

Corporate Compliments, Comments and Complaints Procedure

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Complaints about Adult & Children’s Social Care Services will not be dealt with via this procedure.

1. Principles

We are committed to putting the customer at the heart of everything we do. To support this ambition we are focussing on four key promises to ensure we can respond to the demands of our customers. These promises are that we will:

- Make it easy for our customers
- Treat people with dignity and respect
- Take responsibility
- Use customer feedback to improve our services

We are committed to providing high quality services and customer feedback is essential to this. We welcome all compliments, comments and complaints. These help us to review and improve our services so that we can provide the best possible services for our customers.

We accept that sometimes things go wrong and that managing complaints well is central to improving both our services and our reputation. How we deal with complaints and learn from them says a lot about our organisation.

This document is intended to assist us in achieving our key principles. We make the following commitments in respect of customer complaints. We will:

- Listen to what people have to say.
- Ask people what they want to happen to sort their concern or complaint out.
- Try to agree a plan to resolve complaints in partnership with the complainant.
- Tell the complainant if we cannot do what they ask and will explain why.
- Treat complaints fairly and objectively.
- Treat complaints and the people that make them with respect.
- Record all complaints and the outcome.
- Use complaints as an opportunity to learn and improve.
- Make sure people have support and help to be able to make their views known.

2. Policy

The efficient handling of compliments, comments and complaints is crucial to good customer care and involves everyone within the organisation.

In order for this policy to achieve the desired outcome of supporting our key principles it will be well communicated internally to ensure that the Council's employees are aware of how to deal with feedback.

2.1 Definition of a compliment

A compliment is any expression of praise or congratulations (for the Council or its staff) that goes beyond positive recognition.

2.2 Definition of a comment

A comment is any expression or suggestion, positive or negative, which does not constitute a complaint but relates to the services provided by the Council.

2.3 Definition of a complaint

A complaint is an expression of dissatisfaction about the standards of service, actions or lack of action by the Council or its staff. A complaint is not a request for service e.g. to fix a pothole.

2.4 What may people complain about?

The list below outlines some of the things people may wish to complain about:

- When we do not provide a service at the level or to the standard laid down by law or Council policy/guidance.
- Whenever we delay unreasonably in answering a query or responding to a request for service.
- Whenever we do not follow Council policies or procedures.
- Whenever we do not take account of relevant matters in coming to a decision.
- When we do not tell people their rights or otherwise treat them unfairly.
- When an employee or someone acting on behalf of the Council are unhelpful or insensitive to a customer.
- When an employee or someone acting on behalf of the Council show malice, offensiveness, bias or unfair discrimination.

Complaints against contractors employed by the Council will be treated as complaints against the service area employing the contractors. The council may ask the contractor to respond to the complaint but will oversee the response.

2.5 What is not a complaint?

- A request for a service e.g. reporting a fault with a street light or request for Home Care services.
- A request for information or for an explanation of Council policy.
- A matter for which there is a more appropriate legal remedy e.g. a matter which is (or could reasonably be expected to be) the subject of court or tribunal proceedings or review by a minister.
- A request which is covered by legislation e.g. Freedom of Information or Data Protection.
- A claim for compensation. In most cases claims for compensation against the authority will be referred to the insurer.

2.6 Complaints outside this procedure

The list below outlines some of the things that should be directed elsewhere:

- A matter for which there is a more appropriate right of review or appeal should not follow this procedure. For example complaints about the handling of Freedom of Information, personal information or Community Support requests should be investigated through the relevant review process.
- Complaints about the Cumbria Police and Crime Panel should follow their own complaints procedure.
- Complaints about the conduct of Councillors. These should be referred to the Monitoring Officer.
- Complaints about a school or school staff. These should be made to the Head Teacher or the Chair of the school's governing body.

Councils with social services responsibilities are by law required to have a separate complaints procedure for social care service users or their representatives. Complaints about Children's Services or Adult Social Care will usually be covered by their statutory procedure rather than this policy.

There are formal procedures, and in some cases appeals arrangements, for dealing with certain education issues. These include school admissions, the provision of the national curriculum including religious education and collective worship, exclusions, special educational needs assessments and child protection issues.

