

Corporate Policy and Performance Board
Topic Group

**Review of Corporate Complaints
Handling Procedure**

A Report by Cllr Joe Roberts (Topic Group Chair)

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This review, which was concluded in March 2014, formed part of the 2013 – 14 Corporate PPB Topic Group work programme. The final draft report of the findings and recommendations arising from the review will be submitted for consideration by the Corporate Policy and Performance Board in June 2014.

Subject to approval by PPB the final report and recommendations will be submitted for consideration by Executive Board in June 2014.

Please note that as this document is intended to be read electronically it includes some graphics containing relatively small size font.

Executive Summary

The Council takes pride in the fact that it operates its services on the principle of getting things right first time and that satisfaction with services remains high. However it is recognised that occasionally we may not meet every service users' needs and expectations and that in order to learn from our practices we need to have in place an effective means of facilitating user feedback where things go wrong.

In light of changes within the Councils operating environment, not least of which is the continuing pressure on the availability of resources, it is considered appropriate to review the Corporate Complaints Handling Procedure adopted by the Council in order to ensure that it remains fit for purpose and continues to represent best value in terms of economy, efficiency and effectiveness.

In light of this the Topic Group has undertaken a detailed review of existing arrangements in the context of both current good practice, the processes adopted by similar and other organisations, and the practical experiences and insight of Elected Members and Officers.

The Group concludes that the Council has in place well-established procedures for receiving and responding to complaints and comments from the public and other interested parties. Such arrangements have a number of positive attributes in that:-

- They allow communication with the Council through a number of channels such as telephone, e-mail, on-line submission and in person;
- The Complaints procedures operated by the Council are well documented and publicly accessible and largely reflect current good practice;
- Information about complaints is used to aid organisational learning and is shared periodically with Elected Members and Senior Officers.

However there are considered to be a number of opportunities to build on the existing strengths of the system that will reduce administration costs and improve outcomes from both a service user and organisational perspective. Such revisions include:-

- ✓ Providing a clearer definition of what constitutes a complaint and what matters will and will not be dealt with through the Corporate Complaints Handling Procedure;
- ✓ Further simplifying the procedure and providing comprehensive good practice guidance/training to staff in complaints handling particularly those involved in front-line delivery.
- ✓ Developing a database to capture more fully details of complaints and their outcomes and using this information, in conjunction with other data such as social media and service level activity, to aid organisational learning;
- ✓ Routinely sharing information about complaints, comments and compliments with Elected Members, Senior Officers and staff to aid organisational intelligence and decision-making processes.

This report makes a series of recommendations throughout which are presented in the order that key issues are addressed. For completeness they are also included in their entirety as **Appendix 5**.

I commend this report and its recommendations to you.

Joe Roberts

1.0 Background and Scope

1.1 The Council has for some time had a number of systems in place, and which operate in tandem, for handling complaints that are received from members of the public and other stakeholders. The processes for handling each of the following types of complaint are subject to individual arrangements;

- Corporate Complaints Procedure
- Adult Social Care Complaints Procedure
- Children's Social Care Complaints Procedure
- Schools Complaints Procedure

1.2 With the exception of Corporate Complaints each of these procedures is based upon national statutory frameworks. As a consequence of this the work of the Topic Group has been confined to a review of the non-statutory arrangements the Council has in place for dealing with Corporate Complaints.

1.3 Although there are no statutory requirements concerning the handling of Corporate Complaints it is widely accepted that public bodies will have in place an effective two-way communication process for receiving and responding to those who wish to raise concerns about the action, or inaction, of the Council. In addition to promoting transparency and accountability such arrangements can provide valuable intelligence that can be used to inform and improve service delivery and aid organisational learning and development.

'What we recommend is a clear, accessible, and flexible process that forms part of service provision.....'

Local Government Ombudsman Guidance (2009)

1.4 It is acknowledged that in order to gain the greatest insight into public perception and opinion account also needs to be taken of views and opinions expressed through other feedback mechanisms such as comments, compliments, and the increasing use of social media.

1.5 The primary challenge in undertaking the review was to strike an appropriate and acceptable balance between the needs and expectations of the various stakeholder groups and the financial and human resources the Council has available to it to develop a procedure that remained fit for purpose in the medium to long-term.

2.0 Review Methodology and Process

- 2.1 During the first meeting of the Topic Group a range of issues were discussed relating to the Council's current arrangements for the administration of the Corporate Complaints Procedure. Members raised a number of points on which they would require additional information and which would need to be considered further as the review progressed. In light of this discussion it was agreed that the following 2 stage approach be adopted in order to bring the work of the Topic Group to a successful conclusion.

Stage 1.

Exploration of options for streamlining / improving existing processes including:-

- How complaints are received by the Council?
- How information is captured / collated e.g. databases?
- How do we manage vexatious complaints / compliments?
- Are existing arrangements, including limitations and exceptions, still considered appropriate?
- What opportunities may exist to streamline the process?



Stage 2.

Exploration of options for Quality Assurance / Organisational Learning including:-

- What arrangements do / could we have to ensure quality of responses?
- How do we / could we capture and share information, with whom and for what purpose?
- How do we / could we monitor compliments?
- How do we / could we ensure learning opportunities are captured?

