

North Yorkshire Fire & Rescue Service Complaints Standard Operating Procedure

INTRODUCTION

Complaints about North Yorkshire Fire & Rescue Service are handled by the Office of the Police, Fire and Crime Commissioner (OPFCC). This procedure details the steps to be taken to deal with complaints and is a part of the Authority's complaints policy.

DEFINITIONS

A complaint is an expression of dissatisfaction by a member of the public, however made, about the standard of service, conduct, or lack of action by the Fire Service. There is a separate policy for dealing with complaints about Fire Safety standards.

There are two forms of resolution to a complaint.

- (i) Informal Resolution
A complaint which is completed satisfactorily at the point of delivery or after it has been agreed by the complainant that they do not want a formal resolution

- (ii) Formal Resolution
A complaint where the complainant remains dissatisfied at the informal stage. The investigation of a formal complaint is programmed and monitored by the Complaints and Recognition Team in the OPFCC.

An employee of the Fire Authority must use the grievance procedure where there is any difference arising between themselves and the Fire Authority concerning the interpretation or application of policies, rules or procedures related to salaries, fringe benefits or other conditions of employment.

Grievances are subject to a separate procedure with a shorter time limit and more proscriptive requirements are placed on both parties. It is important that the correct procedure is followed by managers.

RECEIVING COMPLAINTS

The Authority may receive complaints in writing (including via the website or e-mail) or verbally (over the telephone or in person), at any one of the Authority's sites, including headquarters or anywhere where employees are working and available to the public.

The Fire Authority Policy is to deal with complaints fairly, swiftly, thoroughly, impartially and in confidence.

An individual who wishes to remain anonymous can still make a complaint, though we would rather deal directly with you. Although we won't be able to inform you of the outcome, the Authority will still investigate where possible and take action where appropriate.

The Authority is committed to providing a service to all members of the community based on individual needs, and preventing discrimination on the grounds of age, colour, disability, gender, nationality, ethnic or national origin, religion/belief, marital/parental status, sexual orientation, or any other reason which cannot be shown to be justified.

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The Authority has arrangements in place to help people who have difficulties in communicating or if English is not their first language. A Language Line facility is available within the organisation. This enables people who have difficulties communicating in English to be put directly in contact with an interpreter who will oversee the conversation. Letters and reports can also be produced in large print (16pt plain text), in Braille, on tape or in alternative formats.

First stage - Complaints received at station – handling complaints

Where a complainant makes contact either in person; by phone; letter; via the website or e-mail, where possible, the first approach will be to try and achieve an informal resolution, directly with the complainant.

Any complaints received at the station, the appropriate manager should try and rectify informally within 10 calendar days of receiving the complaint.

After the 10-day period, if the complaint has not been resolved the complaint should be treated as a formal complaint and the manager should contact the Complaints and Recognition Team with the complainant's contact details and nature of the complaint.

The Complaints and Recognition Team should then follow the formal complaints procedure as detailed in Second Stage – Formal Complaints.

Where the complainant is not satisfied with an informal resolution and wishes to make it formal then the Second Stage – Formal Complaints must be followed.

First stage - Complaints received directly into the Complaints and Recognition Team

Any complaints directly received by the Complaints and Recognition Team will be sent to the appropriate manager to review and try and rectify informally within 10 calendar days of receiving the complaint. After the 10 day period clarification will be sought from the manager whether they have been able to obtain an informal resolution or whether it needs to be progressed through the Second Stage – Formal Complaints route.

There may be occasions that warrant the complaint to be dealt with immediately as formal.

Second stage – formal complaints

If the complaint was received at station and was not resolved informally, the appropriate manager will forward the details of the complaint to the Complaints and Recognition Team, these should include date received, contact details, nature of complaint and any other relevant details.

The Complaints and Recognition Team will follow this procedure:

- Written acknowledgement of receipt to complainant
- Nominate an Investigating Officer

REFERRALS

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The Complaints and Recognition Team will refer complaints for investigation within 2 working days of it being received as a complaint that requires formal resolution. It will not be sent to the manager that has been involved with the informal resolution process.

An Investigating Officer will be appointed to deal with the complaint as follows:

- a) The respective Station/Group Manager/Section Head for where the complaint relates to will be sent the complaint to investigate.
- b) If the complaint covers more than one district or involves a Group Manager / Section Head it will go to the appropriate Function Head to investigate.
- c) Complaints regarding Function Heads will be referred to the appropriate Principal Officer for a decision on the most appropriate Investigating Officer.
- d) Complaints regarding Principal Officers are covered by the Chief Fire Officer or Chief Finance Officer depending on the nature of the complaint.
- e) Complaints regarding the Chief Fire Officer are dealt with by the Police, Fire and Crime Commissioner.

