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BI005 Policy for managing compliments and complaints

1. Introduction

1.1 Purpose and scope

Tyne and Wear Fire and Rescue Service (TWFRS) is committed to providing the highest quality service to the communities of Tyne and Wear and recognises feedback as an essential component of continuous improvement. Feedback offers critical reflection of performance against standards and may describe activities, which have been undertaken to an exceptional standard or identify areas for improvement.

Feedback in the form of praise highlights where staff have conducted their duties well and it is important that they are recognised for their efforts. Whilst TWFRS strive for operational excellence, there may be occasions when it does not deliver to the standards expected and when this occurs, it welcomes the opportunity to investigate, correct and learn from circumstances of underperformance to improve the quality of service provided.

The purpose of this policy is to ensure that compliments and complaints are properly administered, recorded, acknowledged and, where necessary, investigated. This policy will ensure that anyone making a complaint will be treated in a fair, reasonable and consistent manner. TWFRS has made a commitment to provide a high standard of response to complainants, no matter what their complaint or where they report it.

This policy is enabled via the associated procedure BI005a which is an internal document.

1.2 Aims and outcomes

When handling compliments or complaints TWFRS promise that staff will provide a customer focussed process throughout by:

- listening and treating service users with courtesy, respect and fairness at all times;
- applying fair, effective, transparent, helpful, timely and structured procedures;
- sending a response within a reasonable timescale; and
- being respectful of confidentiality.

No matter the content of the feedback, this would not affect a service user's current or future service received by TWFRS.

2. Definitions

2.1 Any member of staff may receive a compliment or complaint and will need to familiarise themselves with what actions they are to undertake.

2.2 Compliment

A compliment is praise given by an individual or business for a service provided or to thank an individual, team or department for their actions.

2.3 Complaint

TWFRS categorise a complaint based on the Ombudsman's definition:

'An expression of dissatisfaction about our action or lack of action by one or more members of the public. This may be about the standard of our service provided by us or on our behalf, or the manner in which it was provided.'

2.4 A complaint may relate to the:

- inappropriate behaviour or attitude of a member of staff or volunteer.
- failure to provide a service or to follow the appropriate administrative processes.
- inadequate standard of service delivery.

2.5 Third party contact

A compliment or complaint can be made by an individual or by someone acting on their behalf such as a family member or friend, advice organisation or a professional such as a social worker, doctor or solicitor. Complainants may wish to have a third party act on their behalf and if so written consent is required to proceed.

2.6 Exclusions from this policy:

- **Fire Authority Member complaint** would need to be reported to the Monitoring Officer at Sunderland City Council at City.Solicitor@sunderland.gov.uk. Further information about this process is included in the Tyne and Wear Fire and Rescue Authority's Standing Order [Members Code of Conduct](#).
- **Principal Officer complaint** would need to be referred to the Chair of the Fire Authority and the Monitoring Officer notified (as above).
- **Employment matters** (including applications, grievances, pensions and employer liability claims) where procedures and remedies are set out in other processes should be directed to Human Resources at hr.helpdesk@twfire.gov.uk
- **Access to information** where procedures and remedies are set out in legislation, e.g. Freedom of Information Act and Data Protection Act can be requested via the [access to information](#) page on the website this includes incident information requests
- **Decisions about TWFRS policy** that service users dislike will be brought to the attention of Executive Leadership Team (ELT) and any response will be limited to an explanation of the policy, possibly include advice on how the policy was reviewed and how any comments can be considered but not investigated.
- A complaint **being or been considered by a court or tribunal**.
- An attempt to **reopen a previously concluded complaint** or to have a complaint reconsidered where a final decision has already been provided by TWFRS.
- **Staff misconduct** will be dealt with under the staff disciplinary procedure.

3. Principles of the policy

3.1 Some individuals may require help to make a compliment or complaint. For example, they may not be able to read or write, have a disability or may have English as a second or foreign language. If this is the case then help should be offered and guidance sought from the Inclusion and OD Department or a Human Resources representative.

3.2 Compliments

Compliments can be submitted verbally, in person or by telephone or in writing by letter, email or social media to any member of staff or directly to the complaints and compliments mailbox complaintsandcompliments@twfire.gov.uk or [web form](#). Where contact details are

provided compliments will be acknowledged by the recipient and forwarded to the complaints and compliments mailbox (as above) for recording.

3.3 Complaints

A complaint must be raised within 30 days of the event or incident in question. If complaints are raised after 30 days, TWFRS will be entitled not to deal with the complaint on the basis that it is out of time. This is because if a complaint is made a long time after an incident then it can be more difficult to obtain evidence and this greatly reduces the ability of the Service to investigate matters.

N.B a contact does not have to explicitly state the word 'complaint' for it to be dealt with as a complaint.

Complaints including **anonymous complaints** are treated seriously and where enough information is provided, action will be taken to investigate. In instances where there is insufficient information to investigate then it may be decided not to pursue the matter. An ELT Member will decide whether a matter should be treated as a complaint.

