



Introduction ..... 2

Why is this important? ..... 2

Scope ..... 2

Policy ..... 2

Regulations ..... 3

    Classification of complaints ..... 3

    Performance monitoring ..... 3

Guidance ..... 4

Relevant Legislation ..... 4

Appendix 1: Feedback ..... 5

    Definitions used under this policy ..... 5

        Complaint ..... 5

        Vexatious Complainant ..... 5

        Founded Complaint ..... 5

        Unfounded Complaint ..... 5

        Partially Founded Complaint ..... 5

        Comments ..... 5

        Compliment ..... 6

    Format of feedback ..... 6

    Anonymous complaints ..... 6

    Acknowledgment ..... 6

    Investigation of negative feedback ..... 6

    Notification of outcome ..... 7

    Right to appeal ..... 7

    Right to escalate ..... 7

    Complaints on the grounds of potential discrimination ..... 7

    Vexatious complaints ..... 8

    Table 1 to Appendix 1: Feedback quick reference guide ..... 9

Appendix 2: Safeguarding Allegations ..... 10

    Definitions used in this Policy ..... 10

        Safeguarding ..... 10

        Allegation ..... 10

    Child Safeguarding Allegation Process ..... 10

        Notification to the organisation ..... 10

        Investigation process ..... 11

        Records management ..... 12

        Table 1 to Appendix 2: Allegations quick reference guide – CHILD ..... 13

    Adult Safeguarding Allegation Process ..... 14

        Notification to the organisation ..... 14

        Investigation process ..... 15

        Records management ..... 15

        Table 2 to Appendix 2: Allegations quick reference guide – ADULT ..... 17

## **Introduction**

The Authority wants to provide services to members of the public which helps them, sometimes in the most traumatic of circumstances. However, it is unrealistic to expect that it will ever be able to eliminate complaints entirely or satisfy everyone's expectations. This policy sets out the process by which the Authority seeks to deal with any feedback made to it, the investigation process for feedback, and how anyone giving feedback can expect to be treated.

It also sets out how any allegations made against staff when delivering services to the most vulnerable members of the community will be dealt with.

## **Why is this important?**

Feedback gives an opportunity to reward those staff that exceed the expectations of the people they meet. And when things go wrong, we need to deal with what happened quickly, and in a way that helps other agencies meet their own responsibilities. The guidelines are prescriptive, as much of them is set by the agencies we work with.

## **Scope**

This Policy is applicable to all Members of the Authority, staff, volunteers and contractors working for or on behalf of the Authority.

## **Policy**

The Authority's policy is to ensure that feedback received by the Authority is dealt with fairly and properly. The Authority is committed to transparency and an analysis of feedback received will be reported to the General Purposes Committee in a publicly-available report annually. Feedback is used to identify ways of improving the Authority's services or the manner in which these services are delivered.

The Policy aims to fulfil the following objectives:-

- a. Members of the public are made aware of their right to give feedback and of the procedure for doing so;
- b. Members of the public feel that feedback is being treated confidentially, fairly and seriously, regardless of whether the outcome brings complete satisfaction;
- c. Staff and elected Members are aware of this policy and how best to deal with feedback;
- d. The Authority responds to feedback quickly and in a courteous and efficient manner;
- e. Members of the public are aware of their rights if they are not satisfied with how feedback is handled by the Authority;
- f. The Authority learns from feedback and takes appropriate measures to improve services where appropriate;
- g. The reputation of the Authority when delivering services to those most in need is maintained.

## Regulations

- 1 The process for general feedback is described at **Appendix 1** to this Service Order. The process for allegations which involve children or vulnerable adults is attached at **Appendix 2**. Although designed for members of the public, the same process will also be used for allegations received from another agency.

