

Item 7

REPORT TO CABINET

23RD DECEMBER 2004

REPORT OF CHIEF EXECUTIVE OFFICER

Welfare and Communications Portfolio

Revised Policy and Procedures for Handling of Customer Complaints

1. Summary

- 1.1 This report sets out proposals to amend the corporate policy and procedures for handling customer complaints following a fundamental review of the existing arrangements. Attached at Appendix 1 is an updated Policy, which reflects both the Ombudsman's Guidance, and the experience gained since the original Policy was introduced.
- 1.2 The report outlines arrangements for making the Customer Relations Database available to those parts of the Authority that do not currently record complaints electronically. The report also proposes to provide regular (twice yearly) reports to Management Team and Scrutiny Committee 1 in terms of statistics and significant/recurring issues of complaints.

2. Recommendation

It is recommended that...

- 2.1 That the revised 'Policy for the Handling of Customer Complaints' be approved.
- 2.2 Complaint statistics by department, including significant/recurring areas of complaint be reported to Management Team twice yearly, and that these are then made available to Heads of Service, Strategic Working Groups and Overview and Scrutiny Committee 1.

3. Background

- 3.1 The Borough introduced the current Complaints Policy in 1991 as part of its Customer Care Programme. The Policy has worked reasonably well and given residents and users of our services the opportunity to comment on and criticise either the Services themselves or the delivery of the Services. The Borough has gained valuable feedback, which has in some cases been used to improve service delivery and procedures.
- 3.2 The maintenance and analysis of complaints records, however, is inconsistent across Departments and needs to be improved. There is also not a formal

process of informing Management Team, Strategic Working Groups and residents about performance on complaints handling and the effectiveness of the Policy.

- 3.3 As it is 13 years since the Policy was first introduced it is an appropriate time to review the Policy, particularly as the Ombudsman has issued an updated Good Practice Guide on Running a Complaints System.
- 3.4 The revised Policy is aimed at providing residents and other users of Borough Services with the opportunity to comment on/criticise Borough Services or service delivery. By aiming to resolve issues primarily at the point of delivery i.e. front line staff and the Department involved (Stages 1 and 2), Customers will receive a quick response to their queries/concerns. This will also allow the Chief Executives corporate complaints staff to become more proactive in promoting the Policy, providing guidance to Departments and providing monitoring reports.
- 3.5 It has to be accepted, however, that not all customers will accept the response given to them by the Department providing the service in question. The Customer Relations/Complaints Team will continue to provide them with an opportunity for independent review/investigation on behalf of the Chief Executive (Stage 3) and deal with more complex issues involving a number of Departments.
- 3.6 Complainants will still have the right to approach the Local Government Ombudsman if they are still dissatisfied after Stage 3. Where the Council has been at fault, however, the Corporate Customer Relations Staff will attempt to reach a settlement with complainants so that they do not feel it necessary to approach the Ombudsman.
- 3.7 The introduction of formal reporting systems to Management Team and Performance Improvement Strategic Working Group will enable trends/issues to be identified at an early stage and, where necessary, appropriate action can be built into Department and Section Business Plans.
- 3.8 To ensure the effectiveness of the Policy and Procedure an Annual Report will be produced together with a ½ yearly report on the position for April – September each year. This will detail the number and type of complaints by service, average time to respond and satisfaction with complaints handling. Recurring/significant issues can be highlighted and details given of how the complaints received have influenced policies or procedures. To ensure equality of access, information collected will be analysed by gender, age, disability and ethnicity.
- 3.9 The Customer Relations/Complaints Team is developing a database to record and track complaints. It is proposed to share this with those Teams that do not currently record complaints electronically.
- 3.10 Attached is a Report detailing the complaints received by the corporate complaints staff in 2003/2004. It is not possible to report across the Authority at this stage because of the inconsistencies in the maintenance and analysis of complaints across Departments.

- 3.11 Appropriate Training for Staff and Members will be arranged and built into future induction programmes for new Councillors and Staff. It is particularly important that Staff are clear on what constitutes 'a complaint'. Staff Training, therefore, will aim to ensure that 'service requests' (e.g. remove bags which have been fly tipped) and general queries are not treated as complaints. Similarly, where the Borough has set a service standard (e.g. to empty a missed bin within 24 hours depending on the time reported), any reports of service failure will be dealt with under existing procedures.
- 3.12 The new Policy and Procedures will be advertised in 'Inform' as well as Council Offices, Libraries and Advice and Information Service offices.

