

Customer Feedback Policy

This Corporate Policy is prepared and managed by One West on behalf of Bath & North East Somerset Council.

This Policy may be revised from time to time to reflect changes in legislation, good customer practice and operational requirements.

A current version of the policy can be accessed on the council website www.bathnes.gov.uk and searching for “customer feedback policy”

For any enquiries about this policy, please contact:

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One West offers specialist professional services primarily across the South West of England. We work with government bodies, schools, academy trusts, charities and care providers.

Version date: March 2019

Customer Feedback Policy

Introduction

At Bath & North East Somerset we value our customers and their feedback. This Corporate Customer Feedback Policy describes how the Council expects to manage and respond to customer feedback, whether suggestions, compliments, or complaints. It is designed to reflect best practice both for the customer and the Council.

The Policy – purpose and definition

The main purpose of the customer feedback policy is to enable any matters raised by customers to be received and resolved quickly at the initial point of contact.

Customer feedback may include:

- General feedback and suggestions for improvement
- Reports about service failure
- Compliments about good service
- Complaints

Customer feedback is actively encouraged, tracked, monitored and used positively to make service improvements and changes where appropriate. For example, early diagnosis of customer problems with a new business process or a number of repeat requests may decrease the number of complaints if improvements are made and issues resolved at the first point of contact.

We work hard to avoid and minimise complaints but where they do occur this policy defines how they will be fairly and courteously treated.

This policy:

- Confirms how to give feedback or make a complaint.
- Highlights any exceptions to the standard customer feedback procedure, for example where specific issues are treated by a defined complaints procedure.
- Defines the standard of service, including response times, to expect when making a complaint.
- Recognises the importance of customer feedback in providing insight to Council services and performance.
- Set out how the Council monitors customer feedback and uses information to improve services and identify training needs.

For the purposes of this policy, a complaint is defined as:

“an expression of dissatisfaction with the standard of service provided by the Council, or with something the Council or a member of its workforce may or may not have done”

This definition is in line with those of the Local Government Ombudsman and the British Standards Institute.

A complaint may be about lack of response, delays, ongoing service problems or the behavior of Council employees.

This includes the Council:

- Doing something wrong
- Doing something it should not have done
- Failing to do something it should have done
- Behaving unfairly, discourteously or in a discriminatory manner
- Not carrying out a service to an agreed standard
- Not responding to a request for a service within its stated timescale

Is it a Corporate Complaint?

If a complaint is outside of the Customer Feedback process we give advice on how the customer may more appropriately pursue the issue – see Appendix 1

Exclusions to this Policy

Some complaints are dealt with under separate procedures, some of which are laid down by statute. Others are serious enough to require special consideration. Sometimes the Council receives complaints about matters over which it has no control. When your complaint is received you will be informed if it is to be handled under a different procedure or if it needs to be redirected to a different service or agency.

This policy is not intended to include appeals against, or objections to, decisions of the Council which should generally be pursued by way of the appropriate statutory or other appeals procedure. In these cases, advice will be given on how an appeal may be made and about any timescales which apply.

See Appendix 1 for guidance on how to make other complaints not dealt with by the Council's main Customer Feedback process.

Please note: A complainant cannot demand that this procedure is used. The discretion about how to deal with a complaint lies with the Council. In certain circumstances the Council may decide that alternative means of dealing with complaints would be more appropriate and this will include the consideration of offering or agreeing to mediation. The Corporate Customer Feedback & Standards Manager (responsible for the Corporate Feedback Policy) will decide this in consultation with the relevant Service Manager. In such cases the complainant will be informed of the alternative approach and why the Council has chosen to adopt it.

How we Review and Respond to Complaints

The Council has a distinct two stage approach with a third level of escalation to the Local Government & Social Care Ombudsman (LGSCO) that incorporates and reflects local government good practice:

- Stage 1 response to the complaint by the relevant Council Service Team
- Stage 2 review by the Council's One West Customer Feedback team
- Local Government Ombudsman external independent review

Stage 1

Whenever we receive a complaint, we will initially ensure that it is directed to the appropriate Service team that is responsible for the issues raised. Stage 1 involves the Service themselves understanding and reviewing the complaint, whether informally through direct customer contact or more formally through an investigation and written response.

