stage of this procedure should be calculated from the date the Council receives the complaint providing that the scope of the complaint covered by this procedure and/or the desired outcome(s) is clear to the Council at that point.

If either the scope of the complaint or the outcome is unclear the complainant must be contacted for clarification. In these circumstances the deadline for response must be calculated from the date that the Council is satisfied that the points of the complaint under this procedure and/or the desired outcome(s) have been agreed between the complainant and the DCR and/or the investigating officer.

At each stage of the procedure the appropriate investigating officer must ensure that the points of the complaint and/or the desired outcome(s) are clarified.

If the complainant is dissatisfied with the response to their complaint they may request that it be escalated to the next stage of the procedure. However, if a complainant's outstanding complaint is not substantive, or the desired outcome is unachievable, further access to this procedure may be refused, with an appropriate explanation for refusing the request given in writing to the complainant and must include contact details for the Local Government Ombudsman (LGO).

At the discretion of the DCR flexibility may be exercised with regards to the stages of the complaints procedure at which a complaint is investigated. For example it may be appropriate for particularly complex complaints to be considered at stage 2 in the first instance. However stage 3 cannot be considered unless stage 2 has been completed (including adjudication).

If this procedure is used to make a complaint, this does not preclude separate legal action by the complainant.

16. Time limit for making complaints

A complaint will not normally be considered if it is made more than one year after the point at which the alleged injustice became known to the

complainant. This is because complaints that involve issues that happened more than 12 months previously are often difficult or impossible to investigate in a full and fair manner. However, the decision whether or not to consider the complaint will be made on a case-by-case basis. Possible reasons for accepting the complaint beyond the twelve month time limit are:

- The complainant had good reason for not making the complaint in the time limit.
- It is still possible to investigate the complaint effectively and fairly to all parties involved.

17. Complaints involving more than one department

If a complaint affects more than one department the DCRs of each department must jointly identify an investigating officer to investigate the complaint on behalf of both departments. The investigating officer may ask staff from other services to look into or gather information relating to specific elements of the complaint.

18. Alternative procedures

• *Potential insurance claims*

An insurance claim may arise where the complainant has suffered personal injury, pecuniary loss or physical damage and/or claims compensation.

Care must be taken to strike a balance between complaints which should be dealt with under the Council's complaints procedure and a potential claim which should be dealt with by the Council's insurers. Advice and assistance should be sought from the Council's Risk & Insurance Manager before any response, including acknowledgement, is made.

• *Complaints about Freedom of Information requests, Environmental Information Regulations requests and Data Protection requests and compliance*

Following making a request for information in accordance with the Freedom of Information Act 2000, Environmental Information Regulations 2004, or Data Protection Act 1998 a customer may express their dissatisfaction. It is important that the nature of the dissatisfaction is identified and then dealt with correctly and in accordance with the relevant procedure.

Dissatisfaction about the nature of the response to an FOI/EIR request e.g. a complaint that information has been withheld or partially withheld by the Council, are issues that must be addressed under the Council's [Freedom of Information \(FOI\) and Environmental Requests Policy and Procedure](#). If a customer is dissatisfied with a response to a request under the Data Protection Act 1998 including subject access requests and data breach

enquiries, these issues must be addressed under the Council's [Data Protection Policy](#).

Expressions of dissatisfaction about the quality of service received from the Council following a request under one of the above procedures should be investigated under this procedure.

If expressions of dissatisfaction relate to both the quality of service received from the Council **and** rights under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 or the Data Protection Act 1998 then each element of the enquiry should be separated out and dealt with under the separate appropriate procedures. The complainant should be informed in writing of the names of all relevant investigating officers and advised of how the complaint will be split amongst the appropriate procedures.

A separate response should be issued under the separate procedures along with advice on how the complainant can escalate their complaint should they so wish.

- ***Complaints about staff and those which could lead to a Human Resources (HR) investigation***

If during the course of investigating a complaint it becomes apparent that HR intervention might be appropriate then advice should be sought from HR as to the appropriate procedure to follow.

