

Complaints and feedback policy and procedure

**DEVON & SOMERSET
FIRE & RESCUE
SERVICE**

**Corporate Communications
Service Policy
Document**

Document purpose:

This document provides information on how to manage feedback that is received by the Service. The can include, complaints, concerns, compliments and comments. This document outlines the procedures that should be followed when handling individual pieces of feedback and covers the areas of administration required.

Document status:

Ownership:	Consultation and Engagement Lead, Communications and Engagement
Date first published:	July 2015
Review date:	January 2022
Last review or amendment:	January 2020
Key consultees:	As complaints policy

Further information:

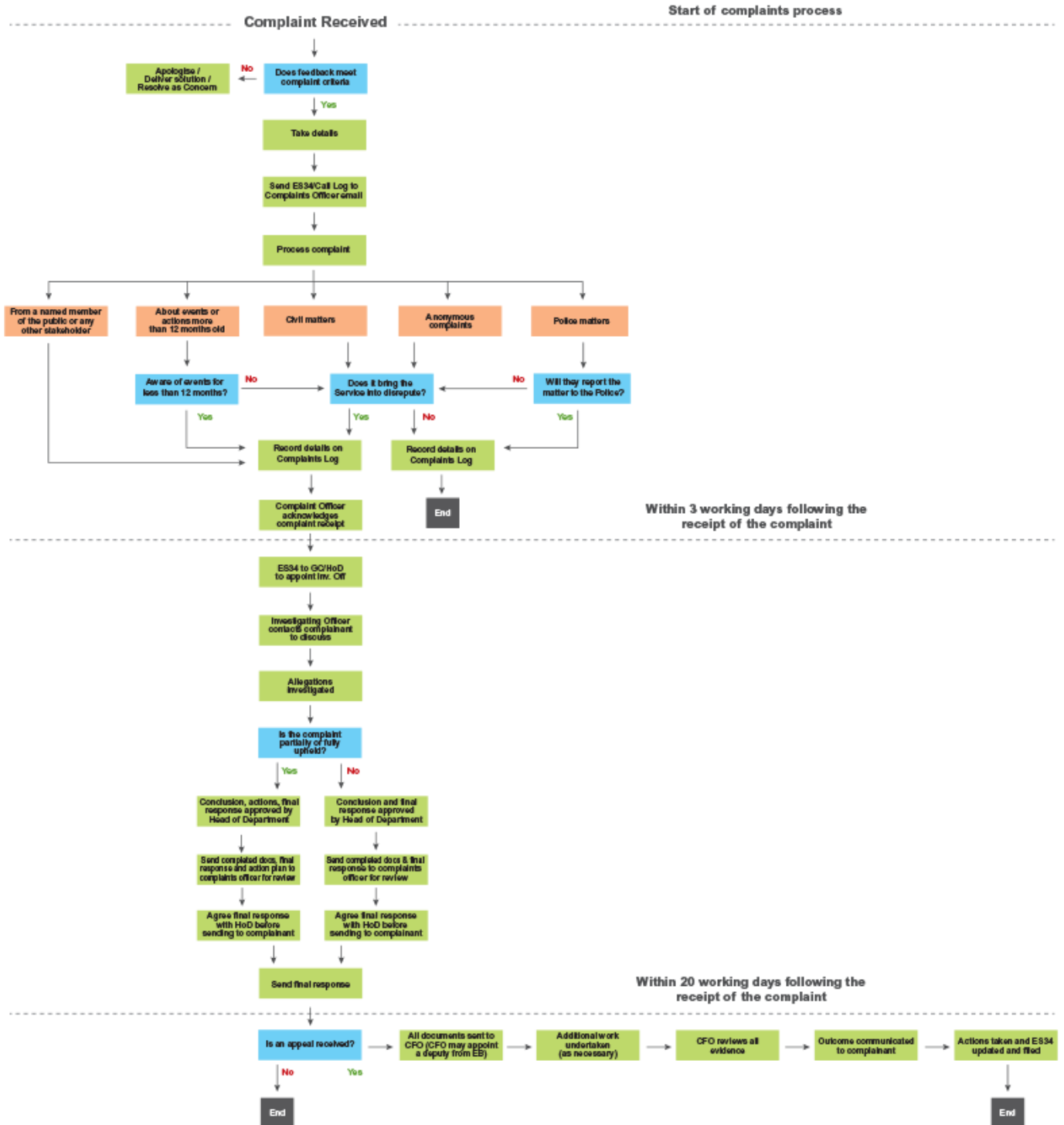
Consultation and Engagement Lead, Communications and Engagement
Consultation and Engagement Officer, Communications and Engagement

