



PFCC
POLICE, FIRE AND CRIME
COMMISSIONER FOR ESSEX

**Essex Police, Fire and Crime Commissioner Fire and Rescue
Authority**

Decision Report

Please ensure all sections below are completed

Report reference number: 154-19
Government security classification (e.g. Not protectively marked/Official - Sensitive): Not protectively marked
Title of report: Whistleblowing, Comments, Compliments and Complaints Policies
Area of county / stakeholders affected: Countywide
Report by: Tracy King, Assistant Director, Business Planning and Performance
Date of report: 18 October 2019
Enquiries to: Tracy King, Assistant Director, Business Planning and Performance

1. Purpose of the report

To formally seek authorisation of the following policies and associated umbrella document:

Speak out umbrella document

001 Information Governance Whistleblowing Policy

002 Comments, Compliments and Complaints Policy

2. Recommendations

It is recommended that the Commissioner agrees these policies and the associated umbrella document.

3. Benefits of the proposal

These organisational policies provide an important internal control on how complaints and whistleblowing will be dealt with. The updated and improved whistleblowing and compliments and complaints policies endeavour to increase confidence in the processes and provide greater transparency in how the process works and is monitored. The policies also take into account the current governance arrangements and reflect best practice amongst other Police, Fire and Crime Commissioners nationally.

4. Background and proposal

The Commissioner and Service recognise the importance of having an effective complaints, compliments and whistleblowing system both in terms of maintaining public trust and in ensuring effective service delivery. Following a review of the existing system it was acknowledged that it required review and improvement to increase staff confidence in the process and ensure organisational learning was captured.

Having considered the legal and regulatory requirements and taking into account feedback from a series of staff workshops, a set of draft policies was developed. These draft documents were consulted on with representative bodies and responses were collated and necessary amendments made.

The revised documents were discussed at the Strategic Board on 5th June 2019.

5. Alternative options considered and rejected

This is a complete redevelopment of these policies and as such a number of options were considered during the development process. In particular several methods of providing scrutiny were considered including specific involvement of the Commissioner's office as the appeal body for complaints or just reviewing closed cases. Because of staff feedback throughout the workshop phase the perceived benefit of clearer separation between the initial investigation of a complaint and the handling of the appeal process the decision was taken to include the Commissioner's office as the appeal body.

There were also a number of options considered when looking at who staff could provide a whistleblowing report to. Options considered included the Police, Fire and Crime Panel and an independently appointed external body. The independent body was selected as the appropriate option given its clear separation from the Authority and the approachability this would provide for staff.

6. Strategic priorities

This is a key element within the Service's overall cultural change programme so is closely linked to priorities within the Fire and Rescue Plan, in particular *Promote a positive culture in the workplace* and *Be transparent, open and accessible*. The whistleblowing policy is specifically mentioned as a deliverable within the Fire and Rescue Plan's *Promote a positive culture in the workplace* priority.

7. Operational implications

This will impact on all staff within the Service and the public. As such a communication plan has been developed to go alongside the publication of these strategies.

8. Financial implications

There are no direct financial implications from this decision.

9. Legal implications

These policies take into account the Service's legal obligations in terms of whistleblowing and the handling of complaints and the wider sector specific complaints framework.

10. Staffing implications

There are no staffing implications associated with the ~~Agreement~~ policies.

11. Equality and Diversity implications

These policies have been developed to be accessible and to reflect the Service's commitment to a continuously improve the diversity of the workforce and tackle bullying and discrimination.

12. Risks

There are no key risks associated with the ~~Agreement~~ policies.

13. Governance Boards

The following Governance Boards have considered these policies:

- Performance and Resource Board (Fire and Rescue)
- Strategic Board (Fire and Rescue)

14. Background papers

Speak out umbrella_Finalv1.0

001 Information Governance Whistleblowing Policy_Final

002 Comments, Compliments and Complaints Policy_Finalv1.0

Decision Process

Step 1A - Chief Fire Officer Comments

(The Chief Fire Officer is asked in their capacity as the Head of Paid Service to comment on the proposal.)

