



**BEDFORD**  
BOROUGH COUNCIL

Corporate Customer Feedback

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# **Complaints Compliments & Comments Procedure**

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*April 2013*

## 1. PRINCIPLES OF THE PROCEDURE:

- 1.1 The Authority welcomes feedback: compliments, comments and complaints from customers. Feedback will be recorded and acted upon in accordance with the Customer Feedback Procedure.  
  
The procedure ensures that the Council can demonstrate that it draws on the experience of its customers, positive or negative, to bring about improvements in services.
- 1.2 Legislation determines how we must deal with adults' and children's social care complaints and feedback and there are separate procedures covering these. Other exclusions from this procedure apply and these are referred to in section 12 below and in Appendix A to this procedure.
- 1.3 Procedures need to be open, easy to access and responsive to enable customers and/or their representatives to make representations and complaints.
- 1.4 The Council is committed to promoting equality of opportunity for all people. We want to ensure all sections of the community are able to access the feedback procedure and will undertake monitoring to check that this is the case.
- 1.5 The Council recognises that some people may have concerns about making complaints for fear of losing a service if they 'rock the boat' or fear being treated unfavourably. No one will be harassed or victimised as a result of making a complaint.

## 2. OBJECTIVES OF THE PROCEDURE:

- 2.1 The procedure provides customers or their representatives with an effective means to make complaints or give feedback about the quality or nature of services and ensures that these are dealt with promptly, fairly, openly and honestly. To achieve this:
- 2.2 Complaints are considered with the focus on the complainant's desired outcomes where these are realistic and appropriate.
- 2.3 Complaints are addressed quickly and as close to the point of service delivery as acceptable and appropriate.
- 2.4 Public accountability on the effectiveness of this procedure will be maintained through appropriate record keeping including of compliance with the timescale requirements and the production of an Annual Report.
- 2.5 Council officers must understand the procedure and its requirements.
- 2.6 The focus will be on better complaints handling and problem solving together with improvements in service delivery and without apportioning blame.
- 2.7 To provide flexibility in resolving complaints with an option to suspend the complaints process where alternative methods to resolve matters such as mediation or conciliation may benefit the complainant (see Section 11).

### 3. TERMS USED AND THEIR MEANING:

- 3.1 Where there is reference to the local authority sending responses 'in writing' the Council will, if required, also provide the information in a format to meet the known needs of the customer.
- 3.2 'Days' refers to working days, this excludes Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under Section 1 of the Banking and Financial Dealings Act 1971 (b).

### 4. ANONYMOUS FEEDBACK:

- 4.1 Clearly where feedback is given anonymously a response cannot be expected. Whether any action is taken as a result of anonymous feedback will be decided on a case by case basis. Where it is decided to undertake an investigation the Customer Relations Team will record the outcome.

### 5. FEEDBACK ABOUT POLICIES:

- 5.1 If someone raises a concern about a corporate policy or service criteria levels this should be recorded as a 'representation' and those who have made the policy, normally elected members, informed. Customers will receive feedback on their representations.

### 6. COMPLIMENTS & COMMENTS:

- 6.1 Compliments will be acknowledged within 10 working days, recorded and shared with the relevant service(s).
- 6.2 Comments about services which are not complaints or compliments may be statements about how things could be improved and will be recorded to enable the Council to use suggestions to review the way Council services are provided. People may express disappointment, disagreement or observations about services without necessarily wanting to complain. Feedback of this nature will be recorded as a comment.

A reply in full will be made, where possible, within 10 working days. If we cannot reply within 10 working days we will respond and say why and when they can expect a full response.

## 7. COMPLAINTS:

### 7.1 Who Can Raise an Issue through our Complaints Procedure?

- 7.1.1 Anyone receiving or seeking a service from the Council or anyone acting for those unable to complain personally, i.e. a 'representative'.
- 7.1.2 Some people may need assistance in order to make a complaint or enquiry. This may be provided by an advocate or carer.
- 7.1.3 A 'representative' is someone acting on behalf of a complainant where that person is unable to make the complaint themselves, or has asked the person to act on their behalf or is under 18 years of age.

The Council may contact the complainant on whose behalf the complaint is being made to seek formal consent. In these instances the complaint investigation will not commence until consent is received.

If the Council has cause to believe that a representative is not acting in the best interests of a complainant, they are not a suitable person to represent the service user or formal consent is refused by the service user the complaint will not be considered.

Any decision that a person is not a suitable person to represent the complainant will be sent in writing to the proposed representative with, as far as possible, reasons for the decision. The complainant, if of sufficient age and understanding, will also be informed of the decision in writing.

- 7.1.4 Individuals may approach Members of the Council, Members of Parliament or senior officers within the Council for advice or assistance. If this results in a complaint made on behalf of the individual it will be routed through the relevant complaints procedure.

### 7.2 Making a Complaint

- 7.2.1 A complaint can be made to any member of staff orally or in writing and wherever possible will be acknowledged in writing within 3 working days.
- 7.2.2 Complainants may require the support of an independent advocate and consideration should be given to supporting complainants to access an independent advocate. Customer Relations can give assistance to complainants to follow the procedure and inform complainants of their rights.