- 2.2 The Group adopted an evidenced-based approach to the review through commissioning both secondary and primary research, in order to inform its discussions and considerations. This work was further supplemented through the sharing of information that had been gained from the practical experience and insights of both of Elected Members and a small group of Key Officers.
- 2.3 Secondary research was undertaken to review the extensive literature available on complaints handling, including existing good practice in Complaints Handling Procedures (CHP), published by the Local Government Ombudsman (LGO) and the Scottish Public Services Ombudsman (SPSO) and other organisations. A summary of this information is included as **Appendix 1**.
- 2.4 As would be expected there was considerable degree of common ground between the two agencies, with the exception that the LGO suggests a localised approach based upon good practice whereas the SPSO sought to develop a nationally adopted framework. Additionally the SPSO suggests that all communications from stakeholders should be formally recorded.

2.5 A summary of each of the model principles has been included for information as **Appendix 2**. The primary findings of the review of good practice are that:-

- ✓ There needs to be clarity about what constitutes a ‘complaint’ and what issues will, and will not, be dealt with via the Complaints Handling Procedure.
- ✓ The procedure should be accessible and information made available in a clear and understandable form along with target timeframes for addressing complaints.
- ✓ Complaints should be dealt with in a timely manner and systems that provide independent review are more credible. Adopting a 2 stage process is considered to be the most appropriate means of avoiding unnecessary delay and reducing operating costs.
- ✓ Investigative staff should have the authority to question the explanations of colleagues. Systems should be managed by someone who can take an overview, make changes to it, and be reviewed periodically.
- ✓ Staff need to be provided with appropriate skills and resources and clear guidance / training on procedure and roles and responsibilities.
- ✓ Responses should be co-ordinated and decisions communicated clearly and concisely.
- ✓ Organisations should maintain accurate and complete records and use information actively to inform service improvement.
- ✓ Organisations should have an unacceptable action / behaviour policy in place and a process for communicating its implementation to relevant parties.

2.6 In undertaking primary research a process benchmarking exercise was undertaken with a number of organisations through the analysis of information available via their websites and through direct contact via a questionnaire. This group comprised of local authorities of various size and type identified as case studies by the Local Government Ombudsman¹ and a group of Halton’s nearest geographical neighbours.

2.7 Of the 13 questionnaires sent to local authorities 8 responses were received.

2.8 In addition the content of the websites of a small number well-known high street retailers who have a presence in the borough were also reviewed to establish if there was any discernable differences in approach between the public and private sector organisations.

2.9 An overview of the principal findings of the benchmarking exercise is included as **Appendix 3**.

¹ Aiming for the Best – Using lessons from complaints to improve public services (Centre for Public Scrutiny / Local Government Ombudsman) July 2011 Joint Publication available [here](#)

3.0 Findings, Conclusions, and Recommendations

3.1 Current Operating Environment

3.1.1 Existing arrangements for managing the Corporate Complaints Procedure have been in place for a considerable number of years. However a number of significant changes have occurred within the operating environment that will need to be considered in order to ensure that such arrangements remain fit for purpose and continue to reflect 'Best Value' in relation to the economic, efficient and effective use of the Council's resources.

3.1.2. Most notably such changes include:-

- At a time of rising public demand and increasing expectations the on-going national austerity regime has resulted in a reduction in the Council's available resources and this is likely to continue into the medium to longer term.
- Central government remain committed to further promoting transparency in public service provision and in 'making authorities more accountable to local people'.
- Revised and updated guidance in handling complaints was published by the Scottish Public Services Ombudsman (2011) and the Local Government Ombudsman (2009)

3.2 Publishing, Receiving and Recording Information

3.2.1. The Council currently publicises the Corporate Complaints Procedure on its website. This includes details of the process, how matters will be handled and target timeframes for complaint resolution.

3.2.1 Historically Corporate Complaints were received by a small corporate team either by telephone or in hardcopy by letter or through the use of a Corporate Complaints Form which is available through the Council's website.

'New technologies are opening more channels and changing the way in which citizens interact with public services.....However traditional methods of communication remain vital channels for collecting people's views of services'
The role of complaints in transforming public services; Nesta (April 2013)

3.2.2. In recent years there has been a notable trend away from the use of formal letters and toward the greater use of electronic channels such as e-mail, the completion of in-line enquiry forms and the use of the Council's Contact Centre and Halton Direct Link facilities.

3.2.3. In addition to reflecting current good practice the Topic Group considered that maintaining a range of options through which residents and stakeholders could contact the Council supported transparency and accountability at a local level. Additionally this approach provided a degree of assurance that specific stakeholder groups, for example those with limited ICT access or skills, did not become marginalised or disengaged from the process of developing and delivering local services.

3.2.4. However it became evident that in practice there were a number of unintended consequences in maintaining multiple channels of communication such as:-

- A possible lack of clarity or understanding at an organisational level as to what constituted a complaint or a comment and what issues would and wouldn't be dealt with through the Corporate Complaints Handling Procedure.
- The development of service specific ITC and support systems resulting in information relating to complaints being recorded on separate systems, some of which cannot be readily interrogated;
- Inconsistencies in the way information was being classified and handled, e.g. some 'complaints' being directed to services , some to staff administering the Corporate Complaints system, and some to both;
- Individuals using a number of different channels to contact the Council simultaneously or repeatedly on the same or similar issues or to raise matters that had already been addressed. On occasion comments that are directed at individual Officers or more general Council activities, as opposed to the specific provision of a service, are being categorised as complaints by the originator with the expectation that they will be allowed to progress through each of the 3 stages of the existing complaints procedure.

'Recently a complainant contacted the Council through 5 different channels simultaneously in relation to the same issue'.