Our policy is to have our Services always respond to customer complaints directly and have the opportunity to explain or put things right if there has been a mistake. We aim to resolve matters at Stage 1 with a single and accurate response but, if this is not possible or if the customer remains dissatisfied, we encourage continued dialogue and personal or written contact between customer and Service until the issue is satisfactorily closed.

If a customer is not satisfied with the outcome of the Stage 1 process, they may request a Stage 2 Review.

Stage 2

Stage 2 provides the opportunity of another Service investigating the complaint by undertaking an independent review. The One West Customer Feedback Team will review the Stage 1 investigation to consider whether all matters raised in the original complaint have been comprehensively and accurately addressed, and if not, may refer it back to the Service to ensure this now happens. Through consideration of Stage 1 communications between the complainant and the Service concerned, the Stage 2 Review will determine:

- if your complaint may still reasonably be resolved by any further Stage 1 consideration by the Service, or;
- if a full independent Stage 2 investigation is appropriate, or;
- whether you would be better served by referring your complaint direct to the Local Government Ombudsman (LGO), for example if the Service has fully and reasonably sought to resolve the issue and a Stage 2 review is unlikely to change the position, such that effectively the Council complaints process has been fully exhausted and any further review by the Council would cause unnecessary delay.

Key to this decision being made will be a review of communications with the customer to understand the outcome or remedy that the complainant seeks and the best way that may be achieved, if at all possible.

Role of the Local Government Ombudsman

The Local Government and Social Care Ombudsman (LGSCO) looks at complaints about Councils. It is a free service. Their job is to investigate complaints in a fair and independent way - they do not take sides.

If there is a problem with a Council Service, customers should first complain to the Council itself so that there is an opportunity to sort out the problem before the LGSCO can consider it. Customers must usually complete both Council complaint stages 1 and 2 before the LGSCO will look at a complaint.

If a case is accepted by the LGSCO it will be allocated to one of their investigators for them to consider an independent review.

The LGSCO Advice Team

- **Telephone:** 0300 061 0614
- **Website:** www.lgo.org.uk
- **Fax:** 024 7682 0001
- **Text:** 'call back' to 0762 481 1595
- **Write to:** Local Government and Social Care Ombudsman, PO Box 4771, Coventry CV4 0EH

Classification of Customer Complaints

We record information on all the complaints we receive, segregated by Service team, and we classify the outcomes we achieve to one of the following categories, which we monitor via quarterly performance reports, in order to understand and seek improvements to our services.

Reasons for Customer Complaints - 6x Categories

1. Discrimination or Harassment
2. Conduct / Attitude of Staff
3. Disagree with Policy or Procedure
4. Policy or Procedure not followed
5. Dissatisfied with the level of service provided
6. Inaccurate, misleading or insufficient information

3x Outcome Resolutions

Our policy in replying to complaints is to resolve them to one of the following three outcomes and advise the customer accordingly:

Outcome category	Communication with customer will:
1. Complaint upheld	Say complaint is upheld, state reasons why and give an apology
2. Complaint not upheld	Give an explanation about why the Council operates/performs as it does and say why complaint cannot be upheld
3. Complaint partially upheld*	Say what part of the complaint is upheld and give an apology where due Say what part of the complaint is not upheld and explain why the Council operates/performs as it does

*Sometimes a complaint may contain a number of parts or elements and so our communication will seek to resolve and determine the outcomes of each. This can mean that one element of a complaint might be upheld whilst another is not.

Our Response Standards

What you can expect of us

- We aim to deal with complaints quickly, effectively and in a fair and honest way
- Each complaint will be recorded on receipt
- Each complaint will be acknowledged in an appropriate format (email, phone or letter) within 5 working days of receipt
- Response standards will be set and customers will be told what they can expect to happen and by when

Stage 1

A full response will be provided within 15 working days from receipt of the complaint or any feedback including compliments and suggestions.

Stage 2

We will review and determine a request for a Stage 2 Review within a period of 10 working days. This allows us time to gather and review the Stage 1 complaint correspondence and come to a view on the best way forward. We schedule Stage 2 Reviews in order of receipt. Dates for determining a review will be advised to the customer and service.

If we determine a Stage 2 Investigation is appropriate, it will be undertaken and a full response provided within 30 working days of it being initiated. Customers will be kept informed of progress in dealing with their complaints and, if they cannot be resolved within the agreed time scales, we will inform you of the reason for delay and give you a target date for our final response.

