



**Policy for
Managing Customer Comments and
Complaints**

2017

This Policy should be read in conjunction with the following guidance documents:

- *Guide for Managing Customer Comments and Complaints*
- *Complaints Handling Procedure: Information for Customers*
- *Complaints Handling Procedure: Information for Employees*

FOREWORD BY CHIEF EXECUTIVE

Listening to You

South Ayrshire Council aims to provide high quality, effective and customer focussed services. We recognise, however, that sometimes things can go wrong which prevent us from delivering the best possible services to our customers.

This Complaints Handling Procedure reflects our commitment to valuing and learning from customer comments and complaints. It seeks to resolve dissatisfaction quickly, and as close to the point of service delivery as possible. Where frontline resolution is not possible or appropriate, we will conduct thorough, impartial and fair investigations of customer complaints to inform service based decisions.

This procedure is part of a standardised approach across all local governments in Scotland, developed in association with the Scottish Public Services Ombudsman (SPSO) and in compliance with the Ombudsman's Guidance on a Model Complaints Handling Procedure. Underpinning this procedure is the ethos of getting it right first time, and responding quickly to fix things which go wrong, at first point of contact. The emphasis is firmly on quicker, simpler and more streamlined complaints handling with local, early resolution by empowered and well trained staff.

Complaints provide effective and valuable information to improve customer satisfaction. Handled well, complaints can be invaluable in providing our customers with a form of redress where things go wrong, and can also inform our drive for continuous improvement of services.

The introduction of this Complaints Handling Procedure will deliver real operational benefits for the Council. It will help us to deliver a complaints handling service which keeps the customer at the heart of the process, while enabling us to better understand where service provision can be improved through the organisational learning resulting from complaints.

Eileen Howat

Chief Executive

1. INTRODUCTION

- 1.1 South Ayrshire Council recognises the value in listening to and acting on feedback from customers. We are committed to providing a fair, transparent and easily accessible Customer Comment and Complaint (CCC) Procedure.
- 1.2 The Council recognises that sometimes things can go wrong which prevent us from delivering the best possible services to our customers. We view the CCC Procedure as an opportunity to engage with customers, understand when to put things right, and learn how to continually improve our customer service.
- 1.3 This policy sets out the principles and standards by which the Council will manage its CCC Procedure. The aim of this policy is to ensure a fair and consistent approach to managing customer comments and complaints.
- 1.4 This policy complies with the Scottish Public Services Ombudsman's (SPSO) Guidance for the Model Complaints Handling Procedure as laid down by the Public Services Reform (Scotland) Act (2010).

2. KEY PRINCIPLES

- 2.1 We are committed to ensuring that our services are available and accessible to all our customers. We recognise that people's needs are different and know that to continuously improve our services we must ensure that our services meet the needs and expectations of the whole community. As such, we want to guarantee that there are no barriers to customers who want to provide us with comments or complaints. Customers can therefore provide feedback in a range of ways as detailed below, according to their preference:
 - Face to face;
 - By telephone;
 - By email;
 - On-line through the Council's website
 - By letter.
- 2.2 We will ensure that all our employees are trained to meet the diverse needs of our customers and will also work to make certain that the provision of feedback is tailored to the requirements of individual service users where appropriate. This includes making reasonable adjustments for disabled customers, as well as providing information in a range of formats and languages at the request of service users.
- 2.3 To safeguard the welfare of children, young people and vulnerable adults, arrangements, such as advocacy services, will be put in place. The Council will make every effort to resolve complaints quickly and at first of point of contact.
- 2.4 The Council is committed to continuous improvement and information from the CCC process will be used to inform service and policy development and contribute to an improved quality of service for customers.

