

CUSTOMER FEEDBACK POLICY (COMPLIMENTS, COMMENTS AND COMPLAINTS)

		Amendments
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	V1.1 – January 2019	Amendment of acts, addition of privacy notice statement and review date of policy.
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Introduction

This policy sets out KCC's position on compliments, comments and complaints management.

KCC has a genuine desire to learn from what our customers tell us and use it to improve:

- the services we provide
- the policies we develop
- how we behave as an organisation.

We are committed to operating an effective customer feedback system that demonstrates to the public that we:

- are putting customers at the heart of everything we do
- listen to what residents have to say
- are open, honest and transparent
- are responsive and fair.

KCC has a centralised approach for complaints, comments and compliments management. Individual Directorates and business units are responsible for supplying the centralised function with appropriate information and responses, enabling the feedback team to respond to in a timely manner. Services are also accountable to the Governance and Audit Committee where they may be asked to report to the committee to respond to questions relating to their residents' and service users' feedback and improvements made as a result.

Aim of policy

The purpose of this policy is to:

- clarify how the public may make a complaint about us
- define the standards the public can expect when they make a complaint
- recognise the importance of customer feedback in providing feedback about Council services and performance
- set out how the Council will monitor customer feedback and use that information to improve services and identify training needs.

KCC Complaints' Standard

We will acknowledge receipt of a complaint within three working days.

We will use plain English

We will answer all complaints within 20 working days or explain why a reply may take longer.

What is a complaint, comment or compliment?

COMPLAINT

A complaint is an expression of dissatisfaction, however made (whether that service is provided directly by the Council or by a contractor or partner), about the standard of / or the delivery of a service, the actions or lack of action by the Council or its staff which affects an individual or group of users.

Some examples of what might be complained about:

- An unwelcome or disputed decision
- Concern about the quality or appropriateness of a service
- Delay in decision making or provision of services
- Delivery or non-delivery of services
- Quantity, frequency or change of a service
- Attitude or behaviour of staff
- Refusal to answer reasonable questions
- Giving misleading or unsuitable advice
- How a policy decision has directly affected someone negatively

These definitions are in line with those complaints that are considered by the Local Government Ombudsman.

Examples:

- a customer complains that the Council has failed to follow its own procedures and that the member of staff dealing with them was rude and unhelpful
- a customer requested several months ago that a pothole outside their house needed repairing, the agreed timescale for fixing the pothole has passed and the pothole still has not been repaired
- a customer is unhappy with the delay in carrying out a social care assessment
- a customer who attends an Adult Education Class complains that when they turned up for their class it had been cancelled and no one had let them know.

COMMENT

A comment is a general statement about policies, practices or a service as a whole, which has an impact on everyone and not just one individual. A comment can be positive or negative in nature. Comments may question policies and practices, make suggestions for new services or for improving existing services.

Examples:

Positive Comment

- I am very happy that the Council has added book reservations to the online system for the Library Service

Negative Comments

- I am unhappy with the Council's decision to introduce parking charges at its country parks
- The website has information that is out of date.

COMPLIMENT

A compliment is an expression of satisfaction, thanks, praise or congratulations. (Internal compliments are excluded from this process).

Examples:

- I would like to thank the Customer Service Advisor for the prompt and efficient way in which they answered the telephone and dealt with my query. They were most helpful and friendly
- I was very grateful when I needed to see someone about the difficulties I was having that the Council Officer was able to meet with me in the evening.

Who can make a complaint, comment or compliment?

Any individual or organisation that uses or receives a Council service or has been affected by the actions of the Council can make a complaint if they are dissatisfied with the service. Complaints can also be made by a relative, a Member or MP, carer, friend or advocate on someone's behalf. We may have to seek consent if someone raises a complaint on behalf of someone else to ensure they agree with that person raising a concern about the service they have received.

If someone lacks capacity to provide such consent, we will need to be satisfied that the person is acting in their best interests. Without this, any response we may be able to provide will be limited in its content.

We will accept complaints relating to:-

- statutory or non-statutory services provided to individual customers
- services provided to schools
- services commissioned and delivered through other providers on behalf of the Council.

The Customer Feedback Policy does not cover complaints from members of staff, trainees, apprentices, or persons on work placements, involving working conditions, pay or other internal grievances.

