



# Managing Complaints and Concerns

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Author	Alison Buttle
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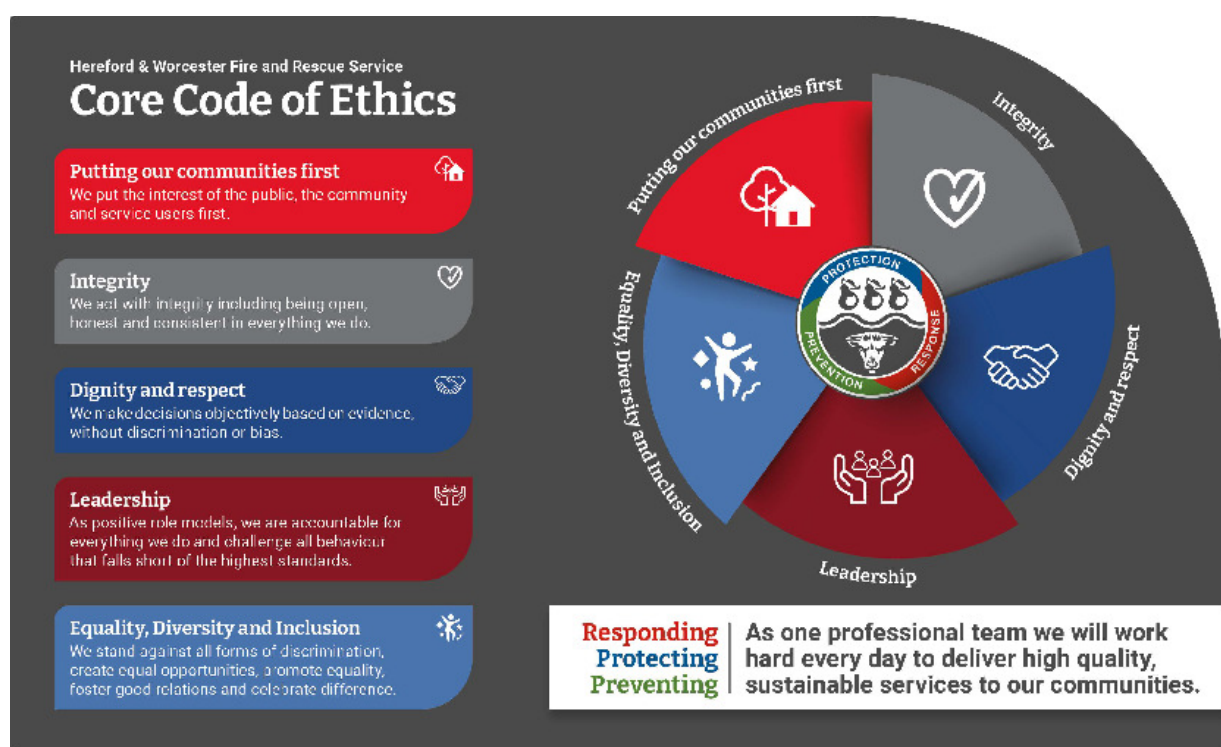
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## Executive Summary

This policy provides guidance to Hereford & Worcester Fire and Rescue Service (HWFRS) employees and line managers on our complaints and concerns process. This policy also sets out the responsibilities of those staff who are directly involved in the complaints and concerns process to ensure that user feedback is effectively recorded, responded to and monitored in order to help us improve the services we provide.

## Core Code of Ethics

The [Core Code of Ethics for Fire and Rescue Services](#) in England sets out five ethical principles, which provide a basis for promoting good behaviour. The Service is committed to the ethical principles of the Code and used them as guidance when forming Service's values. The principles of the Code are reflected in this policy as well.



## Alternative Formats

If you require this document in another format please contact the Human Resources and Development Department.