Principal Performance & Improvement Officer (2014)

3.2.5. Historically all complaints directed to the Corporate Team had been recorded on a relatively simple database. However in addition to having a limited degree of functionality and automation recent changes in the Councils structural arrangements have resulted in certain aspects of the database becoming defunct and in need of revision. As a result of this, and other managerial factors, a system was recently introduced as a temporary means of recording information based upon a Microsoft Word application.

3.2.6. Whilst some of the benchmarking group of authorities managed complaints though commercially procured software this tended to be as part of a wider system application, e.g. Direct Link / Contact Centre enquiry systems. An equal number of authorities have used in-house ICT support to develop their own software applications.

3.2.7. The Group noted that colleagues within ICT had previously undertaken some work in this regard although this had not been fully completed as a result of the changes in management arrangements that occurred in 2013. Additionally systems had already been developed in-house for similar types of activities, e.g. managing Freedom of Information requests, which had functional features that were considered useful to the administration of a complaints procedure, e.g. assigned named Officers, automated e-mail alerts etc.

3.2.8. In considering the varied nature of complaints that had been received by the Council, and taking account of existing guidance, it was recognised that defining a complaint was in itself not necessarily as straightforward as may first appear. There was some concern that too broad a definition may result in all manner of communications being classified as complaints and being dealt with through the formal Complaints Handling Procedures.

‘Providers should be clear about what a complaint is and what issues will be considered through their CHP. They should define the meaning of a complaint within the CHP so it is clear to both staff and service users’
SPSO (2014)

3.2.9. Most of the authorities contacted as part of the benchmarking exercise had developed a definition of a complaint based upon LGO Guidance which suggests that:-

‘A complaint is an expression of dissatisfaction about a Council service (whether that service is provided by the Council directly (or by a contractor or partner) that requires a response’.

3.2.10 Darlington Council have adopted a slightly narrower definition i.e.

‘When someone tells us that they are not happy about a service or something that we have or have not done that has an impact upon them’.

3.2.10. Whilst the Council would continue to welcome feedback from service users it was recognised that the formal Complaints Handling Procedure should be used primarily to address issues of actual or perceived service failure which could, or had, led to some injustice to the individual.

3.2.11. Adopting this approach would not prohibit the Council receiving or responding to communications concerning decisions it may have made that have a wider community impact e.g. the construction of the Mersey Gateway. However should the complainant remain dissatisfied with the Councils response such matters would not necessarily and routinely be progressed to an independent Stage 2 review.

3.2.12 Similarly to Halton all of the authorities within the benchmarking group made efforts to ensure that routine requests, such as missed bin collections, were directed to relevant service areas who would be responsible for monitoring and managing such activity.

- 3.2.13. It is also recognised that on occasion the authority may receive contacts from individuals or groups whose expectations are unreasonable, where the Council cannot deliver the outcome that they are seeking, or where opinion about the acceptability of the Council's actions remains diverse and there is an unwillingness to accept the facts or the Council's position.
- 3.2.14. In 2008 the Council adopted a vexatious Complaints Policy to provide a means by which the Council could respond consistently, and as a last resort, to habitual or repetitive complaints. To date the Council has not had occasion to implement the Policy.
- 3.2.15. However there was recognition that, and albeit outside of the direct scope of the review, the Council may find it helpful to develop a wider Unacceptable Actions and Behaviour Policy that would extend beyond, although include, complaints. For example this could be linked to the Council's existing Exclusion Policy and provide a framework through which staff and managers could respond to a range of unacceptable behaviours ranging from verbal or physical abuse to the intention to cause alarm or distress.
- 3.2.16 In light of the findings above the Group concluded that in regards to the receipt and capture of information there were opportunities for the Council to further improve upon existing arrangements and recommends the following course of action.**

Recommendation 1

The Council should determine a clear definition of what constitutes a complaint publish a revised Corporate Complaints Procedure which includes target timeframes for resolution. It may be helpful to supplement the procedure with a user focussed list of Frequently asked Questions.

This Procedure should be widely communicated internally, particularly amongst key customer facing staff, and provide named contact details as further sources of advice and information.

Recommendation 2

The development of an in-house system to record information about complaints should be reinstated and a solution implemented as soon as possible. The existing Freedom of Information system used by the Council would provide a suitable platform for this work.

Recommendation 3

To further enhance accessibility and automation a Corporate Complaints Form should be made available via the website that can be submitted electronically to the Complaints Team.

Recommendation 4

Consideration should be given to the development of a Corporate Unacceptable Actions and Behaviour Policy. This would provide a framework through which the Council can respond consistently to a broader range of communications / interactions with individuals / groups that are considered to be unacceptable. This work should be taken forward through the Council's normal policy development arrangements.

3.3 Complaints Handling Process

3.3.1 At present the complaints handling procedure follows a three stage internal process as illustrated opposite. A more detailed explanation of this process is provided for information within **Appendix 4**. This approach has a number of advantages in that:-

- It is a transparent process that is well documented and publicised;
- In exceptional circumstances it can provide a helpful degree of flexibility in dealing with complex or high-risk complaints through the instigation of a stage 2 review at the outset e.g. where there is a significant risk of damage to the organisations reputation or credibility;
- It allows the views of Officers to be constructively challenged through independent investigation by colleagues external to the service.



3.3.2. However the Topic Group made a number of observations as to how this process worked in practice that were considered to offer the scope for improving future arrangements and potentially reducing operating costs.

3.3.3. Current good practice guidance suggests that a two stage internal process would provide a credible and proportionate procedure and provide sufficient assurance to stakeholders that their concerns were treated seriously.