I approve the recommendation

Sign:

Date:

22/10/19

Step 1B – Consultation with representative bodies

(The Chief Fire Officer is to set out the consultation that has been undertaken with the representative bodies) consultations undertaken with all representative bodies

Step 2 - Statutory Officer Review

The report will be reviewed by the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority's ("the Commissioner's") Monitoring Officer and Chief Finance Officer prior to review and sign off by the Commissioner or their Deputy

Monitoring Officer

Sign: *[Signature]*

Print: P. SEAST-BREWSTER

Date: 18 November 2019

Chief Finance Officer

Sign: *[Signature]*

Print: GLENN McQUINN

Date: 22/10/2019

Step 3 - Publication

Is the report for publication?

YES/NO

If 'NO', please give reasons for non-publication (Where relevant, cite the security classification of the document(s). State 'none' if applicable)

N/A

If the report is not for publication, the Monitoring Officer will decide if and how the public can be informed of the decision.

Step 4 - Redaction

If the report is for publication, is redaction required:

1 Of Decision Sheet YES/NO

2 Of Appendix YES/NO

If 'YES', please provide details of required redaction:

.....
..... NIA

Date redaction carried out:

If redaction is required, the Chief Finance Officer or the Monitoring Officer are to sign off that redaction has been completed.

Sign:

Print:

Date signed:

Sign: *Approved* *[Signature]* (PFCC / DPFCC)

Print: *RCH*

Date signed: *26/1/19*

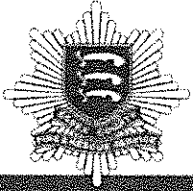
I do not agree the recommendations to this report because:

.....
.....

Sign: (PFCC / DPFCC)

Print:

Date signed:



Information Governance

Speak Up, Speak Out

Title	Speak Up, Speak Out
Author/Owner	Tracy King
Status	Approved
Version	1.0
Date Approved	5 June 2019
Approved by	Police, Fire and Crime Commissioner Fire and Rescue Authority
Review Date	01.07.2020
Security Classification	OFFICIAL

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Introduction

Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (the Authority) want to hear about your experiences of our services. Comments, compliments and Complaints (commonly collectively known as feedback) are all learning opportunities for the Authority and can help us improve the services we provide to all customers.

This guidance is aimed at anyone who is considering providing feedback relating to the services we provide. We urge all users of this document to consider an informal route to resolution. You may be dissatisfied with the outcome of the informal route in which case exercising your right to complain is the appropriate next step.

Your feedback is important to us. When you are pleased with our services we would like you to tell us so we know what is working well for you. Where expectations have not been met or where our Service has been below published standards your feedback is key to help us improve, help us to put it right and improve our service. If you are making a complaint on behalf of someone else, we need their signed consent that they have agreed to this.

When considering comments, compliments and complaints about our service we try to be:

- Helpful and accessible
- Clear, timely and thorough
- Positive, improving and learning lessons for the future

How can you submit a comment, compliments or complaint?

You can tell us your views in the following way:

- Use our online form <http://www.essex-fire.gov.uk/contact/>
- Telephone: 01376 576299
- Email: informationgovernance@essex-fire.gov.uk
- Post: Performance & Data Department
Kelvedon Park
Rivenhall, WITHAM
CM8 3HB

Compliments

What is a compliment?

A Compliment is an expression of praise or satisfaction with the service provided by the Authority or its employees in the course of their duties.

What happens when I compliment you?

- You will receive an acknowledgement that we are in receipt of your compliment.
- We will review and look into what you have told us and understand what has worked well.
- We will learn lessons from the compliment and share best practise across the Authority
- We will praise and give credit to our staff whom the compliment relates to.

Complaints

What is a complaint?

A complaint is an expression of discontent or dissatisfaction regarding the standard of service, actions or lack of action by the Authority or by its staff when acting in the course of their duties.

Examples of this could be:

- Delay or failure to provide a service
- Dissatisfaction with our policies
- Failure to provide adequate standards of service
- Failure to fulfil statutory responsibilities
- An employee's attitude or behaviour
- Lack of customer service
- Dissatisfaction or concerns with the way we handle your personal information

What is not a complaint?

- Informal, day-to-day matters that can easily be resolved
- A request for service
- A request for information or explanation of policy or procedures
- Making an appeal following a decision about procedure or policy i.e. internal review following a Freedom of Information request response

What happens when I complain to you?

We will review your complaint to determine if it falls within one of the following complaint types:

- Corporate Complaint
- Safeguarding Complaint
- Data Protection Complaint

Corporate Complaints

- We will acknowledge receipt of your complaint.
- We will investigate what you have told us and respond to you within 20 working days.