- 2.5 All complaints will be investigated and dealt with in strict confidence. All information relating to complaints will be held in compliance with the Data Protection Act. Any detail of a complaint that could allow a complainant to be identified will not be revealed as part of any statistical analysis or improvements to services.
- 2.6 Performance against standards will be regularly monitored and reviewed and will also be published on an annual basis.
- 2.7 A complaint covering more than one service area will receive one co-ordinated response managed by one Complaints Co-ordinator.
- 2.8 Anonymous complaints will be accepted and progressed in line with the established CCC procedures although clearly feedback on the outcome of the complaint cannot be provided to the complainant.
- 2.9 Customers have the right to complain directly to a Councillor, MSP or MP. Where a customer requests it, his/her Councillor, MSP or MP can represent the customer in a complaint. If a complaint involves information that is particularly sensitive, the Council may have to obtain the written consent of the customer, however this will depend on circumstances.

3. COMMENTS

- 3.1 The Council encourages all comments and feedback, whether positive or negative..
- 3.2 The Council will acknowledge all comments and feedback received and, where appropriate, provides information on any action taken.

4. COMPLAINTS

4.1 Definition of a Complaint:

The Council has adopted the Scottish Public Services Ombudsman (SPSO) definition of a complaint:

A complaint is an expression of dissatisfaction by one or more members of the public about the Council's action or lack of action, or about the standard of service provided by or on behalf of the Council.

4.2 Stages of Complaint – Stage 1: Frontline Resolution

- 4.2.1 The majority of complaints will be addressed at this stage. These complaints are likely to be more straightforward, easily resolved and will require limited or no investigation.
- 4.2.2 Complaints at Stage 1 will be allocated to a Complaints Officer who will be responsible for progressing the complaint and responding to the Customer.

- 4.2.3 All complaints at Stage 1 will be acknowledged immediately on receipt when accepted face-to-face, by telephone or online. Complaints received in writing will be acknowledged within two working days.
- 4.2.4 Complaints being dealt with at Stage 1 will be responded to within a maximum of 5 working days. In exceptional circumstances, there may be reasons why a full response or resolution cannot be issued within this timescale. If this happens, the customer will be advised and given an explanation as to why the timescale cannot be met. The extension to the timescales in this situation will be no later than 10 working days from the date of the initial complaint being received.
- 4.2.5 The method of responding to Customers at Stage 1 will be determined by the Customer's initial method of contact, or by their stated preference.
- 4.2.6 The response to the Customer will indicate the outcome of the complaint and whether it has been upheld, partially upheld, not upheld, or diverted to an alternative procedure.
- 4.2.7 Where the Customer remains dissatisfied, they will be advised of their right of appeal to Stage 2 – Investigation.

4.3 Stages of Complaint – Stage 2: Investigation

- 4.3.1 Complaints which are subject to appeal at Stage 1 will be progressed to Investigation.
- 4.3.2 In some circumstances, a customer may request, or the Council may decide on the initial review of a complaint, that it should progress directly to Stage 2. This may be due to the complex or serious nature of the complaint or the requirement to carry out a more detailed investigation which is likely to extend beyond the timescales for Stage 1.
- 4.3.3 Complaints at Stage 2 will be allocated to a Complaints Investigator who will be responsible for progressing the complaint and responding to the Customer.
- 4.3.4 All complaints at Stage 2 will be acknowledged within three working days and responded to within a maximum of 20 working days. In exceptional circumstances, there may be reasons why a full response or resolution cannot be issued within this timescale. If this happens, the customer will be advised and given an explanation as to why the timescale cannot be met.
- 4.3.5 Responses to complaints at Stage 2 will be provided in the form of a letter or by e-mail depending on the Customer's initial method of contact, or stated preference, but will always be in writing.
- 4.3.6 Stage 2 responses will reflect the Council's final response on the complaint and will be signed off by the Chief Executive or a Designate..
- 4.3.7 At the end of Stage 2 customers will be advised that if they remain dissatisfied they have the right to appeal to the SPSO and request that an independent investigation be carried out. The SPSO may refer complaints back to the Council if the Customer has not complied with the Council's procedures.

