

Corporate Customer Complaints Procedure

1. CONTEXT

Listening to customer feedback is part of our core business and it is important that we learn from our customers to improve our services.

This procedure sets out how we will deliver Surrey County Council's complaints policy (Appendix 1), which forms part of the Corporate Code of Governance. This procedure specifically covers complaints made by external customers about services provided by Surrey County Council. There are separate complaints procedures in place for internal customers and those in receipt of adult and children's social work services and for Surrey Local Education Authority Schools.

The corporate complaints procedure follows the same principles as the other complaints procedures we operate to ensure every customer receives the same high standard of customer service when they contact the council to raise a concern. This is in line with our corporate values of listening and taking responsibility.

We are committed to dealing with complaints fairly and objectively, to reach evidence-based conclusions and to learn from individual experiences to improve services. We encourage staff when dealing with complaints to:

- be open
- be honest
- be polite
- be positive

The procedure aims to ensure that:

- customer feedback is dealt with consistently across the County
- complainants are satisfied that their complaints are taken seriously and dealt with appropriately; and
- customer feedback is analysed and appropriate measures are taken to improve services

Surrey County Council's performance in handling complaints successfully is measured by the Audit Commission. It is also a Corporate Performance Indicator and is an area in which the council must continually improve.

2. DEFINITIONS

Compliments are expressions of appreciation for excellent service that goes above and beyond normal day-to-day duties. Examples **include praise and thanks** beyond standard courtesy. It is important that we have a balanced view of what customers think about our services and so compliments should be logged on the feedback database wherever possible. The Customer Relations team or the Service Complaint Lead can do this.

Comments include **suggestions and recommendations or criticisms** in cases where the customer **does not wish** their concern to be recorded as a complaint. Again, comments should be recorded on the feedback database wherever possible.

Complaints are defined within Surrey County Council as: ***“an expression of dissatisfaction, however made, about any aspect of the council's people, services, activities or policies. This includes actions taken, or services provided by people or organisations acting on our behalf”.***

Customers may use the word "complaint" to describe both complaints **to** the council (e.g. about an issue they would like the council to take action to address) and complaints **about** the council. Complaints **to** the council are essentially service requests and so would not fall under the complaints procedure. This procedure is concerned only with complaints **about** the service provided by the council and/or people or organisations acting on its behalf (i.e. complaints about things which the council has done which the complainant feels it ought not to have done; or complaints about things which the council has not done which the complainant feels it ought to have done).

Specific examples of complaints are:

- failure to provide a service at the right time or to the expected standard
- neglect or delay in answering a query or responding to a request for a service
- failure to follow agreed policy, rules or procedures
- failure to take proper account of relevant matters in coming to a decision
- impolite or dishonest conduct by a member of staff
- harassment, bias or discrimination

Complaints relating to the fluency duty (Part 7 of the Immigration Act 2016) will be dealt with under this procedure.

For issues not covered by this complaints procedure and for information on how we deal with complaints about policy, please see section 8.

The Customer Relations team has discretion to not accept complaints under this procedure where there is a more appropriate dispute resolution process available.

3. LOGGING AND RECORDING

Customer complaints can be accepted in a range of formats e.g. telephone, letter, email, face-to-face etc. Help should be provided to customers wanting to make a complaint wherever necessary to ensure accessibility. Depending on the subject of complaint it might be necessary to confirm the points of complaint in writing with the complainant to ensure the complaint has been properly understood.

All complaints should be logged and the outcome and response recorded on the feedback database by the Service Complaint Lead.

Remember that the complainant has a right to see all records that relate to them (except for third party information). Keep this in mind and make sure notes are factual, relevant and contain no jargon or abbreviations. The language used for records and all correspondence (including internal) must be objective and professional.

Records must be kept confidential, stored securely, and only shared with those directly involved with any investigation. Information should be retained in line with the timescales set out in the council's retention policy. Regular reports on complaints received, corrective actions and lessons learned should be circulated by Service Complaint Leads to Heads of Service and Service Managers.

