



# Procedure – Feedback and complaints

## Procedure owner: Comms and Engagement

This procedure applies to the following members of staff:

All staff

Responsible staff must ensure that any visitors or those with remote access to Service sites (guests, contractors, temporary staff etc.) are aware that this Procedure also applies to them.

### Procedure purpose

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

The purpose of the Feedback and Complaints procedure is to ensure that Complaints, Compliments, Concerns and Comments (4 C's) are appropriately administered, recorded and acknowledged and, where necessary, investigated. Members of the public can be assured that when lodging a complaint they will be treated in a fair, reasonable and consistent manner. This will apply to all Service personnel and has been based on guidance issued by the Local Government and Social Care Ombudsman (LGSCO)

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

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

It is important to acknowledge that people may be reluctant to complain due to fear of consequences, and every effort must be made to enable people to tell us about their experiences, and not to feel disadvantaged by doing so. We promise you will not receive any unfavourable treatment as a result of making a complaint or giving feedback.

## Key information

# Complaints, concerns and compliments procedure

## Definition of complaint, concern and compliment

### 1. Complaint

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

### 2. Concern

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

### 3. Compliment

Somebody telling the Service about something it has done well.

## Receiving a compliment

- On receipt, compliments will be logged in the compliment database, categorised, and allocated a unique reference number by a member of the Communications and Engagement Team. These will then be retained for future use or reference.
- If the compliment has been received in writing or email, this will be acknowledged with the person providing the feedback.
- The compliment will be communicated with the relevant teams so they are aware that the feedback has been received. The Chief Fire Officer (CFO) will also be made aware of the feedback that has been received.
- All written correspondence will be kept on file by the Communications and Engagement Team; ready for inspections if required.
- Examples of positive feedback are to be included in the weekly "Shout Out" updates to ensure positive feedback is shared service wide to promote good practice.

## Receiving a concern:

- If the individual receiving the concern is able to effectively resolve the issue, this should be done and an update sent to the Complaints Officer who will ensure the complainant agrees this has been resolved. For instance, if a station manager received a concern about noise levels or lights being left on at station.

- Where a concern has been received by the Complaints Officer and a local resolution is considered sufficient, the Complaints Officer will confirm with the complainant that their concern will be resolved locally and not through the formal complaints procedure, unless they wish to escalate further.
- All concerns will be resolved locally and the resolution shared with the complainant by the Complaints Officer and recorded as a concern.

## Receiving a complaint

- The person receiving the complaint should collect the following details:
  1. Complainant's details:  
Name, address, email address, telephone number and preferred method of contact. If they are acting for somebody else, take the above details for the person affected and themselves.
  2. Complaint details:  
Who did what, where, why and when.  
Desired outcome: What does the complainant want to happen as a result of their complaint?
- All the information should be recorded securely and confidentially and sent to the Complaints Officer, who will add them to the ES34 form in the complaint pack (Appendix A)

Email: [ComplaintsOfficer@dsfire.gov.uk](mailto:ComplaintsOfficer@dsfire.gov.uk)

Phone: 01392 872354

## Handling complaints

### Roles and Responsibilities

#### Complaints Officer

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

- o gather any outstanding relevant information from the complainant directly
- o identify when the complaint falls outside the complaints policy, make the complainant aware and redirect if appropriate (for instance if it is an HR issue redirect to the relevant HR Business Partner)
- o identify and alert stakeholders in Information Governance, Safeguarding or HR as appropriate

- o acknowledge the complaint within three working days, confirming their understanding of what the complaint is about, what the desired outcome is and the complaint process
- o send to the relevant Service Lead or Head of Department
- o liaise with the investigating officer if required
- o support with and send the final letter of resolution within 28 working days of receiving the complaint
- o manage retention of data
- o record recommendations and status supplied by Service Lead/ Head of Department.

#### Service Lead/Head of Department

This will be the person that has the responsibility for a particular service and is responsible for approving the investigation and response. The Service Lead/ Head of Department will:

- o allocate an appropriate investigating officer within five working days of the original date of the complaint. This person needs to be impartial and not involved in any element of this complaint.
- o ensure the relevant members of their team are updated appropriately
- o approve the outcome, investigation and letter to the complainant.
- o Send an update to the Complaints Officer once recommendations have been completed, or provide an update within six months where it has not been possible to complete.