- If we cannot respond to you within 20 days we will let you know and explain why.
- We will take your complaint seriously and make sure you receive a fair and full response
- We will put things right for you if we can and learn from any mistakes to make improvements to our services.
- We will advise you if your complaint is about another body acting on our behalf.
- We will let you know if we agree with part or all of your complaint, apologising and considering appropriate actions to provide a remedy for any service failure.
- We will explain the reasons why if we do not agree with your view of our services. We hope this will assist you to understand matters better, even if some of your concerns remain.
- We will regularly review the lessons learnt from considering complaints so that we can improve the quality of our service. In this way, the outcome of our consideration of your complaint may help improve the experience of others that use our services.

Complaints relating to the Chief Fire Officer and Principle Officers

Complaints against the Chief Fire Officer and Principle Officers can be submitted by any member of the public and staff. If the complaint is related to an internal grievance matter then this will be dealt with through the grievance policy.

All allegations or complaints against the Chief Fire Officer and Principle Officers will be managed, investigated and concluded by the Police, Fire and Crime Commissioner Fire and Rescue Authority or its representative. Complaints should be set out in writing and emailed to the PFCC@Essex.pnn.police.uk

Complaints against the Chief Fire Officer and Principle Officers which are received by Essex County Fire and Rescue Service should be forwarded onto the Police, Fire and Crime Commissioner Fire and Rescue Authority as soon as practical and within 2 working days.

Complaints against the Chief Fire Officer and Principle Officers may cover three areas:

Professional conduct

Any accusation in this area will be considered against the Seven Principles of Public Life (Nolan Principles) and Essex County Fire and Rescue Service's Values.

Direction and control of the service

Any accusation in this area will be considered against what can reasonably be considered the Chief Officers responsibility for the direction and control of the service. This may include delivery against the responsibilities delegated to them from the Police, Fire and Crime Commissioner as set out in the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority Constitution.

Criminal accusation

These will be dealt with by the Police.

Complaints relating to the Police Fire and Crime Commissioner and Deputy Police, Fire and Crime Commissioner

If you wish to make an allegation or complaint that the Police, Fire and Crime Commissioner or the Deputy Police, Fire and Crime Commissioner has failed to comply with the PFCC's Code of Conduct, that allegation must be put in writing to the Police, Fire and Crime Panel, Essex County Council, County Hall, Market Road, Chelmsford, Essex, CM1 1QH. The Panel will consider the complaint and, where appropriate, form a subgroup to consider the complaint and agree a resolution.

Complaints relating to the Monitoring Officer

Where a member of the public wishes to make an allegation or complaint against the Monitoring Officer of the Authority this should be sent to the Police, Fire and Crime Commissioner who will consider the complaint. Complaints should be set out in writing and emailed to PFCC@Essex.pnn.police.uk.

Data Protection Complaints

The way we deal with complaints relating to how we handle your personal information are determined by legislation and will be reviewed and responded to by the Authority's Data Protection Officer (DPO). Complaints of this nature will be dealt with within 10 working days.

For Data Protection complaints contact the Data Protection Officer via email: dpo@essex-fire.gov.uk .

Safeguarding Complaints

Safeguarding complaints should be passed directly to the Community Development and Safeguarding Manager for ECFRS via Vulnerable.Adults@essex-fire.gov.uk .

The Community Development and Safeguarding Manager, on receipt of the written complaint or verbal account of the complaint, will then liaise with the Safeguarding Responsible Person.

The Community Development and Safeguarding Manager and Responsible Person will decide whether to liaise with another agency, e.g. Police or social care services, or Local Authority Designated Officer or whether there is an internal case required.

Complaints about other organisations

If your complaint concerns other organisations such as the Police or Ambulance Service or an independent service provider, we will forward it to the relevant organisation with your consent. If your complaint involves the Authority and another body there will be full co-operation and co-ordination to resolve your complaint to ensure you receive a co-ordinated response.

Confidentiality

We will maintain the confidentiality of all personal information and not disclose it outside the Authority without your permission unless we are legally obliged to do so. However, if we are informed of anything that makes us think that an individual is unsafe or at risk of being harmed, we will pass this on to the appropriate authority or service for action.

Unreasonably persistent behaviour

The Authority is committed to dealing with complaints fairly and impartially. As part of this service they do not normally limit the contact complainants have with the Service.