4. TIME LIMITS

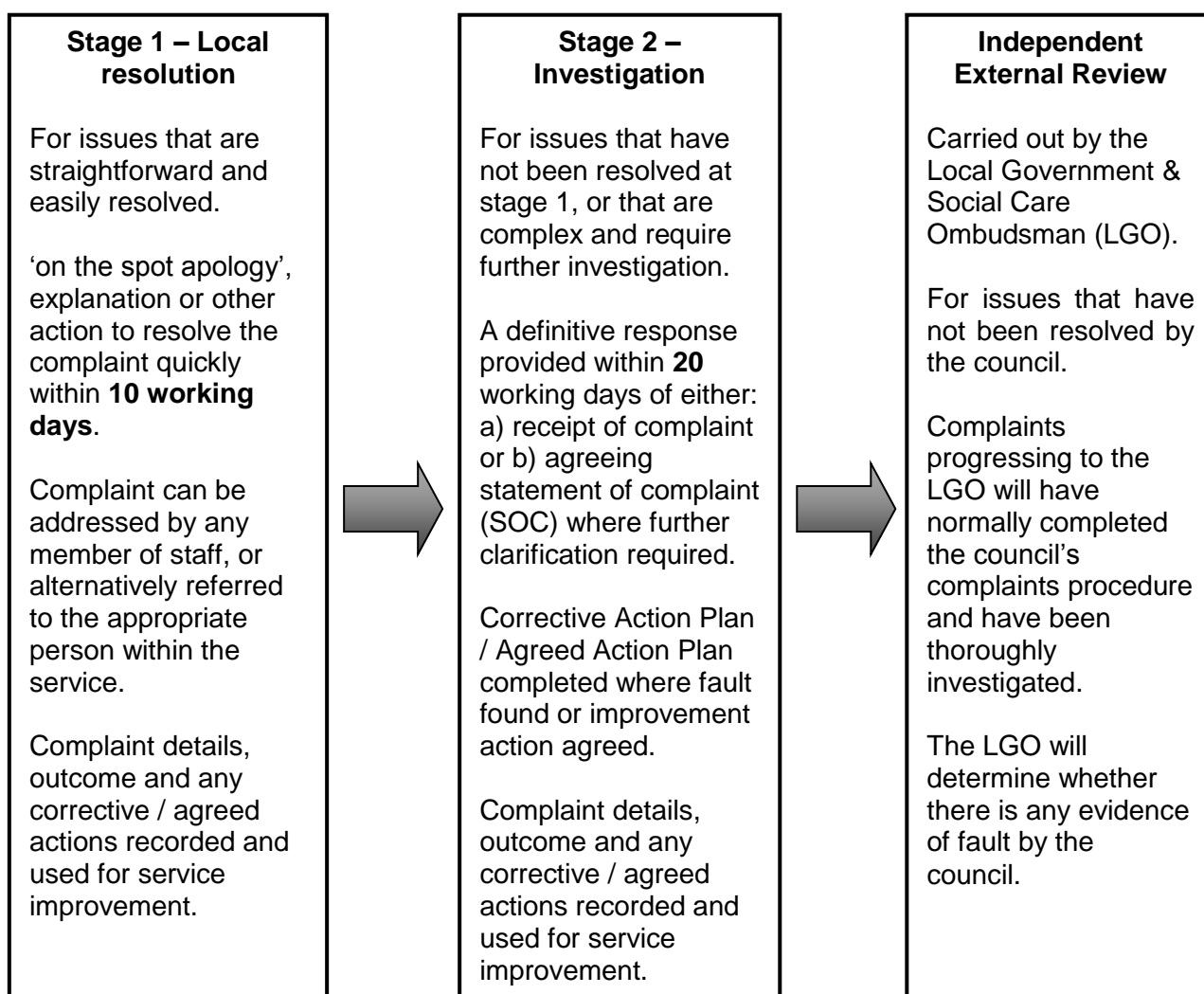
This complaints handling procedure sets a time limit for making complaints. This is because it is easier to find out what happened and to put things right when complaints are received at the time something happens. As time passes it becomes more difficult to investigate complaints fairly and fully as the staff members involved may have moved on, recollections change and records may no longer be available.