### Classification of complaints

- 2 Any complaint or allegation made to the Authority is covered by this process, including any actions taken at operational incidents, actions relating to cases of adult or child safeguarding, or actions taken in relation to a request made under the Freedom of Information Act. In the case of allegations about safeguarding, the way of handling these is different to more standard feedback. They will only be handled by officers that have received additional training.
- 3 This Policy would not normally apply to challenges or objections concerning the enforcement of safety regulations, such as the issuing of an enforcement notice or activity occurring from an audit of a business premises, or a subsequent failure to comply with legislation. In these circumstances, the complainant will be directed to the appeals process outlined in the relevant legislation. Feedback about the conduct or behaviour of staff undertaking these actions does fall within the scope of this Policy.
- 4 Where feedback relates to a member of staff, it may also be necessary to consider the nature of the feedback under the Authority's Discipline and/or Code of Conduct Service Orders, and also in conjunction with the Authority's Whistleblowing Policy.

### Performance monitoring

- 5 Corporate Management Board shall ensure that at all times safeguarding is within the job description of a member of the Board. It will receive regular reports on feedback received to ensure any trends are identified where appropriate. General Purposes Committee shall receive an annual report on feedback from the public.
- 6 The Authority will record the level of feedback and the number of appeals during each financial year and the outcomes from each. It will not record sensitive personal data, such as age or ethnicity. Whilst best practice would suggest this should be collected, the very low numbers mean that no meaningful analysis of the data could be made, and the data is therefore not required.
- 7 The Authority will not request views on how well it has handled feedback. Due to the low number of complaints, and historically the even lower number of responses made to such requests, the data is meaningless. If the level of negative feedback increases to an extent that such information gains relevance, this position will be reviewed.
- 8 The Authority will maintain a database of all **feedback**. Records shall be kept for a duration of three years in accordance with the Authority's publication scheme, and then destroyed.
- 9 Any **allegations**, and the outcomes of any investigation into them, will be securely recorded by the Assistant Director, Human Resources. They will be retained for a period of ten years after the member of staff leaves the employment of the Authority.

## Guidance

- 10 Further guidance on the procedure to be followed by staff is available on the intranet.
- 11 Guidance for members of the public is available on the Authority's website. This provides step by step instructions on the entire feedback process.

## Relevant Legislation

Care Act 2014

Children's Act 1989

Office of the Information Commissioner guidance on data protection

Introduced by	James Finch – Assistant Director, Policy and Performance
Date implemented	15 July 2016
Revision No	7
Review by	15 July 2019

## **Appendix 1: Feedback**

- 1 Feedback covers positive feedback (compliments), negative feedback (complaints) and comments received.

### **Definitions used under this policy**

#### **Complaint**

- 2 A complaint is an expression of dissatisfaction, however made, about the standard, actions or lack of action undertaken by the Authority or its staff when in the employ of Kent Fire and Rescue Service, which affects any member of the public, groups of individuals or an organisation.
- 3 Any complaints about how requests made to the Authority under the Freedom of Information Act have been processed will be dealt with under the appeals section of the Feedback Service Order.

#### **Vexatious Complainant**

- 4 A vexatious complainant is an unreasonable or unreasonably persistent complainant who, because of the frequency or nature of their contacts within the Authority, hinders the Authority's consideration of their, or other people's complaints. A member of the public who makes repeated Freedom of Information requests on the same subject, or one who refuses to accept information provided as part of a Freedom of Information request or, as part of their request, is abusive to staff, may have their request deemed vexatious, following an investigation/appeal.

#### **Founded Complaint**

- 5 A founded complaint is one where the Investigating Officer has determined that the Authority was at fault and has tangible evidence to uphold the complaint.

#### **Unfounded Complaint**

- 6 An unfounded complaint is one where the Investigating Officer has determined that the Authority was not at fault in any way (examples would be a misunderstanding, or the complainant not being aware of the Authority's policy).

#### **Partially Founded Complaint**

- 7 A partially founded complaint is one where the Investigating Officer has determined that the Authority was partially at fault.

#### **Comments**

- 8 Comments are queries or statements about a particular activity or circumstance that do not raise a complaint. This could be a question about how or why the Authority is doing something, or it could be a suggestion of how it could do something differently. Any such enquiry or comment will be noted and a response provided where appropriate. Generally where a response is required to a comment, these will be treated as

requests under the Freedom of Information Act and will be processed and logged accordingly.

