

# Customer Complaints Policy

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# Introduction

As a public authority, Warwickshire County Council wants to make sure its customers are satisfied with our services. People may wish to tell us when they are satisfied with the services they have received, make suggestions on how we could improve or tell us when things have gone wrong. We believe dealing effectively with all such feedback is essential to providing good services, learning and improving.

This Policy sets out how complaints will be dealt with, ensuring concerns raised are considered and any resulting changes or improvements made, where required.

The Policy seeks to address the need for clarity around handling complaints, specifically by those whose roles may involve receiving customer feedback. It is needed to ensure a consistent, clear, customer-focused approach is taken by all the authority's staff and should be used in line with more specific training and guidance relating to the Council's individual services.

The benefits of adopting the Policy are that:

- The authority fully understands its customers and therefore provides services that are appropriate and incorporates best practice
- The Council complies with its statutory obligations
- The Council is able to use its resources effectively to minimise failure demand
- The Council's commissioners are able to gain insight from customer's complaints and feedback to inform service delivery
- Opportunities to learn and improve are taken and used effectively
- The Council is able to use its customers' feedback to inform planning, continuous improvement and performance
- Staff will feel empowered to deal with complaints in the most effective, appropriate and efficient way
- Our customers will receive a service that is as good as the best

The opportunities presented in the adoption of the Policy are:

- More opportunities for learning and improvement across the authority
- Staff development and empowerment
- Quality assurance of services provided

The Policy has been developed in line with best practice recommendations and legislation that covers complaints about local authorities' services. It links with Warwickshire County Council's Council Plan and vision to make Warwickshire the best it can be. More specifically, it also links to its Customer Experience Strategy and the Customer Promise.

The Policy is an opportunity to consolidate best practice and provide clarity for all involved. Periodic reviews of its output and accessibility in terms of customer feedback and the authority's commitment to serving its customers well has led to the Policy's development.

# The Policy

**Warwickshire County Council's Complaints Policy ensures that:**

- a) Users of the service can expect clarity and consistency**
- b) Customer feedback will be managed in accordance with legislation, obligations and best practice**
- c) Staff will feel empowered to take responsibility and handle customer complaints effectively**
- d) Customer feedback will be captured and used as insight to drive commissioning and service improvement**

## **What is a complaint?**

A complaint is any expression of dissatisfaction with a service that the Council (or one of its partners or contractors) has provided, and that requires a response.

## **Who can complain?**

A customer who has received a service provided by, or on behalf of the Council, can raise a complaint. A complaint can also be raised by someone who has been directly affected by such a service, or who is representing a customer.

## **1. Our guiding principles**

All complaints are taken seriously, dealt with appropriately and where necessary acted upon.

We will:

- Put the customer at the heart of the process, showing understanding and responding clearly and appropriately to the circumstances
- Provide an outcome as soon as possible
- Keep the customer informed about the complaint's progress; do what we say we will, when we say we will do it
- Apologise if we have made a mistake, or when something has gone wrong, we will put it right as soon as possible
- Make sure our response addresses all elements of the complaint and provides explanations for any decisions made or actions taken
- Use complaint information in a positive way to prevent similar occurrences in the future

We encourage all staff to resolve customers' issues without the need to use the formal complaints process, as in many cases we can deal with concerns quickly by putting the problem right straight away. However, all issues and outcomes will be recorded to ensure that we can learn from our customers' feedback.

## **2. What this policy covers**

### **a. Complaints covered under this policy:**

A complaint could be in relation to any of the following:

- There has been a significant delay in providing a service
- We have made a mistake in the way we provided a service
- We have failed to deliver a service: this could relate to the quality, standard or service level
  - We have not listened properly
  - Our processes or policies have not been followed
  - Our legal or regulatory obligations have not been met
  - We have not delivered against a commitment or promise
  - Our staff have been rude, inappropriate or unprofessional

Every complaint will be considered on its individual merits and, after initial conversations, a decision will be made on whether the complaints procedure should be implemented. Such decisions will be made by the Customer Relations Team in consultation with a manager from the relevant service and if required, Legal Services.