For this reason, this procedure requires complaints to be made within **12 months** of when the customer first became aware of the issue they are unhappy about. This is also in line with the time limit applied by the Local Government and Social Care Ombudsman (LGO).

We will apply this time limit with discretion and will take into account special circumstances that may have impacted the customer's ability to make a complaint within the 12 month timescale. If it is clear that a decision not to investigate a customer's complaint will lead to a request for external review of the matter, or if there has been a failure to signpost to the complaints procedure we may decide that this satisfies the special circumstances criteria. This will enable us to consider the complaint and try to resolve it.

Any decision not to accept a complaint by applying this time limit should be approved by the Customer Relations team. This is to ensure the time limit is being applied correctly and any exceptional circumstances have been taken into account.

5. HANDLING COMPLAINTS: TWO STAGE INTERNAL PROCESS



Our complaints procedure offers two opportunities to resolve complaints internally:

- Local resolution
 - Investigation
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STAGE 1 – LOCAL RESOLUTION

We want to resolve complaints quickly and close to the point of service wherever we can. Stage 1 offers an opportunity for local and quick resolution of the complaint by the relevant Complaint Lead / Team Manager / Customer Care Officer. The person responsible for investigating and sending out the response will vary depending on the procedures in place within the service being complained about.

First check that there is not already an existing open complaint on the database. The complaint should be logged on the internal feedback database, acknowledged in writing/by email immediately and a full response provided within 10 working days of receipt of the complaint by the council. If, in exceptional circumstances, it is not possible to meet the 10 working day deadline, an interim reply should be sent within 10 working days explaining the reasons for the delay and stating when a full response will be provided.

Investigation of the complaint should start immediately and be completed as swiftly as possible. All Stage 1 investigations need to be thorough, objective and impartial to comply with the **Complaints Policy**.

It is important to be clear about exactly what the customer is making a complaint about. This may mean asking the customer for more information and/or probing further to get a full picture. At the outset, try and clarify the outcome the customer wants. If the expected outcome can be achieved by providing an on-the-spot apology or explanation, this should be provided. The customer may expect more than the council is able to provide. If so, they must be advised of this as soon as possible.

If the customer is making a complaint about the actions/behaviour of a particular member of staff, then the complaint should be investigated by another officer, ideally the manager of that member of staff.

The customer should be contacted by the method they have requested. This may be by telephone; however, the outcome of the investigation should be confirmed in writing (email is acceptable) wherever possible. The response should address **all** points of complaint raised by the customer and, where appropriate, include:

- an expression of understanding of the customer's viewpoint
- a summary of the complaint issues
- a summary of the investigation
- a simple explanation of any relevant policy or procedure
- whether or not fault was found
- a meaningful apology (where fault was found)
- an explanation of why things went wrong; not just a list of excuses (where fault was found)
- an assurance that the error has been corrected (where fault was found)
- details of the steps that have been taken to prevent similar errors occurring in the future (where fault was found)
- the name and direct telephone number of the officer dealing with the complaint
- details of how to escalate the complaint

There are templates for Stage 1 complaints on SNet [here](#). The templates should be used as they ensure there are consistent responses to complaints across all services.

A copy of the response should be sent to the service Complaint Lead for logging on the feedback database. If the complaint is upheld and any actions have been identified, then a corrective action plan (CAP) should be completed. Agreed improvement actions may also be identified to improve future customer experience even if a complaint is not upheld.

If a complainant has chosen to involve a county councillor in their complaint and has given consent for information to be shared, then the response to the complaint should be copied to that county councillor.