We will not accept complaints:

- on a matter where the customer or the Council has started legal proceedings or has taken court action, this does not include cases where the customer has simply threatened legal proceedings against the Council. We will investigate complaints from customers that are not related to the legal proceedings or where the investigation will not prejudice the outcome of any current court action or legal proceedings (or criminal investigation).
- which are considered to be the initial reporting of faults, for example on the highways or initial request for services.
- on issues that have already had a decision at Court or in Tribunal.
- on issues that have already had a final decision from the Local Government and Social Care Ombudsman.
- through the complaints process from members of staff, current or former, in relation to personnel issues. We will only investigate complaints from staff, current or former, if they are in relation to accessing a service as a customer outside of their employment.
- Where over 12 months have passed since the complainant was aware of the issue occurring. We will exercise discretion to accept matters being raised as a late complaint if there are mitigating circumstances that meant someone was unable to raise a complaint earlier.

- Where there is an appropriate alternative route for a complaint to be raised, i.e. appeals panels or tribunals.
- Where someone is seeking payment for loss or damages against the Council. These claims will be passed to the Insurance team to be handled as a claim. We can investigate a complaint but will not be able to decide if we can award damages on behalf of the Council.

In the interests of public efficiency, the Council reserves the right not to pursue a complaint if it is deliberately repetitious or raised with the intent to frustrate processes. The Council expects staff to be treated with respect and dignity throughout the process and will not tolerate rudeness or abuse from people wishing to raise a complaint. The Council reserves the right to discontinue communication if any unacceptable behaviour persists.

If the complaint relates to a member of staff, the Council may not be able to provide details of the outcome of that complaint, depending on the nature of the complaint and its allegations.

Complaints and Safeguarding

Safeguarding procedures and protection of an individual take precedence over the complaint procedures. Therefore, a complaint investigation may be suspended, depending on the circumstances of the case, until the relevant safeguarding procedures have been concluded.

How a complaint can be made

A complaint can be accepted in any form (including face to face, email, via social media or by telephone). However, for the sake of clarity, any complaint, and the steps taken to deal with it, should be recorded in writing. We must take account of the complainant's individual circumstances and specific needs when communicating during the complaint process, bearing in mind such issues as disability and first language.

Stages of the complaint's procedure

Before submitting a formal complaint, we would advise initially raising any issues directly with the member of staff that has been dealing with the person or their immediate manager. Most problems can be resolved this way. However, if informal resolution has been unsuccessful, a formal complaint can be raised.

The KCC complaint process follows three steps:

Stage 1: Local Resolution

Our standard is to acknowledge the complaint within **three working days**, and to provide a full reply within **20 working days**. Where this is not possible, we will keep the complainant informed at the earliest opportunity before the completion of 20 working days when a full reply is likely to be sent, if this is known. The customer feedback team will work with the service responsible to address the issues raised in the complaint.

Stage 2: Complaint Escalation

If someone remains dissatisfied, their complaint can be investigated by writing to the Corporate Director of the service involved or responding to our response, requesting it to be escalated to stage 2.

The timescale for a formal response is **20 working days**. For more complex cases it will be a maximum of 65 working days.

At the conclusion of stage 2, the person complaining will be informed of their right to escalate their complaint to the Local Government and Social Care Ombudsman.

Stage 3: Local Government and Social Ombudsman

If the person remains unhappy with the outcome of an investigation, they can ask the [Local Government and Social Care Ombudsman](#) to conduct an independent review of their complaint.

To make a complaint, compliment or comment please use one of the following contact methods:

- [fill in our online form](#)
- call 03000 41 41 41 or text relay 18001 03000 41 41 41
- write to Customer Feedback at Invicta House, County Road, Maidstone ME14 1XX

Exceptions to the KCC complaints' procedure

There are separate procedures for complaints relating to the following services. This is to take into account the statutory requirements Kent County Council is required to meet.

Adult Social Care Complaints

Stage 1

We will acknowledge the complaint to confirm we have received it, and a member of the Customer Care and Complaints team will contact the person making the complaint to discuss a plan of action to deal with the concerns. This initial communication will normally take three working days.

We aim to respond to most complaints within 20 working days, but additional time is required to investigate more complex complaints. We will keep the complainant informed of any delays in the process. People can expect their complaints to be listened to, to be investigated fairly and responded to.

Escalation Stage

The majority of complaints will escalate straight to Ombudsman following investigation and response at Stage 1, however there are circumstances where it may be appropriate to review the complaint and supply a further response, this might be where the complainant

submits new information that was previously not available or asks follow up questions following receipt of their Stage 1 response or where the Council feels there is value in supplying a further response. Each complaint will be considered individually in respect of the circumstances.