**b. Complaints not covered by this policy:**

There may be occasions where a customer has expressed their dissatisfaction with a service the Council has provided but it isn't appropriate to follow the Complaints Policy. The customer will be advised of this at the earliest possible opportunity and given information about any alternative procedure.

Details of the exclusions to the Complaints Policy are contained in Appendix 1.

**3. Complaint handling**

Staff should always try to resolve a customer complaint quickly and efficiently when it is presented to them. If this is not possible, then they should follow the procedure designated. There are essentially three different procedures, for complaints about :

- Adult Social Care Services,
- Children's Services and
- All other services (sometimes referred to as 'general' or 'corporate' complaints).

The procedures for Adult Social Care and Children's Services are imposed by legislation ('statute'), as the customers using these services are potentially more vulnerable and the issues may be more complex. Adult Social Care complaints involve just one stage, whereas Children's Services' complaints can be taken through three stages if required.

Complaints about all other services have a two-stage (non-statutory) process but there is no automatic right to take a complaint to stage two. The customer must provide an explanation of why and how the initial response failed to fully address their concerns, and evidence what element(s) of the complaint have not been answered.

After consideration, if it is decided that there is no reason to escalate the complaint to a stage two review, this will be explained within ten working days.

If customers have exhausted the Council's process(es) for their complaint but remain unhappy, they can take their issue to the Local Government and Social Care Ombudsman (LGSCO) for consideration.

#### **4. Complaint resolution involvement**

Generally, those involved in trying to resolve customers' complaints will be staff employed by the Council. However, there are times when independent people will be commissioned to be involved. Mostly, this will be due to the statutory requirements for Children's Services' complaints, as there is a need to involve independent people after stage one in order that the child's interests are fully protected.

However, occasionally there will also be a need to commission an external, independent investigator to carry out a complaint investigation or review.. This will be when the issues raised are particularly complex or there is a need for an extra level of independence. This decision will be taken by a Service Manager for the relevant service.

#### **5. Timeliness**

There are timescales applicable to customers raising complaints at each stage and to staff who are handling them. These can be found in the relevant procedural guidance and in Appendix 3 of this Policy.

Regardless of anything else, customers should always be responded to as soon as possible and kept up to date throughout with the timescale for the next contact agreed beforehand.

#### **6. Suspending complaints**

Complaint investigations may be suspended if there are concurrent investigations under one of the following procedures:

- Child protection
- Safeguarding of vulnerable adults
- Court proceedings
- Grievance
- Disciplinary
- Criminal proceedings

Once these have concluded, any outstanding issues in relation to the complaint can be considered if it is deemed appropriate to do so. A Service Manager will make the decisions to suspend and/or to continue.

#### **7. Discontinuing complaints**

The Council can decide to stop the investigation or review of a complaint if the customer fails to respond to requests for information. This will only happen if contact has been attempted at least three different times by different methods (where we have alternative contact methods, such as email addresses, telephone numbers or postal addresses) and no response has been received. The decision to discontinue a complaint will be made by a Service Manager and sent in writing.

#### **8. Withdrawing complaints**

A complaint may be withdrawn verbally or in writing at any time by the customer (or their representative). Where this occurs, the appropriate manager or a member of the

Customer Relations Team will write to the customer confirming the withdrawal and advising them that if their intention has been misunderstood, to let us know as soon as possible.

### **9. Re-opening complaints**

A customer can request that their complaint is re-opened if:

- We have misunderstood their intention to withdraw their complaint
- Their complaint was discontinued due to their non-response, but the customer can explain why this was and is now able to engage with staff

A manager in the relevant team will consider and, if appropriate, authorise the reopening of the complaint.

### **10. Unreasonable behaviour or vexatious complaints**

The inclusion of this section within the policy is to ensure those customers who pursue complaints in an unreasonable manner or where we deem the complaint to be persistent or vexatious, are dealt with appropriately, whilst ensuring that other customers or Council staff are not adversely affected. Examples of unreasonable behaviour are detailed in Appendix 5.