Customers will be told at the end of each stage how they may pursue their complaint further if they should be dissatisfied with our response.

And what we expect of you

When we write to you in response to your complaint we will explain what you can do if you are still dissatisfied and the timeframe you need to act in.

We have set timescales to keep your complaint open or otherwise close it on our systems.

Stage 1:

When we write to you with our response to your complaint, we will give you the option to come back to us if you think we have not fully resolved your issue. If we haven't heard from you again after 20 working days from the date of our reply we will assume the issue is resolved to your satisfaction and we will close your complaint on our system.

Requesting a Stage 2 Review:

If you continue to be dissatisfied with the response from the Service at Stage 1, you need to tell us the reasons why and what outcome or remedy you were expecting, preferably in writing, so that we can properly consider whether escalation to a Stage 2 Review is appropriate.

How we measure response times

For clarification on how we measure our response times, we consider that:

- For customer communications received by the Council, the day of receipt by the Council is day 0 and the next whole working day is day 1.
- When the Council replies to customers, the date of the communication is day 0 and the next whole working day is day 1.

How to contact us to give Feedback

Who can make a Complaint, Suggestion or Compliment?

Any member of the public or their representative, businesses, public and voluntary bodies may give us feedback and make a complaint, suggestion or compliment.

Steps to making a complaint

If you can, speak to the member of staff involved directly, or their manager, giving the opportunity for the complaint to be resolved straight away.

If you do not know who to speak to, please contact Council Connect on 01225 39 40 41.

Any complaint can also be made or handed in to any of the Council's employees or Councillors and at any of the Council's offices.

You can contact us:

- online via our website, using our feedback forms: www.bathnes.gov.uk/feedback
- in person at our One Stop Shops in Bath, Keynsham & Midsomer Norton
- by phone: 01225 39 40 41
- by e-mail: councilconnect@bathnes.gov.uk
- by post: Council Connect, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG
- by twitter: @ccbathnes

We will request the following information:

- Your name and where and how you can be contacted. You do not have to provide this in order to submit a complaint; however we may not be able to investigate or reply to your complaint fully if you do not provide your name and a contact email address or telephone number.
- If you need any assistance in making the complaint, see below 'Assistance in giving feedback'.
- The details of your complaint or feedback.
- What you want the Council to do about it.

Steps to make a compliment or suggestion

Comments on methods of improving service delivery or compliments regarding the quality of service provided are always welcome. Please feel free to share your views with our staff/managers. You may also complete the online Compliments or Suggestions forms if you prefer: www.bathnes.gov.uk/feedback

Compliments and suggestions will be recorded and fed back to the relevant Service/staff.

Assistance in giving feedback

If you need assistance in giving any form of feedback whether it be a complaint, compliment or suggestion, the Council will provide this as promptly as possible. Some assistance, such as translation services, can involve a delay. You will be told when the assistance can be provided and kept informed of what is happening. Officers dealing with a complaint will ensure that any required assistance is made available and is planned for throughout the procedure.

Who will respond to your feedback?

Our roles & responsibilities

Services

Council Services have nominated *Customer Feedback Officers* (CFOs) responsible for:

- Ensuring that all customer feedback and complaints received directly by the Service are logged and processed in accordance with this policy and using the Council's Customer Feedback system.
- Liaison with relevant service colleagues and managers to ensure an appropriate review of the matter is made and responses are properly considered.
- Tracking progress at each stage.
- Informing customers of any delays to making a response, and the reasons why.
- Ensuring responses are issued within timescales.
- Communicating and recording outcomes.
- Trend analysis to support service improvements.

In addition, Service based Customer Feedback Officers may sometimes be called upon to support or undertake independent consideration of Stage 2 complaints about another Service area.

Customer Services Team

Our *Customer Services Officers* will usually be the first point of contact for customers; either in person at our One Stop Shops and Libraries or on the phone to our Contact Centre. They will:

- Ensure that all relevant details about a customer and their feedback or complaint are captured on the council's Customer Feedback system.
- Ensure customer feedback is correctly directed to the appropriate Service area for response, liaising with Customer Feedback Officers in Services if required to ensure that complaints are routed to the right teams for review and reply.

