



# Customer Feedback Policy (version 1.2)

## Version Control

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| <b>Original Version Created</b> | February 2014 (v1.1)   |
| <b>Document Classification</b>  | External   |
| <b>Document Review Date</b>     | TBC - March 2017   |
| <b>Amendments</b>               |  |
| <b>Version Number</b>           |  |
| <b>Version Created</b>          |  |
| <b>Version Changes</b>          |  |

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## 1. Introduction

Derby City Council aims to deliver high quality services where the customer is at the heart of everything we do. We are passionate about developing and improving services for our customers and welcome all customer feedback. We aim to deal with customers' comments and concerns in a fair and consistent way, maintaining openness and transparency.

The Council wants to listen to its customers' views and values their contributions and opinions. We want to learn from good practice, as well as any mistakes, to support our Council values of 'Being the best' and providing 'Brilliant customer experience'.

## 2. Principles

A customer or others acting on their behalf, has a right to:

- Give feedback on the services they receive
- Be listened to, and have their comments or concerns taken seriously.
- Expect prompt action when our performance is below standard, balanced by the resources we have available.

Our policy and procedures are designed to:

- Be simple and accessible
- Respond to the needs of the customer
- Identify areas where services can be improved
- Share good practice and learn from mistakes
- Inform improvements in processes and procedures.

Our customer service standards provide more information on what customers can expect from us, see our website <http://www.derby.gov.uk/council-and-democracy/customer-services/customer-services-standards/>

## 3. Purpose and scope of policy

Derby City Council promotes the right of its customers to have their say on the services they receive, to comment on a Council policy or decision which may affect them, or to express a compliment if things have gone well.

This policy applies to unsolicited feedback received by the Council, including areas governed by statutory regulations such as adult social care and children's social care. However, some feedback may be excluded as it is covered by a separate appeals process (refer to **Appendix 1** for further information). This policy should be used in conjunction with, but does not supersede statutory guidance and regulatory processes.

This policy does not cover in detail statutory or non-statutory consultations that are undertaken by the Council from time to time on specific topics (including surveys, interviews, focus groups etc.). For more information, see our website <http://www.derby.gov.uk/council-and-democracy/consultations/>

#### 4. Definitionsof customer feedback

A **COMPLIMENT** is an expression of praise. It is a positive statement about a service provided by, or on behalf of the Council, or about the helpfulness, attitude or approach of a member of staff. It's nice to know what we are doing well, but we can also learn from this type of feedback, by using it to share good practise within departments or across the Council.

Examples:

"I would like to thank the Customer Service Advisor for the prompt and efficient way in which they answered the phone and dealt with my query. They were most helpful and friendly."

"I was very grateful when I needed to see someone about the difficulties I was having that the Council Officer was able and willing to meet with me in the evening."

A **COMMENT** is a general statement about policies, practises or a service as a whole, which may have an impact on everyone, not just the person one individual. A comment may be positive or negative in nature, and could be anonymous. They may question policies and practises, make suggestions for new services, or improving existing services.

Examples:

"I am pleased to see that I can now access more services online, in my own time when I want to."

"I am unhappy at the Council's decision to increase home planning fees."

A **COMPLAINT** is an expression of dissatisfaction with the quality of a service or with a failure to provide a previously agreed service. It can also be about the attitude or behaviour of a member of staff. Complaints about elected members are dealt with separately (please see Appendix 1).

For feedback to be classed as a complaint, the customer must have previously raised it with the Council, where it is reasonable to expect them to do so. If the issue has not been previously raised with the Council, it may be logged as either a request for service or information, or a report of a problem. This is to allow the service to respond and rectify the situation.

A complaint can be about:

- concern about the quality or appropriateness of a service
- delay in decision making or provision of services
- how a service is delivered, or the non-delivery of a service
- attitude or behaviour of staff
- failure to make reasonable adjustments or unfair treatment (due to age, disability, gender, gender identity, marriage or civil partnership, pregnancy or maternity, race, religion and belief or sexual orientation)
- giving misleading, unsuitable or incorrect advice

Examples:

"A customer requested several months ago that a pothole outside their house needed sorting out, and despite several calls to the Council, nothing has been done."

"A customer is not happy about the limited provision of baby change facilities at a leisure centre"

"A carer is not satisfied with the treatment of their mother by a home support worker provided by the Council".

