

**SWINDON BOROUGH COUNCIL
CORPORATE CUSTOMER FEEDBACK POLICY**

Version 3.0

Customer Feedback Policy 2007 APPROVED

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Table of Contents

1	Introduction	4
2	Our Aims	4
3	Complaints	5
3.1	Definition of a complaint	5
3.2	Classification of complaints	5
3.2.1	Justified Complaint	5
3.2.2	Not Justified Complaint	5
3.3	Exclusions (out of scope)	5
3.4	Anonymous Complaints	6
3.5	Complaint Response	6
3.5.1	Full Response for Justified Complaints	6
3.5.2	Interim Response	6
3.5.3	Not Justified Complaint Response	6
3.6	Complaints received by Councillors and MPs	7
3.7	Complaints – four stage handling process	7
3.7.1	Stage 1 – Business Unit Solution Owner	7
3.7.2	Stage 2 – Referral to the Business Unit Director	7
3.7.3	Stage 3 – Referral to Chief Executive	7
3.7.4	Local Government Ombudsman (LGO)	7
3.8	Abusive, Persistent and Vexatious Complaints	8
3.8.1	What is a Persistent or Vexatious Complaint?	8
3.8.2	Persistent and Vexatious Complaints Procedure	9
3.8.3	Withdrawing Vexatious Complaints Status	10
4	Comments and Compliments	10
4.1	Definition of a Comment	10
4.1.1	Comment Response	10
4.2	Definition of a Compliment	10
5	Customer Feedback	10
5.1	Recording customer feedback	10
5.2	Monitoring customer feedback	10
6	Roles and Responsibilities	11
6.1	Customer Comments Officer (CCO)	11
6.2	Solution Owner	11
6.3	Business Unit Director	12
7	Appendix 1 - The Procedure to be followed in Adult Social Care	13
7.1	Local Resolution	13
7.2	Parliamentary and Health Service Ombudsman (PHSO)	13

7.3	Patient Advice Liaison Service (PALS)	13
7.4	Contact.....	14
8	Appendix 2 - The procedure to be followed in Children's Service	15
8.1	Stage 1 – Local Resolution	15
8.2	Stage 2 – Investigation.....	15
8.3	Stage 3 – Independent Review Panel	16

1 Introduction

The Corporate Customer Feedback Policy provides guidelines for responding to complaints, comments and compliments. It provides a fair, consistent and structured system for the handling of customer feedback including complaint handling guidelines set down by the Local Government Ombudsman.

This document contains policy requirements and advice and is designed to cover most situations where a customer provides feedback regarding the service provided. There are statutory requirements that need to be taken into consideration for both Social Services and Education and these are detailed in Appendix 1 and Appendix 2.

2 Our Aims

All our customers:

- Have ease of access to use our customer feedback policy to express their views and have appropriate help with differential needs such as interpreters/signers.
- Are confident that their concerns are taken seriously.
- Are kept informed of progress.
- Receive replies within the agreed target timescales.
- Receive a response by the most effective method, whether that is via a letter, an email, a telephone call, a home visit, a meeting in Council Offices or any combination of these channels of communication. All written responses will be sent in plain English or language of choice.
- Are treated fairly and without discrimination.
- Are made aware that confidentiality is maintained in accordance with the Data Protection Act.

The Council is committed to providing a high quality service to all our customers so all feedback is welcomed as an opportunity to identify areas to drive continuous service improvement to improve customer satisfaction.

Our customer feedback policy:

- Is easy to understand and widely publicised.
- Provides clear guidelines and targets for the handling of customer feedback, i.e. complaints, comments and compliments.
- Ensures all areas across the Council consistently use the Corporate Customer Feedback tool for the recording and monitoring of customer feedback together with providing an audit trail.

All our staff:

- Are aware of this policy and guidance document, which clearly defines roles and responsibilities.
- Will assist wherever possible to ensure the customer receives a full response within agreed timescales that is both accurate and unbiased.
- Are empowered to resolve the query on the spot, as quickly and as positively as possible with the necessary support structure in place should the matter require further investigation.