However, there are a small number of complainants, who, because of the frequency of their contact with the Authority, we refer to as 'unreasonably persistent complainants'. In these exceptional circumstances we will take action to limit their contact with our Service.

The decision to restrict access to our Service will be taken at Assistant Chief Fire Officer/Director level and will normally follow prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- Requesting contact in a particular form (for example, letters only)
- Requiring contact to take place with a named Officer
- Restricting telephone calls to specified days and times; and / or
- Asking the complainant to enter into an agreement about their future contacts with us.

In all cases where the Service decides to treat someone as an 'unreasonably persistent complainant', we will write to tell the complainant why we believe his or her behaviour falls in to this category, what action we are taking and the duration of that action.

Unreasonable Complainant Behaviour

The Authority has a duty to ensure the safety and welfare of its staff. We do not expect our staff to tolerate behaviour by complainants, which is unacceptable, abusive, offensive or threatening. We will take action to protect staff from that behaviour by:-

- Restricting the access the unreasonable complainant has with the Service. The decision to restrict access to our Service will be taken at Assistant Chief Fire Officer/Director level.
- Requesting contact in a particular form (for example, letters only)
- Requiring contact to take place with a named Officer
- Restricting telephone calls to specified days and times; and / or
- Asking the complainant to enter into an agreement about their conduct

Where the behaviour is so extreme that the Authority considers it to threaten the immediate safety and welfare of our staff, further options will be considered, for example reporting the matter to the police or exploring legal action. In such cases, we may not give the complainant warning of that action.

What if I disagree with your response to my complaint?

If you are dissatisfied with the outcome of our investigation into your corporate complaint, you have the right to appeal. Within 20 days of receipt of the complaint outcome letter please set out the grounds of your appeal and submit them in one of the following ways:-

- Email: informationgovernance@essex-fire.gov.uk
- Post: Performance & Data Department
Kelvedon Park
Rivenhall, WITHAM
CM8 3HB

Alternatively, you can complain to the Local Government Ombudsman at

Website www.lgo.org.uk:

Local Government Ombudsman

PO Box 4471

Coventry

CV4 0EH

Telephone: 0300 061 0614

Email: enquiries@lgo.org.uk

Whistleblowing

Whistleblowing is commonly understood as raising concerns about misconduct within an organisation or within an independent structure associated with it. It is important for members of the public and members of staff to understand that proof is not required. It doesn't matter if the concern is latterly judged unfounded providing that the whistleblower is genuinely troubled by the event in question at the time.

Concerns that can be raised include but are not limited to:-

Unsafe working practises/conditions

Impropriety

Breach of procedure or policy

Neglect of duty

Breach of acceptable standards of ethical/professional conduct

A criminal offence

Suspicion of fraud

A bullying culture (across a team or organisation rather than an individual instance which should be managed against the Bullying and Harassment Policy)

Inadequate training or induction for staff

Deliberate concealment of information in relation to any of the above.

If you suspect an instance of malpractice you will need to exercise judgement before bringing the situation to light. If the inaction or lapse of standards seems to be minor, then it may be sufficient to bring the matter to the attention of the person who appears to be at fault.

There are a number of options available to raise a whistleblowing concern through:-

Pippa Brent-Isherwood, Chief Executive and Monitoring Officer

Office of the Police, Fire and Crime Commissioner for Essex, Kelvedon Park, London Road, Rivenhall, Witham, CM8 3HB

Email: Pippa.Brent-Isherwood@essex.pnn.police.uk

Telephone: 01245 291613

or

Protect (formerly Public concern at Work) 020 3117 2520 or email whistle@protect-advice.org.uk

Protect is an independent charity that provide free confidential advice on how to raise a concern about serious malpractice at work. Protect are also contracted to provide an independent whistleblowing service for Essex County Fire and Rescue Service.

or

The Government make available a list of prescribed bodies that whistleblowing concerns can be raised with if you chose not to raise the concern with your employer, the full list can be seen here [list of prescribed people and bodies](#) .

The advice following the closure of the Audit Commission is disclosures relating to local authorities can be made to the external auditor of the relevant authority.

To ascertain details of a Local Authorities external auditors the whistleblower would need to contact the Local Authority or Public Sector Audit Appointments Limited (PSAA). It should be noted that PSAA is not a prescribed person under the Public Interest Disclosure Act and their role in this is only to signpost individuals to external auditor appointed to the local authority in question.