## 5. How to give your feedback

As a customer, you can provide feedback in a number of different ways:

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|--|--|
| Online   | Website <a href="http://www.derby.gov.uk">www.derby.gov.uk</a><br>Via Twitter or Facebook (tbc)  |
| By telephone, minicom or text                    | 01332 293111<br>Minicom: 01332 640666 Mobile number: xxxxxx  |
| In writing                                       | Send a letter to:<br>Customer Feedback<br>Derby City Council<br>The Council House<br>Corporation Street<br>Derby DE1 2FS   |
| In person  | Complete a 'Have your say' leaflet' (available in all service areas and reception areas of Council buildings) or speak with a member of Customer Management  |
| Your City Your Say                               | We consult with residents and service users on specific topics – for more info, see<br><a href="http://www.derby.gov.uk/council-and-democracy/consultations/your-city-your-say-latest-consultations/">http://www.derby.gov.uk/council-and-democracy/consultations/your-city-your-say-latest-consultations/</a> |
| Via your Neighbourhood Forum or local Councillor | <a href="http://www.derby.gov.uk/council-and-democracy/neighbourhood-partnerships/information/">http://www.derby.gov.uk/council-and-democracy/neighbourhood-partnerships/information/</a>  |

All customers wishing to provide feedback will be offered help with following the procedure. We will also provide on request information on how to give feedback in other community languages, and other ways such as Braille, Sign Video, large print and we will make reasonable adjustments for disabled customers.

The Council can put customers in touch with an independent advocate who can speak on their behalf, help with translation or interpretation, or provide any other help needed at any stage in the feedback procedure. If feedback is submitted to the Council by an advocate, the Council will make all reasonable efforts to ensure that this is in line with the customer's wishes.

## 6. Feedback procedure

The procedure will vary according to the nature of customer feedback.

### Compliment

If you wish to express a compliment, this will be recorded and shared with the service or member of staff it relates to. We will acknowledge compliments within 2 working days of the date we receive them. You can also nominate staff for a 'Values in Practice' (VIP) award via our website.

### Comment

If you wish to make a comment, either positive or negative in relation to a policy, a decision, practise or service, this will be recorded and your comment acknowledged within 2 working days of when we receive it. The relevant Director of Service will be notified to enable them to take any action if necessary. When we review our policies we take into consideration any comments made about a policy. Where you have stated that you require a response to your comment, we will aim to respond within 10 working days.

### Complaint

When things go wrong, our aim is to put things right as quickly as possible. All staff are trained to deal with routine difficulties as they arise, so we ask that, before making a formal complaint, customers raise the issue direct with the service where it would be practical to ask them to do so.

Managers responsible for the delivery of our services receive training in investigating complaints objectively and fairly, and this includes equality and diversity

Not all complaints will be processed through this policy. Where a statutory right to appeal and a mechanism to do so exists, for example challenging a parking ticket or appealing against a benefits decision, the complainant will be signposted to, and assisted to follow the statutory procedure. Please see **Appendix 1** for a full list of what is not covered by the complaints procedure.

We reserve the right to decline to investigate complaints that fall under these criteria:

- The reason that has prompted a customer to make a complaint occurred **over 12 months ago**. There are certain exceptions to this, e.g. where it would have been unreasonable to expect the customer to make a complaint prior to the date received, and in some cases, we may choose to investigate the complaint regardless of time limits, if we can do so fairly and objectively, and there is a high risk of a similar issue occurring again.
- For any complaint made **regarding a member of staff** that could result in disciplinary action, the Council's Disciplinary and Dismissals Policy and procedure will take precedence.
- Any complaint where the complainant expresses an intention to progress the issue **through the legal system** (e.g. small claims court), where complaint investigations may influence the judgement.

If for any reason we cannot review a complaint under this feedback procedure, we will explain why in our response.

The complaints process consists of a number of steps:

1. **Recording your complaint:** the person receiving your complaint will record it. This enables us to monitor the number and type of complaints we receive, which assists us in improving our services.
2. **Acknowledging your complaint:** whenever possible, your complaint will be dealt with at the first point of contact. If this is not possible, your complaint will be acknowledged within 2 working days, and you will be given the details of the person investigating your complaint. This person may contact you to confirm the details of your complaint and discuss the best way to deal with it before investigating.
3. **Responding to your complaint:** Our aim is to give you a full response within 10 working days from the date we receive the complaint. If this is not possible, we will let you know when you can expect to receive a response. In any event, this should be within 20 working days. However, some services (e.g. Children's Services and Adult Social Care) are governed by statutory regulations which allow extra time to respond to complaints. If we need longer than 10 days to investigate (or 20 days for Children's Services and Adult Social Care), this will be confirmed in writing.

Some complex complaints may involve several services or agencies, or the complaint may implicate the whole service complained about. In these circumstances, we will identify a Lead Investigating Officer to co-ordinate the investigation and respond to your complaint, and we will provide you with their contact details. The investigating officer will have received training in investigating complaints, and will carry out a fair and objective investigation. The investigating officer may contact you or arrange a meeting to confirm the nature and details of your complaint, as well as the outcomes you are seeking. Once you have agreed your complaint with the Investigating Officer, we will aim to complete the investigation and respond within 25 working days.