'The fewer the people involved and the quicker the response the lower the cost'. SPSO Guidance (2011).

'The CHP includes a robust review by someone who has independence and authority to ask questions, get at the facts and recommend changes in response to complaints'. LGO Guidance (2009)

3.3.4. Additionally 5 of the 8 local Authorities used as case studies by the LGO adopt a 2 stage process, as do 3 of the 5 of the Council's nearest geographical neighbours. Of the minority of authorities that adopt a 3 stage process only 1 (Salford) has an Elected Member Panel as part of the procedure.

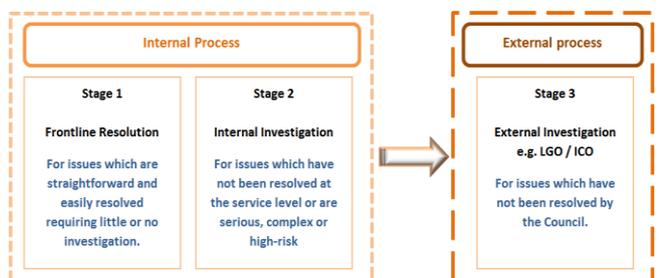
3.3.5. There is some evidence that on occasion complaints can inadvertently be dealt with twice at Stage 1 where services are initially contacted directly and details are not logged through the Corporate Complaints Handling Procedure.

3.3.6. In addition the existing three stage process has the potential to extend the timeframe in which complaints can be concluded and whilst pursuing a complaint through each of the stages may not result in additional costs to the individual it has the potential to increase the authority's operating costs.

3.3.7. In light of the findings above the Group concluded that in regards to the Complaints Handling Procedure there were opportunities for the Council to further improve upon existing arrangements and recommends the following course of action.

Recommendation 5

In line with current good practice adopt a 2 stage Corporate Complaints Handling Procedure. This would ensure complaints are dealt with in a timely manner and that provides credibility and assurance whilst reducing the potential ongoing costs of administering the CHP in line with Best Value principles.



Recommendation 6

In addition to a revised Corporate CHP being published all key staff, particularly those delivering customer facing activities, should be made aware of the Corporate Complaints Handling Process and provided with clear guidance on individual roles and responsibilities. All such staff new to the organisation should be routinely identified as a target audience for such material.

3.4. Monitoring and Reporting

3.4.1. There was a mixed picture amongst the authorities within the benchmarking group as to how Complaints Handling Procedures were monitored and administered. This ranged from having a dedicated Complaints Team, all complaints being directed through a Contact Centre, or having a small team that monitored the CHP as part of a wider remit.

3.4.2. Historically, and preceding an organisational restructure in 2013, Halton has adopted the latter approach and the CHP has been administered and monitored by staff within the Corporate Performance and Improvement Team who also undertake stage 2 investigations.

3.4.3. The principal advantage to this approach is it provides oversight of the process and the speed and quality of responses whilst devolving responsibility for initial complaint resolution to those delivering services.

3.4.4. For example Warrington Council designate individuals within service areas as 'Complaints Reps' who are responsible for logging information into the central system and manage the provision of responses at Stage 1 of the CHP.

3.4.5. This allows the central team responsible for retaining oversight of the CHP to provide additional support where this is necessary, for example by identifying those complaints that may be considered high-risk or high-profile and best dealt with as Stage 2 internal

'Councils should have adequate systems in place to track progress and follow up delays and reasons for them.

LGO Guidance (2009)

investigations at the outset. It can also ensure that a co-ordinated approach is taken when dealing with complaints that cut across a number of service areas.

- 3.4.6. It was noted that due to recent organisational restructuring both the Communities and Children and Enterprise Directorates have a small staff responsible for the administration of Adult Social Care and Children’s Social Care Complaints Procedures who potentially could act as Directorate Representatives.
- 3.4.7. Additionally in the absence of a unified system for recording complaints and ambiguity concerning roles and responsibilities there remains a risk that the Council may provide discrete and inconsistent responses to the same individual who chooses to communicate through different channels on the same or varied issues.
- 3.4.8. In recent years the number of Corporate Complaints recorded each year has averaged between 25 and 35 per year and this may indicate that some complaints were being dealt with outside of the formal system. Whilst this may be a positive indication that complaints were being handled informally, and to the satisfaction of complainants, it is unhelpful in monitoring the nature and type of complaints at an organisational level. The use of a central database and the availability of clear guidance on the Complaints Handling Process should improve this situation *(Please refer Recommendations 2 and 6 on p 10 and p12)*.
- 3.4.9. Historically an annual year-end report has been presented to the Corporate Policy and Performance Board which was publicly available via PPB Agendas and Minutes published on the Council’s website. The report provided details of the complaints that were handled in the preceding year through the Corporate, the Adult Social Care, and the Children’s Social Care procedures.

‘Councils should regularly publish complaints performance data... this helps ensure transparency and demonstrates to service users that complaints are valued

SPSO Guidance (2011)

This report included information on;-

- A trend analysis of the number of complaints received through each of the three procedures over the preceding 5 years.
 - The number of complaints resolved at the various stages and the proportion responded to within target timeframes.
 - The nature of complaints by type and Directorate and the numbers upheld, partially upheld, or not upheld.
- 3.4.10. More recently this information has been supplemented by information concerning compliments that had been received across the various areas of the Council albeit that such information largely reflected documented comments e.g. those received via e-mail or thanks you cards etc. It was however recognised that many compliments may be provided on a one to one basis through the interaction of Officers and service users.