It is not possible to devise a single strategy to deal with complaints that are pursued unreasonably, or which are persistent or vexatious, as each case must be looked at on its own merits. If the Council considers that a customer's behaviour is unreasonable, the following procedure will be followed:

- We will inform the customer, in writing, on the telephone or at a face to face meeting, why we feel their behaviours or actions are unacceptable
- We will give them the opportunity to change their behaviours within a reasonable timescale before taking any further action
- Should the behaviours persist, evidence of these will be gathered by the Council and presented to the relevant Service Manager
- The Service Manager will review the evidence, referring to other departments within the Council as appropriate, and then decide on any restrictions to be applied to the customer and how long these should last

The Council can apply restrictions in the ways the customer can access its services, which may include one or more of the following:

- The Council will take no further action on their complaint
- Their use of the Council's complaints system will be limited to a single point of contact
- Contact will be restricted to one form of contact only
- The Council will not respond to any further contact unless legally obliged to do so
- Their right to enter Council premises will be restricted or removed
- Legal action may be taken, including injunctions or court orders

The customer will be notified of any restrictions applied to them in writing within five working days of the decision.

There is no right of appeal to Warwickshire County Council regarding the implementation of this section of the Policy. We would however direct the customer to

the LGSCO should they not agree with the application of any such restrictions. Information concerning the restrictions will be shared with relevant staff. This information will also be registered on the customer's record whilst restrictions are in place.

## Roles and Responsibilities

**All staff** are responsible for delivering the Complaints Policy, especially where their roles involve customer contact. Those undertaking investigations or reviews are responsible for meeting standards relating to timeliness and quality.

The **Complaints Manager** for Warwickshire County Council is responsible for ensuring that complaints across the authority are collated, monitored and reported and that we learn from them when we have done something wrong.

**Strategic Directors** and **Assistant Directors** are responsible for the performance of their own service areas in relation to customer feedback and complaint handling.

The **Local Government and Social Care Ombudsman (LGSCO)** is an independent body who considers complaints once the local authority's processes have been exhausted. They may ask us to deliver a remedy they deem appropriate once they have investigated.

The **Link Officer** role is the person designated in the authority to provide close liaison with the LGSCO. The role is usually allocated to a member of the Legal Services Team.

A **Service Manager** in the relevant service area is responsible for reviewing and applying any communication restrictions on customers who are deemed to be exhibiting unreasonable behavior. They are also responsible for suspending and resuming a complaint investigation and authorising the re-opening of a complaint. Ultimately, they are also responsible for ensuring that complaints in their service areas are responded to in accordance with the policy.

**Customer Relations Officers** are part of the Customer Relations Team and are responsible for reviews at stage two of the complaints process(es) as appropriate. They will also offer guidance and support to their colleagues in relation to complaint handling where required.

**Legal Services** are the team who will provide advice and guidance in relation to complaint handling where there may be a technical or legal point at issue, e.g. consent to bring a complaint or whether the complaints process is the appropriate route to follow.

**Independent Investigators** are complaint handling specialists that are not employed by the Council. They are responsible for carrying out a fair and timely investigation of a customer's complaint to the same standards as those that staff are held accountable to.

**Independent People** are complaint handling specialists that are not employed by the Council. They are responsible for overseeing Children's Services stage two



investigations by staff who are independent of the service complained about. They are also responsible for bringing the same level of oversight to stage three Children's Services panel hearings and ensuring that the needs of the child are fully protected.

## **Monitoring and Review**

This Policy will be reviewed annually by the Complaints Manager and in accordance with current Council procedures and legislation.

The Policy will also be monitored in line with feedback received from staff, stakeholders, customers and their representatives and alongside the complaints procedure and guidance provided.

Indicators of success will include:

- Positive feedback from users of the Policy
- A continuing trend of learning and improvement within the authority
- Empowered and efficient staff

## Further Information

Training and guidance documents in relation to complaint handling can be located on the Council's intranet site.

The Customer Relations Team can provide support and guidance in relation to complaint handling, including timescales, the specific procedures and the complaints case management system. They can be contacted by telephone on: 01926 414102 or by email at: [customerrelations@warwickshire.gov.uk](mailto:customerrelations@warwickshire.gov.uk).

### **Information in other formats**

If this information is difficult to understand, we can provide it in another format, for example, large print, audio tape, easy read, or in another language.