STAGE 2 – FURTHER INVESTIGATION

At Stage 2 the complaint is dealt with by the Customer Relations team to ensure objectivity and impartiality. A Stage 2 complaint should never be responded to by an individual involved in the original complaint.

Complaints are logged and recorded on the feedback database and on the internal monitoring spreadsheet. A complaint may be taken on directly at Stage 2 (bypassing Stage 1) if it is clear that the complaint is particularly complex or will require very detailed investigation. A complaint may be referred back to the service where the complaint was not fully addressed at Stage 1; OR promised actions have not been undertaken; OR the complainant is chasing an update on actions promised. This additional response should be provided within 10 working days unless there are exceptional circumstances. If the customer remains dissatisfied after further clarification from the service, or does not wish the complaint to be referred back to the service then the complaint should be progressed to Stage 2.

Stage 2 complaints should be logged and acknowledged in writing/by email on the day of receipt wherever possible or at the very least within three working days with a sentence summary of the complaint. A full response should be provided within 20 working days of receipt of the complaint; OR within 20 working days of agreeing details of the complaint with the complainant for more complex complaints. Where it is not possible to meet this deadline, an interim reply will be sent within 20 working days explaining the reasons for the delay and stating when a full response will be provided.

The response should address **all** points of complaint raised by the customer and, where appropriate, include:

- any required clarification of the Stage 1 response
- a summary of the complaint issues / agreed statement of complaint (where applicable)
- an outline of the legal duties and responsibilities the council has in the relevant area
- an outline of any applicable policies/guidance
- a clear, evidence based decision on whether or not the complaint has been upheld
- an apology (where fault was found)
- an explanation of why things went wrong; not just a list of excuses (where fault was found)
- an assurance that the error has been corrected (where fault was found)
- details of the steps that have been taken to prevent similar errors occurring in the future (where fault was found)
- the name and direct telephone number of the investigator dealing with the complaint
- contact details for the Local Government and Social Care Ombudsman (LGO)

Quick closure

This is used where the Stage 1 response was thorough and there is nothing further to add, or where there is no evidence to suggest that proper process has not been followed. The investigator should contact the service to confirm their position, check there has been no material change in circumstances and gather any necessary additional information before responding. The aim is to respond to the complainant with a decision **as quickly as reasonably possible** within the 20 working day response timescale.

Full Investigation

Where a quick closure is not applicable, a **full investigation** will be carried out. The investigator allocated to the complaint should contact the complainant within 5 working days of receipt of the complaint and either offer a site visit or agree a statement of complaint (SOC). The investigator will then contact the service and investigate the complaint. The deadline for response is within 20 working days of SOC being agreed, *unless* there is a clear reason for extending this timescale. If this is the case, the complainant should be notified and the reason(s) explained.

Once the investigation is completed, the investigator will draft a response and identify any corrective actions/agreed actions. Investigators have discretion whether to use a report or letter dependent on subject of complaint and expectations of the complainant. The decision should be set out on the first page regardless of format. Thought should be given to attaching technical / legislative background as an appendix or signposting to it rather than including in body of response (if appropriate). The draft response will be reviewed by the Senior Investigator. The response and any recommendations should then be circulated to all relevant officers for a factual accuracy check, copying in the relevant managers and Head of Service. Any comments should be reviewed and the response finalised. Any comments that cannot be resolved should be referred to the Senior Investigator/Customer Relations & Service Improvement Manager.

The response should be sent to the complainant and an email sent to the service advising that the response has gone out. It is only necessary to include a further copy of the response if it has changed from the circulated draft, otherwise the service will simply be notified that the previously sent version is now final. Copies of the response should be attached to the feedback database.

The complainant will be provided with 10 working days to provide any new information or comments that might materially impact the decision taken on the complaint, or to highlight any factual inaccuracies. If none are received then the previously issued response is considered to be the council's final response to the complaint.