Information Governance

POLICY - WHISTLEBLOWING

Number: 001

Last Updated: 04.02.19
Next Review Date: 01.07.2020

1.0 Summary of Changes

Policy transferred to new template and rewritten.

2.0 What this Policy is About?

This policy details how the Authority encourages openness and transparency and supports a culture where whistleblowing is deemed acceptable. It must be read in conjunction with the document 001 Information Governance Whistleblowing Procedure which explains how whistleblowing is instigated and processed.

3.0 Statement of Policy

The Service wants our service users and employees to feel confident in the organisation. Further, the Service will take action to create a positive 'listening culture'. Which is intended to support continuous improvement.

Whistleblowing is commonly understood as raising concerns about misconduct within an organisation or within an independent structure associated with it. It is important for members of the public and members of staff to understand that proof is not required. The individual should have a reasonable belief and submit any allegation in good faith. It doesn't matter if the concern is latterly judged unfounded providing that the whistleblower is genuinely troubled by the event in question at the time.

Concerns that can be raised include but are not limited to:-

Unsafe working practises/conditions

Impropriety

Breach of procedure or policy

Neglect of duty

Breach of acceptable standards of ethical/professional conduct

A criminal offence

Suspicion of fraud

A bullying culture (across a team or organisation rather than an individual instance which should be managed against the Bullying and Harassment Policy)

Inadequate training or induction for staff

Deliberate concealment of information in relation to any of the above.



Information Governance

POLICY - WHISTLEBLOWING

Number: 001

**Last Updated: 04.02.19
Next Review Date: 01.07.2020**

The Service as a whole has a responsibility to:

- Promote a culture which enables service users and employees to raise any legitimate concerns as outlined in this policy without fear of reprimand or reprisal
- Deal with all allegations appropriately, effectively and in a timely manner

Managers have a responsibility to:

- Ensure that concerns raised are taken seriously
- Investigate thoroughly and make an objective assessment of the concern
- Keep the whistleblower advised of progress
- Ensure that the action necessary to resolve a concern is taken
- Keep the Service Leadership Team/ The Authority of the Service informed.

Service Users and Employees have a responsibility to ensure that:

- They have reasonable evidence or belief about any wrongdoing before making an allegation
- They believe the wrongdoing about which they are complaining is serious in terms of detriment to the public or the Service
- Their allegation is not motivated by animosity towards the person(s) about whom they are complaining
- They are not making the allegation primarily for the purposes of personal gain.

Allegations of fraud, corruption and gross misconduct:

All employees, members, partners and associates are expected to provide information if fraud or corruption is suspected. It is recognised that accident investigation, tip off and whistle blowing can lead to the discovery of fraud. It is swift and decisive action of employee's and members of the public that often allows fraud to be detected. The Authority will always take action where evidence of fraud or corruption are apparent.



Information Governance

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Number: 001

Last Updated: 04.02.19
Next Review Date: 01.07.2020

If there is a suspicion of fraud, theft or other potential gross misconduct, the employee should act quickly to report it. If the concern is mentioned to the subject of the allegation or other colleagues it is likely that this will possibly prejudice an investigation.

Protection of 'whistleblowers'.

The legislation does not introduce a general protection for whistleblowers that applies in all circumstances. It applies to workers who follow procedures laid down in the legislation in disclosing specific categories of malpractice. These categories are quite wide. A disclosure will qualify for protection if, in the reasonable belief of the individual, it relates to one or more of the following actions:

- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of information in relation to any of the above.

Why our Service should encourage staff to highlight malpractice.

Every organisation faces the risk that someone within the organisation might be aware of serious misconduct. It is perfectly understandable that these individuals will be concerned about the impact of whistleblowing. Effective risk management is dependent on the fact that employees are confident to raise their concerns without suffering any detriment. In the absence of such confidence, employees may stay silent even where there are serious threats to the employer, their colleagues or to the public. Silence denies organisations an opportunity to deal with a serious problem. The cost of a missed opportunity can be significant e.g. fines, compensation, damaged reputation, regulatory investigation, lost jobs or even loss of life.