3 Complaints

3.1 Definition of a complaint

An **expression of dissatisfaction** with regards to:

- The standard of service, action or lack of action or decision taken by the Council.
- The way in which the Council's staff or representatives carry out their duties.

3.2 Classification of complaints

The Council classifies complaints into two categories, which are justified and not justified. The determination of a complaint as justified and not justified is for internal monitoring purposes only.

3.2.1 *Justified Complaint*

A justified complaint is where the Council upholds the customer's complaint. Examples of a justified complaint:

- When a customer expresses dissatisfaction at the Council's failure to meet our standards of service such as delivering to agreed time scales and quality of service.
- The Council has failed to respond to the customer's original problem/service request.
- A member of staff has not carried out their duties to an acceptable standard or with the appropriate courtesy.
- The Council has not treated the customer fairly without discrimination.

3.2.2 *Not Justified Complaint*

A complaint is not justified where the issue relates to Council policy as detailed below:

- The Council has met the agreed standard but the customer believes that the agreed standards are unacceptable e.g. the Council policy states the grass shall be cut once a month, the customer would like the grass cut twice a month.
- The Council responded within the time scales quoted but the customer felt we should have done it sooner.
- The Council offices open at 09.00 whereas the customer thinks it should be 08.45.

3.3 Exclusions (out of scope)

There are some exclusions that apply, some of which relate to statutory and legal limitations:

- Requests for service are not classified as complaints e.g. "I want to report that a street light is not working".
- Appeals will be dealt with as part of the standard appeals process e.g. Policy planning decisions, Housing and Council Tax Benefit etc.
- Policy decision i.e. car park charges, alternate weekly collections.
- Social Services provision provided by the Community Care Act and Children's Act – explained in more detail in appendix 1.
- School admissions or exclusion appeals – explained in more detail in appendix 2.
- Issues which are, or could be, the subject of court or tribunal proceedings, or which are likely to be put in the hands of the Council's insurers.
- Complaints concerning a disagreement about, or refusal to accept, a lawful discretion that the Council is applying.
- Complaints from employees, former employees and prospective employees (e.g. whistle blowing and personnel issues) that are subject to other procedures or policies.

- Complaints and comments regarding Members.

Where an exclusion applies the Council shall provide an explanation in writing to the customer and advise them of any statutory procedures with regard to their complaint.

3.4 Anonymous Complaints

In the case of anonymous complaints the relevant Officer or Customer Comments Officer (CCO) will need to decide whether an investigation is required. This will depend on the nature of the complaint and the information provided.

3.5 Complaint Response

3.5.1 Full Response for Justified Complaints

Target: 100% of complaints to receive a full response within 10 working days. Where a full response cannot be provided in 10 working days then the customer must be contacted with an interim response.

The full response to include:

- An apology.
- An explanation about what went wrong.
- A remedy that aims to put right what has gone wrong (remedy/corrective action).
- Advise the process for referring the complaint to the next stage if the customer disagrees with the outcome contained within the full response.

3.5.2 Interim Response

Target: No more than 20% of complaints should receive an interim response.

100% of interim responses must be received within 10 working days.

All complaints that cannot be resolved within 10 working days must receive an interim response within 10 working days of receipt of the complaint. However an interim response must only be provided as a last resort, when it is clear that the complaint cannot be resolved within the 10 working days.

The interim response to include:

- The date the complaint was received.
- The reason for the complaint.
- An indication of why there is a delay in providing a full response.
- To whom the complaint has been referred.
- The date the customer will receive a full response.

3.5.3 Not Justified Complaint Response

Where a complaint is not justified it is important that staff recognise where the customer has a genuine sense of grievance, therefore the customer should be contacted with a response. A remedy may not be appropriate but the response should be sympathetic, and include a full explanation taking care not to increase the feeling of grievance. The response should include:

- Recognition of the complaint that has been received.
- An explanation of the action that has been taken.
- Advise the process for referring the complaint to the next Stage of the process if the customer disagrees with the outcome.