The complaint should be closed on the feedback database 10 working days after sending the response. Any comments from the complainant should be reviewed and the response finalised. Further circulation to the service is only necessary where the response has changed in a material way. A final email is sent to the complainant at this point with a link to the satisfaction survey (if appropriate). The service is then notified that the complaint has been closed and the Corrective Action Plan (CAP) and survey are sent to the service (if appropriate). The complaint should be closed on the feedback database, attaching all correspondence with the complainant.

Decisions on Stage 2 complaints will be evidence-based and reached following careful consideration of all available information. While all comments made by both the complainant and the service area will be fully considered, it is important to note that the decision of the Customer Relations team on a Stage 2 complaint is final. This is in line with the requirements of the council's complaints policy (Appendix 1), approved by Cabinet, which states that complaints should be investigated thoroughly, objectively and impartially.

Corrective Actions / Agreed Improvement Actions

Any corrective / agreed improvement actions should be raised within five working days via Roadzone for Highways, or via the relevant Complaint Lead for other service areas, requesting confirmation of the accountable officer and completion date. The monitoring sheet and database should be updated with the proposed completion date. Highways CAPS are monitored at regular meetings. For all other services, investigators are responsible for checking with service complaint leads on whether actions have been completed and signing off the monitoring sheet/database. Any delay/failure to carry out actions should be referred to the Senior Investigator/Customer Relations & Service Improvement Manager for escalation. Where appropriate, consideration should be given to a complaints de-brief meeting to discuss any lessons learned.

If a complainant has chosen to involve a county councillor in their complaint and has given consent for information to be shared, then the response to the complaint should be copied to that county councillor.

6. LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN

The completion of Stage 2 brings the council's complaints procedure to an end. If the customer remains dissatisfied, they have a legal right to refer their complaint to the Local Government and Social Care Ombudsman (LGO). The LGO is an independent body that investigates complaints about services delivered by local authorities. The LGO is the final stage for complaints about councils and some other organisations providing local public services. Details of the Ombudsman service can be found on their website www.lgo.org.uk. A complainant may go to the LGO at any time, however it is normally expected that a complainant should have exhausted the Council's complaints procedure first.

The Customer Relations & Service Improvement Manager is the link officer for the LGO. All LGO enquiries will be received through the main county complaints inbox. The Customer Relations team will work with services to respond to all LGO enquiries/investigations. All contacts from the LGO will be filed on the feedback database.

The LGO publishes an annual letter setting out the complaints received about the council.

7. FINANCIAL REDRESS

At times, it may be appropriate to consider financial redress where a complaint has identified maladministration (fault) which has caused injustice to an individual. The need for financial redress could be identified through an internal complaints investigation or one carried out by the Local Government and Social Care Ombudsman (LGO).

Redress is setting right what is wrong. The general principle is that, wherever possible and practicable, someone detrimentally affected when something has gone wrong should be returned to the position they would have been in if the failure not happened. Redress should be proportional to the degree and nature of the failure and hardship or injustice suffered. Any calculation of a recommendation for financial payment should take into account any degree to which the complainant has contributed to the failure or loss suffered. The calculation and reasons for payment should be clearly recorded.

All financial redress awards in respect of maladministration (whether arising from an internal investigation or one carried out by the LGO) will be approved by the relevant Head of Service and a record kept by the Customer Relations team. Where an individual payment is greater than £1,000 then the Head of Service will consult with the relevant portfolio holder for their area. A quarterly report detailing financial redress payments will be sent to the Deputy Leader. An annual summary will also be included in the annual complaints performance report considered by the Audit and Governance Committee.

If a person is clearly seeking financial compensation for a financial loss they believe they have incurred as a result of the actions, or lack of action, by the council then this should be dealt with through the insurance and claims process.