3.4.11. Whilst information concerning compliments was considered helpful in providing a balanced picture of the Council activities it was not considered essential that a formal system is developed in the short-term to capture such information. However this could be considered as part of the development of a Complaints Database and warranted further discussion with ICT colleagues.

3.4.12. This type of report was considered to provide useful information to Members concerning both the issues that were of concern to service users and the extent to which the Council was managing the Complaints Procedures effectively. However as a result of a number of factors, including restructuring and resource constraints, the Corporate Policy and Performance Board did not receive a report for the financial year 2013-14.

3.4.13. In light of the findings above the Group concluded that in regards to the monitoring and reporting of the CHP existing arrangements were effective and recommends the following course of action.

Recommendation 7

That central oversight of the CHP is maintained and that Members continue to receive an annual report, which is published via the Council's website, providing the number and nature of complaints, the actions taken in response and the extent to which target times were achieved. Such information should be supplemented as far as possible with details of comments and compliments regarding the delivery of services.

In developing a suitable database consideration should also be given as to whether it is possible or practical to capture complaints comments and compliments within a single system.

3.5 Organisational Learning

3.5.1 There are considered to be two primary means by which the management of the complaints process can aid organisational learning. These relate to improving the delivery and design of services and improving the administration of the actual process itself e.g. the quality and consistency of the Councils response to complaints and in.

'Complaints systems are not mechanisms for apportioning blame but an important part of a Council's learning and development'
LGO Guidance (2009)

3.5.2. Intelligence from complaints needs to be used and combined with other information to develop a picture of the Council's overall performance and care needs to be taken to avoid providing individual remedies to complainants without considering the wider picture.

- 3.5.3. At present any lessons learned and improvements that have been identified from handling complaints are largely communicated at an operational level through word of mouth and other informal channels of communication. This may be adequate given the limited number of complaints being recorded under current arrangements and there is some evidence that changes to working practices have changed as a direct result of complaints being made.
- 3.5.4. However in light of a revised system being developed, which would include information on complaint outcomes, a more formal approach may need to be adopted and other channels of communication considered e.g. Directorate Management Teams etc. this would allow senior management to routinely monitor the implementation of any agreed actions that had arisen as a result of the Complaints Procedure.
- 3.5.5. In relation to the administration of the process considerable experience has been accumulated by key staff that have extensive organisational knowledge of dealing with complaints from service users. However such knowledge is largely shared on an individual case by case basis and this could be more widely shared in order that it is exploited to its full potential.
- 3.5.6. At present there is no guidance available to staff, other than the published Corporate Complaints Procedure, which would assist them in managing interactions with service users in situations where a complaint may be or is being made. Additionally it is important that staff feel supported by the system, receive feedback on complaints that they have been involved in, and know what process will be followed should complaints be received about them. It is important that the Council develops an approach that encourages an open-minded and impartial approach to handling complaints and avoids defensive responses becoming the default position.
- 3.5.7. It is also important that staff who handle complaints are able to empathise with complainants in recognising that the world, and the actions of the Council are viewed through individual human lenses and this may result in a diversity of opinion. In light of this responses provided by the Council, should be clear and evidence based and avoid assumption and the use of emotive language.
- 3.5.8. There is some anecdotal evidence that scope exists to improve the quality and consistency of Stage 1 responses provided directly by services and that on occasion the clarity and quality of the initial response could lead to complaints being escalated thereby causing unnecessary duplication and additional grievances about the way the matter has been handled. In light of this there needs to be a system in place which provides feedback to staff who are providing responses on behalf of the Council concerning good and bad practice and accepting the limitation of confidentiality using actual examples of this may be considered helpful.

'Bodies should regularly review the training needs of frontline employees and investigative staff to ensure that they have the skills and confidence to use the authority delegated to them'

SPSO Guidance (2011)

3.5.9. In light of the findings above the Group concluded that in regards to organisational learning there were opportunities for the Council to further improve upon existing arrangements and recommends the following course of action.

Recommendation 8

In addition to the published Corporate Complaints Handling Procedure staff should be provided with more comprehensive guidance / training on the handling of complaints. This could for example include information about roles and responsibilities, how to deal with difficult behaviour and how to make an apology, how to develop and communicate a response, how to undertake an investigation etc.

In communicating such information a range of channels should be considered to meet any identified needs of discrete audiences e.g. guidance notes, group sessions, e-learning modules etc.

Recommendation 9

That each Directorate Management Team formally receives a summary of the complaints and compliments that are being received on a regular basis e.g. quarterly / bi-annually. This need not be an extensive narrative on every individual matter but should identify any emerging trends in the nature of complaints, the number that were upheld and any learning outcomes that resulted.