# Contents

1	Introduction	4
	Defining a Complaint	4
	Defining a Concern	5
2	Receipt of a Complaint or Concern	5
3	Action to be taken by Fire Control	6
4	Action to be taken by the Group Commander	7
5	Action to be taken by the CFO's PA	8
6	Action to be taken by Committee & Members' Services	8
7	Appeals	9

## Process Flow Chart

Fire Control  
10

Committee Services  
11

## Appendix A

Admin 2 Form  
12

## Appendix B

Detailed Investigation Guidance  
14

# Managing Complaints and Concerns

## 1. Introduction

- 1.1 We want to learn from the public about their experiences of using our services and we welcome their feedback. It's our aim to provide a high-quality service but if a user is unhappy with their experience it is important that we use this feedback to improve the services we provide.
- 1.2 A member of the public can make a complaint or raise a concern by telephone, by calling in person at any of our fire stations, by email or in writing. This document sets out our policy in relation to complaints and concerns raised by the public and sets out what you need to do if a member of the public raises their complaint or concern with you.
- 1.3 It is important that we have standards by which our performance in responding to complaints and concerns about HWFRS can be measured. The timescales that we must work to are:
  - i) all complaints and concerns about HWFRS must be acknowledged within 3 working days of receipt; and
  - ii) responses to all complaints and concerns about HWFRS must be provided to the complainant or concerned person within 10 working days of receipt of the complaint/concern.

## Defining a Complaint

- 1.4 A working definition of a complaint is 'any expression of dissatisfaction about HWFRS regarding the standard of service, actions or lack of action by HWFRS or by its staff when acting in the course of their duties or in circumstances that reflect on the reputation of HWFRS.'
- 1.5 Where the Service has stated a level of service provision and it fails to meet those standards and a member of the public identifies the failure to meet a standard, then this constitutes a complaint.
- 1.6 The definition of a complaint may be applied to allegations of abusive behaviour, discrimination, racism or other forms of unwarranted behaviour such as physical abuse.
- 1.7 If it is alleged that a member of the Service, through their actions, caused damage to private property or to an individual(s), then this would also constitute a complaint.
- 1.8 Complaints that are made regarding our response following a Freedom of Information request are dealt with through a separate review process managed through the Information Governance Advisor and Head of Legal Services. Complaints regarding a response to a previously submitted FOI request must be forwarded to Information Governance [informationrequests@hwfire.org.uk](mailto:informationrequests@hwfire.org.uk)
- 1.9 A vexatious complaint is a very narrow category of complaint. If it is apparent that the complainant is pursuing a complaint which is entirely without merit and is made with

the intention of causing inconvenience, harassment or expense to HWFRS you must seek the advice of the Head of Legal Services.

## Defining a Concern

### Concerns about HWFRS

- 1.10 To raise a concern is to express a 'worry' or an 'interest' about HWFRS and its work. This may constitute registering either an agreement or disagreement with matters 'actioned' by the Service but which do not fall within the 'complaints' category.
- 1.11 Examples of concerns about HWFRS and our work may include:
- "I think the Service should charge for attending road traffic accidents."
  - "I am not satisfied that there are enough Fire Stations in Hereford and Worcester."
  - "I have noticed that a hydrant is leaking in the street outside my house."
  - "There is not enough space for a fire vehicle to access the road."
- 1.12 Concerns about HWFRS must be forwarded to Committee & Members' Services [CommitteeServices@hwfire.org.uk](mailto:CommitteeServices@hwfire.org.uk)

### Concerns about Others

- 1.13 In some cases concerns may be made about other organisations or individuals. Examples of concerns about other organisations or individuals may include:
- "I'm worried that the fire exit is continually blocked at the bowling alley".
  - "My elderly neighbour lives alone and doesn't have any smoke alarms fitted".
- 1.14 Concerns about business or commercial fire safety must be forwarded to Protection - Technical Fire Safety [Protection-TFS@hwfire.org.uk](mailto:Protection-TFS@hwfire.org.uk)
- 1.15 Concerns about domestic fire safety must be forwarded to Community Fire Safety [safeandwell@hwfire.org.uk](mailto:safeandwell@hwfire.org.uk)

## 2. Receipt of a Complaint or Concern

- 2.1 Members of the public can raise a complaint or concern either by telephone, by calling in person at any of our fire stations, by email or in writing. When receiving a complaint or concern via:
- Telephone:** Transfer the call to Fire Control. If unable to transfer the call, complete Admin 2 form (see Appendix A) and email this to Fire Control within 24 hours.
  - Letter:** Scan and email the written communication to Fire Control within 24 hours. Forward the hard copy letter to Committee & Members' Services.

- iii) **Personal Visit:** Complete Sections 1-3 of the Admin 2 form (see Appendix A) as fully as possible and ensure that the form is emailed to Fire Control within 24 hours.
- iv) **Email:** Forward the email to Fire Control within 24 hours.
- v) **On Line Feedback facility on the Service website:** This is monitored by Fire Control.