N.B. the determination of a complaint as justified or not justified is for our internal monitoring purposes only, and will not be included in the response to the customer.

3.6 Complaints received by Councillors and MPs

Feedback from Councillors and MPs who have been asked to investigate concerns on behalf of their constituents are also included within the scope of the Corporate Customer Feedback Policy in order that a complete picture of service performance is maintained. This feedback should follow the process detailed in this Policy. The response should be issued to the Councillor or MP unless otherwise requested.

3.7 Complaints – four stage handling process

3.7.1 Stage 1 – Business Unit Solution Owner

All complaints received will be logged onto the Corporate Feedback System. The solution owner will investigate and aim to provide a full response within 10 working days. Where appropriate, an interim response will be provided within 10 working days.

3.7.2 Stage 2 – Referral to the Business Unit Director

If the customer is unhappy with the initial response and resolution to their complaint, they can either contact the solution owner or the relevant business unit Director. Any further actions will be added to the Corporate Customer Feedback System to ensure a complete audit trail is maintained.

3.7.3 Stage 3 – Referral to Chief Executive

If the customer is still unhappy following a second stage investigation, they have the right of appeal to the Chief Executive.

A member of the Chief Executive's Business Unit will conduct the stage 3 investigation on behalf of the Chief Executive. They will liaise directly with relevant officers and will be responsible for co-ordinating the response back to the customer. The response should clearly indicate that the complainant has the right of appeal to the Local Government Ombudsman (LGO) if they are not satisfied with the final response.

3.7.4 Local Government Ombudsman (LGO)

The Ombudsman is an independent body that investigates complaints against local Councils concerning 'maladministration'. This is defined as:

- Doing something the wrong way.
- Failing to do something they should.
- Doing something they should not.

In general, The Ombudsman does not investigate decisions that individuals do not like, or consider complaints until they have had a chance to be resolved through the Council's Corporate Customer Feedback Policy. If the case has exhausted the Corporate Customer Feedback Policy then the customer can refer the case to the Ombudsman for investigation. If the Ombudsman upholds the complaint then the Council will be asked to put the situation right or pay a compensatory sum.

However, the customer can refer their complaint to the Ombudsman at any stage. It is at the discretion of the Ombudsman whether they deal with the complaint or refer it back to the Council. Ombudsman complaints are co-ordinated by the Directorate of Law and Democratic Services. There are some circumstances where the Ombudsman will review an urgent case without it having been through the Corporate Customer Feedback Policy. For example, a time limited complaint in relation to a school place for the following term, or a case that may involve someone being at risk.

More information on the Local Government Ombudsman can be found at www.lgo.org.uk

There are three Local Government Ombudsmen in England. Each of them deals with complaints from different parts of the country, but all new complaints will go to the LGO Advice Team, To make a complaint by phone Monday – Friday between the hours of 08.30am to 17.00pm, Tel: 0300 061 0614 or 0845 602 1983 or Text “call back” 0762 480 4299

or write to:

The Local Government Ombudsman

PO Box 4771

Coventry

CV4 0EH

Fax: 024 7682 0001 or email advice@lgo.org.uk.

3.8 Abusive, Persistent and Vexatious Complaints

There will be occasions where a customer will persist in their cause. Whenever a complaint is received which has been investigated previously and replied to, the matter needs to be referred to the Director of the business unit. We do not expect staff to tolerate unacceptable behaviour by complainants or any customer. Unacceptable behaviour includes behaviour that is abusive, offensive or threatening and may include:

- Using abusive or foul language in any form of communication
- Sending multiple emails
- Leaving multiple voicemails

We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

3.8.1 What is a Persistent or Vexatious Complaint?

Complainants may be deemed vexatious where previous or current contact with them shows they meet one or more of the following criteria:

- Persist in pursuing a complaint where it has been fully investigated and full action has already been taken within the Council’s procedures but the complainant will not acknowledge this.
- Display unreasonable demands or expectations and fail to recognise that these are unreasonable. For example, insisting on responses to be made sooner than the Council’s 10 working day response target.
- Complainants have threatened or used physical violence to a member of staff or member of the public in relation to the complaint.
- Have harassed or been personally abusive or verbally aggressive towards staff dealing with their complaint or query. This includes the use of any foul or inappropriate language.