### **Compliment**

- 9 A compliment is any feedback received by the Authority which records appreciation for work or actions undertaken by an individual(s) in the employ of the Authority or relating to action undertaken by Kent Fire and Rescue Service or the Authority.

### **Format of feedback**

- 10 Complaints will only be accepted if made in writing. If a verbal complaint is received from a member of the public the complainant shall be asked to put their feedback in writing and offered advice in order to do so as appropriate. Feedback can be also be made via the Authority's website using the 'contact us' function.

### **Anonymous complaints**

- 11 Complaints which are anonymous will be treated equally seriously although it is accepted that the complainant may not be advised of the outcome. Complaints made under the Authority's whistleblowing policy will be investigated in the same way as a complaint made by someone from outside the organisation. This includes any safeguarding allegations made via the whistleblowing mechanism.

### **Acknowledgment**

- 12 Feedback should be dealt with as soon as practicable and an acknowledgment shall be sent to the complainant within three working days.
- 13 The person receiving negative feedback can sympathise with the complainant but shall not admit liability or blame on behalf of the Authority. At this stage the complaint is only an allegation which will require proper investigation.

### **Investigation of negative feedback**

- 14 On receipt of any negative feedback an investigating officer shall be appointed. The Investigating Officer is the person responsible for dealing with a complaint and ensuring that the procedure is followed. If the complaint refers to the actions of a member of staff, the investigating officer will always be a more senior officer.
- 15 All feedback received in writing at a fire station or a fire safety office must be scanned and forwarded to [feedback@kent.fire-uk.org](mailto:feedback@kent.fire-uk.org).
- 16 A verbal complaint received at an operational incident will be dealt with under the direction of the Incident Commander in the first instance and at an appropriate time. A note of the complaint/compliment shall be emailed to [feedback@kent.fire-uk.org](mailto:feedback@kent.fire-uk.org), along with any correspondence entered into.
- 17 Feedback received at Service Headquarters or by Authority Members or by contractors will be directed to [feedback@kent.fire-uk.org](mailto:feedback@kent.fire-uk.org) and an Investigating Officer will subsequently be appointed.

- 18 Where feedback requires more detailed investigation it should normally be dealt with within **twenty working days**. However, if this is not possible, the complainant should be kept informed of progress after each three week period.

### **Notification of outcome**

- 19 On completion of any investigation, a letter or email should be sent by the Investigating Officer to the complainant confirming the action taken by the Authority. This will confirm whether the complaint was founded, unfounded or partially founded.
- 20 If the complaint is founded and it is identified that a change to the Authority's policies, procedures or training programme is required, then the issue will be referred to the Head of Section as appropriate for discussion.

### **Right to appeal**

- 21 A member of the public has the right to appeal about the outcome of a complaint made. To do this, they must place their request for an appeal in writing. When received, it will be forwarded to [feedback@kent.fire-uk.org](mailto:feedback@kent.fire-uk.org). An appeals officer, who was not involved in investigating the original complaint, will be appointed. Their role is not to reinvestigate the complaint, but to confirm that the Authority's policy has been correctly applied. However, as part of the appeals process, new information which may have a bearing on how the complaint was interpreted may come to light. In such cases, the outcome of the complaint should be reviewed.
- 22 Appeals must be notified to the Authority within 20 working days of the original response to the complaint being sent to the complainant. Any request for an appeal outside this timeframe will not be processed.
- 23 The outcome of the appeal will be notified to the complainant within 20 working days. At this stage, the appeal may be declared as founded and the original finding will be overturned. Alternatively, the original finding may be upheld. At this stage, the Authority may also declare the complainant vexatious.
- 24 Requests made under the Freedom of Information Act enter the complaints process at the appeal stage.