ACKNOWLEDGEMENT

The Complaints and Recognition Team will send a written acknowledgement within 5 working days of receipt of the complaint being made formal, to inform the complainant that the matter will be investigated and the name of the investigating officer and to expect a written outcome.

INVESTIGATIONS

The nominated investigating officer is responsible for ensuring that a thorough investigation into the circumstances of the complaint is carried out. This may be done either by investigating personally or by appointing an assistant officer/s. In either case the investigating officer will contact the complainant within 5 working days to discuss the content of the complaint. Depending on the circumstances the investigating officer may need to visit the complainant or have dialogue with them.

There may be occasions where the investigating officer needs to meet with staff members to discuss the complaint. This meeting is an informal discussion to establish the facts to assist resolve the complaint.

CONFIDENTIALITY

Complaints are to be dealt with in the strictest confidence. Obtain clarification from the complainant about whether they have any concerns about being identified as part of the investigation. If no consent is given or clarification has not obtained / given assume the complainant does not want to be identified during the investigation into the complaint.

FINAL OR INTERIM RESPONSES

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In all cases investigating officers are to send a final outcome report, or an interim reply advising that the investigation is not yet complete, to the Complaints and Recognition Team within 28 working days of receipt of the formal complaint.

Under **no circumstances** should the investigating officer(s) send a final response directly to the complainant.

A copy of the outcome report is to be forwarded to the Complaints and Recognition Team where a broader response will be considered, if necessary.

In cases where the investigating officer has made recommendations but there is a question over what action is to be taken to resolve the complaint, the investigating officer is to forward the complaint to their respective line manager for advice regarding remedial or further action.

The Complaints and Recognition Team will inform the investigating officer that a response has been provided. At this stage, the investigating officer will inform staff members interviewed during the investigation that a response has been issued to the complainant and where appropriate the outcome of the complaint.

This must be kept securely and disposed of in accordance with the Retention Schedule.

APPEALS

Complainants will be informed of their right to appeal and who to appeal to in the correspondence advising them of the outcome(s) of the investigation.

If complainants are not satisfied with the outcome, they can submit an appeal against this decision to the Complaints and Recognition Team. The appeal will be given to a nominated senior officer, who will investigate the whole case. Following the investigation, a letter will be sent to the complainant detailing their findings. If still not satisfied with the outcome at the end of the appeal procedure, a complaint can be made to the Local Government Ombudsman.

TIMESCALES

The appropriate manager will be given 10 calendar days to achieve informal resolution.

If informal resolution is not achieved the complaint will be progress through the formal stage. The investigating officer will be given 28 working days from the date the complaint was made formal to send a final / interim report to the Complaints and Recognition Team.

The Complaints and Recognition Team will respond to the complainant within 5 working days of receiving the final / interim report.

If the complainant appeals against the outcome, the case will be reviewed within 20 working days from receipt of the appeal.

COMPLAINTS REGISTER

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The Complaints and Recognition Team will enter all complaints in the Complaints Register along with details of progress and the outcome(s) of each investigation.

Complaints that have been resolved informally will be destroyed after two years; Complaints that have formal resolution will be destroyed date of resolution plus 6 years.

ANONYMOUS COMPLAINTS

Anonymous complaints will be investigated as thoroughly and under the same procedure as other complaints. Reports of the outcome(s) of the investigation will be prepared by the Complaints and Recognition Team and may be submitted to the Deputy Chief Fire Officer for consideration of any further steps to be taken by North Yorkshire Fire and Rescue Service in appropriate circumstances.

VARYING THE PROCEDURE

The Complaints and Recognition Team may, in exceptional circumstances, vary from this procedure; for example where vexatious and repeated complaints are made.

COMPLAINTS REGARDING FINANCIAL MATTERS

If the matter falls within the jurisdiction of the Chief Finance Officer, the complaint will be investigated by the Chief Finance Officer who will provide written details of the outcome direct.

COMPLAINTS REGARDING FREEDOM OF INFORMATION OR RE-USE OF PUBLIC SECTOR INFORMATION APPLICATIONS

All complaints regarding Freedom of Information responses or the Authority's response to a re-use of public sector information application are dealt with by the Central Administration Office.

If the requestor / applicant is not satisfied with the response given they can complain to the Complaints and Recognition Team in the first instance, and it will be dealt with as a formal complaint. If the issue is not resolved, then the requestor / applicant can refer the complaint to the Information Commissioners Office.