Where the complaint could result in disciplinary action we may need longer to investigate the matter. Disciplinary investigations are normally completed in 6 weeks. Where disciplinary action results from a complaint we will not be able to inform you of the final outcome. We can only confirm that appropriate disciplinary action has been taken.

4. **Putting things right:** If we have made a mistake, we will apologise and try to put things right. We will also explain what actions we intend to take as a result of your complaint, including what action we will take to ensure the same situation does not arise again or for other customers. As far as possible within the resources we have available, the remedy should put you in the position you would have been in. In very rare cases, where no other means of remedying the complaint exists, we may consider financial compensation on a case by case basis. As the Council is publicly funded, we must make sure that this only applies to justifiable and deserving claims. If our investigations result in the complaint being 'Not Upheld', we will explain how we have come to this decision and what we can do to help.
5. **Your right to respond:** when you receive a response, you have 20 working days to decide whether to accept or reject the actions or recommendations we have stated to

resolve your complaint. If you are not satisfied, you should contact the person who responded to your complaint or you can telephone, email or write to our Customer Feedback team at Derby Direct using the contact details provided. We may offer you the opportunity to meet with a Manager of the Service you are unhappy with to discuss possible resolutions to the complaint, balancing your wishes and needs with the resources we have available.

6. **Appeal:** If you are not satisfied with how the investigation has been carried out and our response, you can make an appeal which will be reviewed by the relevant Service Director or nominated representative. You can request this via the person who responded to your complaint, or the Customer Feedback team. We will ask what it was about the investigation and response that you feel is unfair or incorrect. We will aim to respond to you within 20 days with a final outcome (although this may vary for complex cases).
7. **Children's Social Care Panel:** If your complaint relates to children's social care, following appeal you can request for your case to be referred to a Panel (please contact the Customer Management team if you need more detail on this).
8. **The Local Government Ombudsman:** If, at the end of the Council's complaints process, you are not satisfied with the outcome, you can refer your complaint to the Local Government Ombudsman. The Local Government Ombudsman is independent of all government departments, and offers a service which is confidential or free of charge. The Ombudsman has the same powers as the High Court to obtain information and documents. You can approach the Ombudsman at any point during the complaints process. However, the Ombudsman will normally only accept a complaint if the Council's Complaints Procedure has been correctly and fully followed.

## 7. How we will use your feedback

We will keep records of feedback provided by customers, the timeliness of our response and outcomes. Our aim is to review all feedback received and monitor the nature of feedback including trends, lessons learnt and service improvements that result. We will also use the information gathered to assess the impact of new policies or decisions made.

All aspects of the Customer Feedback procedure meet the requirements of the legislation regarding Data Protection and Freedom of Information. Information gathered in respect or response to feedback will only be used for that purpose.

When you provide feedback, we will ask whether you were satisfied with the way we have handled the feedback.



## **8. Dealing with unreasonable complainant behaviour**

Our aim is to deal with feedback including complaints in an open, fair and proportionate way, and to make the feedback procedure as open and accessible as possible. However, a small number of complainants may, because of the nature or frequency of their contact with the service, hinder the consideration of their, or other peoples interactions with the department. In these cases, actions and behaviour from such complainants are considered to be unacceptable.

### **What is unreasonable behaviour?**

Examples of unreasonable behaviour include...

- Refusal to identify the precise issues that the complainant wishes to be investigated, despite reasonable efforts by staff to help them identify their concerns and the remedies required, or refusing in any other way to cooperate with the investigation.
- Refusing to accept that certain issues are not within the scope of the complaints procedure, or insisting that their complaint is dealt with outside the process.
- Making demands for action or information that would impact substantially and unreasonably on the work of the Council.
- Persistent pursuit of a complaint after the feedback procedure has been fully and properly implemented and exhausted.
- Changing the basis of the complaint as the investigation proceeds.
- Raising the same complaint with different departments.

Very occasionally, complainants may act deceitfully by forging documents, making covert recordings of meetings, adopting false identities and so on. This behaviour is unacceptable and could result in the investigation of the complaint being suspended.

Situations can escalate, and in a few cases complainants become abusive, offensive, threatening or otherwise behave unacceptably. In response, we may have to restrict access to our premises or staff. Where the behaviour is so extreme that it threatens the immediate safety or welfare of our staff or property, we may report the matter to the police or consider taking legal action.