4.3.8 Responses to customers at both Stage 1 and 2 will include, where relevant, an apology, details of any action taken, details of any enquiry and/or investigation carried out and the outcome. If the complaint is not upheld it will also include the reason for this.

4.3.9 The Council will respond to all complaints which relate to circumstances or events which occurred within the previous six months. However discretion may be applied in certain circumstances if there is a substantial reason which has prevented the complaint being raised within this timescale.

5. ROLES AND RESPONSIBILITIES

5.1 All Council employees will undertake customer service training which will include training on the CCC procedures and will be responsible for complying with the principles and standards in this Policy.

5.2 Employees who have a specific responsibility and role within the CCC procedures, who provide direct customer services and are responsible for supporting, co-ordinating or investigating complaints will receive detailed and comprehensive role specific training.

5.3 There are four specific roles within the process:

- Complaints Co-ordinator
- Complaints Administration
- Complaints Officer
- Complaints Investigator

5.4 Complaints Co-ordinators will:

- Co-ordinate complaints across service(s);
- Allocate complaints to a Complaints Officer at Stage 1, or Complaints Investigator at Stage 2;
- Maintain an overview of complaints across service(s) and ensure Complaints Officers and Complaints Investigator are progressing complaints within the agreed timescales;
- Monitor the complaints being received and co-ordinate the analysis of trends
- Ensure that information obtained through the CCC is used to inform service and policy development and contribute to an improved quality of service for customers.

5.5 Complaints Administration will:

- Provide administrative support to the process, through the ongoing administration of the systems which support the CCC.
- Ensure the effective allocation of complaints to Complaints Officers or Investigators
- Support and monitor the progress of complaints and ensure Complaints Co-ordinators, Investigators and Officers are aware of expected timescales.

5.6 Complaints Officers will:

- Take responsibility for complaints allocated to them

- Track the progress of the complaint through managing all associated tasks through the systems which support the CCC
- Progress the complaint to conclusion and respond to Customers advising them of the outcome of their complaint within the agreed timescales
- Ensure systems are maintained which record all outcomes, highlighting action taken.

5.7 Complaints Investigators will:

- Take responsibility for complaints allocated to them
- Carry out an investigation of the complaint
- Track the progress of the investigation through ensuring all associated tasks are recorded through the systems which support the CCC
- Progress the investigation to conclusion and prepare a response for the Customer advising them of the outcome of their complaint within the agreed timescales.
- Ensure that responses to customers are checked and signed by the Chief Executive or Designate and issued to the customer in the appropriate format
- Ensure systems are maintained which record all outcomes, highlighting action taken

5.8 An employee may undertake one or more of these roles simultaneously based on the specific requirements of each service.

5.9 Overall responsibility for ensuring that complaints are managed in accordance with the CCC procedures lies with the relevant Executive Director and the Chief Executive.

6. EXCEPTIONS AND EXCLUSIONS

6.1 This policy provides a framework to ensure consistency of standards, procedures and monitoring of complaints handling. However it is also recognised that some complaints will not follow these procedures as there is an alternative procedure in place. These will include complaints relating to Schools and Early Years Establishments and other services which are subject to alternative processes of review or statute.

6.2 Complaints about Schools and Early Years Establishments

6.2.1 All complaints should, in the first instance, be directed to the appropriate Head Teacher to consider if any relevant policy applies. If there is not another relevant policy or means of progressing the complaint, the complaint will follow the CCC procedures set out at Stages 1 and 2 above.

6.2.2 Where a complaint concerns aspects of Schools and Early Years and is submitted immediately prior to or during traditional school holidays, the ability to acknowledge and respond to a complaint within the CCC timescales may be affected. However all steps will be taken to ensure that acknowledgement and response occur with the minimum of delay.