The Council has Service Level Agreements with Advocacy Organisations who can offer support through the complaints service. This is available for children/young people or adults. The Customer Relations Team will provide details of these organisations on request.

- 7.2.3 When a person makes a complaint they will be sent details of the complaints procedure.

### 7.3 Withdrawing a Complaint

- 7.3.1 If at any time a complainant decides not to pursue a complaint further the service must decide if the matter has been satisfactorily concluded. If there are outstanding issues to be investigated or addressed these must be followed up under appropriate internal management review systems, but cannot be done so using the complaints procedures.

### 7.4 Freezing Decisions

- 7.4.1 In extreme cases if a complaint is about a proposed change to a service, the decision may need to be deferred (frozen) until the complaint is resolved. Consideration will be given to deferring a decision that will have a significant effect upon the well-being of an individual until the complaint has been resolved, having regard to the best interests of the customer.

## 8. THE COMPLAINTS PROCEDURE:

### 8.1 The complaints procedure has two stages:

- Stage 1 – Service Resolution
- Stage 2 – Senior Level Investigation

When a complaint is received we aim to acknowledge it on receipt.

- 8.2 The Council may decide not to escalate to stage 2 of the complaints procedure where the complaint is fully upheld or the issues are no longer in dispute. If the complainant is dissatisfied purely because of the proposed remedy to an upheld complaint the remedy will be reviewed by the line manager of the officer responding to the complaint. Any decision not to escalate the complaint will be put in writing to the complainant with the reasons why.
- 8.3 Alternative options for resolving complaints are detailed in Section 11 and include conciliation and mediation. These will be used only where the complainant is in agreement.

## 9. STAGE 1 – INITIAL SERVICE RESOLUTION:

### 9.1 Most complaints will first be dealt with at Stage 1 of the procedure.

### 9.2 The timescales for completion are:

Either 10 working days from the date full details of the complaint are received, or where this is not possible the likely estimated timescale. Details in all cases will be sent out with the acknowledgement of the complaint.

Where clarification of the “full details” of the complaint is required or if the complainant wishes to add new issues during the investigation, the start date will be changed to the date full details are received.

We aim to complete Stage 1 of this procedure for all complaints within 20 working days wherever possible.

- 9.3 Complainants will be notified in writing of the outcome of the Council’s consideration of the complaint; whether the complaint has been upheld or not; the reasons why and the complainants right to request a Senior Level Investigation (Stage 2) where appropriate.

## 10. STAGE 2 – SENIOR LEVEL INVESTIGATION:

- 10.1 Complaints will progress to Stage 2 either if they are escalated from stage 1 or if they are deemed serious enough to start at Stage 2.

If the complainant is unhappy with the Stage 1 response they can request a Stage 2 investigation. They must state what aspects of the Stage 1 response they are unhappy with and the reasons why, and what they expect from the Stage 2 investigation. We would normally expect to receive this request within 28 days of the Stage 1 response being sent. The complainant will be asked to clarify details of any outstanding issues remaining at Stage 2.

If a complaint is deemed serious enough then either the complainant or the Council can decide to start the complaint at Stage 2. This will ensure that it is responded to by a suitably senior member of staff and that enough time can be allocated for the investigation.

- 10.2 The complaint will normally be investigated by a senior manager of the service being complained about. However there may be times when it is appropriate for a senior manager not responsible for the area being complained about to investigate.

A written response to the complaint will normally be sent to the complainant within 25 working days of the Stage 2 complaint start date. Where this is not possible they will be sent an acknowledgement with an estimate of the likely timescale for response.

Complainants will be notified in writing of the outcome of the Stage 2 consideration of the complaint; whether the complaint has been upheld or not; the reasons why and the complainants right to appeal to the LGO.

## **11. ALTERNATIVE DISPUTE RESOLUTION:**

- 11.1 When dealing with complaints the focus should always be on resolution. This may mean that alternative methods to the complaints procedure could be considered such as conciliation or mediation. The clock for the purposes of the complaints procedure will stop when the agreement to enter into conciliation/mediation is reached.
- 11.2 Conciliation is a meeting chaired by customer relations between a senior officer or manager and the complainant (and/or their representative) to try to resolve the issues of complaint through discussion. The outcome of a conciliation meeting will be put in writing to the complainant within 20 working days of the meeting.
- 11.3 Mediation is a more formal process and is likely to be suitable for more complex cases where relationships between the complainant and the service are strained. The mediation process involves a number of stages including interviews of both parties with the aim of bringing them together in a face to face meeting to then reach agreement on resolution. Only trained mediators will undertake mediation on complaints issues.
- 11.4 Where the complainant agrees to either conciliation or mediation as an alternative method of complaint resolution they retain the right to re-enter the complaints procedure if matters of complaint remain outstanding at the end of the process.