Please contact the Interpreting and Translation Unit  
on 01926 410410

# Glossary

**Commission** – buying in a service that will meet the required needs of a specific situation

**Customer** – a person (or their representative) who is the recipient of a service provided by, or on behalf of, the Council

**Feedback** – complaints, comments or questions that relate to a service provided by the Council and which may require a response

**Resolution / Resolve** – a conclusion, or coming to a conclusion in relation to the complaint that has been raised. This conclusion and any associated remedy aims to get the agreement of the customer who has complained but isn't dependent on that agreement

**Remedy** – the thing done, recommended or offered, in order to put right a service failure that has been identified

**Statutory** – underpinned by legislation, i.e. a legal requirement

**Stage two review** – for general complaints (i.e. non-statutory), this is a review of the stage one investigation, rather than a re-investigation. The review seeks to understand whether the stage one investigation was carried out in a fair and proper way and whether the conclusion was reasonable in the circumstances

# Appendices

## 1. Exclusions from the Complaints Policy

i) **Requests for service or information** - these requests alert us to work to be done and only become a complaint if we do not deal with them appropriately and within the agreed timescale

ii) **Appeals processes against a decision made** - for some services there are alternative statutory appeals, tribunal processes or other policies in place which must be used rather than this complaints policy. These include (but are not limited to):

- Issues of parking notices such as parking tickets and the recovery process
- Decisions on planning applications
- Decisions to exclude pupils from school
- Special education provision for a child
- Appeals against the outcome of an assessment under the Department for Transport 'Eligible subject to further assessment' criteria regarding the issue of a Blue Badge
- Decisions about the school a child should attend
- Complaints about Academies

iii) **Not agreeing with a judgment or decision made** – Very often we will be called on to make decisions or form judgments about whether, or how, to deliver services to customers. Very often we will reach those judgments without any fault on our part and the customer may still be dissatisfied. The complaints process is not there to provide an opportunity for customers to express dissatisfaction with a decision or judgment in the absence of fault or to have that judgment or decision re-opened or taken again. Dissatisfaction must be accompanied by a Council failure of a kind described in **2a** above to be treated as a complaint under this policy.

iv) **Complaints about Councillors** – All members (elected Councillors and co-opted members) are expected to work to the highest standards of integrity. They agree to work to a Code of Conduct setting out how they should behave towards members of the public, people working for the council and themselves. Complaints about Councillors breaching the Code of Conduct are dealt with by the Monitoring Officer.

v) **Complaints made more than one year after the customer became aware of the issue** (unless there are exceptional circumstances) - this is because such complaints can be difficult to investigate fully or fairly due to the passage of time

vi) **Staff personnel issues** (such as disciplinary or grievance) or recruitment and selection process – this should be progressed with guidance from specific HR policies and procedures.

vii) **Allegations of fraud, theft or corruption by a member of staff** – any serious concerns about a member of staff should be reported to the Council's Internal Audit team at: [tellusaboutfraud@warwickshire.gov.uk](mailto:tellusaboutfraud@warwickshire.gov.uk).

viii) **Complaints about data protection** – complaints about how the Council has processed personal data or about information sharing, disclosure, retention or information security should initially be raised with the service responsible for the data to enable any issues to be resolved. Should there remain concerns on how the Council handles data, the customer should contact the Data Protection Officer by email at: [inforights@warwickshire.gov.uk](mailto:inforights@warwickshire.gov.uk).