2.2 When completing Sections 1-3 of the Admin 2 form please remember to:

- i) Specify the nature of the communication – does it constitute a complaint or a concern?
- ii) Is the concern related to a business fire safety, domestic safety or freedom of information? If so, this will need to be sent to the relevant department as explained in paragraphs 1.8, 1.13 and 1.14 above.
- iii) Obtain the complainant's full name, address (including postcode), telephone number and email address.
- iv) Summarise the details of the communication – i.e. why is the complaint being made or a concern being raised? Make notes and be sure of all of the facts – particularly dates.
- v) Include the date of receipt of the complaint or concern.
- vi) Sometimes a complainant may want to remain anonymous and although an acknowledgement and response can't be sent the complaint must still be logged and sent to the appropriate department as explained in paragraphs 1.8, 1.13 and 1.14 above for investigation.

### 3. Action to be taken by Fire Control

- 3.1 Fire Control staff are to make sure that **all** complaints/concerns received are recorded.
- 3.2 Complete Sections 1-3 of the Admin 2 form adhering to the guidance and requirements detailed in the previous section. Section 4 should only be completed if the complaint/concern is about HWFRS as defined in 1.4 and 1.9
- 3.3 Send the complaint/concern to the relevant department. This will be either:
  - i) Committee Services (complaints and concerns about HWFRS);
  - ii) Protection (concerns about fire safety at a business or commercial property);
  - iii) Prevention (concerns about domestic fire safety); or
  - iv) Information Governance (complaints about FOI responses).
- 3.4 If the complaint/concern is about HWFRS, inform the Duty Area/Group Commander and agree a destination to immediately send them a copy of the completed Admin 2 form together with any relevant correspondence.
- 3.5 Forward a copy of the Admin 2 form together with any relevant correspondence to Committee & Members' Services and the Chief Fire Officer's Personal Assistant.

- 3.6 Send an acknowledgement to the complainant within **3 working days** of receipt of the complaint/concern.

#### **4. Action to be taken by the Duty Group Commander**

- 4.1 As Duty Group Commander you own each complaint/concern assigned to you, therefore you (or another delegated Group Commander where necessary) must sign off and approve written responses that you have delegated to a Station Commander, or equivalent.
- 4.2 Responses must reflect the high standard that HWFRS expects. The standard for responses to complaints is **10 working days** from receipt of the complaint. Guidance with regards to the sign-off and corporate standards of written responses is attached at Appendix B. You must be familiar with the required standards.
- 4.3 Complainants must be made aware of their right to request an independent review of their complaint should they be unsatisfied with the response. Committee & Members' Services have templates incorporating this information to ensure that your response makes complainants aware of these rights.
- 4.4 Decide upon how the complaint/concern should be progressed:
- i) If the complaint/concern is related to a strategic, legal or financial matter or to a decision or policy made by the Fire Authority, you must first consult with the relevant Principal Officer or the Head of Legal Services who will decide on the most appropriate course of action.
  - ii) If the matter is operational the investigation can be delegated to Station Commander level, or equivalent. There is guidance attached at Appendix B to support staff when assigning and undertaking investigations.
  - iii) If it is likely that an admission of liability may incur costs, you must seek advice from the Head of Legal Services prior to drafting a response to the complainant.
- 4.5 Unless instructed otherwise, all complaints must be responded to in writing. This ensures clarity for both the complainant and the Service and provides an audit trail should the complainant pursue the matter further.
- 4.6 **Within 8 working days** of the date of receipt of the complaint/concern, send your response to Committee & Members' Services [committeeservices@hwfire.org.uk](mailto:committeeservices@hwfire.org.uk) who will review it to ensure corporate standards and that the complainant is informed of the next stages of the complaints process. Committee & Members' Services will then dispatch the response on your behalf.
- 4.7 If an investigation is likely to take longer to complete, the complainant must be informed within 10 working days that this is the case. A holding response template is available from Committee & Members' Services who will dispatch it on your behalf.
- 4.8 Inform Committee & Members' Services of the outcome of all complaints and concerns by completing Section 5 of the Admin 2 form. This **must** be completed to enable effective monitoring of the process and needs to state whether the complaint was upheld and what action (if any) was taken as a result, e.g. apology, policy review, staff reminders issued, etc.

- 4.9 Include your notes which may include details of visits or telephone conversations. Handwritten notes can be scanned and emailed. Your notes will remain on file in line with the document retention policy and will be necessary should the complainant request a review of their complaint.