### **Right to escalate**

- 25 If a complainant is not satisfied with the handling of their complaint after an appeal has been conducted, or after they have been declared vexatious, the Authority has no further mechanism in place to assist them and they will be directed to the Local Government Ombudsman for complaints, and the Office of the Information Commissioner for issues relating to the Freedom of Information Act.

### **Complaints on the grounds of potential discrimination**

- 26 The Authority seeks to ensure that it is able to provide services which meet the needs of everyone in the community we serve. However we recognise that there may be occasions when we do not get this right. This Policy will be used to deal with feedback alleging discrimination. This will include complaints of discriminatory behaviour, including harassment. This may include complaints that a policy, process, procedure or

practice is discriminatory (e.g. “institutional discrimination”). Common grounds for discrimination are race, gender, disability, sexual orientation, religion, belief, age or social and economic background.

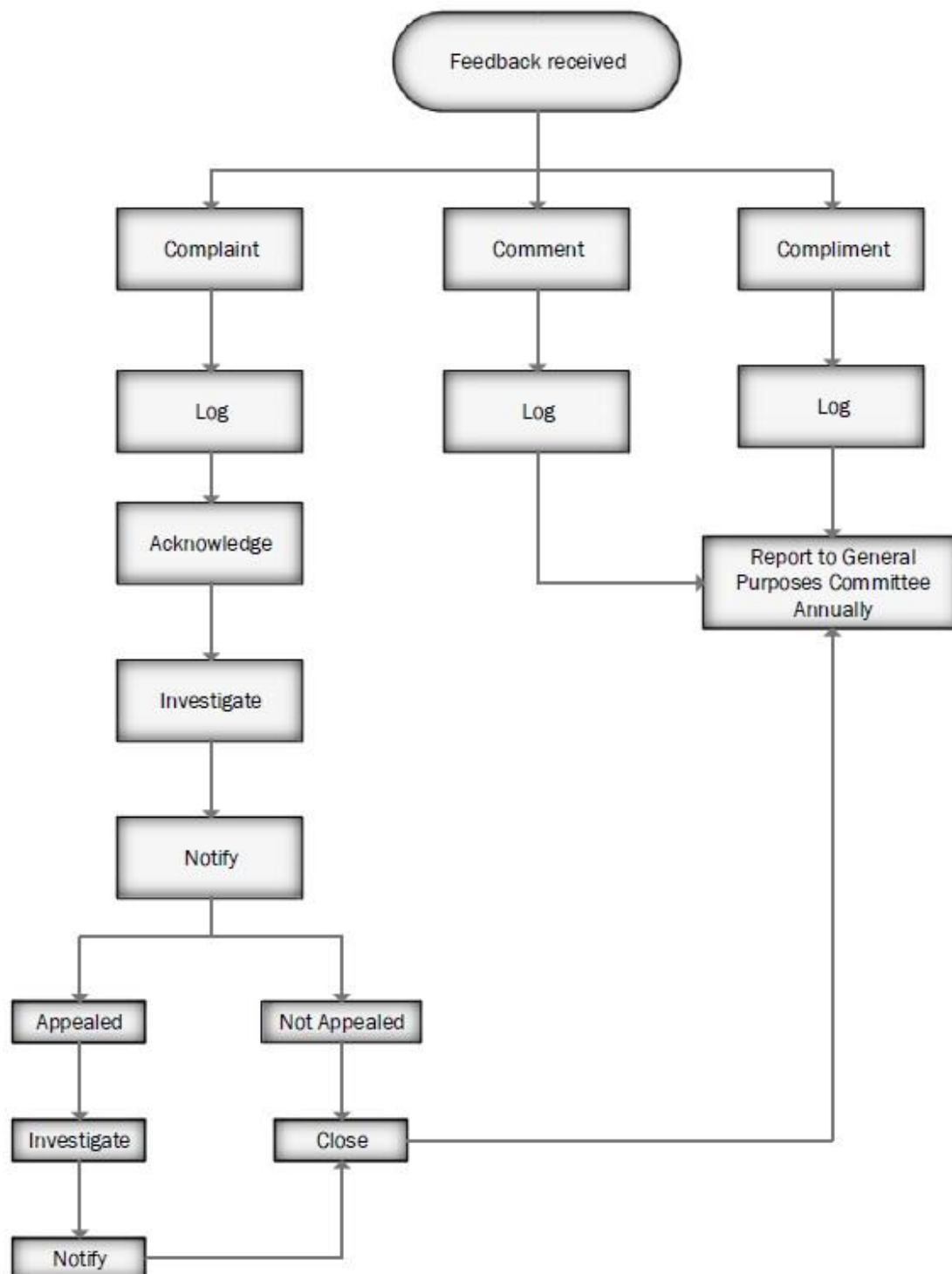
- 27 The Authority recognises that it could receive complaints of a discriminatory nature relating to another local authority or agency. Under these circumstances the feedback will be taken and passed on to the appropriate organisation. Information on complaints of a discriminatory nature will be collected to enable the level and nature of such complaints to be closely monitored and appropriate action plans developed to address identified areas of action.