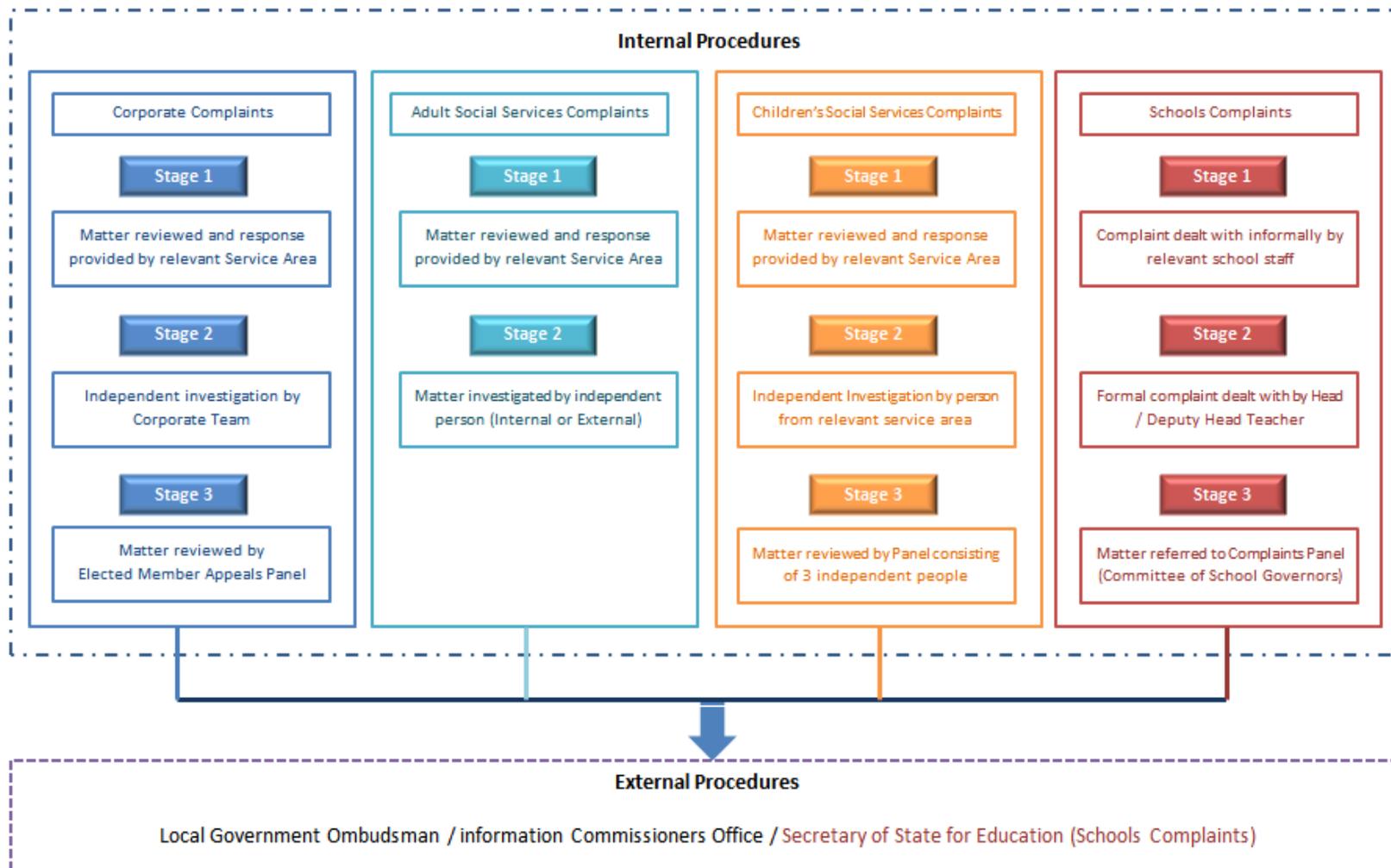
This would provide visible Senior Management leadership of the process and communicate a positive message that complaints are important to the authority and are being used as a source of learning.

Where such learning has implications at an organisational level it should be shared across Directorates through Directorate Complaint Representatives.

Recommendation 10

In addition to publishing an Annual Report via Corporate Services PPB, the Council should make use of internal communication methods, e.g. InTouch, Intranet etc., to circulate information to staff concerning the handling of complaints and the Councils performance and any learning outcomes.

HBC Existing Complaints Procedures March 2014



Appendix 2 – Ombudsman Guidance Complaint Handling Procedures

Scottish Public Services Ombudsman (2011): Guidance has been developed around 3 principal aspects.

Process and Accountability

Stage 1 < 5 working days

Frontline resolution

For issues that are straightforward and easily resolved requiring little or no investigation

Stage 2 < 20 working days

Internal Investigation

For issues that have not been resolved at the frontline or are serious, complex or high-risk

Stage 3

External Independent Review (SPSO)

For issues that have not been resolved by the Service Provider

- The fewer the people involved and the quicker the response the lower the cost. Staff should be aware of complaints process and be provided with clear guidance / training. Organisations need to be clear about what constitutes a complaint and what issues will and will not be dealt with via the CHP.
- Senior Management should take an active interest in the volume and nature for all complaints received and Line Managers should take responsibility for frontline complaints handling and recording and reporting performance.
- Following investigation a full, objective and proportionate response representing the definitive position on all points raised should be provided and signed off by Senior Officer.

Tools for Investigation and Redress

- Complaints should be accepted through the easiest means for the complainant and handlers should determine what the complaint is about, what the complainant seeks to achieve, and if their expectations realistic and achievable. The scale of an investigation should be proportionate to the issue(s) raised.
- Investigative staff should have the authority to question explanations given by colleagues.
- Where parties agree mediation / conciliation services can be used as a tool to resolve user dissatisfaction and defuse problems before they escalate.
- Communicating a decision needs to be clear and concise, literacy should not be assumed and special needs taken into account.
- Service providers should develop an unacceptable actions / behaviour policy and communicate it to staff and have a process in place to communicate a decision to implement the policy with the individual concerned.
- Senior Management should develop a clear policy on redress and complainants should be told about action taken although it is inappropriate to share specific details that affect individual staff members.