- Change the main issue of the complaint or continually raise new issues to prolong contact whilst the original complaint is still being addressed. Please note care must be taken not to discard new issues, which may be significantly different from the original complaint.
- Are unwilling to accept documented evidence to support an adequate response.
- Have caused persistent offence to a member of staff or a member of the council or a member of the public by referring to their gender, race, disability, age, religious belief or sexuality.
- Attempt to override or circumvent the Corporate Customer Feedback Policy by involving the Leader of the Council, the Chief Executive, MPs, external auditors, Ombudsman, etc., at an early stage of every complaint.

3.8.2 Persistent and Vexatious Complaints Procedure

Please note that this procedure should only be used as an absolute last resort and after all reasonable measures have been taken to try to resolve complaints using the Corporate Customer Feedback Policy. Discretion must be used in applying the criteria, which identify potential persistent and vexatious complaints, and in deciding the appropriate action to be taken. The procedure should only be implemented following careful consideration by and with the authorisation of the Director of the business unit concerned, along with the relevant Cabinet Member.

Where complainants have been identified as persistent or vexatious in accordance with the above criteria, the Director will determine what action should be taken. This notification will be circulated to staff involved in the complaint. At this stage it should be considered whether the Council wishes to suspend all contact with the complainant whilst seeking advice from the Director of Law and Democratic Services.

Should it involve the complainant only being allowed to contact the Council through written correspondence, all front line service areas and security staff affected will be notified. A record must be kept of the reasons why a complainant has been deemed persistent or vexatious under these criteria and noted on the relevant system(s).

The Director may decide to deal with the complaints in one or more of the following ways:

- Try to resolve matters before invoking this procedure, by drawing up a signed agreement with the complainant, which sets out a code of acceptable behaviour on the part of the Council, and the complainant in order for the Council to continue to investigate the complaint.
- Specify how future contact will be maintained between the Council and the complainant.
- Notify the complainant that the Council has fully responded to all issues and that continuing contact on the same matter will serve no purpose as all matters have now been thoroughly investigated. The complainant will also be notified that any further correspondence on the same matter will be acknowledged but not answered, unless any significant new matters are raised in writing.

The complainant will be notified in writing that they have been considered persistent or vexatious under the Council's Corporate Customer Feedback Policy and that this sanction has been invoked as a last resort in order to conclude the matter. The notification should include information on the right of appeal to the Standards Committee.

Any action that is taken should be fully notified to the complainant in writing, stating the period in which this decision will be reviewed.

3.8.3 *Withdrawing Vexatious Complaints Status*

If the complainant subsequently demonstrates a more reasonable approach, the Director, along with the relevant Cabinet Member should consider withdrawing the status.

4 Comments and Compliments

4.1 Definition of a Comment

A comment is an observation, feedback that is neither critical nor complimentary and includes suggestions for changing or improving our service. All comments received will receive a full response within 10 working days.

4.1.1 *Comment Response*

Target: 100% of comments to be responded to within 10 working days.

The full response to include:

- The date the comment was received.
- Acknowledgement of the content of the comment made.
- Action that will be taken as a result of the comment.
- Note of thanks for the customer's comment.

4.2 Definition of a Compliment

A compliment is a statement of praise and satisfaction about any Council activity, or about an employee or representative of the Council. Where it is felt appropriate a thank you letter will be sent to the customer.

5 Customer Feedback

5.1 Recording customer feedback

All customer complaints and comments received by letter, e-mail, phone, fax, taken in person or via the Council's web site are recorded and scanned on the Corporate Customer Feedback System.

Every action taken relating to the customer feedback, including correspondence, must be recorded within the Corporate Customer Feedback System so that a complete audit trail is maintained regarding each customer.