### **Vexatious complaints**

- 28 Complainants will be advised when the Authority considers that the nature of the correspondence is becoming vexatious.
- 29 If, following an appeal, a complaint is declared vexatious, no further investigation of the complaint will be made, and the Authority will close the complaint. Any further complaint made by the complainant on another issue shall normally be treated as a new complaint, and not as a vexatious complaint.



**Table 1 to Appendix 1: Feedback quick reference guide**



## Appendix 2: Safeguarding Allegations

### Definitions used in this Policy

#### Safeguarding

- 1 Safeguarding is the action that is taken to promote the welfare of children and protect them from harm<sup>1</sup>. However, it is also used to mean issues surrounding the vulnerable adults which the Authority provides services to.

#### Allegation

- 2 In this context an allegation is a complaint made against a member of staff, either by a service user, another member of staff, or an agency, that the member of staff has taken actions that are likely to cause harm to that individual.

### Child Safeguarding Allegation Process

#### Notification to the organisation

- 3 The email address [safeguarding@kent.fire-uk.org](mailto:safeguarding@kent.fire-uk.org) will be publicised as the preferred way to receive safeguarding allegations. Access to this inbox will be restricted to staff who have had relevant training. Guidance is available on the Authority's website to help people make such an allegation.
- 4 Allegations may also be received by telephone via the Authority's switchboard. As soon as it is recognised that the issue relates to safeguarding, the minimum information possible will be recorded and passed to the Duty Brigade Manager (DBM).
- 5 Safeguarding allegations are NOT to be recorded as feedback within the Authority's feedback log.
- 6 Each top-tier local Authority in Kent (Kent County Council and Medway Council) has a Local Authority Designated Officer (LADO). On receipt of an allegation, the DBM in liaison with the Duty Safeguarding Officer is responsible for passing the allegation to the LADO within one working day. The decision on which LADO should be notified depends on where the member of staff concerned is **permanently based as a place of work**. The notification should be made by telephone (KCC 03000 410 888 or Medway 01634 331229), and potentially followed up with an email.
- 7 Out-of-hours arrangements for immediate advice is available from "Kent and Medway Social Services Out of Hours" on 03000 41 91 91.
- 8 The purpose of the discussion with the LADO is to:
  - Advise them of the allegation
  - Seek advice on how the allegation should be handled
  - Identify if thresholds for referral to Children's Services have been met

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<sup>1</sup> Source: <https://www.nspcc.org.uk/preventing-abuse/safeguarding/>