A positive whistleblowing culture has numerous advantages:-

- Can lead to the detection of wrongdoing and can act as a deterrent in this respect
- Provides managers the information they need to make decisions and contain risk



Information Governance

POLICY - WHISTLEBLOWING

Number: 001

Last Updated: 04.02.19

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- Demonstrates to stakeholders and regulators the Service is serious about good governance
- Reduces the chance of anonymous or malicious leaks (including to the media)
- Reduces the chance of legal claims against the organisation
- Respects the opinion and confidence of all employees, helping to create a trusting workplace.

4.0 Implications of the Policy

4.1 Finance / Staffing / Training / Other

There are no additional financial implications regarding the implementation of this policy.

The Assistant Director – Business Planning and Performance will liaise with the Managers to identify and take action in respect of:

- Common failings;
- Shared learning outcomes;
- Individual training needs of officers and staff.

Whistleblowing training and awareness will be made available to all staff through the Learning and Development Team.

4.2 Risk Assessment(s)

There is no specific risk assessment or health and safety consideration considered relevant to the content of this policy.

4.3 Equality Impact Assessment

This policy has been subject to an Equality Impact Assessment and has been graded as having a low potential impact. The assessment concluded the proposals in this policy would have no potential or actual differential impact on grounds of race, ethnicity, nationality, gender, transgender, disability, age, religion or belief or sexual orientation.

5.0 Consultation



Information Governance

POLICY - WHISTLEBLOWING

Number: 001

Last Updated: 04.02.19
Next Review Date: 01.07.2020

The following were invited to provide feedback in the consultation phase during the formulation of this document:

- *Service leadership Team*
- *Representative Bodies*
- *Inclusion Lead*
- *Office of the Police Fire Crime Commissioner*

6.0 Monitoring and Review

Performance Monitoring

The Authority will record the number of whistleblowing cases during each financial year and the outcomes from each. It will not record sensitive personal data, such as age or ethnicity. Whilst best practise would suggest this should be collected, the very low level of cases means that no meaningful analysis of the data could be made, and the data is therefore not required. This position will be subject to review.

Policy Review

The Performance and Data Department will formally review this policy and associated procedure on a yearly basis from the date of publication, to consider:

- Its effectiveness in the business area concerned;
- Any changes to legislation;
- Challenges to the procedure;
- Any identified concerns in relation to implementation

7.0 Related Service Policies or Related Procedures

001 Information Governance Whistleblowing Procedure.
002 Comments, Compliments and Complaints Policy
002 Comments, Compliments and Complaints Procedure
Grievance and Disciplinary Policy



Information Governance

POLICY - WHISTLEBLOWING

Number: 001

Last Updated: 04.02.19
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8.0 Other Source Documents, e.g. Legislation, Partnership Agreements (if applicable)

The Public Interest Disclosure Act 1998
Enterprise and Regulatory Reform Act 2013

Policy Author: Tracy King, Assistant Director – Business Planning and Performance

Policy Owner:

Cancellations: SO Vol 1/22 Whistleblowing Policy dated September 2006

Title	POLICY – Whistleblowing
Author/Owner	Tracy King/Rick Hylton
Status	Approved
Version	1.0
Date Approved	5 June 2019
Approved by	Police, Fire and Crime Commissioner Fire and Rescue Authority
Review Date	01.07.2020
Security Classification	OFFICIAL



Information Governance

POLICY – Comments, Compliments & Complaints

Number: 002

Last Updated: 01.07.2019
Next Review Date: 01.07.2020

1.0 Summary of Changes

Existing policy transferred to new template and updated.

2.0 What this Policy is About?

Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (the Authority) is an evolving establishment committed to delivering a quality service at all times, sometimes in the most traumatic circumstances.

The purpose of the Comments, Compliments and Complaints Policy is to set out the approach by which the Authority seeks to deal with any feedback made to it, the investigation process and the service anyone giving feedback can expect to receive. Our customers are to be assured that when providing feedback they will be treated in a fair, reasonable and consistent manner.

Feedback gives an indication of how well the service is performing in the public domain and where improvements can be made to training, procedures, policy and promoting changes. Feedback also gives the opportunity to reward those staff that exceed expectations of the people they meet. Compliments received about the service are shared within the Service via our Corporate Communications team who share this on our facility called “#ThankYouThursday”. When things go wrong, we need to deal with what happened quickly and in a way that is constructive and supportive.

This policy applies to all staff, volunteers and contractors working for or on behalf of the Authority.

Comment, compliments and complaints are collectively referred to as feedback.

3.0 Statement of Policy

The Authority’s policy is to ensure that feedback is dealt with fairly and appropriately – this includes sharing insightful commentary and learning widely. It is our intention to be courteous and acknowledge feedback and also provide written outcome responses whenever appropriate. The Authority is committed to transparency. Analysis of feedback received will be reported to the Performance and Resource Board in a publicly-available monthly report. Feedback is used to implement ways of improving the Authority’s services or the manner in which these services are delivered.

The Policy aims to fulfil the following objectives:-



Information Governance

POLICY – Comments, Compliments & Complaints

Number: 002

Last Updated: 01.07.2019
Next Review Date: 01.07.2020

- 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, volunteers and contractors are aware of this policy and how best to deal with feedback;
- d. The Authority responds to feedback in a timely, courteous and efficient manner
- e. Members of the public are aware of this policy and how best to deal with feedback;
- f. The Authority learns from feedback and takes measures to improve service where appropriate
- g. The reputation of the Authority when delivering services to those most in need is maintained.

Comments

Comments are queries or statements about a particular activity or circumstances 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 (logged), shared with relevant parties and a response provided where appropriate. The Service will triage comments and identify any that need to be processed as Freedom of Information Requests, Environmental Information Requests or Subject Access Requests and will be process and log them accordingly.

Compliments

Compliments are an expression of praise or satisfaction received by the Authority for work or actions undertaken by individuals in the employ of the Authority or provided by the Service for the Authority.

Complaints

Complaints are an expression of discontent or dissatisfaction affecting any member of the public, groups of individuals or an organisation regarding the standard of service, actions or lack of action by the Authority or by its staff.

Approach to Procedure

The procedure for processing feedback is described in the comments, compliments and complaints procedure.



Information Governance

POLICY – Comments, Compliments & Complaints

Number: 002

Last Updated: 01.07.2019

Next Review Date: 01.07.2020

Classification of Complaints

Any complaints made to the Authority are covered by this policy, including complaints relating to actions taken at operational incidents, actions relating to cases of adult or child safeguarding, or actions taken in relation to the Data Protection Act 2018. In the case of allegations about Safeguarding and Data Protection, the way of handling these is different. They will only be handled by Officers who have received additional, specialised training.

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 subsequent failure to comply with legislation. In these circumstances, the complainant will be directed to the appeals process outlined in the relevant legislation. However, feedback about the conduct or behaviour of staff undertaking these actions does fall within the scope of this policy.

Where a complaint relates to a member of staff, following investigation of the complaint it may also be necessary to consider the nature of the feedback under the Authority's Grievance and Disciplinary Policy and/or Code of Conduct.

Complaints relating to the Chief Fire Officer and Principle Officers

Complaints against the Chief Fire Officer and Principle Officers can be submitted by any member of the public and staff. If the complaint is related to an internal grievance matter then this will be dealt with through the grievance policy.

All allegations or complaints against the Chief Fire Officer and Principle Officers will be managed, investigated and concluded by the Police, Fire and Crime Commissioner Fire and Rescue Authority or its representative. Complaints should be set out in writing and emailed to the PFCC@Essex.pnn.police.uk

Complaints against the Chief Fire Officer and Principle Officers which are received by Essex County Fire and Rescue Service should be forwarded onto the Police, Fire and Crime Commissioner Fire and Rescue Authority as soon as practical and within 2 working days.



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Complaints against the Chief Fire Officer and Principle Officers may cover three areas:

Professional conduct

Any accusation in this area will be considered against the Seven Principles of Public Life (Nolan Principles) and Essex County Fire and Rescue Service's Values.

Direction and control of the service

Any accusation in this area will be considered against what can reasonably be considered the Chief Officers responsibility for the direction and control of the service. This may include delivery against the responsibilities delegated to them from the Police, Fire and Crime Commissioner as set out in the Essex Police, Fire and Crime Commissioner Fire and Rescue Authority Constitution.

Criminal accusation

These will be dealt with by the Police.

Complaints relating to the Police Fire and Crime Commissioner and Deputy Police, Fire and Crime Commissioner

If you wish to make an allegation or complaint that the Police, Fire and Crime Commissioner or the Deputy Police Fire and Crime Commissioner has failed to comply with the PFCC's Code of Conduct, that allegation must be put in writing to the Police, Fire and Crime Panel, Essex County Council, County Hall, Market Road, Chelmsford, Essex, CM1 1QH. The Panel will consider the complaint and, where appropriate, form a subgroup to consider the complaint and agree a resolution.

Complaints relating to the Monitoring Officer

Where a member of the public wishes to make an allegation or complaint against the Monitoring Officer of the Authority this should be sent to the Police, Fire and Crime Commissioner who will consider the complaint. Complaints should be set out in writing and emailed to PFCC@Essex.pnn.police.uk.

Unreasonable or persistent contact

The Authority is committed to dealing with complaints fairly and impartially. As part of this service they do not normally limit the contact complainants have with the Service. However, there are a small number of complainants, who, because of the frequency of their contact or persistent nature of the contact with the Authority, we refer to as 'unreasonably persistent complainants'. In these exceptional circumstances we will take action to limit their contact with our Service.



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The decision to restrict access to our Service will be taken at Assistant Chief Fire Officer/Director level and will normally follow prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- Requesting contact in a particular form (for example, letters only)
- Requiring contact to take place with a named Officer
- Restricting telephone calls to specified days and times; and / or
- Asking the complainant to enter into an agreement about their future contacts with us.

In all cases where the Service decides to treat someone as an 'unreasonably persistent complainant', we will write to tell the complainant why we believe his or her behaviour falls in to this category, what action we are taking and the duration of that action.

Unreasonable Complainant Behaviour

The Authority has a duty to ensure the safety and welfare of their staff. We do not expect our staff to tolerate behaviour by complainants, which is unacceptable, abusive, offensive or threatening. We will take action to protect staff from that behaviour by:-

- Restricting the access the unreasonable complainant has with the Service. The decision to restrict access to our Service will be taken at Assistant Chief Fire Officer/Director level.
- Requesting contact in a particular form (for example, letters only)
- Requiring contact to take place with a named Officer
- Restricting telephone calls to specified days and times; and / or
- Asking the complainant to enter into an agreement about their conduct

Where the behaviour is so extreme that the Authority considers it to threaten the immediate safety and welfare of our staff, further options will be considered, for example reporting the matter to the police or exploring legal action. In such cases, we may not give the complainant warning of that action.

4.0 Implications of the Policy

4.1 Finance / Staffing / Training / Other



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Complaints handling and investigation training will be made available through the Learning and Development team.

4.2 Risk Assessment(s)

There is no specific risk assessment or health and safety consideration considered relevant to the content of this policy.

4.3 Equality Impact Assessment

This policy has been subject to an Equality Impact Assessment and has been graded as having a low potential impact. The assessment concluded that the proposals in this policy would have no potential or actual differential impact on grounds of race, ethnicity, nationality, gender, transgender, disability, age, religion or belief or sexual orientation.

5.0 Consultation

The following have been consulted during the formulation of this document:

- *Service Leadership Team*
- *Representative Bodies*
- *Inclusion Lead*
- *Office of Police, Fire and Crime Commissioner*

6.0 Monitoring and Review

Performance Monitoring

The Service Leadership Team and the Authority (via Performance and Resource Board) shall receive an overview of feedback through the monthly and quarterly performance reports and an annual report on feedback from the public to ensure any weaknesses or trends are identified.

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 practise would suggest this should be collected, the very low level of feedback means that no meaningful analysis of the data could be made, and the data is therefore not required. This position will be subject to review.



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The Authority will on occasions dip sample and review cases for the purposes of scrutiny and compliance.

The Authority will maintain a database of all feedback. Records shall be kept for the duration of three years in accordance with the Authority's Retention Schedule.

Policy Review

The Performance and Data Department will formally review this policy and associated procedure on a yearly basis from the date of publication, to consider:

- Its effectiveness in the business area concerned;
- Any changes to legislation;
- Challenges to the procedure;
- Any identified concerns in relation to implementation

7.0 Related Service Policies or Related Procedures

Comments, Compliments and Complaints Procedure.
Grievance and Disciplinary Policy
Whistleblowing Policy
Whistleblowing Procedure

8.0 Other Source Documents, e.g. Legislation, Partnership Agreements (if applicable)

Relevant Legislation

Care Act 2014
Children's Act 1989
Data Protection Act 2018
General Data Protection Regulations 2016

Policy Author: Tracy King, Assistant Director Performance and Data.

Policy Owner: Rick Hylton, Deputy Chief Fire Officer

Cancellations: Compliments and Complaints Policy March 2011.



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