8. ALTERNATIVE PROCEDURES

This complaints procedure does not cover:

- first-time requests for services
 - matters for which there is a right of appeal, or an alternative complaints procedure
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- matters which are or could be expected to be the subject of legal proceedings
 - complaints about matters over which we have no control (although we will assist in directing or referring to the appropriate organisation or agency wherever possible)

There are separate procedures for complaints about: social work, Local Authority schools; handling of formal information requests; internal staff complaints; conduct of county councillors; school admission decisions; home to school transport; special educational needs / Education Health and Care Plan decisions; blue badge applications; Local Assistance Scheme; insurance claims (this list is not exhaustive).

This complaints procedure **cannot** revisit appeal decisions but could potentially be used if a customer raises concerns about maladministration of an internal appeals procedure i.e. the appeal process not being followed correctly. A decision on whether it would be appropriate to consider such a matter under the complaints procedure will be dependent on the individual circumstances of the situation and will be made on a case by case basis.

9. SOCIAL MEDIA

Social media channels e.g. Facebook, Twitter etc are an increasingly popular way for customers to make direct contact with organisations. The expectation with social media is that there will be an instant response to the question or enquiry. The way social media works means that information can be widely shared. If comments or suggestions for improvement are made about a specific council service on social media then consideration should be given to logging this feedback on the customer feedback database so it can be captured and used to inform improvement where appropriate.

Customers may also use social media channels to raise awareness of specific grievances or express dissatisfaction with a council service. In such cases, rather than engaging in a public discussion on social media, the customer should be signposted to the complaints procedure and advised how they can make a complaint. This will ensure confidentiality is maintained, that the complaint is dealt with in line with normal procedures and the customer is correctly signposted to any rights of appeal / independent adjudication.

10. UNREASONABLE COMPLAINANT BEHAVIOUR AND UNREASONABLY PERSISTENT COMPLAINTS

People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in unreasonable behaviour being displayed and this should be taken into account. It is also important to remember that customers who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A customer's reasons for making a complaint may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly consider the concerns raised. We also recognise that the actions of customers who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We have procedures in place to protect staff from unreasonable behaviour such as unreasonable persistence, threats or the use of offensive language. Where we decide it is necessary to manage a customer's contact with the council due to unreasonable behaviour, we have guidance in place to communicate that decision, notify the customer and ensure that such decisions are regularly reviewed. This is because we recognise that circumstances can change and the customer may take steps to moderate those behaviours that were considered unreasonable.

If a service area has concerns about the behaviour being displayed by a customer they should refer the matter to the Customer Relations team who will determine the appropriate action to take in line with the Managing Unreasonable Behaviour Guidance.

11. SUPPORTING CUSTOMERS

All members of the community have the right to equal access to our complaints handling procedure. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that we will seek to address to ensure easy access to the complaints handling procedure.

We must always take into account our commitment and responsibilities to equality and our statutory duties under the Equality Act 2010. This includes making reasonable adjustments to our service and how we provide information to help the customer where appropriate.

Several support and advocacy groups are available to support customers in pursuing a complaint and customers should be signposted to these as appropriate.

12. REPORTING

The Customer Relations team is responsible for producing and circulating monthly and quarterly complaint performance reports to the Extended Leadership Team (ELT) and an annual report to the Audit and Governance committee.

Teams and services should regularly take performance reports on complaint handling in their areas to their senior management team to:

- promote best practice in handling customer feedback
- promote customer focussed processes and procedures
- build in a process for checking the quality of correspondence going out to customers
- identify trends from feedback received and bring data/proposals to the management for consideration
- ensure complaint Corrective Action Plans / Agreed Action Plans, once signed off by Head of Service, are implemented

For guidance and advice on reporting contact the [Customer Relations team](#).

13. CONFIDENTIALITY

Complainants have the right to have their complaint considered in confidence. Personal information will not be shared other than with those people who are dealing with the complaint. The exceptions are where the complainant gives consent (e.g. for the purpose of a complaints handling satisfaction survey), or in exceptional circumstances, when there is a legal requirement to protect them or other people from harm.