- Determine who will make the referral to Children's Services (if appropriate), (although it should be assumed that the DBM, in liaison with a DSO, will perform this role).
- 9 Once the relevant LADO has been notified, the DBM must notify the Assistant Director, Human Resources (during working hours) of the allegation. The allegation must be recorded in a decision log, alongside any subsequent action taken (see paragraph 15).
  - 10 As soon as practicable, the allegation will be logged and stored securely by the Assistant Director, Human Resources. Access to this data is restricted.
  - 11 The LADO will advise the DBM if the allegation passes critical thresholds which mean further action is necessary. They will have access to additional information which the Authority will not be sighted on.
  - 12 If the advice from the LADO is that the allegation passes the necessary thresholds, then the DBM, in liaison with a DSO will refer the allegation to the relevant Children's Social Services department.
  - 13 The LADO, in reaching that decision, may request a strategy discussion with other relevant agencies. They may also involve police or social services at that stage. The Authority will not await the outcome of that discussion before taking the actions detailed at paras 15 and 16 below. This is to protect both the Authority and the member of staff.
  - 14 The LADO will advise what information about the allegation can be released to the member of staff.
  - 15 The member of staff who is the subject of the allegation must then be suspended from their contractual duty pending investigation. This does not necessarily mean that they are suspended from work, and options include potentially being redeployed into another function, or barred from lone working. The member of staff is to be told of this as soon as practicable, but are not to be given any details of the allegation. Suspension of this nature can only be actioned by the Assistant Director, Human Resources, a member of the Duty Corporate Cell, or the DBM, in consultation with the Chief Executive. The line manager of the member of staff will also be notified of the change of duties.
  - 16 If the allegation concerns the Chief Executive, the Assistant Director, Human Resources, or the duty Corporate Cell member, will contact the Chairman of the Authority to discuss the allegation, and request that he/she actions suspension of the Chief Executive pending investigation.

### **Investigation process**

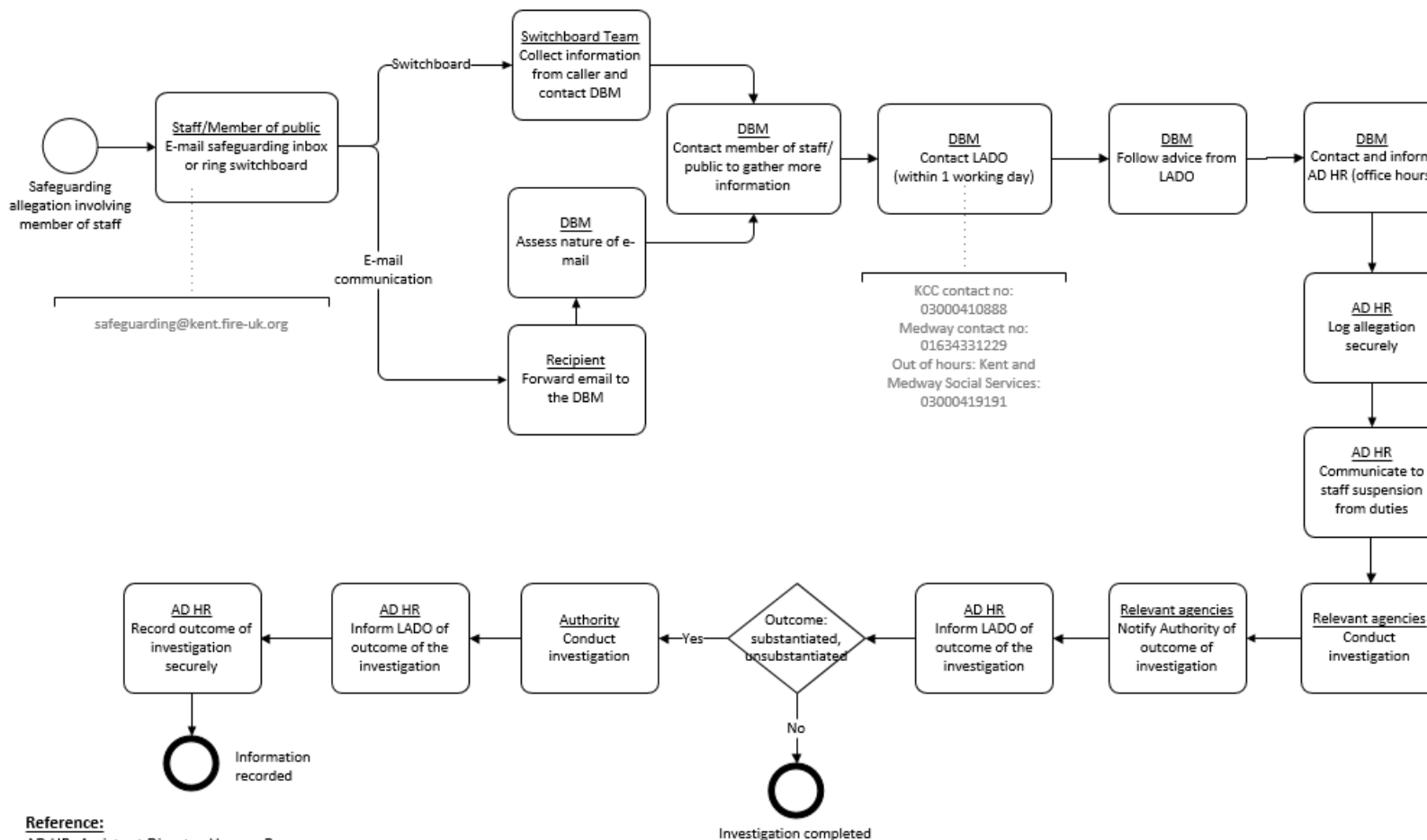
- 17 The Authority must allow the relevant agencies to investigate the allegation, and await outcome of a Section 47 investigation under the Children's Act 1989, or a criminal investigation, before taking any action against the member of staff (unless advised otherwise by investigating agencies). This includes any form of investigation under the Authority's Code of Conduct or Discipline Regulations.