Cross-references:

Complaints Policy (2015)



Complaints Management Flow Chart



Please Note: This flow chart is available in an A3 printable version if required. (Appendix H)

Contents

Document purpose:.....	1
Document status:.....	1
Further information:.....	1
Cross-references:	1
1. Introduction	5
Scope of the policy	5
Feedback - key priorities:	5
The Service Values	6
The Local Government Ombudsman values	7
2. Definitions	8
Complaint	8
Concern.....	8
Comment.....	8
Compliment	8
This policy refers to and includes:	8
Who can provide feedback to the Service?	8
What can be expected.....	9
3. Compliment procedure.....	9
4. Complaint procedure.....	9
Complaint	9
Concern.....	10
Out of scope complaints.....	10
Receiving complaints	11
Reporting the complaint	11
Additional support.....	12
Confidentiality.....	12
Anonymous Complaints	12
Investigation for anonymous complaints	13
5. Key Roles and Responsibilities and Key timescales.....	13
Complaints Officer.....	13
Investigating Officer.....	13
Service Lead/Head of Department	13
6. Key Timescales	13
Receipt	13
Acknowledgement.....	13
Appointing an investigator	13

Investigator contact Complainant	14
Complete Investigation and written response.....	14
7. Appeals procedure.....	14
Stage 1	14
Delegation	15
Stage 2.....	15
8. Vexatious / persistent complainants.....	15
How do you identify a vexatious complainant?.....	16
What do you do if the complainant is difficult?	16
Handling aggressive, abusive or offensive complainants	16
Implementation of exclusions from the complaints process	16
Details of exclusion from the complaints process.....	17
Stage 1: limited duration exclusion contact only permitted through the Complaints Officer	17
Stage 2: Exclusion from the complaints process	17

1. Introduction

Scope of the policy

Devon and Somerset Fire and Rescue Service (DSFRS) is committed to continually improving the Service we provide to our communities and recognise that to achieve this goal we must listen and respond to the views of the public.

The purpose of the Feedback and Complaints Policy is to ensure that Complaints, Compliments, Concerns and Comments (4 C's) are properly administered, recorded and acknowledged and, where necessary, investigated. Members of the public can be assured that when lodging a complaint they will be treated in a fair, reasonable and consistent manner.

Compliments and complaints about service provision give an indication of how well the Service is carrying out its functions and where improvement can be made where appropriate.

The Service upholds the view that everyone has the right to expect a good service from public bodies and to have things put right if it goes wrong. Good complaints handling means that the public receive the service they are entitled to expect. It must focus on outcomes that are fair, proportionate and sensitive to the complainant's needs. The process should be clear, straightforward and readily accessible.

It is important to acknowledge that people may be reluctant to complain due to fear of consequences, and every effort must be made to enable people to tell us about their experiences, and not to feel disadvantaged by doing so.

Feedback - key priorities:

- Create a culture which encourages and welcomes feedback which can be acted upon to improve the Service.
 - Provide clear and widely available guidance about how to feedback to the Service.
 - If negative feedback is raised; provide complainants with sufficient support to enable them to participate fully in the complaints process and provide additional support where required.
1. Promote a prompt, open, flexible dialogue with the complainant throughout the duration of the investigation and through the final response to the complaint
 2. Conduct a thorough, honest and balanced investigation and provide a full and understandable response.
 3. Provide evidence of learning and follow up action, where appropriate.