### **Complaints about staff**

- 4.10 In the event of a complaint being received about an individual member of staff:
- i) Inform the relevant line manager of the complaint and the outcome of any investigation.
  - ii) Should the complaint be upheld, inform HR and pass over your file notes and any investigation report for further action.
  - iii) If the complaint is not upheld then your notes and any investigation report should be passed on to the relevant line manager.
  - iv) Update Committee & Members' Services with an outline of the outcome including:
    - whether the complaint was upheld and passed to HR for further action;
    - any other action taken such as further training, policy review, reminders issued to all staff.

## **5. Action to be taken by the Chief Fire Officer's Personal Assistant**

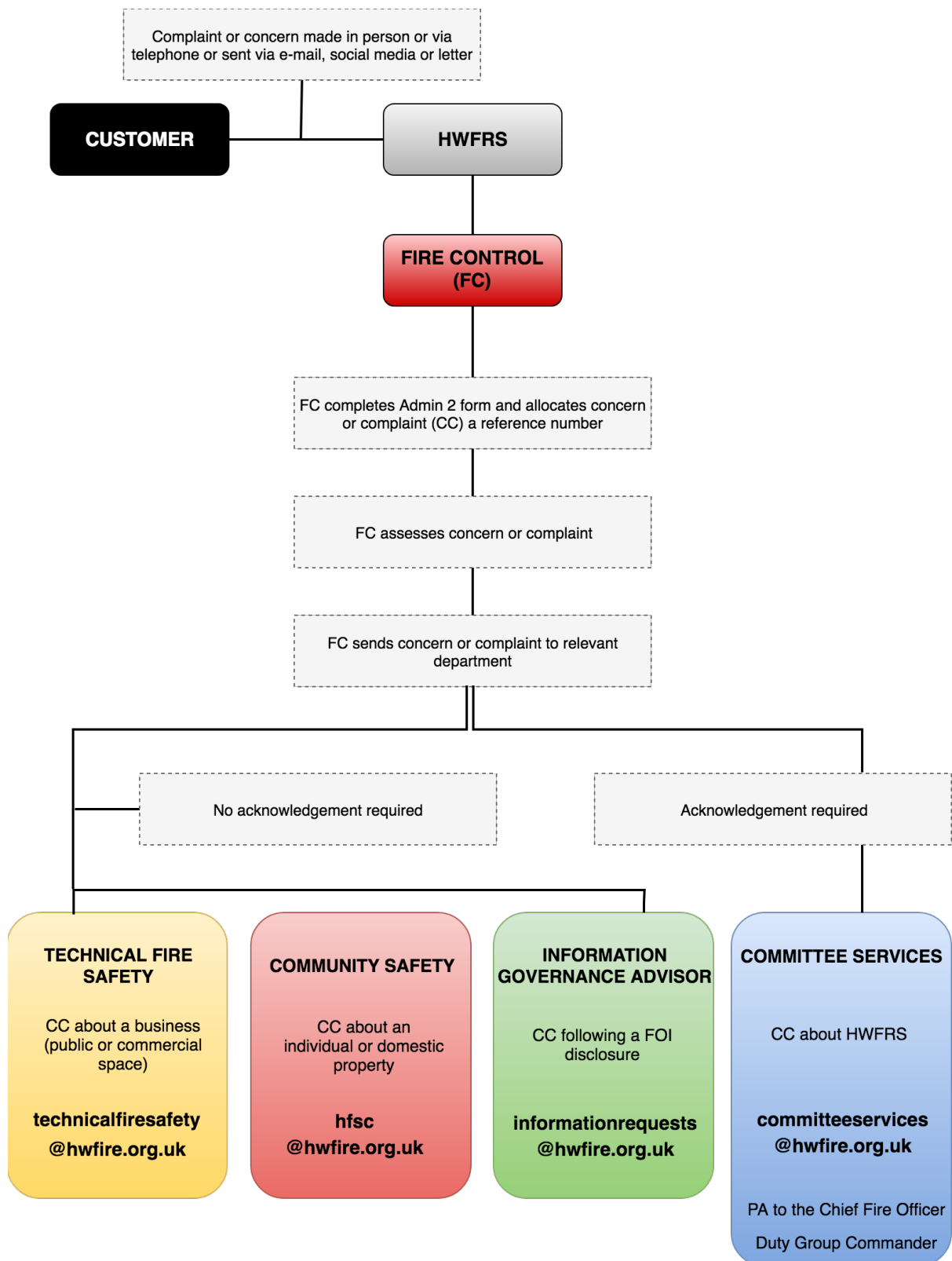
- 5.1 Advise the Chief Fire Officer of complaints/concerns as necessary.