Please note: complaints do NOT have to be put in writing. The customer can make a complaint over the telephone, in person or via any other channel.

5.2 Monitoring customer feedback

Customer feedback will be monitored at business unit and corporate level.

It is the responsibility of each Director to ensure performance indicators are met within their business unit.

Customer Services will monitor customer feedback centrally and produce a monthly executive summary of the numbers and types of feedback received including how many were responded

to within target. Monthly reports will be provided to each Director for their respective business unit. Quarterly reports will be provided to Corporate Board and Cabinet.

The CCO should monitor their business unit's complaints, comments and compliments on a regular basis and advise their Director about trends in the nature of the feedback we receive. This will identify any areas of concern and ensure that any corrective action is put in place thus preventing future complaints of that nature. This will also identify areas where we are doing well, or customers have suggested change.

Each Director will regularly review the complaints and comments received and consider how they can be used to drive service improvement. Each Director will produce a quarterly and annual report showing the numbers and causes of complaints and comments and the service improvements that have been put in place as a result.

6 Roles and Responsibilities

6.1 Customer Comments Officer (CCO)

Each group directorate has at least one Customer Comments Officer (CCO) whose role is to co-ordinate customer complaints within their business unit. The CCO works closely with their Business Unit's Director, to ensure that management and monitoring procedures are in place.

The responsibilities of the CCO are to:

- Have full knowledge of the Council's Corporate Customer Feedback Policy and is their business unit's point of contact for all complaints, comments and compliments.
- Record all customer complaints, comments and compliments onto the Corporate Customer Feedback System.
- Scan or attach all correspondence received regarding a complaint, comment or compliment onto the Corporate Customer Feedback System.
- Identify and refer the customer feedback to the appropriate solution owner.
- Monitor the Corporate Customer Feedback System to ensure all records are correctly and fully maintained, including the recording of complaints as justified or not justified and the correct closure codes used.
- Monitor all customer feedback for their business unit on a regular basis to ensure performance indicators are met and identify any trends with the nature of the feedback and bring these to the attention of the Director.
- Provide guidance and training to staff about the Council's Corporate Customer Feedback Policy and use of the appropriate system to manage complaints.

6.2 Solution Owner

The solution owner is deemed to be the person responsible for responding in full to any feedback request following the guidelines set out in this Policy. The solution owner's responsibilities are to:

- Investigate the complaint fully.
- Provide a full response within the target date.
- Provide an interim response where it is not possible to provide a full response within the target date.
- Record within the Corporate Customer Feedback System all actions and copies of any responses sent to the customer.

- Maintain up to date and accurate information on the Corporate Customer Feedback System including the use of correct closure codes.
- Record whether the complaint is justified or not justified.

6.3 Business Unit Director

Business unit Directors have full responsibility for ensuring all feedback is responded to appropriately and within target. They will work closely with their teams and the Customer Comments Officer to ensure the feedback handling meets the agreed corporate standard.

7 Appendix 1 - The Procedure to be followed in Adult Social Care

In April 2009 new legislation governing Adult Social Care complaints was implemented. The Health and Adult Social Care complaint systems were integrated to enable a consistent and fair approach to complaint handling across health and social care services. Complaints relating to Children's Health Services are also covered by this legislation.

The complaint process consists of two stages:

1. Local resolution
2. Parliamentary and Health Service Ombudsman (PHSO)

7.1 Local Resolution

The emphasis in the legislation is to promote an open process for the investigation and resolution of complaints to the satisfaction of the service user wherever possible. A complaint must be acknowledged within three working days and the time required for completion of the investigation is negotiable with the complainant (although generally this is 25 working days). A complaint plan is agreed with the complainant and forwarded to the relevant service manager for investigation. The system aims to encourage good communication with the complainant and if appropriate offers the opportunity of meeting relevant officers to resolve the issues raised within the complaint.

The investigation should identify any learning for the organisations and/or service improvements made as a result of the complaint and note these in the response letter, which is always signed by the Chief Executive or Director of Adult Social Care. The response letter should invite complainants to contact the complaints team again if they are not satisfied with the response. Alternatively the complainant can ask the Parliamentary and Health Service Ombudsman to review their complaint.