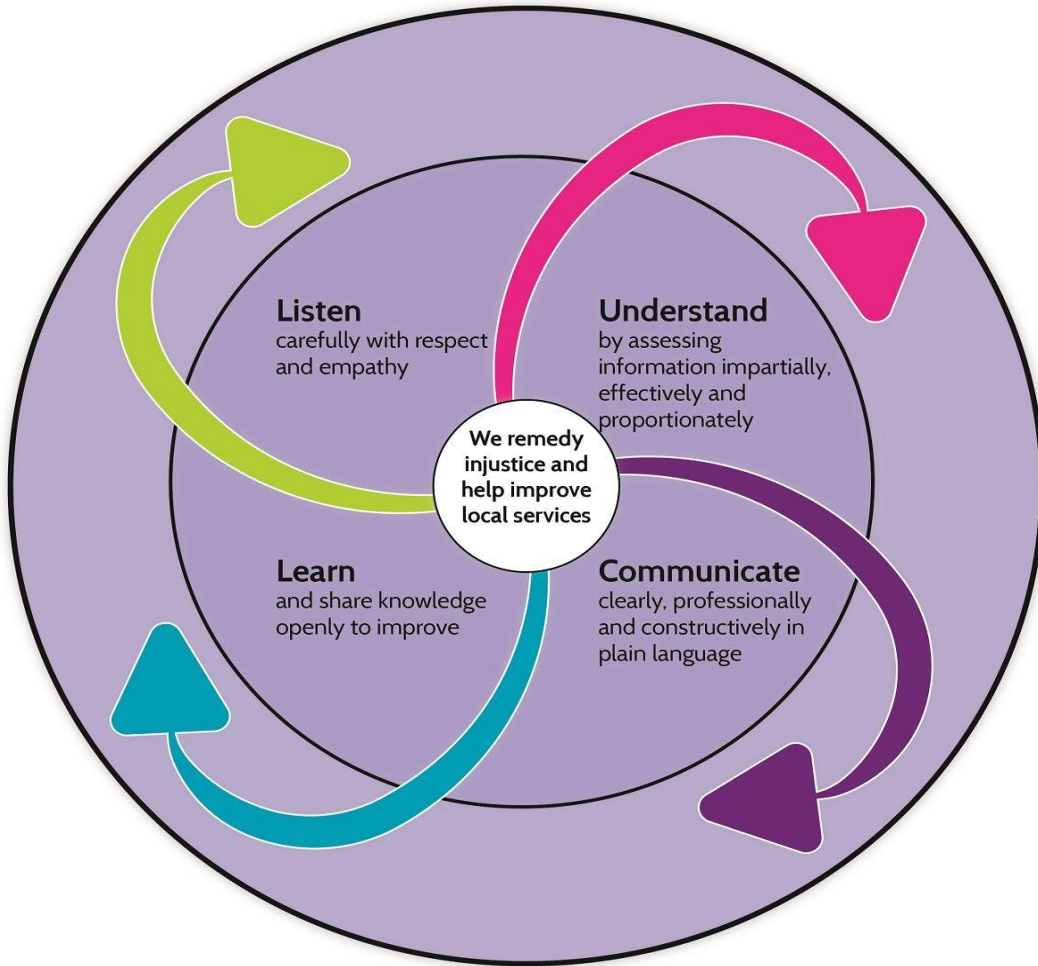
The Service Values

Through managing feedback, the values held by the Service will be at the forefront of everything that we do;

<p>WE ARE PROUD TO HELP</p>  <p><i>We show this by...</i></p> <ul style="list-style-type: none"> Doing what we say we will do and seeing things through to the end Demonstrating high standards Working hard and doing our best to get the right outcomes Being motivated, keen and willing to give things a go 	<p>WE ARE HONEST</p>  <p><i>We show this by...</i></p> <ul style="list-style-type: none"> Being open, clear, and realistic Admitting and learning from mistakes Showing trust and being trustworthy Being responsible and accountable
<p>WE ARE RESPECTFUL</p>  <p><i>We show this by...</i></p> <ul style="list-style-type: none"> Being consistent and giving credit where it's due Always being polite, considerate and treating people fairly Genuinely listening, involving and engaging others Being inclusive to all 	<p>WE ARE WORKING TOGETHER</p>  <p><i>We show this by...</i></p> <ul style="list-style-type: none"> Understanding others' needs and appreciating their demands Positively challenging sharing ideas and giving feedback Supporting others and giving practical help and advice Being willing to adapt and change to get the best results

The Local Government Ombudsman values

The Local Government Ombudsman sets out principles that are expected from public bodies when dealing with complaints. As a public service DSFRS will uphold these values when managing feedback and complaints.



Please visit the [Local Government Ombudsman website](#) for further information.

