

**KCC**

**CUSTOMER FEEDBACK POLICY  
(COMPLAINTS, COMMENTS  
AND COMPLIMENTS)**

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## Introduction

This policy sets out KCC's position on complaints, comments and compliments 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 devolved approach to complaints, comments and compliments management. Individual Directorates and business units are responsible for developing, operating and monitoring their own procedures and processes, but they must comply with the KCC Customer Feedback Policy and provide regular monitoring statistics. Services are also accountable to Governance and Audit Committee where they may be asked to report to the committee to outline the nature of their 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 your complaint within 3 working days.

We will use plain English

We will give you a contact name and telephone number.

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 service, the actions or lack of action by the Council or its staff which affects an individual service user 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 them negatively

This definition is 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 sorting out, the agreed timescale for fixing the pothole has passed and the pothole still hasn't 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 have 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 phone 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 and willing 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 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 your behalf. We may have to seek your consent if someone raises a complaint on your behalf. This definition includes:

- 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.

## How a complaint can be made

A complaint can be accepted in any form (including face to face, via social media or by phone). 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 complaints procedure

The KCC complaint process follows three steps;

### Stage 1: Local Resolution

Members of the public should firstly take up their complaint directly with the service concerned. Staff should aim to sort out the problem as quickly and as easily as possible.

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, customers will be informed at the earliest opportunity before the completion of 20 working days when they can expect to receive a full reply.

### Stage 2: Complaint Escalation

If a complainant remains dissatisfied, they can have their complaint investigated by writing to the Corporate Director of the service involved.

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, customers must be informed of their right to escalate their complaint to the Local Government Ombudsman.

### **Stage 3: Local Government Ombudsman**

If a complainant is still not happy with the outcome of an investigation, they can take their complaint to the [Local Government Ombudsman](#)

## **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**

#### **Stage 1**

We will acknowledge your complaint to confirm we have received it and a member of the complaints team will contact you to discuss a plan of action to deal with your 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 you informed of any delays in the process. You can expect your complaints to be listened to, to be investigated fairly and responded to.

#### **Stage 2**

If we have not been able to resolve your complaint, please contact the complaints team using the contact methods above to see if anything further can be done. However, if you are not happy with the response, you can ask the [Local Government Ombudsman](#) to review the way we have dealt with your complaint.

### **Children's Social Services**

#### **Stage 1 – Local Resolution**

Most complaints can be settled quite simply by discussing your problem with a member of staff on hand or at your local Children's Services office. You may prefer to write to us, we can help you put your complaint in writing. We will aim to settle your complaint as quickly as possible, usually between 10 and 20 working days. If your complaint will take longer we will keep you informed of the progress.

#### **Stage 2 - Investigation**

If it is not possible to settle your complaint locally, or you remain dissatisfied with the answer you receive, you may want to take your complaint to the next stage of the procedure. You can request for it to be considered at Stage 2 with an Investigating Officer and Independent Person appointed to examine your complaint in detail.

If we investigate your complaint:

- an investigating officer who is new to your case will look into the issues raised
- an independent person from The Young Lives Foundation, the children's charity, will also be appointed to consider your complaint
- the investigating officer and the independent person will contact you to make sure they fully understand the complaint.

When the investigation is complete, we will send you a full response with the findings of the investigation, as well as the Council's response to those findings. We aim to do this within 25 working days of the investigation starting, but it can take longer. We will keep you 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 you are not happy with the explanation or solution offered to you at Stage 2, you have a right to ask for your complaint to be considered again, this time by an Independent Review Panel. A Review Panel will be held within 30 working days of your request being accepted.

### **Local Government Ombudsman**

If you are still not happy with the decision about your complaint once the complaint procedure has been completed, or you feel we have not answered within a reasonable timescale, you can complain to the [Local Government Ombudsman](#) by writing to:

The Local Government Ombudsman  
PO Box 4771  
Coventry  
CV04 0EH  
Telephone: 0300 061 0614

### **Complaints by Governors**

If the Local Government 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,
- d. Where the LGO 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 you are worried about your child's learning or welfare at school, speak to your child's class teacher or head of year first. If you are not satisfied with the teacher's response, arrange to speak to the head teacher. If this isn't practical, you can ask for a copy of the school's complaints procedure to help you decide whether you 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 you remain dissatisfied after completing the school's complaints procedure, then you have a right to refer your 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: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) 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 you have a right to defer to the ESFA by going [online](#) or by post to: Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

## **Complaints relating to Schools Admissions or Home to School Transport**

### **Primary and Secondary Schools**

You can appeal if you were refused a place at one of your 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 you explain to an independent appeal panel why you think your child should be given a place at the school and lets the school explain why it could not offer your 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. Your 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 you the panel's decision as soon as possible. We cannot tell you the decision by telephone.

### **Decision – Secondary**

We will write to tell you the panel's decision as soon as possible. We cannot tell you the decision by telephone.

### **School Transport Appeals**

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

You 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**

You can complain about the way the appeal was carried out, but you cannot complain about the decision itself. To complain about the way in which the appeal was carried out you can refer your complaint to the [Local Government Ombudsman](#).

### **Complaints about a County Councillor**

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

#### **Stage 1**

Read:

- [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. Your complaint must state why you think the councillor has not followed the Kent Code of Conduct for Members.

#### **Stage 2**

To send your complaint:

- fill in the [online councillor complaints form](#)
- email [democratic.services@kent.gov.uk](mailto:democratic.services@kent.gov.uk)
- print and post the councillor complaints form to the Head of 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 your complaint asking for an internal review to the Head of Paid Service

- email [headofpayservice@kent.gov.uk](mailto:headofpayservice@kent.gov.uk)
- write to Head of Paid Service, room 1.70, Sessions House, County Hall, Maidstone, Kent ME14 1XQ.

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

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

### **Stage 2**

If you are still unhappy, you can raise the matter with the Information Commissioner:

- call 0303 123 1113
- email [casework@ico.org.uk](mailto: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 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467731/Draft\\_Code\\_of\\_Practice\\_on\\_the\\_English\\_Language\\_Requirement\\_for\\_Public\\_Sector\\_Workers\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467731/Draft_Code_of_Practice_on_the_English_Language_Requirement_for_Public_Sector_Workers_.pdf)

## **Confidentiality**

Any complaint processed through the procedure will be dealt with in accordance with the requirements of the Data Protection Act 1998 and Freedom of Information Act

## **Vexatious and Unreasonably Persistent Complainants**

The Council is committed to dealing with all complaints equitably, comprehensively and in a timely manner. It does not normally limit the contact which 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.

The County Council's guidance on handling unreasonably persistent and vexatious complainants is set out in separate guidelines.

## **Complaints, Comments and Compliments 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 one and two.

All services are required to submit a quarterly return which outlines their performance in relation to Customer Feedback handling. This 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.

Governance and Audit Committee will receive an annual report on customer feedback activity. The report will contain high level information relating to:

- the number of complaints, comments and compliments received by each Directorate.
- how complaints are received; phone, 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 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 one and two, when requested.