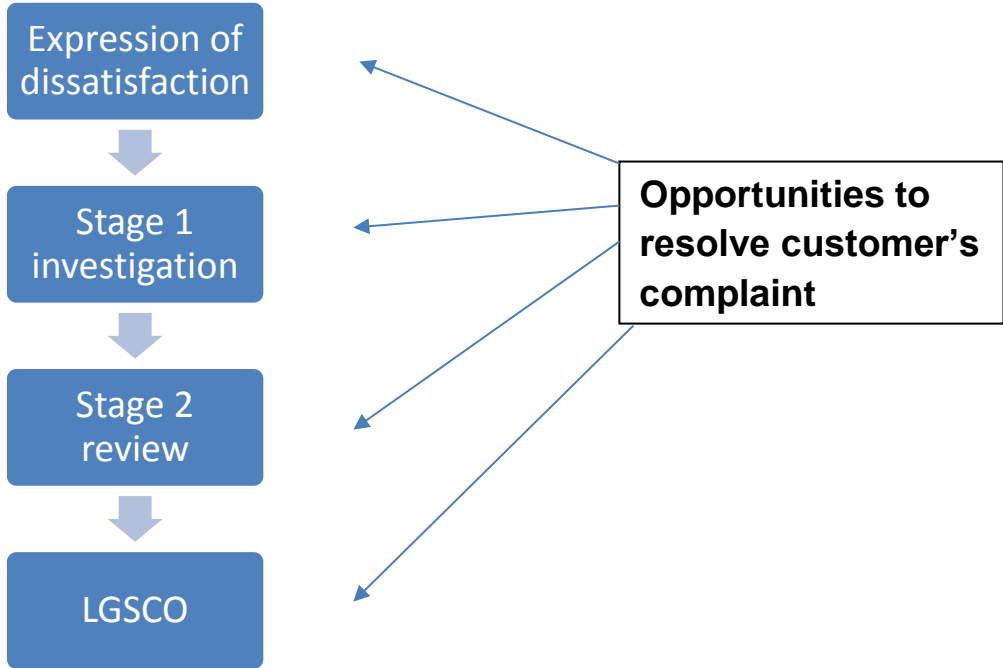
ix) **Complaints that have already exhausted our process** – if the same complaint has received a final written decision or the complaint has already been referred to the Local Government and Social Care Ombudsman (LGSCO) or the Information Commissioner (ICO).

x) **Complaints that are already part of legal or Court proceedings, or claims for compensation** – if the issues of the complaint are already part of a legal case then this will take precedence over the complaint procedure (also, see section 6). Compensation claims that are not part of a complaint will be dealt with under a separate internal process.

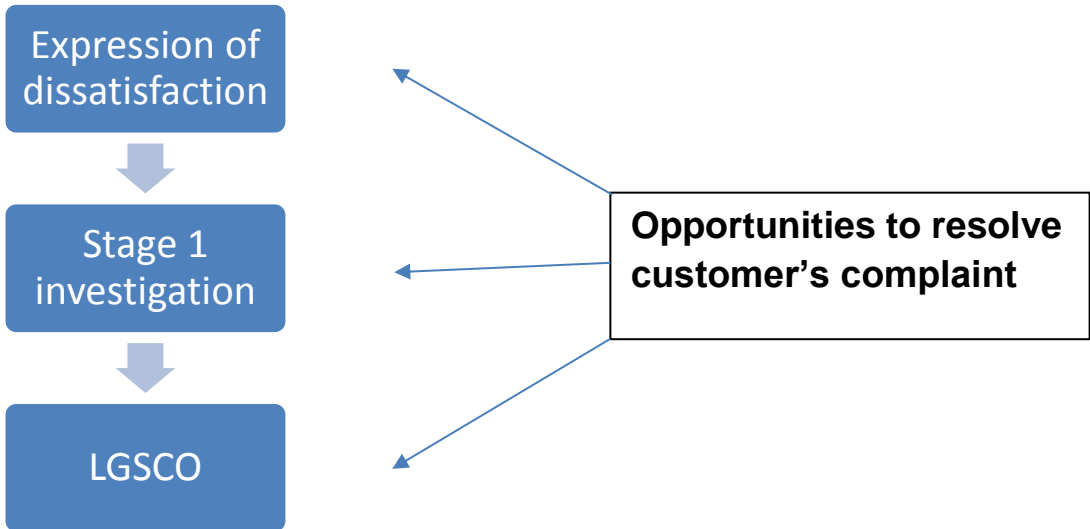
xi) **Complaints about one of the Council's policies** – if someone complains about the way the Council has decided to deliver its services or how they have complied with legislation, government or other guidance, this will be dealt with separately by a senior manager.