## **12. OTHER PROCEDURES FOR RESPONDING TO CUSTOMER FEEDBACK & EXCLUSIONS:**

- 12.1 Other Procedures
  - 12.1.1 Complaints about Adults' Social Care services will be dealt with under the Adults' Statutory Complaints Procedure.
  - 12.1.2 Complaints about Children's Social Care are dealt with under the Children's Social Care Procedure.
  - 12.1.3 The School Standards and Framework Act 1998 places a duty on the governing body of maintained schools to manage complaints about the school. These complaints are therefore not the responsibility of the Council.
  - 12.1.4 Complaints about Councillors who may have breached the Code of Conduct fall to the Council's Standards Committee to address under a separate procedure. Complaints of this nature must be submitted to the Monitoring Officer of the Council.
  - 12.1.5 Where a service is delivered through a partnership with another organisation the Council will decide who is best placed to investigate the complaint. It may be that the organisation delivering the service has a separate complaints procedure.

- 12.1.6 Where the delivery of a service is commissioned from another organisation, and arrangements are in place to respond to customers directly, feedback should be addressed to the provider in the first instance. Where customers remain dissatisfied with the response, they are entitled to escalate it to the service responsible for commissioning the service. This arrangement also applies where a function of Bedford Borough Council is being discharged by another Council. In the first instance complaints and other feedback will be directed to the other Council.
- 12.1.7 Where there is a need to pass a complaint on to another body, the Council will ensure that the complainant gives consent for their details to be passed on.
- 12.1.8 Where a complaint relates to a data protection subject access request or a freedom of information it will be dealt with in line with the Council's policies for these areas.
- 12.1.9 Where the complaint is of a corporate nature and so would be inappropriate to come within the 2 stage procedure in respect of any specific service area a single corporate response will be sent from the Chief Executive or other senior officer.

## 12.2 Exclusions From The Procedure

- 12.2.1 It is important that customer's complaints are dealt with effectively and this includes ensuring the correct procedure is used to make sure that the rights of the individual are protected and that there is no interference with another procedure or process that may take precedence. Appendix A details the exclusions from this procedure.
- 12.2.2 Some services, for example planning, highways and parking enforcement, have set processes for investigating issues raised. These processes should always be used before making a complaint. If these procedures are concluded then it may be possible to use the complaints procedure to investigate the issues, however in most cases this is unlikely to reverse any decisions made as part of these separate processes.

## 13. LOCAL GOVERNMENT OMBUDSMAN (LGO):

- 13.1 Complainants are able to contact the LGO at any point. However, the LGO normally require that complaints have been considered through the Council's own complaints procedure before they will commence an investigation. However the LGO recognises that there will be some complaints where, for one reason or another, it would be inappropriate for the requirements to apply.
- 13.2 The LGO's website ([www.lgo.org.uk](http://www.lgo.org.uk)) has full details of their policies and procedures. The LGO's contact details are as follows:

The Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

Phone: 0300 061 0614 or 0845 602 1983

Online: [www.lgo.org.uk](http://www.lgo.org.uk)



## **14. MONITORING THE OPERATION OF THIS PROCEDURE:**

- 14.1 Records will be kept of each item of feedback received, the outcome of each complaint and whether there was compliance with the time limits.
- 14.2 Reports will be compiled periodically to meet local regulatory requirements. To maintain public accountability on the effectiveness of customer feedback handling an Annual Report will be produced by the Customer Relations Team.

## Appendix A

### Exclusions from the Customer Feedback Procedure

The complaints procedure does not cover:

- Requests for services. For example, reporting a pot hole. Requests for service will be passed to the service for action.
- Requests for information on Council policy or practice. There is a separate procedure for requests that fall under the Freedom of Information Act.
- Where the Council considers there is an applicable alternative process, normally an appeal, either internally within the Council or an external legal process such as the courts or an independent tribunal. This includes any:
  - legal proceedings commenced against the Council, criminal or civil; and
  - criminal investigation or possible civil proceedings.
- A complaint coming within the Council's public liability insurance policy will not be dealt with under the complaints procedure but will be dealt with in accordance with that policy.
- Issues relating to the Council as an employer such as job applications or internal Human Resources matters.

A complaint will not be considered, or further considered, through this procedure where in relation to the substance of the complaint:

- It has been withdrawn by the complainant.
- It repeats a complaint that has previously been considered through the complaints procedure.
- It has been previously investigated by the Local Government Ombudsman.
- It is unclear.
- It is vexatious or frivolous – The Council's policy on Vexatious and Unreasonable Complaints will be applied in these cases.
- Where the subject of complaint relates to events more than one year before the date the Council receives the complaint unless:
  - the Council is satisfied that it would not have been reasonable to expect the complaint to have been made earlier than it was; and
  - although there had been delay in making the complaint it is still possible to consider the complaint effectively and fairly.

Other sections/departments of the Council and its partner's internal complaints (department to department) should be dealt with through line management, SLA arrangements, and where appropriate HR policies including whistle blowing and/or grievance procedure. Complaints from partners about our services could also be addressed through the contracts process and review of SLAs.

The Council will advise a complainant in writing why a complaint has been excluded from these procedures.