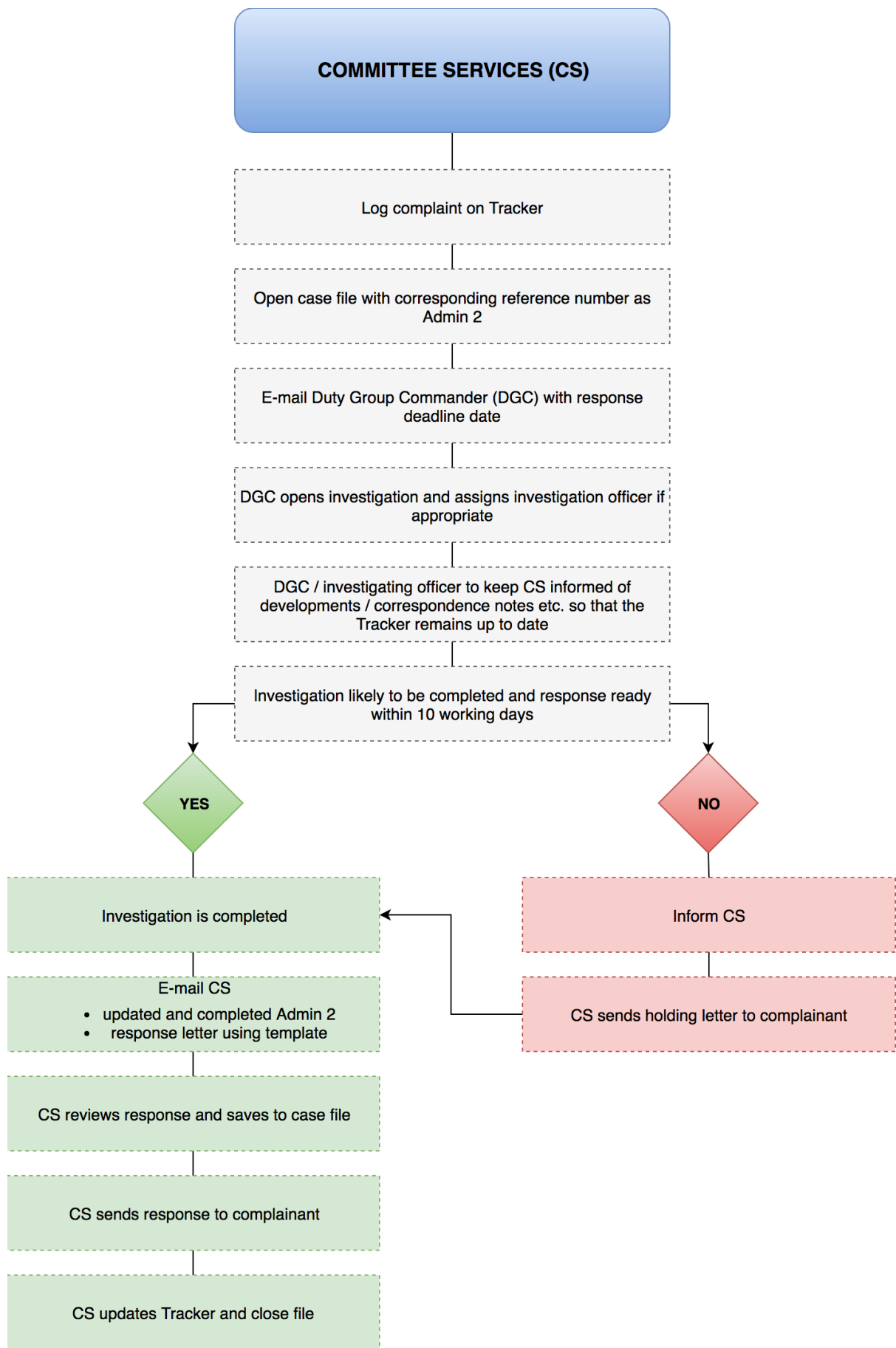
## **6. Action to be taken by Committee & Members' Services**