6.3 Other Service exceptions and exclusions

- A decision of the Council where regulatory powers are being exercised, unless the complaint relates specifically to the way the matter has been administered;

- A matter which is, or could reasonably expect to be, the subject of court or tribunal proceedings, or which is in the hands of the Council's insurers;
- A complaint that has already been heard by a court or tribunal;
- A complaint where another formal route of appeal exists;
- A Planning or Development Control matter where a right of objection exists, unless the complaint relates specifically to the way the matter has been administered;
- A decision made in relation to the provision of Benefits where a right of objection exists, unless the complaint relates specifically to the way the matter has been administered;
- A decision made in relation to the provision of Homelessness services where a right of objection exists, unless the complaint relates specifically to the way the matter has been administered;
- Complaints which are essentially disagreement with Council policies or decisions in themselves, or Officers responsible for implementing these, unless the complaint relates specifically to the way the matter has been administered;
- Complaints about the way in which a request for information through the Freedom of Information (Scotland) Act 2002 has been managed. These should be progressed directly with the Council's Freedom of Information Officer;
- Complaints about the way in which a request for information in terms of the Data Protection Act 1998 has been managed. These should be progressed directly with the Council's Data Protection Officer.

6.4 Complaints against the Chief Executive

6.4.1 Complaints against the Chief Executive will be referred internally to the Council's Monitoring Officer. The Monitoring Officer will determine the most appropriate means of investigation and resolution based on the type and content of the complaint. The timescales and procedures will be determined by the Monitoring Officer.

6.5 Complaints against Councillors

6.5.1 Councillors must comply with a Code of Conduct approved by the Scottish Parliament. This code describes the high standards of conduct required from Councillors in carrying out their duties. The Standards Commission for Scotland is responsible for promoting and enforcing the Code. Copies can be obtained directly from the Council through the Standards Commission's website:

<http://www.publicstandardscommissioner.org.uk/contact-us>

Following a Scottish Government review of Social Work Complaints the Social Work complaints system changed on 1st April 2017 bringing social work complaint handling in line with other local authority complaints handling.

7. GUIDANCE DOCUMENTS

- 7.1 The Council has produced a guide for customers detailing the established procedures which support delivery of this CCC Policy. This is available on the Council's website and in all Council offices in a range of formats.
- 7.2 The Council has produced a Guide for Managers, and Employees on Managing Customer Comments and Complaints. This sets out in detail the processes and procedures and individual roles of all employees in relation to the CCC procedures and the standards and timescales which must be adhered to.
- 7.3 An additional Complaints Procedure has been produced to guide Social Work customers, detailing procedures which support delivery of the complaints handling process for Social Work complaints. This is available on the Council's website.
- 7.4 The Council has produced additional guidance to support parents and carers when making a complaint regarding schools which is also available on the Council website.

8. UNACCEPTABLE ACTIONS BY COMPLAINANTS

- 8.1 Whilst the Council does not consider assertive behaviour as unacceptable it will not tolerate abusive behaviour or acts of harassment towards staff, verbal or otherwise.
- 8.2 A complainant may be deemed to be acting unacceptably if they:
- Are abusive to, or harass Council employees;
 - Persistently make the same complaint despite the complaint having been fully investigated under the CCC Procedure;
 - Seek an unrealistic outcome and intend to persist until the outcome is achieved;
 - Complain about a historical complaint that cannot be undone or remedied;
 - Repeatedly change aspects of their complaint or their desired outcome part way through an investigation at either Stage 1 or 2, or after any formal response has been issued.
- 8.3 If an employee considers that a complainant's behaviour is unacceptable they will refer the matter to a Complaints Co-ordinator who will consider whether the complaint should be rejected and on what grounds, and inform the customer of any decision in writing.
- 8.4 The customer will be informed of the appeals process against any such decision to reject a complaint.

9. REPORTING AND MONITORING

- 9.1 The Council will use information from the CCC process to report on and provide analysis on all comments and complaints received. This information will be used to

produce management information to monitor performance and identify service improvements.

- 9.2 Analysis of complaints information will be reported to and monitored internally by Directorate Management Teams.
- 9.3 The Council will publish annually complaints performance information in line with SPSO requirements.