All information should be treated in accordance with the provisions of the [Data Protection Act](#)

Anonymous information may be used for training purposes, and for statistical reporting.

If a complainant has chosen to involve a member of the council in their complaint and given consent to share information, then the responses to the complaint should be copied to that member.

If a county councilor or MP requests copies of a complaint response, please see *Advice Note to SCC Staff concerning disclosures to Elected Reps including Members of Parliament (MPs) and Surrey County Councillors* to check whether the report can be disclosed and/or check with the Information Governance team.

14. USEFUL INFORMATION AND CLARIFICATIONS

1. Internal Audit

Complaints should be referred to internal audit when they include allegations of fraud and/or financial misconduct in public office.

2. Complaints about staff

The complaints procedure is distinct and separate from the council's disciplinary procedure for employees.

To ensure staff are treated fairly they should be:

- briefed fully and promptly about any complaint against them (ideally by their line manager)
- given the opportunity to give their side of the story
- kept up-to-date with progress and the result of the investigation

Any disciplinary action considered in respect to an employee because of a complaint must be taken in accordance with the disciplinary procedure, in consultation with the appropriate personnel support person.

3. Complaints about policy

Our complaints procedure cannot question the merits of a policy decision where this has been taken in line with due process. Complaints about policy, which can be dealt with through these procedures are:

- complaints about maladministration in developing, applying or implementing a Surrey County Council policy; and
- complaints about working practices or procedures established by service areas

In cases where a customer simply disagrees with a policy decision, an explanation should be provided as to why the county council has adopted the policy concerned and how the decision was taken. Customers should also be given advice on how they can get more involved in Surrey County Council decision-making and signposted to their local county councillor (if appropriate). The feedback will be logged on the database as a comment.

If a large number of complaints are received about a particular policy, this information should be shared with the relevant Head of Service and appropriate Cabinet Member.

4. Professional opinion

The complaints process does not generally question the professional judgement of officers where this has been reasonably applied and cannot overturn decisions that have been properly taken. A further investigation would only be carried out if where concerns have been raised that in reaching a decision the officer had either: based their decision on insufficient or faulty information; reached an unreasonable conclusion based on the information available or had not acted in good faith.

5. Insurance claims.

These are often presented as complaints along with a request for compensation or a clear indication of damage to person and/or property. If you receive a claim or a potential claim (i.e. any incident that could lead to a claim for money) you must send it to the appropriate person within your service or call Insurance Services Reception (0208 541 9088) for advice.

6. Complaints about contractors

The complaints procedure covers complaints about our contractors. The Local Government and Social Care Ombudsman states that complaint handling and redress need to be central in the governance of partnerships. Where it is the council's function to provide a service, and it does this through a partnership with another body, accountability rests with the council.

All services must have rigorous, transparent and accessible complaint handling procedures (compliant with this document) for their partnership arrangements. Where services have arranged for their contractors to undertake their own Stage 1 complaint investigations they must ensure suitable reporting and complaint escalation arrangements.