Consideration by the service manager and HR officer should be given to what, if any, update should be provided to the complainant.

- ***Complaints against Elected Members***

Complaints against Elected Members must be referred to the Council's Monitoring Officer. All complaints will be dealt with in accordance with the adopted procedures of the Standards-Sub Committee.

- ***Complaints against the Chief Executive***

Where a complaint is made against the Chief Executive personally (and not where they are being cited because of their overall responsibilities) it will be referred to the Leader of the Council who will consider whether and how the complaint will be dealt with following consultation with the Director of Corporate Resources. The complainant will then be advised accordingly.

- ***Complaints against Directors***

When a complaint involves the Director of a department, care needs to be exercised to ensure that as impartial a response as possible is given. In some cases the Director may be cited because of his/her overall responsibilities. In such a case, the employee responsible for the matter

complained of will need to be identified and normal procedures can be followed, although it may be necessary for the investigating officer to be of appropriate seniority and for the response to be in the name of the Director.

Where the complaint is clearly against the Director personally, or is of an otherwise sensitive nature, it should be referred to the Chief Executive who will consider whether the complaint should be investigated either by him/herself or such person as he/she nominates. If this occurs, the complainant will be advised accordingly.

- ***Allegations of financial irregularity***

A copy of any complaint received alleging financial irregularity, concerning cash, stores or other property of the Council, should be sent immediately to the Audit Manager, Internal Audit Services of the Chief Executive and Corporate Resources Directorate.

Where a complainant makes an allegation of fraud and/or corruption, Investigating Officers should seek advice and guidance from the Council's internal audit team. A decision will need to be taken about whether the complaint should be investigated by Internal Audit and/or referral to the Police. Careful consideration will need to be given to the information that can be provided to the complainant during and following the conclusion of the complaint.

19. Equalities and monitoring

The complaints procedure is consistent with the authority's Equalities Strategy. It recognises the right of people to complain about discriminatory practice in service delivery. The procedure also recognises that people can often require assistance in enabling them to use procedures such as this. Monitoring information is requested so that analysis of complaints against relevant customer segments can be recorded and used to further improve our services.

20. Discrimination and/or harassment

Any complaint received involving race, sex, disability and other forms of discrimination should be immediately brought to the attention of the Council's equalities team and human resources for advice and guidance.

21. Learning from feedback

It is important that actions resulting from all feedback, including complaints are put into place to ensure that improvements in services and service delivery can take place.

As a minimum we must:

- use complaints data to identify the root cause of complaints
- take action to reduce the risk of recurrence

- record the details of corrective action in the complaints file, and
- systematically review complaints performance reports to improve service delivery

Where we have identified the need for service improvement:

- the action needed to improve services must be authorised
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- the DCR must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved
- we must ensure that our staff learn from complaints

Recommendations made as a result of complaint investigations under this procedure will be considered by the relevant service manager and/or Head of Service and/or Director depending on the stage at which the complaint has been investigated. Where accepted they will be monitored by the DCR to ensure that implementation is as recommended and within the given timescale. Progress will be recorded on the corporate feedback system.

As part of continuing improvement for the complaints procedure the complainant is invited to provide feedback on the complaints handling process. The purpose of this is to find out what the complainant thinks about the way their complaint was dealt with so that we can monitor performance and make improvements.

22. Recording and monitoring

All complaints will be recorded on the corporate feedback system by the DCR. All feedback will be regularly monitored and service improvements implemented to avoid future complaints about the same issue.

Reports will be prepared at agreed intervals on the number of complaints received and other relevant statistical information and analysis. These reports will be presented to the Chief Officer Management Team and Members for consideration.

23. Unreasonable persistent complainants and/or unreasonable complainant behaviour

We are committed to dealing with complaints fairly and impartially, and to making our services as accessible as possible. But because of the nature and/or frequency of contact with the Council, a small number of complainants hinder the consideration of their own, or other complainant's cases. In these circumstances we have a procedure called 'Dealing with unreasonably persistent complainants and/or unreasonable complainant behaviour' to which we can and will refer.