One West Customer Feedback Team

The *One West Customer Feedback team* is responsible for:

- Considering requests for Stage 2 Reviews.
- Allocating or undertaking Stage 2 Reviews and investigations and advising customers and services of the outcomes.
- Liaison with the Local Government Ombudsman over any referrals or investigations.
- Giving guidance on the investigation of individual complaints, and ensuring cross-service complaints investigations are being coordinated by one of the Services involved.
- Undertaking customer satisfaction surveys about the outcomes of the complaint process for customers whose complaint is upheld.
- Training Service based CFOs
- Performance reporting customer feedback case data

Record Retention

Schedule for Customer Feedback correspondence

The Council will hold records of customer feedback for the periods of time shown in the table below.

Level of feedback	Retained for	Rational
Enquiries resolved at Stage 1	Current year + 2 years	Aligns with existing corporate Retention Policy for general correspondence
Enquiries reaching Stage 2	Current year + 6 years	Supports 1980 Statute of Limitations Act
Enquiries referred to the Local Government Ombudsman	10 years after case closes	Corporate decision

Unreasonable Behaviour and Vexatious complaints

The Council recognises the need to respond to appropriately presented complainants. We are committed to dealing with all complaints fairly and impartially, and to making our service as accessible as possible.

Due to the nature or frequency of their contact with the Council, a few complainants behave unreasonably and hinder the consideration of their own, or other complainants', cases and the general work of the Council.

The Customer Feedback Policy provides a definition of when a customer's behaviour may be considered unreasonable or vexatious.

The Council's approach in this area is to align with the published guidance on unreasonable behaviour from the Local Government Ombudsman, as the external body where customers may ultimately take escalated complaints for review:

Single incidents may be unacceptable, but more often the difficulty is caused by unreasonably persistent behaviour that is time consuming to manage and/or interferes with proper consideration and conclusion of the complaint.

Behaviour may be considered unreasonable or vexatious when a customer is:

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various council departments.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence
- Harassing or been personally abusive or verbally aggressive on more than one occasion towards staff dealing with the customer or complaint. Staff will document all instances of harassment, abuse or verbally aggressive behaviour.

- Threatening or has used physical violence towards staff at any time – this will, in itself, cause personal contact with the complainant and/or their representatives to be discontinued and the contact will, thereafter, only be continued through written communication. All such incidences will be documented.
- Recording meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved.

Procedure for dealing with unreasonable or vexatious behaviour

If the Council's appropriate Service Manager in conjunction with the One West Customer Feedback Manager considers that a person has habitually, persistently and without reasonable grounds, behaved unreasonably or vexatiously in accordance with the policy criteria, the matter will be referred to the Monitoring Officer.

The Monitoring Officer will investigate the referral, and if the Monitoring Officer considers that reasonable grounds for the referral exist, they will arrange for the customer's behaviour to be investigated in accordance with the procedure detailed below. In exceptional circumstances, immediate action may be taken without following the procedure.

The Monitoring Officer will write to the customer informing them that their behaviour is being investigated in accordance with this policy.

Following the investigation, the Monitoring Officer will write to the person concerned informing them of the outcome. If the customer's behaviour is considered unreasonable or vexatious, the Council will

- Identify the Council's concerns regarding the behaviour and/or number and/or nature of the complaints they have been making,
- That consideration is being given to restricting the customers contact with the Council or use of the Council's complaints procedure, and/or other alternative courses that the council could follow, e.g. allowing the complainant to contact only one nominated officer in the future; and
- Giving them the opportunity to make representations in writing.

If, having considered any representations received, the Monitoring Officer is satisfied that unreasonable or vexatious behaviour has been substantiated, they will inform the person of this, and that any or some of the following actions may be applied:

- Their use of the Council's complaints system will be limited to a single point of contact,
- Such contact shall be restricted to letter only,
- The Council will not respond to any further contact,
- Their licence to enter Council premises will be restricted or removed.

The Monitoring Officer will inform the person of when this decision will be reviewed and of their right to complain to the LGO.

Feedback on this Policy

The Council welcomes any feedback that you may have on the use of this policy. Please send your comments for the attention of the Customer Feedback & Standards Manager, One West, Bath & North East Somerset Council, The Guildhall, High Street, Bath, BA1 5AW, or hand them in to any of the Council's employees or Councillors at any of the Council's offices.