- 6.1 File the Admin 2 form together with any relevant correspondence, log details noting the deadline date for the written response and notify the Duty GC of the 8 working day response deadline.
- 6.2 Receive the completed Admin 2 form, the written response (if required) and supporting documentation from the Duty GC. The Admin 2 form and supporting documentation will be filed. The written response will be reviewed to ensure corporate standards and that the complainant is informed of the next stages of the complaints process. Committee & Members' Services will also dispatch the response to the complainant.
- 6.3 Monitor complaints and concerns to establish any recurring themes that may require reporting to SLB on an exception basis.
- 6.4 Complete regular quality control checks by sampling responses on a yearly basis.
- 6.5 Produce a Complaints/Concerns Summary Report for SLB Meetings annually or sooner should any significant levels of recurring trends or themes be noted.
- 6.6 Produce an annual summary report for the Fire Authority detailing complaints/concerns as well as complimentary data for the year.

## 7. Appeals

- 7.1 Where a complainant is unsatisfied with the response to their complaint they may request that the Assistant Chief Fire Officer undertakes a review. A complainant must request a review within 28 days of receiving their response.
- 7.2 The Assistant Chief Fire Officer will refer the case to a Senior Officer who will conduct an independent assessment. The complainant must be notified of the outcome, or advised of any delay within 28 days of their request for review.
- 7.3 Should a complainant still be unsatisfied with the response or if they feel that they have not been responded to in a reasonable time, they are entitled to send their complaint to the [Local Government Ombudsman](#) (LGO). Complainants normally have to refer to the LGO within 12 months of their complaint.





**ADMIN 2 - REGISTER OF COMPLAINTS/CONCERNS**

**CATEGORY** (Please tick as appropriate)

**Complaint about HWFRS**

Forward Admin 2: [committeeservices@hwfire.gov.uk](mailto:committeeservices@hwfire.gov.uk)

**Concern about HWFRS**

Forward Admin 2: [committeeservices@hwfire.gov.uk](mailto:committeeservices@hwfire.gov.uk)

**Concern about Business / Commercial Fire Safety**

Forward Admin 2: [Protection-TFS@hwfire.org.uk](mailto:Protection-TFS@hwfire.org.uk)

**Concern about a Domestic Fire Safety**

Forward Admin 2: [safeandwell@hwfire.org.uk](mailto:safeandwell@hwfire.org.uk)

**Complaint about an FOI Response**

Forward Admin 2: [informationrequests@hwfire.org.uk](mailto:informationrequests@hwfire.org.uk)

**1. PERSONAL DETAILS (of complainant / person raising concern)**

Name:

Address/Email:

Tel No:

**2. DETAILS OF COMPLAINT/CONCERN**

**DATE RECEIVED:**

**3. METHOD OF RECEIPT** (Please tick as appropriate)

Letter

Telephone

Email

On Line Feedback

Personal Visit

**To be completed by Service Fire Control:**

**4. DUTY AC/GC INFORMED**

Name of Duty AC/GC informed and emailed:  
(please Cc **Committee & Members' Services** and **CFO's PA**)

Complaint/Concern Log Number:

Date and Time:

Date Acknowledgement sent  
(Within **3 working days** of receipt of  
complaint/concern)

Service Control Operator's Name and No:

**Copy of form to be passed to CFO's PA for information only**

<b>To be completed by AC/GC on duty:</b>	
<b>5. AC/GC on Duty - ACTION</b>	
<b>Investigation required:</b>	
Nominated Investigation Officer:	Date Notified:
Nominated Officer to draft written response:	
Full Investigation Report required by AC/GC by: (give date)	
<b>Personal Visits / Phone Calls</b>	
Name of Officer/s	Date/s of Visit / Calls
<b>Holding Letter Required:</b>	Yes / No
<b>Is the complaint about a member of staff?</b>	Yes / No
If yes – Line Manager notified: Name	
Date Notified	
If the complaint is upheld – HR notified: Name	
Date Notified	
<b>Outcome</b>	
Has the complaint been upheld Yes / No	
Summarise the findings of any investigation and/or action taken, e.g. issue of an apology, remedial action or work, staff training / reminders, policy review, HR matter, etc.	
Date outcome provided to Committee & Members' Services	

A copy of the full written response and any supporting papers are to be forwarded to **Committee & Members' Services** along with the completed Admin 2 form for review, dispatch and filing.