2. Definitions

Complaint

An expression of dissatisfaction, which requires a formal investigation and a written response. These can be received in writing, by post, email, through social media, verbally or in person. A local resolution should be considered in the first instance.

Concern

Those which do not fall under the definition of a formal complaint and which can legitimately be resolved at an appropriate level without formal investigation. Solutions to informal complaints should be straightforward, simple, and quickly meet the needs of those raising their concerns.

Comment

An idea or suggestion which the Service could use to improve experience or the safety and effectiveness of its service delivery.

Compliment

Somebody telling the Service about something it did well.

This policy refers to and includes:

- Devon and Somerset Fire and Rescue Authority (DSFRA)
- Devon and Somerset Fire and Rescue Service (DSFRS)
- Services provided by DSFRS
- Those employed by DSFRS

Who can provide feedback to the Service?

- Every member of public that has an interaction or receives services from DSFRS.
- Where the feedback also relates to a service provided by another organisation; a lead organisation will be identified to co-ordinate the investigation and provide the overall response. Consent will be gained from the individual to share their information with the other organisations. This will be co-ordinated by the Complaints Officer when the complaint is received.
- If the person concerned is unable to act for themselves the complaint can be accepted from a close relative, friend or other body or individual suitable to act as a representative. When a complaint is made on behalf of another person the Service will need to ensure that consent is obtained before a response is made. This will be co-ordinated by the Complaints Officer if this required.

What can be expected

The Complaints officer is the principal point of contact for the Service and has responsibility for;

- Ensuring that feedback is dealt with efficiently
- People are treated with respect and courtesy
- Complaints are properly investigated
- People receive help to understand the complaints procedure
- People receive a response that provides an explanation and response to their complaint and are clear about the outcome of the investigation
- That action is taken, if necessary, to ensure the Service learns from the feedback
- Good practice is recognised and acknowledged

3. Compliment procedure

On receipt, compliments will be logged in the compliment database and allocated a unique reference number by a member of the Communications and Engagement Team. These will then be retained for future use or reference.

If the compliment has been received in writing or email, this will be acknowledged with the person providing the feedback.

The compliment will be communicated with the relevant teams so they are aware that the feedback has been received. The Chief Fire Officer (CFO) will also be made aware of the feedback that has been received.

All written correspondence will be kept on file by the Communications and Engagement Team; ready for inspections if required.

Examples of positive feedback are to be included in the weekly “Shout Out” updates to ensure positive feedback is shared service wide to promote good practice.

On a quarterly basis, a “Compliments Dashboard” will be produced by the Communications and Engagement Team to share the good practice that has been identified through compliments received. This will also be shared through the Service’s various internal and external communication channels.

4. Complaint procedure

Complaints and concerns within scope of this policy:

Complaint

An expression of dissatisfaction which requires a formal investigation and either a written response or a planned complaints resolution meeting. This feedback can be received in writing, email, verbally, through social media or in person. A local resolution should be considered in the first instance.

Concern

Those which do not fall under the definition of a complaint and can legitimately be resolved at an appropriate level without formal investigation. Solutions to concerns should be straightforward, simple, and quickly meet the needs of those raising their concerns. All correspondence will be logged, given a unique reference number and saved in the concerns folder.

Out of scope complaints

Complaints falling under this definition are those:

- Made by members of staff, which will be sent to HR for investigation under the Grievance Procedure or which should fall under the 'whistleblowing' code.
- About a Member of the Devon & Somerset Fire & Rescue Authority, which will be sent to the Democratic Services and Corporate Support Manager for investigation against the Member's Code of Conduct.
- About damage caused by staff on duty, which will be sent to Risk and Insurance for investigation as part of the insurance claims procedure.
- Allegations relating to the abuse of children, young people or vulnerable adults, which will be sent to the Safeguarding Lead in Community Safety.
- About criminal acts, which will be investigated in the same way as normal complaints, following discussion with HR and the appropriate Service Lead/ Head of Department, only when the complainant refuses to report the matter to the Police.
- About civil matters, which will only be processed (against the criteria set for normal complaints) when the matter brings the Service into disrepute.
- More than twelve months old, these will not be investigated unless the complainant can demonstrate that they have known about the actions for less than twelve months or when the matter brings the Service into disrepute.
- About how the Service has handled personal data, there is a separate process operated by the Information Assurance Team to process complaints of this nature. If there has been a personal data breach reported externally through the complaints process then the information assurance team need to be notified immediately. This is because under GDPR (General Data Protection Regulation) an organisation has 72 hrs to investigate and inform the ICO (Information Commissioner's Office) should it be determined that a breach has occurred. If a data breach relating to a member of staff is escalated internally and a grievance is raised, then HR must be informed to investigate under the grievance

procedure. The Information Assurance Team must also be notified to ensure the investigation is facilitated within the required 72 hrs.