7.2 Parliamentary and Health Service Ombudsman (PHSO)

The PHSO will make an initial review of the complaint to ensure that attempts to achieve local resolution have been made. If not, the Ombudsman will refer the complainant back to the organisation.

On accepting a complaint for review the Ombudsman will request a copy of the complaint file. The Ombudsman can decide that there is no case to answer, that the complaint is partially upheld or that the complaint is fully upheld. The Ombudsman may direct the organisation to make specific changes and/or award compensation.

7.3 Patient Advice Liaison Service (PALS)

The PALS team works alongside the complaints team and offers confidential advice, information and problem solving. Many people prefer to access an informal way of resolving concerns. PALS staff will liaise with the service providers to ensure that people are receiving the appropriate service.

7.4 Contact

The Health and Adult Social Care complaints team and PALS are based at NHS Swindon, North Swindon and can be contacted by telephone on 01793 708758 or email palscomments@swindon-pct.nhs.uk

8 Appendix 2 - The procedure to be followed in Children's Service

Complaints made by looked after children or children who receive social care services should be considered independently of the Council's Corporate Customer Feedback Policy. Complaints made by looked after children should be considered under The Children Act 1989 Representations Procedure (England) Regulations. Also complaints in relation to specific schools or what occurs within them are the responsibility of the governing bodies, so will not be covered by the Corporate Customer Feedback Policy, unless specifically referred to the Council for a response.

If not covered by the above exceptions all other comments about Children's Services will be recorded within the Children's Services Complaints Process (available on request), which is based on the Corporate Customer Feedback Policy. They will be recorded on the Corporate Customer Feedback System and will be dealt with within the corporate target timeframes.

Complaints can be made verbally to a member of staff or in writing (including electronically). Complaints made to the local authority will be handled in a way that is accessible for children and young people and appropriate to the age and understanding of the child. If a child or young person wishes to make a complaint, Swindon Borough Council will provide them with information and advice about independent, confidential advocacy services and will offer help to obtain an advocate.

The complainant will be put in contact with the Complaints Manager, who will record the complaint. The Complaints Manager will ensure that a suitable person meets the child or young person with their advocate to discuss the complaints process and ensure that any questions or concerns that the complainant may have are fully addressed. Where an advocate is being used, the local authority will ensure that the advocate is acting with the informed consent of the young person. Alternatively, the young person is able to select an advocate of their own choosing e.g. a foster carer, teacher etc. in whom they have confidence.

8.1 Stage 1 – Local Resolution

- Person making the complaint raises concerns to the team manager (or put in contact with the appropriate team manager by the complaints manager).
- At this stage mediation can be considered, mediator provided by voice.
- Advocate can be requested for the young person.
- Complaint should be acknowledged as soon as possible (within 2 working days).
- Complaint should be resolved within 10 working days of receipt of original letter (this can be lengthened if agreed by all concerned).

8.2 Stage 2 – Investigation

- An investigating officer and independent person (Voice) will investigate the complaint.
- Both people should produce an in depth report which includes a conclusion regarding the original complaint.
- An advocate can be requested for the young person.

- A formal response from Jean Pollard and a copy of the reports should be received by the complainant within 25 working days (this can be increased to 65 working days if agreed by all concerned).

8.3 Stage 3 – Independent Review Panel

- A panel of three independent people meet to discuss the complaint with all involved.
- This can include the investigating officer and the independent person.
- An advocate can be requested for the young person.
- A letter from the panel with any suggestions/conclusions will be sent to Jean Pollard and the complainant.
- A response letter should be sent by Jean Pollard to the complainant taking into consideration any suggestions made or conclusions reached by the independent panel.

If the complainant is still not happy with the decision reached they can contact the Local Government Ombudsman (they are able to approach the Local Government Ombudsman at any point during the complaints procedure, although the complainant will be encouraged to follow the above complaints procedure).