Appendix 1

Complaints not dealt with by the Council's main Customer Feedback Procedure

Examples of the most commonly raised matters that are not within the remit of the Council's Corporate Complaints Procedure:

Complaints dealt with under other procedures:

- **Complaints about Adult Social Care Services.** Adult Social Care Services are provided by Virgincare on behalf of Bath and North East Somerset Council. Concerns, comments or complaints about the service received from Virgincare should be referred to the Customer Experience Team at <https://bathneshealthandcare.nhs.uk/contact-us/got-a-concern-or-complaint/>

The Council will deal directly with complaints about:

- charges for services including the assessment of an individual's ability to pay for services.
- safety and safeguarding
- some aspects of mental health services including Deprivation of Liberty Safeguards (DOLS) and the Approved Mental Health Service

There is a complaints procedure which sets out how these complaints will be dealt with in accordance with the relevant legislation.

The Council can also be asked to consider a complaint where someone is in a particularly vulnerable situation or where a complainant is dissatisfied with the response to a complaint from a service commissioned by the Council such as Virgincare.

Complaints should be directed to the Complaints and Data Protection Manager, Lewis House, Manvers Street, Bath BA1 1JG, Tel: 01225 477931; email: complaints_cypandadults@bathnes.gov.uk; web: [Secure Online Complaint Form www.bathnes.gov.uk](https://www.bathnes.gov.uk/secure-online-complaint-form)

- **Complaints relating to Children's Social Care Services.** Complaints about children's social work services (including child protection; disabled children and children in need; children and young people in care; fostering and adoption) are dealt with under a separate complaints procedure which is set out in regulations and statutory guidance.

Complaints about all other aspects of Children's Services will be dealt with under the Council's Customer Feedback Procedure. The Complaints and Data Protection Team Manager assess each complaint and identify the correct procedure to be used.

Complaints should be directed to the Complaints and Data Protection Manager, Lewis House, Manvers Street, Bath BA1 1JG, Tel: 01225 477931; email: complaints_cypandadults@bathnes.gov.uk; web: [Secure Online Complaint Form www.bathnes.gov.uk](https://www.bathnes.gov.uk/secure-online-complaint-form)

- **Complaints about individual schools and academies** (including those about the National Curriculum). Each school operates under a system of local management and has its own complaints procedure. A copy of the Complaints Procedure should be made available by the school. Complaints are normally directed to the Head Teacher of the school or the Chair of Governors at the school address. Where the school is unable to satisfy the complaint the complaint should be referred to the Secretary of State for Education or Ofsted.
- **Appropriate complaints related to the ‘HM Government Code of practice on the English language requirement for public sector workers (the fluency duty)’** will be considered under the Council’s Customer Feedback Policy. The fluency duty defines a legitimate complaint as “one about the standard of spoken English of a 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”. However, the duty also excludes that “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.” Public authorities are not obliged by the fluency duty to respond to complaints that are vexatious, oppressive, threatening, abusive, without foundation and/or which are intended to result in harsh or wrongful treatment of the person who is the subject of the complaint. In these types of circumstances a complaint will not be taken forward by authority.
- **Complaints or Disagreements about Pension Benefits** (only for decisions made under Pension Regulations). These should be directed to either B&NES (HR), as your employer, or Avon Pension Fund, whoever made the initial decision where the disagreement occurs.
- **Complaints about parking tickets/penalty charge notices.** As the issue of a penalty charge notice is a legal matter, it has to be dealt with formally in writing. Write to **Parking Services**, Bath & North East Somerset Council, P.O. Box 5197, Bath BA1 0UF. Or challenge the notice online at <https://parking.bathnes.gov.uk/pages/home.aspx>
- **Matters where there is a formal right of appeal external to the Council or other legal remedy** (such as with the refusal of planning permission or matters of contract). In these circumstances the complainant will be advised to follow the prescribed legal procedure and, where possible, how to do so.
- **Disagreements with properly made Council, Executive and Committee decisions,** including Council policies, budget decisions etc. The complainant will be advised to pursue these with their local Councillor, make representation to the relevant Executive Member or ask to speak at the relevant Committee, as appropriate.
- **Complaints about the conduct of Councillors or the way in which complaints about their conduct are investigated.** These fall within the remit of the Standards Committee of the Council. The Committee’s web page contains details of the Code of Conduct and how complaints about possible breaches of the Code are dealt with. The web page may be accessed at <http://www.bathnes.gov.uk/services/your-council-and-democracy/complaints/complaints-about-councillors>