Receiving complaints

A complaint may be received by any member of the Service, though where a member of staff does not feel it is appropriate for them to take details of the complaint, they may refer the complainant either to a more senior officer or straight to the Complaints Officer.

If a complaint is taken over the phone, the call log form (Appendix C) should be used to receive the information. If the complaint is resolved over the phone, this form can be used to capture all the relevant information. Once completed, the call log form should be sent to the Complaints Officer for action/logging. If the complaint is received in writing, this should be sent to the Complaints Officer for logging and action. Please remember when taking details of the complaint and the complainant, this needs to be done so confidentially and securely to ensure compliance with GDPR.

In some cases, those approaching the Service may simply want an apology. Apologies made by individuals for their actions, or on behalf of the Service, should be encouraged, where appropriate. If this isn't appropriate or the complainant wants an investigation to be completed, the usual complaints policy should be followed.

Face-to-Face meetings with complainants can offer the best chance for reaching a satisfactory resolution to a difficult complaint, so should be considered/offered to the complainant when being contacted by the investigator. If meetings are not properly planned and managed it can become difficult to find an acceptable outcome. When planning a meeting, the Best Practice on Meeting with Complainants guidance should be followed, this can be found on page 12 of the complaint pack (Appendix A).

Reporting the complaint

The person taking the complaint should collect the following details for all complaints and add them to the ES34 for in the complaint pack (Appendix A) or call log form (Appendix C)

- Complainant's details:

Name, address, email address and telephone number. If they are acting for somebody else, take the above details for the person affected and themselves.

- Complaint details:

Who did what, where, why and when and what outcome they would like?

Those taking complaints should attempt to gather as much information as possible to allow an appropriate Investigating Officer to be appointed. All the information should be recorded securely and confidentially and sent to the Complaints Officer within 48 hours of receipt by one of the following ways.

Email: ComplaintsOfficer@dsfire.gov.uk

Post: Complaints Officer, Communications and Engagement Team,

DSFRS HQ, Clyst St George, Exeter. EX3 0NW
Phone: 01392 872354

The Complaints Officer will distribute complaints to the appropriate Service Lead/ Head of Department for action, and they will appoint an appropriate investigating officer.

Additional support

Where those wishing to make a complaint require additional support, this will be provided wherever possible. This provision will extend to providing any documents pertaining to the complaints Policy/Procedure. This might include involving 'Language Line', where a complainant has limited English, providing large print leaflets to those with a visual impairment, or, where somebody has learning disabilities, meeting with the complainant and their advocate to record the details and explain the investigation process to them appropriately.

If a meeting is to be arranged, please follow the guidance as provided in Best practice when meeting with complainants, this can be found on page 12 of the complaint pack (Appendix A).

Where additional support is provided, details should be recorded on the ES34 form in the complaints pack (Appendix A) to ensure that the Investigating Officer is aware of the complainant's needs and can take similar steps when engaging with the complainant at all stages of the process.

Confidentiality

Those receiving complaints or otherwise associated with, or interviewed as part of an investigation should keep their involvement and any details of the complaint, the investigation, those under investigation or the identity of the complainant confidential to avoid:

- Disclosing personal and identifiable information about individuals without a clear lawful basis (Under the General Data Protection Regulation (GDPR 2016)) and therefore risk a data breach of an individual's personal data.
- Perception on the part of the subject or subjects of the investigation that they are being treated negatively as a result of the investigation.
- Perception on the part of the complainant that the Service's process and procedures for maintaining confidentiality are not fit for purpose.

Anonymous Complaints

Complaints falling under the scope of this policy that are received anonymously will be sent by the Complaints Officer to the relevant Service Lead/ Head of Department who will complete a preliminary investigation which will be logged for audit and review purposes.