## 2. Complaints Processes: high-level view

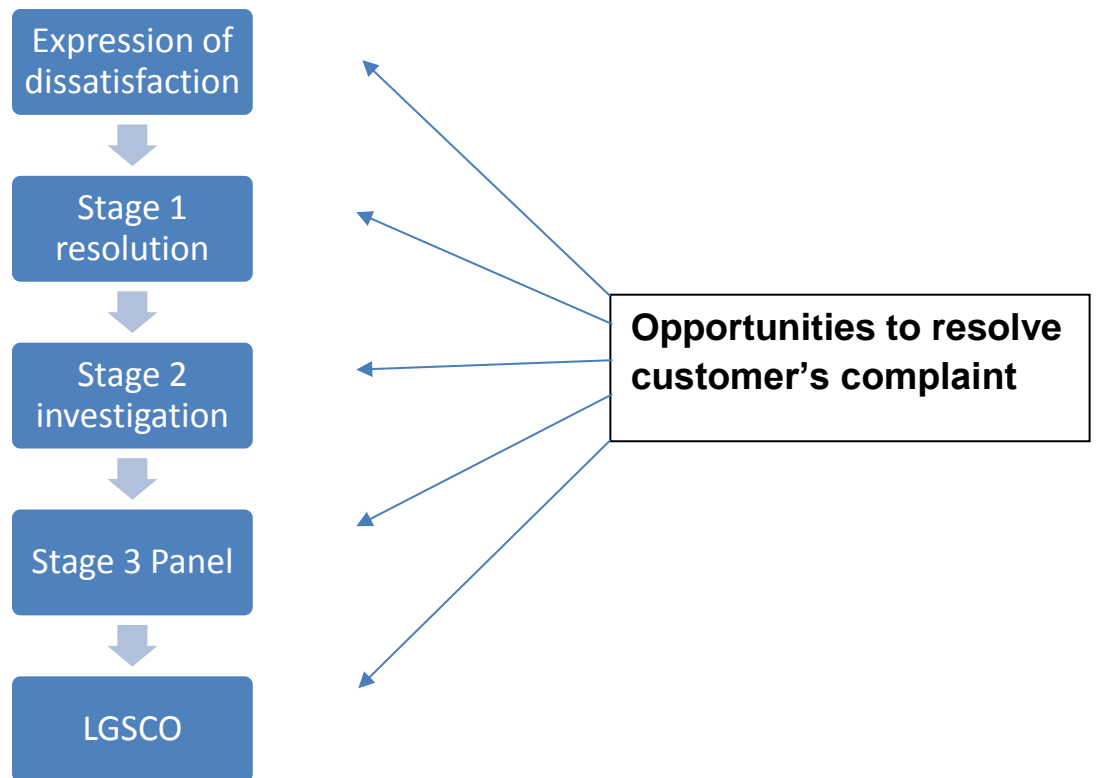
### a. General Complaints Process



### b. Adult Social Care Complaints Process



### c. Children's Services Complaints Process



### 3. Complaints Processes: Timescales

The timescales for handling complaints are detailed below.

The timescale ranges for General and Adult Social Care complaints take account of those issues that might be more complex. The lower timescale should always be aimed for and customers should always be updated accordingly.

Children's Services' complaint timescales are set by statute and therefore cannot be altered. The range for stage 3 (Panels) reflects: the time taken to arrange and set the panel date (30 days), the time after which a report should be written and presented to the Assistant Director of Children's Services (5 days), and the time within which they should then write to the customer responding to the report's recommendations.

<b>Complaint Service</b>	<b>Stage 1 timescale (working days)</b>	<b>Stage 2 timescale (working days)</b>	<b>Stage 3 timescale (working days)</b>
General	10-30	30	n/a
Adult Social Care	10-30	n/a	n/a
Children's Services	10-20	25-65	30+5+15

Alongside this, there are timescales we ask the customer to comply with. They are:

- To bring their complaint to us within 12 months of being aware of the issue
- To request an escalation to stage two (where appropriate) within 20 days of receiving the stage one response
- To request an escalation to stage three (Panel) within 20 days of receiving the stage two response

A response will be deemed to be received by the customer on the date the response is sent if sent by email to the customer or the day after posting if sent by first class post or the third business day after posting if sent by second class post.