Stage 2

If it has not been possible to resolve the complaint, then further contact should be made with the Customer Care and Complaints team using the contact methods above to see if anything further can be done. Contact can however be made at this point with the [Local Government and Social Care Ombudsman](#) who will review the way we have dealt with the complaint.

To make a complaint about Adult Social Care please use one of the following contact methods:

- [fill in our online form](#)
- email: customercarecomplaintsadults@kent.gov.uk
- call: 03000 41 04 10
- write to: Customer Care and Complaints Team, 3rd floor Invicta House, County Road, Maidstone ME14 1XX
- text relay: 18001 03000 41 04 10

Children's Social Care

The majority of complaints will be handled via KCC's usual complaints process, however if the complaint is regarding services in relation to the below criteria, it may be handled as a Statutory Children Act Complaint.

- Children in need
- Looked after children
- Special Guardianship support
- Post-adoption support

All new complaints are assessed for eligibility to use this statutory process. Who is making the complaint, what is being complained about, or another concurrent procedure may prevent a complaint from being progressed through this procedure. The customer will be advised accordingly by the Children's Complaints Team if this affects them.

Children Act Complaints process

Stage 1 – Local Resolution

Most issues can be settled quite simply by discussing the problem with a member of staff. Customers may prefer to write to us, and support should be offered locally to do this if required. Formal complaints must be sent or forwarded to the Children's Complaints Team (csccomplaints@kent.gov.uk) promptly, this is so they can be monitored and progressed correctly.

We will work with the team involved and aim to settle complaints as quickly as possible, usually between 10 and 20 working days. If we become aware that the complaint investigation will take longer, we will keep the complainant updated.

Stage 2 - Investigation

If it is not possible to settle a complaint at Stage 1, or the complainant remain dissatisfied with the response, the complainant may request that their complaint progresses to Stage 2 of the procedure. This can be requested by contacting the Children's Complaints Team and involves an investigation by an Investigating Officer and Independent Person who are appointed to examine the complaint in detail.

If we investigate at Stage 2:

- an Investigating Officer with no prior knowledge of the case will look into the issues raised;
- an Independent Person from an external provider, will also be appointed to oversee the complaint investigation;
- the Investigating Officer and the Independent Person will contact the customer to discuss the complaint and make sure they fully understand the issues.

When the investigation is complete, the Council's response to the findings of the investigation will be sent to the complainant, copies of the investigation reports will also be provided. We aim to do this within 25 working days of the investigation starting, but it can take longer. We will keep the complainant informed of progress. Where it is not possible to complete the investigation within 25 working days, it may be extended to a maximum of 65 working days.

Stage 3 – Review Panel

If the complainant remains dissatisfied following the Stage 2 investigation, they have a right to request for their complaint to be considered again, this time by an Independent Review Panel. A Review Panel will be held within 30 working days of the request being accepted.

Stage 4 Local Government and Social Care Ombudsman

If the complainant remains unhappy with the decision made by the panel about your complaint, they can complaint to the [Local Government and Social Care Ombudsman](#)

To make a complaint about Childrens Social Care, Special Educational Needs or Education please use one of the following contact methods:

- [fill in our online form](#)
- write to Kent Children's Social Services, Customer Care, Kroner House, Eurogate Business Park, Ashford, TN24 8XU
- call 03000 41 11 11
- email cscomplaints@kent.gov.uk
- text 07860008025, start your message with the word complaint.

Complaints by Governors

If the Local Government and Social Care Ombudsman refuses to consider a complaint brought by a governor, then the local authority will arrange for the complaint and/or the investigation to be independently reviewed. This process only applies where a governor makes a complaint in relation to:

- a. Their personal treatment by the local authority or the conduct of officers acting on behalf of the local authority, and
- b. Relating to their role as a governor of a local authority controlled or maintained school, and
- c. Where the actions complained of do not relate to the management of the school and are not covered by the School's existing complaint process,
- d. Where the LGSCO has refused to consider, accept or investigate the complaint and
- e. Where the incidents complained of took place within the last six calendar months

A copy of any report will be provided to the complainant and the Cabinet Member for Children, Young People and Education.

Complaints about Schools

If a parent/carer is worried about their child's learning or welfare at school, speak to their child's class teacher or head of year first. If they are not satisfied with the teacher's response, arrange to speak to the head teacher. If this isn't practical, they can ask for a copy of the school's complaints procedure to help them decide whether they wish to make a formal complaint.

Local Authority Schools

The School Information Regulations (England) requires local authority-maintained schools to have a procedure published online for dealing with all complaints relating to their school and to any community facilities or services that the school provides. The procedure should be available to anybody who wishes to make a complaint against the school.