This preliminary investigation should take into account the nature of the complaint and the information available. If the investigator is satisfied there isn't a requirement for a full investigation, the findings will be logged and complaint file will be closed. However, if a full

investigation is undertaken as a result of the initial findings this complaint file will remain open until the investigation report has been received from the Investigating Officer and approved by the Service Lead/ Head of Department.

The details of all findings will be kept on file by the Complaints Officer.

Investigation for anonymous complaints

Investigated anonymous complaints will follow the same steps as standard complaints, and records will be kept in the normal way. No feedback on the outcome of an investigation will be given to complainants who have requested anonymity.

5. Key Roles and Responsibilities and Key timescales

Complaints Officer

This will be the person from the Communications and Engagement Team that will facilitate the complaints process.

Investigating Officer

This person will be identified by the Service Lead to investigate the complaint.

Service Lead/Head of Department

This will be the person that has the responsibility for a particular service and is responsible for approving the investigation and response

For more information on the Key Roles and Responsibilities please reference Appendix B

6. Key Timescales

Receipt

Complaints are deemed to have been received when first contact is made by the complainant with any member of the Service.

Acknowledgement

A new complaint needs to be acknowledged in writing or over the phone with the complainant within 3 working days from when the complaint was initially received by the Service.

Appointing an investigator

The Service Lead will appoint an Investigator (Grade 7 or above) **within 3 working days** to complete the investigation and produce the written response.

Investigator contact Complainant

The appointed Investigator will contact the Complainant **within 5 working days** to discuss the issues that have been raised and clarify points before proceeding with the investigation.

Complete Investigation and written response

The Investigator will complete the investigation and produce a written response for the Service Lead to review and approve **within 20 working days**. This must be shared with the Complaints Officer for quality checking before being sent to complainant.

For more information on the Key Time Scales please reference Appendix B

7. Appeals procedure

The Complainants may appeal where they are dissatisfied with:

- The initial investigation
- The outcomes of that investigation
- The corrective actions proposed.

Stage 1

The Complaints Officer will:

- Notify the Chief Fire Officer (CFO) that an appeal has been received
- Inform the CFO that they have 20 working days to conduct and conclude a review
- Send the CFO a copy of the file relating to the complaint.

The Chief Fire Officer will:

- Review the documents relating to the initial investigation.

Where appropriate, they may then:

- Interview the original investigating officer
- If necessary, appoint a new Investigating Officer to fill gaps in the available information
- Review all initial and new evidence.

In all cases they should:

- Respond to the issues raised as justification for the appeal **within 20 working days of receipt**
- Give outline reasoning for any changes to the recorded outcome / additional corrective action, or reasons for not making any changes
- Nominate officers to carry out or complete any additional corrective actions, communications or submissions to the improvement process

- Complete the ES34 form in the complaint pack (Appendix A) and return it to the Complaints Officer, with copies of all relevant supporting information and correspondence, for filing.

Delegation

The CFO may appoint another member of the Executive Board (EB) to act as proxy in reviewing the complaint and determining what, if any, action to take. The CFO may reserve the right to sign off the proxy's conclusions and proposed actions before they are communicated to the complainant.

The Complaints Officer should be informed of any delegation of authority and update the complaints log accordingly.

Formal communications relating to the appeal will be between the CFO, or their proxy, and the complainant, though the Investigating Officer may also make contact with the complainant to discuss details of the complaint and initial investigation as part of their investigation / data gathering process.

Stage 2

Complainants that are not satisfied with the outcome of a **Stage 1** review may subsequently complain to the Local Government Ombudsman.

The Complaints Officer will, in discussion with appropriate officers:

- Provide support and information to the Local Government Ombudsman (LGO) as requested and appropriate.
- Ensure that corrective action and communication, as recommended by LGO are undertaken.
- Update the ES34 form in the complaints pack (Appendix A), complaints log and complaints files as necessary.

8. Vexatious / persistent complainants

Those persons making large numbers of complaints, or repeatedly pursuing unreasonable outcomes from an investigation, should be referred to the Complaints Officer. There may be a number of reasons/contributing factors that could be causing people to act in this way (e.g. mental health) so they still need to be treated in line with the Service values and this policy.