#### Investigating Officer

This person will be identified by the Service Lead or Head of Department to investigate the complaint. The Investigating Officer will:

- o be grade 7/ Station Manager or above
- o declare any conflict of interest, for instance if they were involved directly or indirectly in the subject of the complaint
- o contact the complainant within seven working days from the original date of complaint
- o be the main point of contact with the complainant throughout the process
- o conduct an impartial investigation into the complaint including interviewing any relevant parties
- o make the complainant, Complaints Officer and Service Lead/ Head of Department aware if the timescale cannot be met for any reason and to discuss an updated timescale with the Complaints Officer
- o complete the complaint pack and send to the Complaints Officer once the outcome is approved by the Service Lead/ Head of Department
- o draft the outcome letter for the complainant which they will send to the Complaints Officer for review and to issue within 28 working days of the date of receipt

## Storing data

- Data relevant to your complaint will be stored for 6 years plus the current year

## Additional considerations:

- **Multi-service**

Where the feedback also relates to a service provided by another organisation; a lead organisation will be identified to co-ordinate the investigation and provide the overall response. Consent will be gained from the individual to share their information with the other organisations. This will be co-ordinated by the Complaints Officer when the complaint is received.

- **Consent**

If the person concerned is unable to act for themselves the complaint can be accepted from a close relative, friend or other body or individual suitable to act as a representative. When a complaint is made on behalf of another person the Service will need to ensure that consent is obtained before a response is made. This will be co-ordinated by the Complaints Officer if required.

- **Anonymous complaints**

Complaints that are received anonymously will be sent by the Complaints Officer to the relevant Service Lead/ Head of Department who will complete a preliminary investigation which will be logged for audit and review purposes. The purpose of the preliminary investigation is to determine whether the complaint can be fully investigated anonymously and if not, whether there are any elements which can be.

Investigated anonymous complaints will follow the same steps as standard complaints, and records will be kept in the normal way. No feedback on the outcome of an investigation will be given to anonymous complaints and they may not be contacted as part of the investigation as appropriate.

- **Police investigations**

If the Service has been made aware of an ongoing police investigation relating to an in-scope complaint, the Complaints Officer should be informed. The Complaints Officer will then make contact with the police before progressing the complaint. If the allegation made in the complaint is potentially criminal (such as malfeasance), 101 to be contacted to determine at what point the evidence would mean it's handed to the police.

- **Safeguarding**

If the complaint includes safeguarding concerns, the safeguarding team will be made aware. If the nature of the complaint is about safeguarding, this will be handled by the Safeguarding Manager.

## Appeal the outcome of my complaint

### Appeal criteria:

The Complainant may appeal where they are dissatisfied with:

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

### Stage 1 – Procedure

The Complaints Officer will:

- Acknowledge the appeal with the complainant within three working days and share the appeal process
- Notify the Chief Fire Officer (CFO) that an appeal has been received within three working days
- Inform the CFO that they have 20 working days to conduct and conclude a review
- Share a copy of the file relating to the complaint with the CFO in a restricted access folder where no further information is available. Following conclusion of the appeal, this access folder will be relocated to the complaints folder and follow the specified complaints retention policy.
- Review the appeal outcome letter and send to the complainant.

The Chief Fire Officer will:

- Review the initial investigation.

Where appropriate, the Chief Fire Officer may then:

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

In all cases they should:

- Respond to the issues raised as justification for the appeal **within 20 working days of receipt**
- Give outline reasoning for any changes to the recorded outcome / additional corrective action, or reasons for not making any changes
- Nominate officers to carry out or complete any additional corrective actions, communications or submissions to the improvement process
- Complete the complaint pack (Appendix A) and return it to the Complaints Officer, with copies of all relevant supporting information and correspondence, for filing.

## Delegation

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

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

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

## Stage 2

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

The Complaints Officer will, in discussion with appropriate officers:

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

## Unreasonable complainant behaviour

The Service recognises that making a complaint can be a stressful time and will make some allowances in this situation. However, we do not accept that staff should be subjected to abusive, offensive or aggressive behaviour in any situation. In addition, some complainants may put an unreasonable demand on our service by lodging many or repeated complaints, or repeatedly pursuing unreasonable outcomes from an investigation. If this is the case, the Unreasonable behaviour procedure will be applied.

The Complaints Officer should be notified of complainants who demonstrate unreasonable or unreasonably persistent behaviour with any member of staff. This notification should include evidence of what happened and the warning that was given (if any) that this will be logged on the complaint file. If a warning is given, this will be followed up in writing by the Complaints Officer.

Should the behaviour continue, the complaints officer will take a recommendation to the Head of Communications and Engagement in line with the unreasonable behaviour procedure.

Remember that any actions should be tailored to the complainant's needs and include regular feedback and reviews within the Service and with the complainant.

### **Exclusions from the complaints process**

Complaints where the complainant is under a stage 1 or stage 2 restriction as per the Unreasonable behaviour policy and procedure should be investigated as anonymous complaints only if the complaint appears to be valid and there is enough information to proceed, otherwise the complaint may be discarded.

Please note that excluding a complainant from the complaints process does not preclude them from contacting the Service for other reasons, from receiving an emergency response or from making a new complaint.