Publicising, recording, learning and improvement

- The CHP should be easily accessible by users e.g. leaflets, online access, special needs etc. Staff should be aware that users may not always use the term 'complaint' and use discretion to ensure expressions of dissatisfaction are handled via the CHP.
- The organisation should regularly publish performance data, including outcomes, to help ensure transparency and demonstrate that complaints are valued.
- Organisations should maintain a complete and accurate record of all complaints, including frontline resolution, including subject, outcomes and actions and use such information proactively for improvement.
- Senior Management should provide clear direction on the extent of limits and discretion and responsibility in resolving complaints.
- Staff involved in complaint handling should be provided with appropriate skills, resources and training including Data Protection law and practice.

Local Government Ombudsman (2009): Guidance has been developed around 6 suggested features.

General issues

There can be confusion about what constitutes a complaint. When a request for a service or an objection to a decision or a policy becomes a complaint, and what response is provided and accepting one is expected, is a matter for the authority to decide. There is no difference between an informal or a formal complaint and we suggest that Councils have a definition that includes '*an expression of dissatisfaction about a Council service that requires a response*'

Accessibility

- Information on how to complain is available in a clear and understandable form and is on relevant websites, along with primary contact details, and facilities exist to make complaints within different forms. Authorities *must* ensure that their procedures comply with equalities and human rights legislation.
- Councils need to decide how to address anonymous complaints as some may raise issues of serious concern. New staff need to be given information on the process and existing staff need to be provided with periodic updates. Staff need to be able to give clear and accurate advice about comments and complaints and to provide assistance.

Communication and Timeliness

- Direct contact with the complainant helps to clarify whether the issue is a complaint, what outcome is being sought, and if this is achievable. However this does not mean that LGO advocate personal contact as a replacement for more formal written responses.
- It is helpful if Contact Centre Staff (CCS) are trained to assist people who wish to make a complaint. Tensions can arise between CCS and departments where there is a lack of clarity about who should respond and how. Joined up processes and co-ordinated responses between the Council and partners should be facilitated and there is an effective recording and feedback loop so that organisational improvements can be made.
- The LGO believes 2 stages will normally be appropriate to deal with most complaints and consider that 12 weeks allows sufficient time for a Council to deal with a complaint. Published procedures should include target timescales which can be tracked and delays identified. However there is a need to avoid perverse incentives and lack of ownership.

Fairness and Credibility

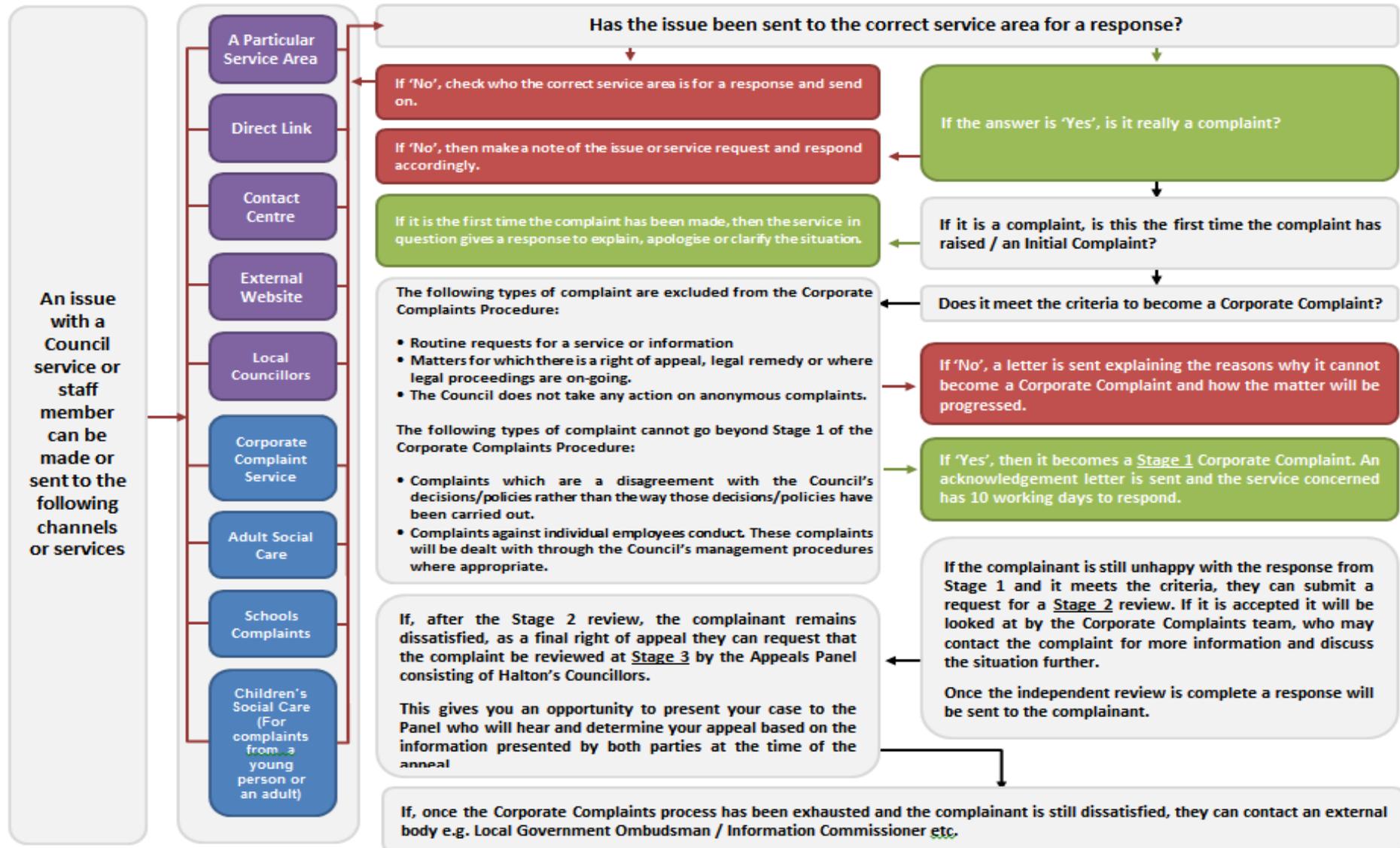
- Councils that perform well have feedback loops which allow front line staff to capture and pass on information about emerging issues. Staff should be aware of the process and what they can and cannot do. Councillors have an important role to play in raising awareness of procedures and reviewing performance. The LGO have published guidance on unreasonably persistent complainants and unreasonable behaviour.
- The complaints system needs to be managed by someone who can take an overview and implement changes to it. Systems that provide independent review are more credible to the service user and can save time and resources.