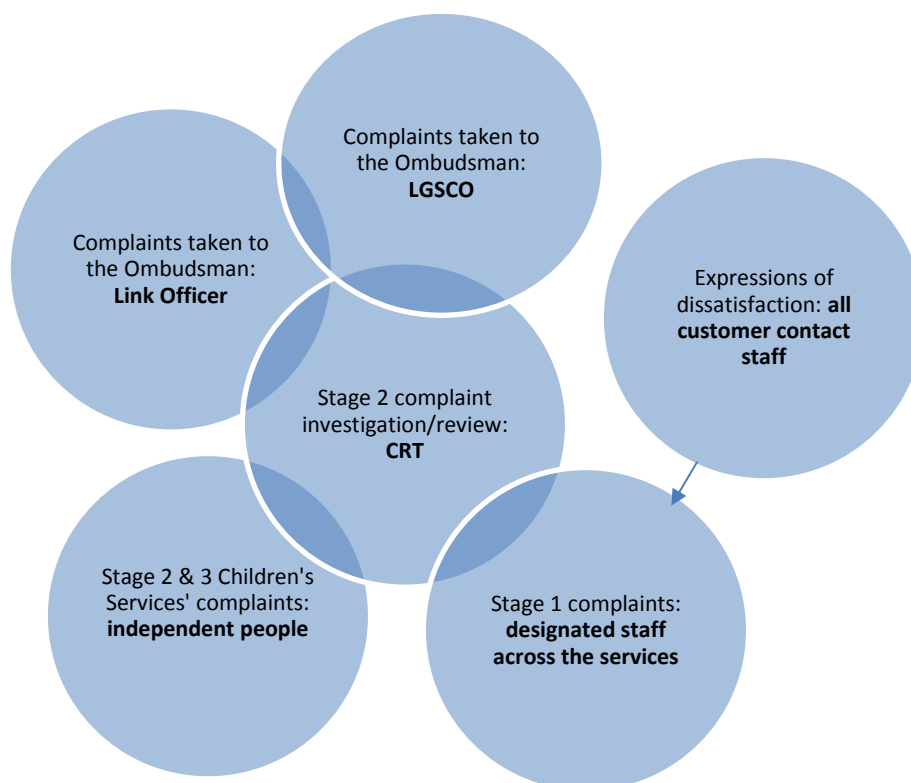


## 4. Complaints Processes: who does what?

The individual services designate appropriate staff to handle complaints at stage one.

The Customer Relations Team (CRT) has an overview of complaints across the authority. They will handle all stage two complaints, as well as arranging for independent people to satisfy the statutory requirements of the Children's Services' complaints process at stages two and three. They also provide support and guidance to the rest of the authority where required, including sharing information and feedback.

However, this does not detract from the key role that all customer contact staff across the Council have in delivering good service and resolving customers' issues as soon as they are presented.



## 5. Examples of Unreasonable Behaviour

A complaint could be considered to be pursued unreasonably or to be a persistent or vexatious complaint where the customer:

- Refuses to specify or agree the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- Insists on referring to one, specific member of staff despite being advised that this is not needed
- Persists in pursuing a complaint where the Complaints Policy has been fully and properly implemented and exhausted
- Refuses to accept a decision made on a complaint, repeatedly arguing points with no new evidence or insufficient evidence
- Refuses to co-operate with the complaint investigation process
- Refuses to accept that certain issues are not within the scope of the complaint procedure
- Introduces trivial or irrelevant information which they expect to be considered and commented on
- Sends repeated, persistent or abusive communications in connection with the same complaint (or with minor additions or variations) or makes / publishes derogatory statements about staff or Members
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint has been addressed or is groundless)
- Makes, or has made, excessive demands on the time and resources of staff
- Changes the basis of the complaint as the investigation proceeds and/or making unjustified complaints about staff who are trying to deal with the complaint
- Has harassed, used threats to intimidate, or been personally abusive, offensive or aggressive on repeated occasions despite documented evidence of this being described to the complainant as unacceptable
- Knowingly provides falsified information
- Publishes unacceptable, derogatory information or statements about the Council, its staff or the services it provides, including those through partner organisations on social media or other public forums
- Is known to have recorded meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved
- Has made a number of contacts in person, by telephone, letter, e-mail or fax and/or use of a 'scatter gun' approach by pursuing complaints with several members of the organisation and/or external organisations, despite being informed that this is not necessary