- 18 The Authority must co-operate in the investigation, including releasing all relevant details requested, where they are held by the Authority, under Section 47 of the Children's Act.
- 19 Once the investigation is completed by the relevant agencies, the Authority will be notified of the outcome in terms of any further action they may wish to take. The Assistant Director – Human Resources should then notify the LADO of the outcome of the investigation. The outcome will be one of the following, which will be categorised by the Authority:
  - Substantiated;
  - Unsubstantiated;
  - Unfounded (being either malicious or false);
- 20 If there was an outcome of substantiated or unsubstantiated then an investigation under the Authority's discipline regulations will be undertaken.
- 21 If the allegation does not pass the relevant thresholds in the opinion of the LADO, or the case has been closed by Police/Social Services, the allegation may still be considered under the Authority's discipline process. The Assistant Director, Human Resources, may still want to liaise with the relevant LADO as part of this investigation to utilise their skills and experience.
- 22 The Assistant Director, Human Resources, will notify the LADO of the outcome of the discipline process regardless of the outcome. The Authority will utilise the same classifications as shown in paragraph 119. It may also be necessary following discussions with the LADO to notify the Disclosure and Barring Service of the outcome from both investigations.

### **Records management**

- 23 The Authority will maintain a record of all identified concerns, people consulted, decisions made and any recommendations given. This information will be excluded from publication under the Freedom of Information Act. Records of any allegations made and outcomes of any investigation should be kept for ten years after the employee has left the organisation.

**Table 1 to Appendix 2: Allegations quick reference guide – CHILD**



**Reference:**  
 AD HR: Assistant Director Human Resources  
 DBM: Duty Brigade Manager  
 DSO: Designated Safeguarding Officer  
 LADO: Local Authority Designated Officer  
 OCSO: On-call Safeguarding Officer