**Please ensure that this form is fully completed.**

## Investigating Complaints/Concerns - Guidance

### Assigning an Investigation

- Complaints need to be dealt with impartially – although we all like to believe that we are open-minded when dealing with complaints it is understandable that people can feel defensive and upset if a complaint is made about them or a service they provide. The Service encourages a positive and open-minded approach to complaints and complaint handling as it should result in further improvements to service delivery and working practices.
- If the complaint/concern is related to a strategic, legal or financial matter or to a decision or policy made by the Fire Authority you should first consult with the relevant Principal Officer or Head of Legal Services who will decide on the most appropriate course of action.
- Delegating to the Station Commander who is responsible for the operational area under potential investigation may not be appropriate depending on the nature of complaint/concern. Think about delegating to a different Station Commander or a non-uniformed manager to demonstrate independence in process. Alternatively, you may feel that the complaint/concern warrants an investigation to be undertaken at Group Commander or Area Commander level.
- Please be aware that if the complainant is not satisfied with the response to their complaint they have the right of appeal to the ACFO who will assign an SLB Member to undertake an independent assessment.

### Undertaking an Investigation

#### The Investigator's Role

Your role as an investigator is to ascertain the facts relating to a complaint, assess the evidence and report your findings to the Duty Group Commander. You may also be asked to make recommendations. As an investigator, you should always aim to be impartial and examine the facts and evidence logically. It is essential to remember that an investigator is neither an advocate for the complainant, nor a spokesperson for the organisation.

#### Be clear about what you are investigating

Make sure you fully understand the nature of the complaint. It is important to be clear from the start about what exactly you are investigating, therefore it is a good idea to talk with the complainant as soon as possible to make sure that both the complainant and the investigator agrees with what the complaint/concern is.

Making initial contact with the complainant also:

- helps you understand, from their perspective, the gap between what happened and what should have happened;
- provides an opportunity to clarify what they would like to see happen and to manage any unrealistic expectations; and
- helps to obtain any further information or documentation you need.

**Remember** - it is important to keep written records for later reference. This is particularly important if the complainant is unsatisfied with the response and further assessments need to be conducted. These records should be passed to Committee & Members' Services to store in the relevant file. Hand written notes can be scanned and emailed.

The investigation needs to be proportionate to the level of complaint, so before embarking on an investigation ask yourself if any immediate action could be taken to resolve the complaint quickly.

### **Put in place a good plan**

If you need to investigate, a plan will help you to focus on the key issues and highlight any problems early on that may need to be addressed.

Things to consider when writing a plan include:

- the three key questions that define your investigation:
  1. What happened?
  2. What should have happened?
  3. What are the differences between those two things?
- the background information essential for understanding the complaint;
- the organisation's response to similar complaints;
- linked cases, either by subject or party e.g. previous decisions taken on similar matters or previous complaints submitted by the same person. The Committee & Members' Services Team can assist on providing you with certain information regarding previous complaints and responses;
- legislation applicable at the time of the incident;
- sources that evidence will need to be tested against, e.g. SPIs, guidelines, employee code of conduct or accepted best practice; and
- timescales i.e. responses need to be sent to complainant within 10 working days. If an investigation is likely to take longer to complete, the complainant must be informed within the 10 working days that this is the case. Inform Committee and Members' Services that a holding letter is required and they will dispatch it on your behalf.

The degree of time and effort needs to be proportionate to the level of the complaint/concern but may include:

- a meeting or site visit with a complainant to establish the details of the complaint/concern and the remedy that is sought;
- a meeting with an employee against whom the complaint/concern has been raised;
- liaising with partner organisations with regards to their responsibilities;
- interviewing any witnesses;
- examining documentation; and
- seeking legal and/or financial advice.

## Complaints against individual members of staff

In the event of a complaint being received from a member of the public about an individual member of staff, their line manager should be informed. The investigating officer should seek advice and guidance from HR as necessary. Should the complaint be upheld then HR must be notified and the file passed on to HR for the most appropriate course of action.

## Settling complaints that incur costs

If it is likely that an admission of liability may incur costs, you must seek advice from the Head of Legal Services prior to drafting a response to the complainant.

## Investigation Reports

The investigation report must be submitted to the Duty Group Commander for sign off.