TWFRS operates a **two-stage** complaint handling process:

3.3.1 Stage 1 – Complaint

All complaints received will be recorded and acknowledged within **seven days**.

A thorough investigation will be undertaken to establish the facts relevant to the points made in the complaint and the complainant will be provided with a full, objective and proportionate written response within **28 days**.

If it is anticipated that the investigation will exceed 28 days then the complainant will be notified in advance.

Complaints dealt with by frontline staff resolution or informally must be recorded, including the details of the complaint and what actions were taken to resolve the complaint. A formal written response closing out the complaint must be provided to the complainant even if the matter was dealt with immediately. Again, the details should be sent to the complaints and compliments mailbox at complaintsandcompliments@twfire.gov.uk

3.3.2 Stage 2 – Appeal

Following receipt of the complaint outcome letter, should the complainant feel that no satisfactory resolution has been achieved under stage 1; then they have the right to appeal the decision by writing to the Chief Fire Officer (CFO), stating the grounds for their appeal. The complainant will have one month to appeal this decision.

On receipt of the appeal correspondence the CFO may choose to:

- pass the complaint and any relevant paperwork to the Deputy Chief Fire Officer (DCFO) / Assistant Chief Fire Officer (ACFO) who will review the investigation evidence or
- appoint an independent officer to carry out a secondary investigation.

On conclusion of the secondary investigation or review of the matter, the complainant will be notified in writing of the outcome. This response will represent TWFRS' final position and conclude the internal complaint process.

3.4 Local Government and Social Care Ombudsman

If the complainant is not satisfied with the stage 2 response, they can raise their complaint externally with the Local Government and Social Care Ombudsman (LGO). Further information about how to do this will be included within the appeal response letter. Details about the LGO can be viewed on their website at <http://www.lgo.org.uk>

3.5 Withdrawing a Complaint

A complainant may withdraw their complaint at any time. The DCFO (or in their absence a nominated ELT member) will consider whether the issue of concern requires further consideration under appropriate internal management review systems.

4. Accountability and Responsibility

4.1 The Tyne and Wear Fire and Rescue Authority is the public body that manages TWFRS on behalf of the local community and holds TWFRS to account for their performance.

4.2 This is a TWFRS policy and the Principal Officers are accountable for the policy's application and oversee the allocation and investigation of stage 2 complaints (appeals) and LGO complaints.

4.3 The Executive Services Manager, supported by the Governance Advisor and Executive Services Team, is responsible for the day-to-day management of this policy, which includes the recording of compliments.

4.4 The Governance Advisor and Executive Services Team liaising with the DCFO or the duty / available ELT member are to ensure complaints are recorded, allocated, investigated, and the outcomes are provided to the complainant.

4.5 In the absence of the DCFO any member of the ELT may be asked to undertake the tasks listed in 4.4. The ELT are responsible for ensuring learning from complaints is acted on promptly and effectively.

4.6 The Investigating Officer is responsible for ensuring that the complaint is investigated fairly, thoroughly and within the required timescales.

4.7 Any member of staff may receive a compliment or complaint and should adhere to this policy. Staff have a responsibility to ensure that service users are made aware of this policy and that they are given information in an appropriate format.

5. Monitoring and Review of Compliments and Complaints

5.1 Learning from complaints and reporting

TWFRS will learn from complaints and make changes and improvements, where appropriate to prevent recurrences happening. TWFRS will use anonymised, aggregated data from compliments and complaints to report outcomes. The Governance Advisor will highlight trends and themes and report quarterly to Corporate Governance Board and annually to the ELT and the Governance Committee.

6. Additional Information

6.1 Vexatious and persistent complaints

While members of the public have the right to complain, staff involved with the complaint process have the right to be treated courteously. The DCFO (or in their absence a

nominated ELT member) will make a decision whether complainant contact falls into either of these categories:

6.1.1 Vexatious complaints

Aggressive, abusive or threatening behaviour or language used towards staff will not be tolerated. If a complainant is considered to be behaving in an unacceptable way then TWFRS may refuse to respond to a complaint and write to inform them of this decision.

6.1.2 Persistent complaints

TWFRS do not normally limit contact, however, where a complainant makes unnecessarily or excessive demands upon resources then conditions may be imposed about how and when they may contact TWFRS. In such instances, where a complainant's behaviour is deemed as unreasonably persistent then they will be notified in writing.

6.2 Retention and disposal of records

Data processing, storage and destruction of records pertaining to compliments and complaints will be processed in accordance with TWFRS policy, which adheres to the General Data Protection Regulation and the Data Protection Act 2018.

6.3 Confidentiality

Information received during the investigation will remain confidential to the staff involved in the process and those who may need to be consulted in order to reach an outcome.

6.4 Risk management

Risks associated with this policy have been reviewed, mitigated and are monitored by the ELT.

7. Authority for Issue

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