

## CABINET

21 April 2020

### REVIEW OF COMPLAINTS POLICIES

Report of the Strategic Director for Resources and Strategic Director for People

Strategic Aim:	Customer focussed services	
Key Decision: No	Forward Plan Reference: FP/100120	
If not on Forward Plan:	Chief Executive Approved Scrutiny Chair Approved	NA NA
Reason for Urgency:	N/A	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley, Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Communications, Resources (other than Finance)	
Contact Officer(s):	Saverio Della Rocca, Strategic Director for Resources (s.151 Officer)	01572 758159 sdrocca@rutland.gov.uk
	Sue Bingham, Business Support Manager	01572 758165 sbingham@rutland.gov.uk

#### DECISION RECOMMENDATIONS

That Cabinet approves the following revised draft Policies and Procedures:

- a) Compliments Comments and Complaints Policy and Procedure (Appendix A).
- b) Adults Social Care Complaints Policy and Procedure (Appendix B).
- c) Childrens Social Care Complaints Policy and Procedure (Appendix C).

#### 1 PURPOSE OF THE REPORT

1.1 This report presents updated versions of the following policies and procedures for Cabinet approval:

- Compliments Comments and Complaints Policy and Procedure (Appendix A).
- Adults' Social Care Complaints Policy and Procedure (Appendix B).

- Childrens Social Care Complaints Policy and Procedure (Appendix C).

1.2 This review identified that changes were required to:

- reflect the Councils current leadership structure. The list of Officers that respond to customers' complaints at Stage 1 and 2 has been amended to reflect this.
- codify how the Council intends to modify existing protocols for dealing with Stage 2 and 3 in respect of the Children's Social Care Complaints Policy by referring complains externally so they can be independently reviewed.

1.3 Points 3, 4 and 5 of this report provide further details of the changes that have been made to each policy and procedure.

## **2 BACKGROUND AND MAIN CONSIDERATIONS**

2.1 The Council is committed to providing a high quality service to everyone. Whilst the Council strives to achieve this, there may be times when customers are dissatisfied and wish to give feedback and/or complain. A key part of the customer service framework is therefore the Council's complaints policies. The Council has three policies which have now been reviewed and are being presented for approval.

2.2 The Council's main complaints policy was due for review and the two supporting protocols have been reviewed to ensure consistency across all of the Councils complaints policies.

## **3 DRAFT COMPLIMENTS COMMENTS AND COMPLAINTS POLICY**

3.1 In November 2019 the Draft Compliments Comments and Complaints Policy and Procedure was presented to the Audit & Risk Committee. The comments raised have been incorporated into the Policy which can be found at Appendix A.

3.2 The following changes have been made:

- Page 5, point 3.5 – Stage 1 complaints will now be reviewed and responded to by the appropriate Frontline Manager. Previously stage 1 complaints were reviewed and responded to by the appropriate Head of Service. As each Directorate has a different structure not all areas are led by a Head of Service so Frontline Manager denotes the team operational lead.
- Page 5, point 3.6 - Stage 2 complaints to be reviewed and responded to by the relevant member of the Leadership Team and be signed off by a Director or Deputy Director. Previously stage 2 complaints were reviewed and responded to by a Director.
- Page 7/8, point 4.5 – Additional information has been added regarding customer issues that fall outside the Compliments, Comments and Complaints Policy and Procedure and how these are reported.
- Page 7, point 4.5, bullet point 5 – Additional wording has been added regarding Special Educational Needs and Disability (SEND) complaints. This is to ensure that customers are aware that complaints in this area have their own regulations that will be followed. This may mean that they are dealt with under the Special

Educational Needs and Disability Regulations 2014 and the Special Educational Needs and Disability 0-25 Code of Practice 2014.

#### **4 DRAFT ADULTS SOCIAL CARE COMPLAINTS POLICY AND PROCEDURE**

4.1 The following changes have been made:

- Page 9, point 19.1 – Stage 1 complaints to be reviewed and responded to by the appropriate Frontline Manager. Previously stage 1 complaints were reviewed and responded to by the appropriate Team Manager.
- Page 10, point 19.2 - Stage 2 complaints to be reviewed and responded to by the relevant member of the Leadership Team and be signed off by a Director or Deputy Director. Previously stage 2 complaints were reviewed and responded to by the relevant Head of Service.
- Page 9, point 17.1 - Update of text to reflect the General Data Protection legislation.
- Re-name from Adults' Social Care Complaints Protocol to Adults' Social Care Complaints Policy and Procedure to provide consistency to the customer and to reflect the approval process followed.