### Access to investigation reports and files

- If the complainant is not satisfied with the response they can appeal to the ACFO Service Support who will ensure an independent assessment is undertaken. The report and any notes will need to be passed to Committee & Members' Services so that they can be made available to the Officer undertaking a further assessment where required. However, if the complaint is about a member of staff, the Line Manager and/or HR should retain a copy of the report and any notes.
- In the event that the complainant is still not satisfied they can send their complaint to the Local Government Ombudsman, who may wish to examine any relevant files and obtain further evidence, so it is important that files are kept accurately.
- All held information may be requested under the Freedom of Information Act or Data Protection Act, therefore it is important that files are kept in accordance with relevant SPIs [Record Management](#), [Information Disposal Policy](#), [Freedom of Information Act and Environmental Information Regulations Policy](#) and [Data Protection Policy](#). If you require any further advice please contact Information Governance.

## Responses

All responses should be formalised in writing as this ensures clarity for both the complainant and the Service.

Responses must reflect a high standard. Elements that need to be included are:

- Corporate standards – ensure that letters are set out on the correct template (available on the intranet). All letters must be proof read and checked to ensure there are no errors. If you have any queries relating to corporate standards, please contact Committee & Members' Services.
- Cross reference any legal and financial issues with the relevant department before finalising your response. If you have had legal and/or financial advice, send a copy of your draft response to the relevant colleague to ensure that the facts are correct before finalising your response.
- Ensure the response is formally signed off by the Group Commander (or Area Commander if necessary).
- Ensure the response is formally signed off by the Group Commander (or Area Commander if necessary).
- Email a copy of the completed Admin 2 form and your draft response to Committee & Members' Services [committeeservices@hwfire.org.uk](mailto:committeeservices@hwfire.org.uk)
- The response will then be reviewed and dispatched on your behalf along with the 'Next Steps' information.

Some useful paragraphs to use in your response are as follows:

"Firstly may I thank you for bringing this matter to our attention, please be assured that we do take all complaints and concerns raised by members of the public seriously and I would like to reassure you that following your concern....."

"Thank you for your letter regarding the above, which I can confirm I have considered, and note the following points:"

"Further to our telephone conversation on **DATE** about the incident at **LOCATION**. I wanted to put in writing a summary of our conversation which confirms the content of our discussion during which you confirmed your mind had been put at rest."

"Firstly may I thank you for bringing this matter to my attention. As a Fire and Rescue Service we pride ourselves on providing our communities with a high quality service and I would like to apologise if you feel that this was not the case on this occasion."

"Thank you for taking the time to discuss your concerns with me over the telephone. Following our discussion I...."

"Please be assured that community safety is our primary concern and as the **GC/AC** for **XXXX** I have direct responsibility for...."

“In conclusion may I take this opportunity to thank you for your assistance and co-operation and for bringing this matter to our attention.”

“Public and Firefighter safety are of utmost importance to us. It is also important for us to consider the affect that our actions have on the community and that we strive to minimise disruption wherever possible.”

“Finally can I thank you for raising this matter with us, I’m always pleased to hear examples of local communities taking a proactive approach to fire safety.

“Once again please accept my apologies and also my appreciation for informing me of this matter. I hope that you consider the actions taken to be appropriate and sufficient.”

“I’m satisfied that no further action is necessary on this occasion but I would like to apologise on behalf of the Service for any alarm caused and any subsequent distress experienced.”

“I am aware that SC XXX visited you/telephoned you on XXX to discuss this matter and our proposed course of action.”

“Please be assured that we have robust procedures and training in place to support our drivers/firefighters/XXX and a unique set of core values which guide all members of staff in carrying out their duties and responsibilities, including communicating with members of the community.”

“Please be assured that in addition to this all staff members receive regular training in relation to conduct and ethical issues. We do not tolerate any activity that breaches our ethical framework and code of conduct policy.”

“I’d like to thank you for your vigilance in bringing this risk to our attention. As an organisation we continually strive to promote community safety, especially amongst vulnerable groups, and your action may have helped us to avoid a serious incident.”

## **The following text must always be included in the letter:**

### **Guidance to Complainants**

We aim to provide a high quality service to all our customers but if you are unhappy with the response you have received please let us know. Notify the Assistant Chief Fire Officer within 28 days at the address listed above or email [ccc@hwfire.org.uk](mailto:ccc@hwfire.org.uk). Your complaint will be referred to a Senior Officer who will conduct an independent assessment. We will inform you of the outcome within 28 days or advise you of any delay.

If you are still dissatisfied with the response you are entitled to send your complaint to: The Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH.