

RESOURCES SCRUTINY PANEL

3rd July 2014

REVIEW OF THE COUNCIL'S COMPLAINTS PROCEDURE

Report of the Director of Resources

STRATEGIC AIM:	All
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1. PURPOSE OF THE REPORT

- 1.1 To provide an update on the recent review of the Council's Complaints Procedure and to set out some proposed changes to the way in which the Council deals with compliments, comments and complaints from its service users.

2. RECOMMENDATIONS

- 2.1 **That the Resources Scrutiny Panel considers this report and notes the proposals on the introduction of a new procedure for dealing with compliments, comments and complaints.**
- 2.2 **That the Resources Scrutiny Panel provides feedback on this new approach to the Portfolio Holder and Director of Resources.**

3. BACKGROUND

- 3.1 Following a full review of the Council's Complaints Procedure, a set of proposals has been developed, which focus on reducing the time taken to deal with a complaint, the introduction of robust procedures for managing Unreasonable Complainant Conduct and the introduction of clear governance around recording, monitoring and reporting the outcome of a complaint.
- 3.2 The proposed changes include expanding the current scheme, to allow customers to submit compliments and comments, which will be recorded and reported as above.
- 3.3 The proposals are set out at Appendix A. If accepted, these will form the basis of a new Compliments, Comments and Complaints Policy, which will be referred to Cabinet in July for their consideration.

4. RISK MANAGEMENT

RISK	IMPACT	COMMENTS
Time	Low	The proposals can be implemented before the end of July if approved by Cabinet.
Viability	Low	Processes will be in place to administer the central recording process. This process can be absorbed within the Corporate Support Team. The management of the Unreasonable Complainant Conduct element will involve training and awareness sessions for frontline staff, that may need to engage this protocol.
Finance	Low	Although there are no direct financial pressures as a result of this report; there will be a positive effect on Council resources if the proposals are accepted. Less time will be spent on dealing with complaints and unacceptable customer behaviour will be addressed quickly and consistently.
Profile	Low	There may be some public interest in the content of this report.
Equality and Diversity	Low	No impact assessment has been carried out as there are no direct implications.

Background Papers
None.

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A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

Corporate Complaints Process – Review

1. Introduction:

The Council delivers a range of complex services across the county and is committed to listening to the views of its customers in order to improve the services it provides.

If a complaint is handled correctly, it allows the Council to improve customer satisfaction and relationships, prevent the same problems happening again and better understand how our services can be improved overall.

A complaint may relate to:

- Failure to provide a service
- Inadequate standard of service
- Dissatisfaction with local authority policy
- Treatment by or attitude of a member of staff
- Disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter
- The local authorities failure to follow the appropriate administrative process

This list is not exhaustive.

2. Current arrangements:

Under the current complaints process, customers make initial contact with the service involved; this could be *via* the Customer Services Team or through another avenue. All staff are empowered to respond to a complaint at this stage and to take remedial action wherever possible. If the customer is still dissatisfied, they have an option to raise the matter with the Director of that particular service. If the customer continues to be dissatisfied they can raise the matter with the Monitoring Officer. The Monitoring Officer will review all action to date and take any necessary steps to resolve the issue. At the end of this three stage process, the customer can still raise the matter with the Local Government Ombudsman, who may decide to investigate on behalf of the customer.

It is difficult to assess how long this process takes as the first stage is not bound by a time limit. However, working on the assumption that a first stage complaint is responded to within 10 working days, it can be assumed that the whole process may take up to 45 days, if the matter is not complex. In complex cases, it could take much longer. This is prior to any referral to the Local Government Ombudsman.

Other inherent weaknesses of this system are:

- Proper records are not retained as there is no consistent approach across the Council
- We are unable to produce meaningful management statistics that could help to analyse current trends or help identify future issues.

3. Proposed arrangements:

Many Local Authorities are recognising the disadvantages of offering a three stage complaints process; time and duplicated effort are the main problems, which in turn, create a poor experience for our customers. The Local Government Ombudsman (LGO) supports a two stage process, particularly if it improves the quality of the relationship between consumers and public services. Research has shown that innovative authorities, such as Liverpool City Council, Leicester City Council and many London authorities have reduced their three stage process to two clear stages. The general approach involves the first stage being dealt with by the service area with the second stage being managed by the Director of that service. If dissatisfied, the customer still has the opportunity to refer their issue to the LGO. This shortened process, if managed robustly, can be finalised within 20 working days.

Therefore, in order to streamline our procedure and bring it into line with other authorities it is proposed that the following approach is adopted.

- a) Remove the first stage of the Council's complaints process, which currently adds no value to the scheme.
- b) Create a two stage complaints process with clear recording and monitoring, defined roles and shorter timescales from receipt to completion.
- c) Create a central registration process, which will be managed by the Corporate Support Team.
- d) Introduce a clear mechanism for dealing with Unreasonable Complainant Conduct (UCC)
- e) Report performance on an annual basis; demonstrate that the Council has learned from any shortcomings and use this data to anticipate any future issues; and
- f) Widen the current process to include 'Compliments, Comments and Complaints' so that our customers can also report good service and comment on generally on service delivery.

It is proposed that:

Compliments and Comments:

These will be recorded centrally by the Corporate Support Team and then referred to the Director of that service. These can form part of a monthly/quarterly performance report if desired.

Complaints:

Again, these will be recorded centrally and directed to the appropriate recipient by the Corporate Support Team then monitored to ensure timescales are adhered to. The Team will also retain copies of all correspondences in a central file.

Stage one will comprise a service review with Head of Service responsibility and sign off.

Stage two will involve a Director review, with the scope to direct a full investigation if necessary.

If 10 working days are allocated to Stage one and 10 working days to Stage two, we can reduce the length of the current process by 25 days.

Other enhancements to the service could include refresher training for all staff involved in complaint handling, better information and signposting online or through social media sites and comprehensive reporting, with the intention to take an annual update report to the appropriate Committee.

4. Other Complaint Processes:

In addition to the corporate complaint function, the Council also has an obligation to manage other complaint processes, however there are separate processes in place to reflect the statutory need for independence:

- a) Adult Social Care
- b) Children, young people and families
- c) Councillors' conduct

Although these processes operate independently of the Council's corporate process, the customer should still be signposted to the correct point of contact. The Corporate Support Team could centrally log the details as proposed above and also help to pull together statistics for reporting purposes.

5. Unreasonable Complainant Conduct:

Under the current scheme, there is no provision for managing Unreasonable Complainant Conduct (UCC). This type of contact places a huge burden on council

resources and impacts on other customers who wish to use our services in a more responsible way.

Most complainants act responsibly. However, occasionally the conduct of some complainants can be challenging because of:

- Unreasonable persistence
- Unreasonable demands
- Unreasonable lack of cooperation
- Unreasonable arguments, or
- Unreasonable behaviour

In these circumstances, special measures such as limiting contact to one person or ultimately restricting access to Council buildings may be required. It is proposed that strategies are introduced to help frontline staff and managers to manage expectations, demands and disappointment. This proposal introduces a robust and consistent methodology, whilst protecting the interests and rights of complainants as, regardless of their behaviour, they should still be treated with fairness and respect.

A separate protocol, within the overall Compliments, Comments and Complaints Policy would focus entirely on this element of the process. The protocol would contain clear steps for staff to take in the event of unreasonable behaviour and would set a clear message for customers, who cannot pursue their complaints in an acceptable way. It will include:

- Examples of the main kinds of 'trigger' actions/behaviours which may cause the protocol to be invoked
- A list of the options for action open to the Council
- Information about the decision-making process: who decides
- Whether the protocol will be applied to a complainant
- What restrictions will be placed on contacts and for how long
- Whether restrictions can be lifted or should continue
- Details of complainants' rights of review/appeal against
- A decision to invoke the policy and/or
- Any particular restrictions applied
- Guidance on the nature of the records to be kept
- What information is given to complainants when the policy is applied
- Advice about who is the Council's key officer and who should be informed when a customer is being restricted and why
- Links with other organisation policies

6. Timescales and Accountability:

If the proposals set out in this paper are accepted, a full Policy (subject to approval by Cabinet) and accompanying procedures could be in place by summer 2014. This could be launched with positive publicity, which demonstrates to our customers and stakeholders that we are striving to 'get it right' in that compliments, comments and complaints are helping to shape future delivery of our service and are therefore a necessary element to enabling us to achieve this ambition. Performance against this new approach would be reported to Resources Scrutiny Panel on a regular basis.