Each school can decide on how many stages the procedure will include, usually two or three.

If a parent/carer remains dissatisfied after completing the school's complaints procedure, then they have a right to refer their complaint to the Secretary of State for Education.

Further information can be obtained by calling the National Helpline on 0370 000 2288 or going online at: [Complaints procedure - Department for Education - GOV.UK \(www.gov.uk\)](http://www.gov.uk) or by writing to:

Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street
Manchester M1 2WD

Ofsted

In certain circumstances, Ofsted will investigate complaints by parents about their child's school, they will then decide whether to use their inspection powers to facilitate an investigation. Further

information about what complaints Ofsted will investigate can be found online at:
<https://www.gov.uk/complain-about-school/state-schools>

Academy and Free Schools

The Education (Independent School Standards) Regulations 2010 requires Academy and Free Schools to have a procedure for dealing with complaints from parents of pupils. The procedure must comply with part 7 of [The Education \(Independent Schools Standards\) Regulations 2014](#).

The ESFA (Education and Skills Funding Agency) handles complaints about Academies and Free Schools and if you remain dissatisfied following the Academies complaints procedure the complainant has a right to defer to the ESFA by going [online](#) or by post to: Complaints Team Education and Skills Funding Agency, Cheylesmore House, Quinton Road, Coventry, CV1 2WT

Complaints relating to Schools Admissions or Home to School Transport

Primary and Secondary Schools

A parent or carer can appeal if you were refused a place at one of their preferred schools.

To appeal for a primary school place please read our [guide](#).

To appeal for a secondary place please read our [guide](#).

Appeal hearing

The hearing lets a parents/carers explain to an independent appeal panel why they think their child should be given a place at the school and lets the school explain why it could not offer their child a place.

Decision – Primary

There is a legal maximum class size for reception, year 1 and year 2. This is 30 children per teacher. A parents/carers appeal can be turned down if all the classes have already reached their legal limit, unless:

- the admission arrangements were unlawful
- the admission arrangements weren't correctly and impartially applied
- the decision to refuse admission wasn't reasonable.

We will write to tell the parents/carers the panel's decision as soon as possible. We cannot tell anyone of the decision by telephone.

Decision – Secondary

We will write to tell the parents/carers the panel's decision as soon as possible. We cannot tell anyone of the decision by telephone.

School Transport Appeals

If parents/carers are unhappy with our decision to turn down their application for free school transport they can call us on 03000 41 21 21 to discuss the reasons why. If they are still unhappy then they have the right to make [an appeal](#).

Parents/carers can attend the hearing to put your case to the panel.

The decision will be sent to you in writing within 5 working days of the appeal hearing.

Complain about the appeals process

Parents/Carers can complain about the way the appeal was carried out, but they cannot complain about the decision itself. To complain about the way in which the appeal was carried out parents/carers can refer their complaint to the [Local Government and Social Care Ombudsman](#).

Complaints about a County Councillor

Our county councillors all adhere to the Kent Code of Conduct for Members.

Stage 1

Further information can be found here:

- [our guide on how to make a complaint](#)
- [the Kent Code of Conduct for Members](#)

Complaints alleging that councillors have breached the code of conduct are reviewed by a Monitoring Officer and an Independent Person. They decide if any action should be taken and if the matter should be investigated and referred to a Hearing Panel.

They will not deal with complaints about things that are not covered by the Kent Code of Conduct for Members. The complaint must state the reasons why it is considered that the councillor has not followed the Kent Code of Conduct for Members.

Stage 2

The complaint must be sent to:

- email democratic.services@kent.gov.uk
- print and post the councillor complaints form to Democratic Services, Kent County Council, Sessions House, County Hall, Maidstone, Kent ME14 1XQ.

Requests for Information

To complain about our response to a request for information under the Freedom of Information Act or other related legislation:

Stage 1

Send full details of the complaint asking for an internal review to the Chief Executive's Office

- email freedomofinformation@kent.gov.uk
- write to Chief Executive's Office, Sessions House, County Hall, Maidstone, Kent ME14 1XQ.

Or to complain about a request for access to personal information (subject access requests) or report a suspected Data Protection breach:-

- email dataprotection@kent.gov.uk
- write to Information Resilience & Transparency Team, room 2.71, Sessions House, County Road, Maidstone, Kent. ME14 1XQ

Stage 2

If the complainant is still unhappy, they can raise the matter with the Information Commissioner:

- call 0303 123 1113
- email casework@ico.org.uk
- go to the [Information Commissioner's website](#).