## Adult Safeguarding Allegation Process

### Notification to the organisation

- 24 The email address [safeguarding@kent.fire-uk.org](mailto:safeguarding@kent.fire-uk.org) will be publicised as the preferred way to receive safeguarding allegations. Access to this inbox will be restricted to staff who have had relevant training. Guidance is available on the Authority's website to help people make such an allegation.
- 25 Allegations may also be received by telephone via the Authority's switchboard. As soon as it is recognised that the issue relates to safeguarding, the minimum information possible will be recorded and passed to the DBM.
- 26 Safeguarding allegations are NOT to be recorded as feedback within the Authority's feedback log.
- 27 On receipt of an allegation, the DBM, in liaison with a DSO, is responsible for passing the allegation to the relevant local authority adult social care department within one working day.
- 28 The decision on which local authority adult social care department should be notified depends on **where the allegation occurred**. The notification should be made by telephone (KCC 03000 416161 or Medway 01634 334466), and potentially followed up with an email.
- 29 Out-of-hours arrangements for immediate advice is available from "Kent and Medway Social Services Out of Hours" on 03000 41 91 91.
- 30 The discussion with Adult Social Services is to:
  - Advise them of the allegation;
  - Seek advice on how the allegation should be handled;
  - Identify if thresholds for statutory or non-statutory investigation have been met.
- 31 Once the relevant local authority adult social care department has been notified, the DBM must notify the Assistant Director, Human Resources (during working hours) of the allegation. The allegation must be recorded in a decision log, alongside any subsequent action taken (see paragraph 35).
- 32 As soon as practicable, the allegation will be logged and stored securely by the Assistant Director, Human Resources. Access to this data is restricted.
- 33 The relevant local authority adult social care department will advise if the allegation passes critical thresholds for statutory or non-statutory investigation. They will have access to additional information which the Authority will not be sighted on.
- 34 If the advice from the relevant local authority adult social care department is that the allegation passes the necessary thresholds, then the responsibility to investigate it passes to that social care department.

- 35 The member of staff who is the subject of the allegation must then be suspended from their contractual duty pending investigation. This does not necessarily mean that they are suspended from work, and options include potentially being redeployed into another function, or barred from lone working. The member of staff is to be told of this as soon as practicable, but are not to be given any details of the allegation. Suspension of this nature can only be actioned by the Assistant Director, Human Resources, a member of the Duty Corporate Cell, or the Duty Brigade Manager, in consultation with the Chief Executive. The line manager of the member of staff will also be notified of the change of duties.
- 36 If the allegation concerns the Chief Executive, the Assistant Director, Human Resources, or the duty Corporate Cell member, will contact the Chairman of the Authority to discuss the allegation, and request that he/she actions suspension of the Chief Executive pending investigation.

### **Investigation process**

- 37 The Authority must allow the relevant agencies to investigate the allegation, and await outcome of a Section 42 investigation under the Care Act 2015, or a criminal investigation, before taking any action against the member of staff (unless advised otherwise by the investigating agencies). This includes any form of investigation under the Authority's Code of Conduct or Discipline Regulations.
- 38 The Authority must co-operate in the investigation, including releasing all relevant details requested, where they are held by the Authority, under Section 42 of the Care Act.
- 39 Once the investigation is completed by the relevant agencies, the Authority will be notified of the outcome. The Assistant Director – Human Resources should then notify the relevant authority's Adult Social Care team of the outcome of the investigation. The outcome, categorised by the Authority, will be one of the following:
- Substantiated;
  - Unsubstantiated;
  - Unfounded (being either malicious or false);
- 40 If there was an outcome of substantiated or unsubstantiated then an investigation under the Authority's discipline regulations will be undertaken.
- 41 If the allegation does not pass the relevant thresholds in the opinion of the relevant local authority adult social care department, or the case has been closed by Police/Social Services, the allegation may still be considered under the Authority's discipline process. The Assistant Director, Human Resources, may still want to liaise with the relevant authority's Adult Social Care team as part of this investigation to utilise their skills and experience.
- 42 The Assistant Director, Human Resources, may notify the relevant authority's Adult Social Care team of the outcome of the discipline process regardless of the outcome. It may also be necessary to notify the Disclosure and Barring Service of the outcome from both investigations.

### **Records management**

- 43 The Authority will maintain a record of all identified concerns, people consulted, decisions made and any recommendations given. This information will be excluded from publication under the Freedom of Information Act. Records of any allegations made and outcomes of any investigation should be kept for ten years after the employee has left the organisation.



**Table 2 to Appendix 2: Allegations quick reference guide – ADULT**