Complainants that fall under this section of the policy include;

- Those making repeated complaints about the same subject in a short timeframe.
- Large numbers of complaints about different subjects in a short timeframe, regardless of how reasonable the complaints are.
- Individuals who repeatedly pursue unreasonable outcomes from an investigation, either during or at the end of an investigation, even if they are doing this in an otherwise acceptable way

How do you identify a vexatious complainant?

A vexatious complainant is someone who raises the same issue despite having been given a full response. They are likely to display certain types of behaviour such as:

- Complains about every part of the fire service regardless of the issue
- Seeks attention by contacting several departments or organisations
- Always repeats the complaints in full
- Automatically responds to any letter from the Service
- Insists that they have not received an adequate response
- Focuses on a trivial matter
- Is abusive or aggressive.

What do you do if the complainant is difficult?

If you are faced with a complainant who you believe is unreasonably persistent you need to identify appropriate action with the relevant Manager. Remember that this action should be tailored to the complainant's needs and include regular feedback and reviews within the Service and with the complainant.

Handling aggressive, abusive or offensive complainants

When a member of the public is making a complaint in a manner which is considered to be unreasonably aggressive, abusive or offensive staff may politely end telephone calls or meetings. The staff member has the right to make this decision independently, and should first tell the individual that their behaviour is unacceptable before subsequently ending the call or meeting if their behaviour does not change.

Complaints made in this way should be investigated as anonymous complaints if the complaint appears to be valid and there is enough information to proceed, otherwise the complaint may be discarded. The complainant may contact the Service again, to make the complaint appropriately and in full. If the original contact does not wish to deal with the individual again the complainant should be directed to the Complaints Officer.

The behaviour of complainants who become unreasonably aggressive, abusive or offensive with those already investigating a complaint should be discussed with the Complaints Officer.

Implementation of exclusions from the complaints process

Please note that barring a vexatious or persistent complainant from the complaints process, through the application of a Stage 1 or 2 exclusion, does not preclude them from contacting the Service for other reasons.

Details of exclusion from the complaints process

Stage 1: limited duration exclusion contact only permitted through the Complaints Officer

Any member of staff having contact with a member of the public that complains in a vexatious, habitual, aggressive, abusive or offensive way may, following the agreement of the Complaints Officer, inform the complainant that they should not contact any member of staff other than the Complaints Officer for the purpose of making or discussing complaints against the Service.

An exclusion of this sort will last for up to six months and the complainant should be informed in writing. A copy of the letter should be kept in the complaints file, and details of the exclusion should be made known to appropriate staff: the privacy of the complainant should always be respected, however, and only necessary details should be made available.

For the duration of a Stage 1 exclusion, the Complaints Officer will act as liaison between the complainant and the Service. The Complaints Officer will be the sole point of contact for the complainant for the duration of the exclusion. They will address any concerns with ongoing complaint investigations, or investigations relating to subsequent complaints lodged.

All those made aware of the implementation of an exclusion should, when it expires, be made aware of its termination.

Stage 2: Exclusion from the complaints process

Stage 2 exclusion from the complaints process means that the complainant may only direct their complaint to the Complaints Officer. All personnel contacted by a member of the public excluded from the complaints process, should handle them in a professional and courteous manner, remind them of the nature of their exclusion and refer them to the Complaints Officer.

The Complaints Officer may extend, where appropriate, a Stage 1 exclusion to a Stage 2 exclusion, for a period of at least six months. This will also exclude the individual from the complaints process completely during this period. This exclusion period will apply irrespective of the proportion of the initial (stage 1 exclusion) that has been expended, and may be extended if the barred complainant continues to contact the Service about complaints.

A Stage 2 exclusion may also be applied if the complainant continues to act in an inappropriate way during any dealings with the Complaints Officer.

Decisions about entirely excluding vexatious, habitual, aggressive, abusive or offensive complainants from the complaints procedure, and the duration of the prohibition, will be made by the Complaints Officer in discussion with a member of the Senior Leadership Team.

The complainant will be informed, by letter, at the end of a Stage 2 exclusion that the exclusion has been lifted. A copy of this letter will be kept in the complaints file.

At the end of any exclusion, all affected parties will be contacted by the Complaints Officer to confirm either the repeal of the exclusion or its extension. An extension will only occur if the individual concerned continued to act inappropriately during the period of the exclusion.