Complaints relating to the Fluency Duty (Part 7 of the Immigration Act 2016)

Customers wishing to make a complaint under the Fluency Duty Code of Conduct (Part 7 of the Immigration Act 2016) should do so under the normal KCC complaints' procedure.

Public authorities are subject to the fluency duty in relation to all of their staff who work in customer-facing roles.

The fluency duty does not extend to workers employed directly by a private or voluntary sector provider of a public service.

For the purposes of the fluency duty, a legitimate complaint is one about the standard of spoken English of a public sector member of staff in a customer-facing role. It will be made by a member of the public or someone acting on his or her behalf complaining that the authority has not met the fluency duty.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality would not be considered a legitimate complaint about the fluency duty.

For more information on the Fluency Duty Code of Conduct please visit [Microsoft Word - 20161128 FINAL Code of Practice.docx \(publishing.service.gov.uk\)](#)

Confidentiality

Any complaint processed through the procedure will be dealt with in accordance with the requirements of the Data Protection Act (DPA) 2018, General Data Protection Regulation (GDPR) and Freedom of Information Act. A Privacy Notice is available which defines how information is collated and stored for the purposes of handling customer feedback.

Equalities Data

While responding to customer feedback we may collect equalities data which may include, ethnicity, religion, sexuality, disability or if the person is a carer.

It is not necessary to submit any equalities information if the person chooses not to. KCC is committed to the principle that all our customers have the right to equality and fairness in the way they are treated and in the services that they receive. Any information provided will be used to see if there are any differences in views for different groups of people, and to check if services are being delivered in a fair and reasonable way. No personal information which can identify the individual, such as a name or address, will be used in producing equality reports. We will follow our Data Protection policies to keep all personal information secure and confidential.

Individuals' equalities data will not be included as part of the complaint unless it has been referred to in the body of the complaint and needs to form a part of the investigation or is relevant in how we provide the response.

Processing is necessary for reasons of substantial public interest as the lawful basis on which we collect and use people's special category data for statutory purposes (e.g. when investigating a complaint) or for equalities monitoring, (e.g. when identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people with the view to enabling such equality to be promoted or maintained.)

Details of KCC's Equality Policy can be viewed on our website [Equality, diversity and inclusion - Kent County Council](#)

Vexatious and Unreasonably Persistent Behaviours

The Council is committed to dealing with all complaints equitably, comprehensively and in a timely manner. It does not normally limit the contact that complainants have with Council staff and offices. The Council does not expect staff to tolerate behaviour which is abusive, offensive or threatening and will take action to protect staff from such situations.

If communication from members of the public is offensive or threatening however, consideration will be given to limit the level of contact.

The County Council's guidance on handling unreasonably persistent and vexatious behaviours is set out in separate guidelines and can be located on our website [Complaints and compliments - Kent County Council](#)

Compliments, Comments and Complaints Monitoring

All customer feedback should be logged, including those that are resolved at first point of contact.

We will collaborate and share learning from customer feedback across the organisation. This will help us to improve our services for our customers. This insight should be used within the business planning process. We are committed to reducing the number of upheld Ombudsman complaints through the thorough investigation of complaints at Stages 1 and 2.

The complaints' system data will be used to report on the Corporate Key Performance Indicators and to compile the Annual Customer Feedback report. This report is presented to the Governance and Audit Committee which is webcast on Kent.gov.uk, the report will then be made available on the website. The report will contain high level information relating to:

- the number of complaints, comments and compliments received by each Directorate.
- how complaints are received; telephone, letter, e-mail
- % answered within standards
- % of those upheld
- performance relating to Local Government Ombudsman complaints
- examples of complaints received and investigated by the Ombudsman
- identified improvements to service delivery introduced in response to complaints
- recommended action to minimise or avoid similar complaints in the future
- recommended procedural improvements for handling and resolving complaints
- identified training and information needs
- compensation paid.

Services will be responsible for, and accountable for, reporting to Governance and Audit the nature of their complaints received at Stages 1 and 2, when requested.

Separate reports detailing the performance of Adult Social Care and Children, Young People and Education complaints are also prepared and presented to their relevant committees.

Our latest reports can be found here - [Complaints and compliments - Kent County Council](#)

Other Relevant Policies

There are other relevant policies and procedures that staff should reference, these are available on KNet (KCC's intranet):

- Customer Feedback Privacy Notice
- Unreasonably Persistent and Vexatious behaviours Policy
- Data Retention Policy
- Operating Standards
- Records Management Policy
- Data Protection Policy
- Data Quality Policy
- Equalities Policy