For the purpose of this policy, abuse, aggression or violence is defined as 'an incident in which employees feel they have been verbally abused, threatened or attacked in circumstances relating to their duties either in or out of work', including, but not limited to:

- physical attack - whether visible injury occurs or not
- animal attack - when an animal is used as a threat
- verbal abuse - when an employee feels threatened or intimidated and the abuse is personally directed. This also includes cyber-aggression through texts, email messages or social networking sites
- any derogatory comments or behaviour in relation to age, disability, gender, gender identity, marriage or civil partnership, pregnancy or maternity, religion and belief, race, sexual orientation – in some areas this can constitute a hate crime
- attack or damage to property or belongings of the employee or the Council
- any work-related incident involving an employee, or their family, which happens away from the workplace

Investigating officers will raise their concerns about behaviour with their service director, who will make the judgement as to whether complainant behaviour is unreasonable.

### **How we will deal with unreasonable behaviour**

In most instances when we consider someone's behaviour is unreasonable, we will explain why and ask them to change it. At this point, we will also warn them that, if the behaviour continues, we will take action to limit their contact with our offices. Following this, we may take one or more steps to manage our interactions with the complainant:

- Help the complainant find a suitable independent advocate to assist them in making and pursuing their complaint, where the complainant has different needs.
- Develop a signed agreement setting out a code of behaviour that the complainant must adhere to.
- Restrict or prohibit access to Council premises.
- Limit communication with the complainant to one format (e.g. letter, telephone) and to a named point of contact.
- Confirm in writing that the investigation is complete and that further communications with respect to the matter will be acknowledged but not answered.
- Suspend (either temporarily or permanently) the investigation and all contact with the complainant whilst we seek guidance from the Legal Department or the Ombudsman.

A complainant who has been treated as having behaved unreasonably may make a complaint to the Local Government Ombudsman about it, if they believe the Council's actions were not proportional or were unjust.

The steps to deal with unreasonable complainant behaviour will not have any adverse effect on any other interactions the complainant may have with the Council, nor does it exclude them from providing genuine feedback about other issues.

## **9. More information**

If after reading this policy, you require more information please contact us at [customer.feedback@derby.gov.uk](mailto:customer.feedback@derby.gov.uk) or call 01332 293111 (Minicom: 01332 640666)

## Appendix 1– Services not covered by complaints procedure

**Parents’/carers’ complaints about schools** – each School is required to have its own complaints procedure, such complaints should be directed to the Head of the School or the Chair of its Governing Body.

**Admission to schools** – see ‘Primary School Admissions Handbook’ or ‘Secondary School Admission Handbook’, which includes information on what parents can do if they are not satisfied with the school place they are offered for their child or visit our website:

<http://www.derby.gov.uk/education-and-learning/schools-and-colleges/>

**Exclusion from school**- for more information go to our website:

<http://www.derby.gov.uk/education-and-learning/schools-and-colleges/exclusion-of-pupils/>

**Special Educational Provision** – At each stage of the 'Statutory Assessment' and 'Statement' processes you have the right to appeal against the decisions to the First Tier Tribunal (FFT) - Special Educational Needs and Disability Panel (SEND). Each letter we send you will have the details of the service, which you can contact directly.

**Health** – Health Watch Derby can assist customers with a range of complaints and concerns regarding health and social care. <https://www.healthwatchderby.co.uk/>

**Penalty Charge Notice Appeals** - Any Penalty Charge Notice issued from 30th March 2008 is issued under the Traffic Management Act 2004. By law, any challenges, representations or appeals to Penalty Charge Notices must be made in writing. Further information can be found on our website under Parking Services.

<http://www.derby.gov.uk/transport-and-streets/parking/appeal-parking-penalty-notices/>

**Insurance Claims** - If a third party claim for damage or injury is made against the Council’s Insurers then there is no further redress through the complaints procedure in relation to an unsuccessful claim. The claimant would need to seek independent legal advice. We will not investigate any complaints relating to an issue that has been referred to our insurers if we feel that to do so would affect the outcome.

**Benefits applications** –There is a separate procedure in place for you to appeal against housing or council tax benefit decision. <http://www.derby.gov.uk/advice-and-benefits/benefits/housing-benefit-appeals/>

**Planning applications** – There is a separate procedure in place for you to appeal against planning application decisions. <http://www.derby.gov.uk/environment-and-planning/planning/planning-service-and-performance/#appealing-a-decision>

**Complaints about the conduct of contracted services employees:**These will be recorded on our system then directed to the relevant company/organisation for investigation.

**Complaints about the conduct of a Councillor:**You need to complete a ‘Complain about a Councillor’ form and send it to the Monitoring Officer, or you can email your complaint to: [committee@derby.gov.uk](mailto:committee@derby.gov.uk)

You need to say who the complaint is about and why you think that the councillor has not followed the Members' Code of Conduct. Further information and the 'Complain about a Councillor' form are available on our website:

<http://www.derby.gov.uk/council-and-democracy/complaints/complaints-procedure-local-councillors/>