Accountability

- The disclosure of information would have to be made on a case by case basis where personal information may be involved and staff will need advice from an information specialist e.g. Data Protection.
- Responses should be clear and evidenced based and responsibility for implementing changes determined. The complaints process should be reviewed periodically

Appendix 3 – Summary of Benchmarking Information

Organisations reviewed	Primary findings
Darlington Council	<ul style="list-style-type: none"> ▪ Retail outlets published relatively little information on their websites about the formal procedure for dealing with complaints. this may arise from stores having discretion in how to handle them e.g. award of discount on next shop etc. the preferred route seems to be service desk in individual stores. Amazon also facilitates a help forum where questions can be answered by their customer services team or by other customers. ▪ All of the LA's published details of their complaints process and the timeframes in which they expected complaints to be handled. ▪ All retained a number of communication channels and in some cases all complaints were routed through Customer Contact Centres ▪ All authorities had based their definition of a complaint around 'an expression of dissatisfaction requiring a response'. ▪ All retained central oversight of the process through either dedicated complaints teams or specific staff with wider duties although the extent to which administrative responsibilities were devolved to individual service areas / contact centres etc. varied. ▪ All made efforts to differentiate between service requests and complaints and authorities recognised the difficulty in trying to formally capture every communication to the Council given the different communication channels that are available. ▪ All authorities seem to use a single database for capturing details of complaints which were either procured externally or developed in house. ▪ The majority of authorities adopted an internal 2 stage process with second stage complaints being subject to review, generally undertaken by Senior Officers. Of the 5 authorities that adopt a 3 stage process only 1 involved an Elected Member Panel. ▪ All produced an analysis of the number and nature of complaints and their outcomes and used this alongside other information to support organisational learning and service development.
Lincolnshire Council	
Haringay Council	
Richmond Council	
Manchester Council	
Salford Council	
Sandwell Council	
Southend Council	
Cheshire West and Chester Council	
Knowsley Council	
Liverpool Council	
St Helens Council	
Warrington Council	
<i>High Street Retailers</i>	
Asda	
B & Q	
Tesco	



Appendix 5– Recommendations and Rationale

	Recommendation	Rationale
1.	The Council should determine a clear definition of what constitutes a complaint publish a revised Corporate Complaints Procedure which includes target timeframes for resolution	<i>This would ensure that only those matters that could involve an injustice to the individual are considered within the two-stage process involving internal review and avoid protracted communication on more general matters.</i>
2.	The development of an in-house system to record information about complaints should be reinstated and a solution implemented as soon as possible.	<i>This would provide a comprehensive database which can be used alongside other intelligence to inform the decision making processes of the Council.</i>
3.	To further enhance accessibility and automation a Corporate Complaints Form should be made available via the website that can be submitted electronically to the Complaints Team.	<i>This would make fuller use of existing ICT resources in further developing self-service portals for service users.</i>
4.	Consideration should be given to the development of a Corporate Unacceptable Actions and Behaviour Policy.	<i>This would provide greater clarity and an organisational level framework through which unacceptable actions and behaviour could be managed.</i>
5.	In line with current good practice That the Council should adopt a 2 stage Corporate Complaints Handling Procedure.	<i>This would provide a quick simple and streamlined process which focusses on early resolution by empowered and well-trained staff.</i>
6.	In addition to a revised Corporate CHP being published all key staff, particularly those delivering customer facing activities, should be made aware of the Corporate Complaints Handling Process and provided with clear guidance on individual roles and responsibilities	<i>This would help to ensure greater consistency in the process and provide transparency and assurance to service users that complaints are valued by the organisation.</i>
7.	That central oversight of the CHP is maintained and that Members continue to receive an annual report.	<i>It is important that Members and Officers have a comprehensive picture of complaints being received across the organisation and of the Council's performance in administering the process.</i>
8.	In addition to the published Corporate Complaints Handling Procedure staff should be provided with more comprehensive guidance / training on the handling of complaints	<i>This would empower staff to deal with complaints confidently and assure the consistency of the Council's approach.</i>
9.	That each Directorate Management Team formally receive a summary of the complaints and compliments that are being received on a regular basis	<i>This would provide an operational context and supplement the information received by Corporate Management Team / Members on an annual basis. It would also provide assurance that any agreed actions were implemented.</i>
10.	In addition to an Annual Report via Corporate Services PPB, the Council should make use of internal communication methods to circulate information to staff concerning the handling of complaints the Councils performance and learning outcomes.	<i>This would channel information directly to staff and engage them more fully in relation to the handling of complaints and the opportunities for organisational learning.</i>