#### **5 DRAFT CHILDRENS SOCIAL CARE COMPLAINTS PROTOCOL**

5.1 The Childrens Social Care Protocol is a 3 stage process which is set out in legislation (The Childrens Act 1989). A short review of the Childrens' Social Care Protocol was undertaken in early 2019 to ensure that the Protocol was compliant with the legislation. No major changes were made at that time.

5.2 The new Deputy Director has since reviewed the policy and believes that the Council would benefit from making changes to how independence is secured in respect of stage 2 and 3 complaints. The legislation requires complaints reaching stage 2 and 3 to be investigated independently. This was previously achieved by a member of the Councils leadership team, from another department, responding to complaints. This arrangement could be perceived by some as lacking true independence.

5.3 In common with other local authorities, the Council will now commission an external provider – on a case by case basis – to deal with Stage 2 complaints with an external panel being appointed to deal with Stage 3 complaints. Pages 8 to 10 have been amended to reflect the above change. It should be noted that there are c8 number of complaints per annum that typically reach this stage.

5.4 The external provider to be used is RR Consultancy. This organisation works with local authorities and social care organisations providing support in this area. They are qualified independent professionals experienced across the full range of children social care services.

5.5 Other changes have been made as follows:

- Page 8, point 11.1 – Stage 1 complaints to be reviewed and responded to by the appropriate Frontline Manager. Previously stage 1 complaints were reviewed and responded to by the appropriate Team Manager or Head of Service.

- Page 12, point 16 - Update of text to reflect the General Data Protection legislation.
- Re-name from Childrens' Social Care Complaints Protocol to Childrens' Social Care Complaints Policy and Procedure to provide consistency to the customer and to reflect the approval process followed.

## **6 CONSULTATION**

- 6.1 There is no requirement to consult on this subject; the report focusses on internal arrangements to manage customer contact in respect of compliments, comments and complaint.

## **7 ALTERNATIVE OPTIONS**

- 7.1 The alternative option is to not approve the policies and/or require further amendments to be made.

## **8 FINANCIAL IMPLICATIONS**

- 8.1 Using an external provider to deal with children's complaints reaching Stage 2 and 3 will incur a cost which will be met from the Legal budget. Typical rates are:

- Stage 2 - £400 (spot purchase)
- Stage 3 - £550 (spot purchase)

## **9 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 9.1 The Policies are a key part of the process of improvement for the Council. A proactive approach to complaints and compliments ensures that the Council can identify both areas of where service delivery is excellent and areas for improvement. This enables the Council to stay within the law and avoid adverse findings from the Local Government Ombudsman of maladministration which would then require reporting under Section 5 of the Local Government and Housing Act 1989.

- 9.2 As set out in paragraph 3.0 and paragraph 5.0, The Children's and Adults policies and procedures must comply with the Children's Act 1989 and associated legislation. The policies are compliant with the legislation.

## **10 DATA PROTECTION IMPLICATIONS**

- 10.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are risks/issues to the rights and freedoms of natural persons.

## **11 EQUALITY IMPACT ASSESSMENT**

- 11.1 An Equality Impact Assessment (EqIA) has not been completed as it is not required.

## **12 COMMUNITY SAFETY IMPLICATIONS**

- 12.1 There are no Community Safety implications as part of this report.

### **13 HEALTH AND WELLBEING IMPLICATIONS**

- 13.1 Good governance arrangements promote the general wellbeing of the local community.

### **14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 14.1 The Draft Compliments, Comments and Complaints Policy and Process, The Draft Adults' Social Care Complaints Policy and Procedure and the Draft Childrens' Social Care Policy and Procedure are presented for approval.

### **15 APPENDICES**

- 15.1 Appendix A – Compliments, Comments and Complaints Policy and Procedure.
- 15.2 Appendix B – Adults' Social Care Complaints Policy and Procedure.
- 15.3 Appendix C - Childrens' Social Care Complaints Policy and Procedure.

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