

ROYAL BERKSHIRE FIRE AUTHORITY



COMMITTEE	AUDIT AND GOVERNANCE COMMITTEE
DATE OF MEETING	23 MARCH 2022
SUBJECT	COMPLAINTS, COMMENTS AND COMPLIMENTS POLICY REVIEW
LEAD OFFICER	KATIE MILLS, HEAD OF CORPORATE SERVICES
LEAD MEMBER	N/A
EXEMPT INFORMATION	NONE
ACTION	TO AGREE

1. **EXECUTIVE SUMMARY**

- 1.1 To seek agreement from the Audit & Governance Committee regarding the proposed changes to the Complaints, Comments and Compliments Policy.

2. **RECOMMENDATION**

- 2.1 **AGREE** the proposed changes to the Complaints, Comments and Compliments Policy; and
- 2.2 **NOTE** that staff and representative bodies will be consulted on the proposed changes, and if further amendments are proposed will be presented to the next Audit and Governance Committee. If no further changes are required following publication, the Policy will be published.

3. **REPORT**

- 3.1 In line with organisational drive to simplify and streamline policies, the Complaints, Comments and Compliments Policy has been reviewed and updated to improve a variety of areas.
- 3.2 During the review, it was noted that the current policy required further guidance on dealing with unreasonable complainant behaviour or unreasonably persistent behaviour. These complaints are resource intensive and can hinder services to the residents of Berkshire.

- 3.3 An unreasonable complaint behaviour policy has been written, which sets out clear examples of what constitutes as unreasonable complainant behaviour or unreasonably persistent behaviour.
- 3.4 The policy outlines steps that the Service can take to manage any unreasonable behaviour. This includes an initial request to the complainant asking them to change their behaviour and a warning that the Service may restrict access to contacting the service if said behaviour continues.
- 3.5 The decision to restrict access can only be made by the Chief Fire Officer (CFO) or an appropriate deputy in their absence and deciding whether a complainant is unreasonable, requires each case to be independently reviewed with the complainant's behaviour and circumstances taken into account.
- 3.6 The appeals process has now been streamlined, with the complainant entitled to one appeal, to the Chief Fire Officer (CFO) and the appeal to the Fire Authority has been removed. A secondary appeal while appearing at first to offer a greater provision for complainants, actually results in an unnecessary hindrance in their complaint being processed and acts merely as a delay in the next step of the process in referral to the Local Government and Social Care Ombudsman. The appeal duplication also creates extra burden on the Service and this change would bring us into alignment with other fire and rescue services.
- 3.7 Following feedback from the HMICFRS Inspection regarding a need for greater monitoring of complaints, a new monthly report has been created which is circulated to the Senior Leadership Team to help identify and track any potential trends. Reference to this report has been included in the updated policy.
- 3.8 Previously, the policy set out that a full response to any complaint would be given in 7 working days. This has been updated to 10 days, to reflect the differing organisational work patterns of investigating officers and remove inconsistency around what constitutes a working day.
- 3.9 Duty officers will still continue to appoint an investigating officer out of usual working hours (Monday – Friday 09.00 – 17.00) if required. However, this provision will be managed on a case by case basis dependent on the details of the complaint. The automatic appointment is being removed as the policy already states that any individual taking a complaint should look to resolve it immediately and in the case that this is not urgent, appointing an investigating officer out of hours, provides no benefit to the complainant or a swifter response time. By ensuring that all complaints are channelled through Heads

of Service, there is a greater oversight in service areas and a consistent flow of information through a single channel. Anyone receiving a complaint that is related to an urgent safety or wellbeing matter are bound by RBFRS' policies and procedures and a removal of an out of hours investigating officer would not change this.

- 3.10 Accessibility guidance has been added to the policy, with complainants able to appoint an advocate to act on their behalf, once the Service has received written consent.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 Commitment 1 – We will provide education and advice on how to prevent fire and other emergencies.
- 4.2 Commitment 2 – We will ensure a swift and effective response when called to emergencies
- 4.3 Commitment 3 - We will provide advice, consultation and enforcement in relation to fire safety standards in buildings.
- 4.4 Commitment 4 – We will seek opportunities to contribute to a broader safety, health and wellbeing agenda, whilst delivering our core functions.
- 4.5 Commitment 5 – We will ensure that Royal Berkshire Fire and Rescue Service provides good value for money.
- 4.6 Commitment 6 – We will work with Central Government and key stakeholders in the interests of the people of Royal Berkshire.

5. FINANCIAL IMPLICATIONS

- 5.1 This report provides RBFA financial information under the corporate health quadrant.

6. LEGAL IMPLICATIONS

- 6.1 The Local Government and Social Care Ombudsman (LG&SCO) is the independent body responsible for investigating complaints made against public bodies where it is alleged that there has been maladministration causing injustice; a failure to provide a service that it was the public body's function to provide; or there was a total failure to provide such a service.
- 6.2 Fire and rescue authorities are specifically included in the list of public bodies within the scope of the LG&SCO by section 25 of the Local Government Act 1974.
- 6.3 However, subject to limited exceptions, complaints will not be investigated by the LG&SCO until a complainant has exhausted a local authority's internal complaints procedure.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 This report provides RBFRS equality and diversity information under the corporate health quadrant.
- 7.2 The complaints form has been redesigned to improve ease of use for all users including those with disabilities such as sight loss.
- 7.3 The policy has been updated to include the option of individuals appointing an advocate or responsible person to act on their behalf. This also improves ease of access for our communities.
- 7.4 An equality impact assessment has been created (Appendix B) to ensure that we are fulfilling our responsibility to consider the ramifications of all our decisions and activities, particularly regarding the groups protected by the Equality Act (2010).

8. RISK IMPLICATIONS

- 8.1 This report provides RBFRS corporate risk information under the risk quadrant.

9. CONSISTENCY WITH DUTY TO COLLABORATE

- 9.1 This report provides information on RBFRS performance measures and targets, as such there is no identified areas for collaboration.

10. PRINCIPAL CONSULTATION

- 10.1 Staff and representative bodies will be consulted on the proposed changes if policy is agreed and if further amendments are proposed will be presented to the next Audit and Governance Committee. If no further changes are required following publication, the Policy will be published.

11. BACKGROUND PAPERS

- 11.1 Local Government & Social Care Ombudsman unreasonable complainant behaviour guidance.

12. APPENDICES

- 12.1 Appendix A – Complaints, Comments & Compliments Policy and Procedure
- 12.2 Appendix B – Complaints Form
- 12.2 Appendix C - Equality Impact Assessment

13. CONTACT DETAILS

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