2.7 Employee matters

Matters about employment including pay, pensions, dismissal or applications for employment should follow the relevant internal procedure. For example complaints about Local Government Pensions should follow the Internal Dispute Resolution Procedure and complaints about staff employment should follow the grievance procedure or other relevant policies. The Corporate Complaint Procedure cannot be used alongside these procedures. See the Grievance Procedure or the Harassment Policy for more information.

Staff or teams wishing to complain about a member of staff or team in another directorate should progress this through the appropriate line management arrangements. Employees who believe that there is serious wrong doing at work by other employees, managers, Councillors, suppliers, contractors or others acting on behalf of the Council should refer to the Council's Whistle-Blowing Policy.

2.8 Who can and how to make a complaint?

- Any person or organisation accessing a service from the Council can make a complaint.
- Anyone acting on behalf of a person or organisation receiving a service from the Council can make a complaint e.g. next of kin or MP.

Where complaints are made by third parties the council has an obligation to obtain consent from the person who is the subject of the complaint before disclosing confidential information. Where a person who is the subject of the complaint does not have capacity to give consent, as defined by the Mental Capacity Act, then a best interest decision will be made about accepting/rejecting the complaint. Any such decisions will be communicated to the complainant.

Complaints can be submitted by letter, telephone, email, in person, online form, on audiotape, in Braille or in another language to any member of Council staff.

2.9 Courtesy

The Council welcomes feedback and will investigate all complaints with courtesy and respect. Whilst it is recognised that a complainant may be angry and upset with the council or its staff, and may have issues of genuine concern, it is expected that all representatives of the Council will be similarly treated with courtesy and respect. If it is felt that staff are being treated in an unreasonable way then they may wish to exercise the Unreasonable Customer Policy.

3. Process

3.1 Compliments

Compliments are an important way for the Council to celebrate and publicise its successes. Compliments received by staff should be sent to their Complaints Team. Upon receipt compliments will be copied to the relevant staff and Director, and where possible the relevant staff or Director will write to the customer who made the compliment. However, departments can request that compliments are only logged by the Complaints Team for inclusion in reports.

3.2 Comments

Not all customers who have useful feedback will wish to make a complaint. Customers should be supported and encouraged to make their views known and make comments and suggestions about how services could be improved.

Upon receipt comments will be acknowledged by the Complaints Team and sent to the relevant manager or staff member. The manager (or staff member) will consider any suggestions made, investigate any comments or concerns and respond to the customer with a copy to the Complaints Team.

3.3 Resolving complaints locally

If a customer complains to any member of staff that member of staff will be expected to take ownership of the complaint. In the first instance members of staff will take responsibility for the complaint and will try to resolve the issue locally.

If the complaint is resolved locally (by the member of staff or their line manager) details of the complaint and the outcome will be passed to the Complaints Team to record.

If the complaint cannot be resolved locally by the member of staff or their line manager the details should be passed to the Complaints Team for escalation to the Corporate Complaints Process.

3.4 Corporate Complaints Process

Either a complaint is referred to the Complaints Team from a member of staff or the complaint is sent directly from the by a customer to a published contact for complaints (see appendix).

When a complaint is received directly to the Complaints Team the team decides whether the issue is resolvable locally. If this is the case complaints will be referred to the process as per point 3.3. All other complaints will be referred to the Resolution Stage of the Corporate Complaints Process.

3.4.1 Resolution Stage

The relevant Complaints Team records or updates customer details.

The Complaints Team identifies and briefs an appropriate manager to progress the complaint through the Resolution Stage. The appropriate manager will be identified as the Senior Manger (SM) in this document.

The Complaints Team contacts the customer within two working days of complaint being recorded at the Resolution Stage to acknowledge the complaint and explain the next steps.

The SM undertakes information gathering within the service in relation to the complaint.

The SM contacts the customer within five working days of the complaint being recorded at the Resolution Stage to discuss.

EITHER

This resolves the complaint and the customer's file is updated and closed.

OR

The complaint remains unresolved. At this point the SM discusses (or arranges to discuss or meet with the customer at a later date) to agree an action plan (what can/can't be achieved) and reasonable timescales for resolving the complaint. (If an action plan cannot be agreed with the customer the SM proceeds with an action plan and confirms that this was unable to be agreed with the customer.)

The agreed actions are written up by the SM, confirmed to the customer and recorded on file.

Regular communication should take place between the SM, the customer and the Complaints Team to update on progress. All communication is saved on file.

Planned actions are carried out and this is confirmed to customer.

EITHER

The plan is delivered and resolves the complaint to the customer's satisfaction. The SM confirms in writing to the customer (copy to the Complaints Team) that the complaint has been resolved in line with the action plan. The customer's file is updated and closed.

OR

The plan is delivered but the customer is still dissatisfied with the response and actions to resolve their complaint and asks for the complaint to be looked at again.

Note: There may be occasions where the Complaints Team may choose to deviate from the procedure set out above. For example where a directorate receive a large number of complaints about a single decision or issue, or where resolution is not achievable for policy reasons, they may choose to provide a more standard written response.

3.4.2 Review Stage

If the customer is still dissatisfied with the response and actions to resolve their complaint, then the complaint should be raised to the Review Stage. Where possible this will be a review by an assistant director (AD) from the directorate but unrelated to the part of the service dealing with the complaint.

The SM involved in the Resolution Stage and the AD whose service area the complaint relates to should be copied into the Review Stage correspondence by the Complaints Team.

The Complaints Team records the complaint at Review Stage and contacts an AD to confirm that they will take responsibility for the complaint.

The Complaints Team contacts the customer within two working days of complaint being at Review Stage to acknowledge that the complaint has been escalated to Review Stage and explain next steps.

The AD conducting the review discusses the complaint with the customer and the SM involved in the Resolution Stage and looks at any evidence. At this point any problems that the customer highlights should be reviewed if appropriate. The AD reviews whether the complaint was fully and fairly considered and everything possible was done to resolve the complaint.

EITHER

The AD concludes everything possible was done to resolve the complaint and confirms to the customer. The AD completes a report stating this.

OR

The AD concludes that further actions are appropriate to resolve the complaint and agrees these with the customer. The actions are delivered and the AD confirms to the customer before completing the report.

Depending on the service area; either the AD sends the report to the Complaints Team for preparation before sign off, or the AD sends the report direct to the Corporate Director and Chief Executive, copied to Complaints Team. (ADs are advised to ask their Complaints Team for guidance.)

The Corporate Director and Chief Executive sign the report on behalf of the council as confirmation that this is the full and final response.

A written response summarising the report is sent to the customer within 15 working days of the customer asking for the complaint to be raised to the Review Stage. This response is sent from the Assistant Director and copied to the Corporate Director, Chief Executive and Complaints Team. The customer is provided with details of the Local Government Ombudsman as part of this final response.

3.5 Local Government Ombudsman

If the customer is not happy with the outcome of their complaint they can contact the Local Government Ombudsman. They should do this within 12 months of when they first knew about the matter they are complaining about.

The Local Government Ombudsman can be contacted by calling 0300 061 0614. More information is available on their website at www.lgo.org.uk

Approval and Review	
Author:	Bridget Sanderson – Corporate Complaints Officer
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Endorsed by CMT date	July 2011
Originally Published:	Version 1 - March 2012
Current version:	Version 4
Review date:	May 2019

Document Change History				
Version No	Release date	Issued by	Approved by	Reason for change
1	March 2012	Corporate Complaints Officer	Assistant Director of Policy & Performance	N/A – first issue
2	December 2012	Corporate Complaints & Information Compliance Advisor	Senior Manager of Performance & Intelligence	Following review
3	October 2013	Corporate Complaints & Information Compliance Advisor	Senior Manager of Performance & Intelligence	Additional information required
4	May 2018	Complaints & Information Governance Officer	Information Governance & Risk Manager	Contact appendix updated

Appendix

Cumbria County Council's published contacts for Compliments, Comments and Complaints

The Complaints Team
Cumbria County Council
Cumbria House
117 Botchergate
Carlisle
CA1 1RD

Tel: 01228 221234

complaints@cumbria.gov.uk