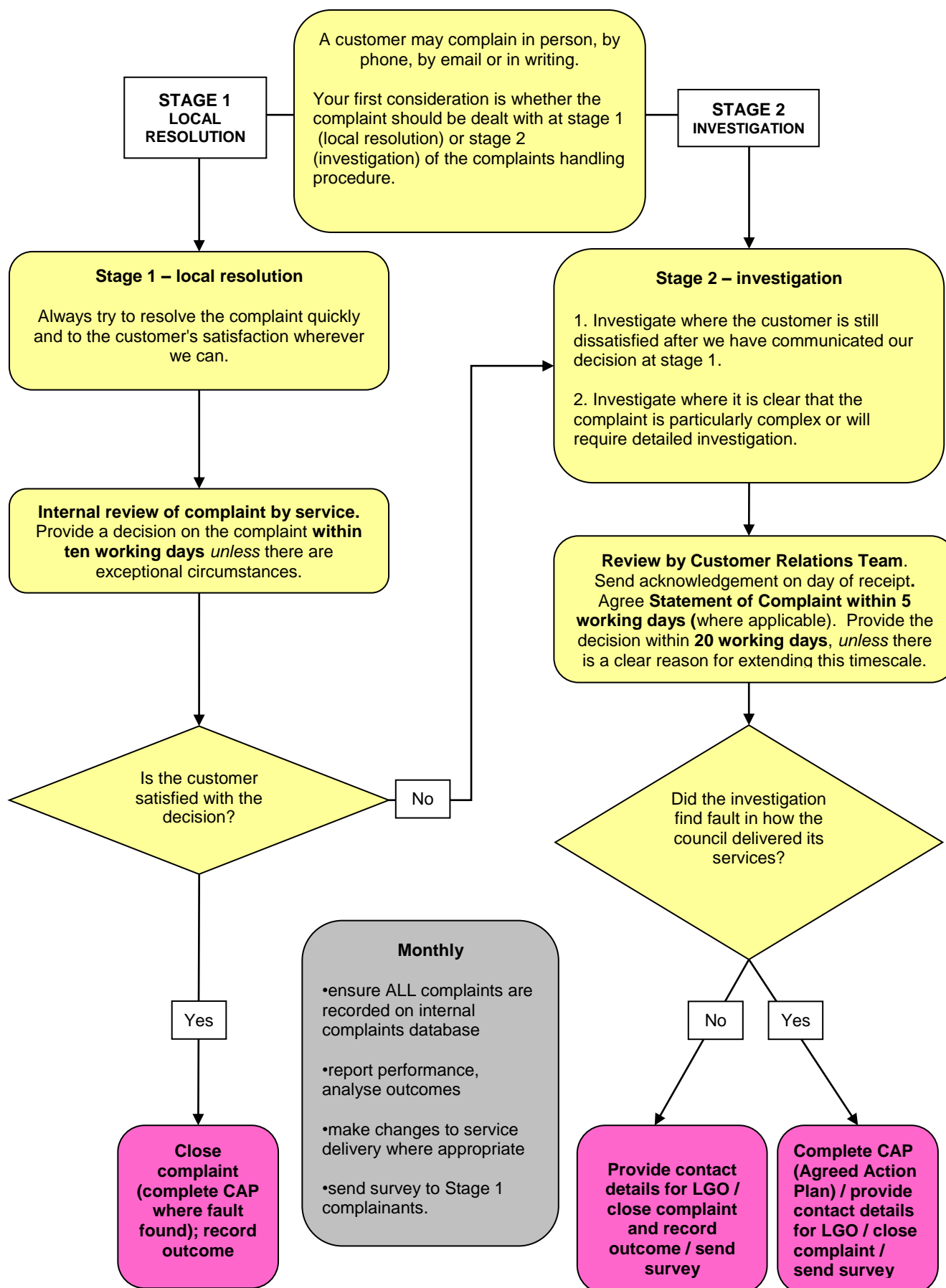
Appendix 1: Surrey County Council's Complaints Policy

This policy is an integral component of the council's Corporate Governance and Assurance Framework. It reflects the council's customer focused values and our commitment to listen to and learn from feedback.

The policy

- We welcome complaints for the opportunities they give us to inform policy and improve service delivery.
 - We encourage customers to complain by making it as easy as possible for them to find out how to do so.
 - We maintain procedures for the management and investigation of all complaints made to officers and to Members, and continually monitor them to ensure they are fit for purpose.
 - We investigate complaints thoroughly, objectively and impartially.
 - When complaints are upheld we put things right.
 - When we find maladministration has caused injustice we seek a remedy that would, so far as is possible, put the complainant back into the position they would have been but for the fault.
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Appendix 2: Complaints procedure flowchart



The customer must be kept informed if timescales cannot be met for any reason.