4. Resource Implications

- 4.1 There are no significant resource implications arising directly from the adoption of the revised Policy. Printing and publication costs in terms of new literature can be met from existing resources.

5. Consultations

- 5.1 Housing Management staff introduced an internal complaints process on 13 January 2003, which reflects Stages 1 and 2 of this revised Policy. Tenants were consulted through the Housing Focus Group and were very supportive of the concept of resolving complaints as close to the point of service delivery as possible.
- 5.2 The proposals were examined by Overview and Scrutiny Committee 1 on 23rd November 2004 and the Committee supports the proposed revised Policy and Procedures.

6. Other Material Considerations

- 6.1 During the Comprehensive Performance Assessment last year the Audit Commission concluded that the Council's existing complaints system was not being used to systematically drive improvements. Complaints analysis needed refining and formal reporting mechanisms needed to be introduced. The revised Policy will address these issues.
- 6.2 The current procedures also impact adversely on the Council's ability to secure quality awards, such as the Charter Mark, which place great emphasis on processes for monitoring, analysing and using complaints statistics and other feedback as a means of driving service improvements. This was the prime reason for Housing Management staff introducing revised arrangements reflecting Stages 1 and 2 (see section 5. above).

7. Overview and Scrutiny Implications

- 7.1 The half yearly Reports on Complaints received will be submitted to Overview and Scrutiny Committee 1.

8. List of Appendices

1. Revised Policy for the Handling of Customer Complaints
2. Report on the complaints received by the Corporate Complaints Staff in 2003/2004

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Ward(s) All

Background Papers

Ombudsman's Publication 'Running a Complaints System - Guidance on Good Practice'

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. The report has been approved by Management Team	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SEDGEFIELD BOROUGH COUNCIL

POLICY FOR THE HANDLING CUSTOMER COMPLAINTS

1. WHY HAVE A COMPLAINTS PROCEDURE?

Our aim is to provide quality services for the people of Sedgefield Borough. But sometimes things can go wrong. If they do, we need to know so we can put them right and learn from them. We welcome complaints because this feedback helps us improve our services and ensures our customers are treated fairly.

Our complaints procedure aims to :

1. Provide a **straightforward means** for customers or those acting on their behalf to make a complaint to the Council.
2. Resolve complaints **swiftly** and as **close to the source** of the problem as possible
3. Ensure we keep the complainant **informed** about progress as well as the eventual outcome.
4. Put things **right** where complaints are found to be justified.
5. Ensure that action is taken to **prevent a recurrence** of identified problems.
6. Identify opportunities for **improving services**
7. Provide **feedback** to departments and Councillors so that trends in complaints are **taken into account** when policy decisions are made.

2. THE COUNCIL'S DEFINITION OF A COMPLAINT

'An expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Council or its Staff'.

3. THE COMPLAINTS PROCEDURE DOES NOT COVER:

1. Requests for a service (e.g. reporting housing repairs)
2. Requests for information or explanation of Council policy or practice
3. Matters for which there is already a mechanism for appeal or a legal remedy e.g. Planning Appeal
4. A complaint where legal proceedings have already started
5. Complaints that have already been finally determined by a court or tribunal
6. Complaints about a Councillor which should be addressed to the Council's Monitoring Officer

4. WHO CAN COMPLAIN?

Anyone receiving or seeking a service from the Council including, where appropriate, anyone acting for those unable to complain personally.

We aim to ensure that no-one, including a child, is excluded from the complaints procedure because of any difficulties they may have in representing themselves. Wherever possible we point people in the direction of suitable assistance. This may include a translation service and/or the Advice and Information Service.

5. THE COMPLAINTS PROCEDURE

STAGE 1

The Council will aim to resolve complaints quickly and satisfactorily by dealing with the complaint informally. Complaints will firstly be referred to the appropriate 'front line' officer within the service department concerned. At this stage complaints can be accepted in any form and do not have to be in writing.

Every effort will be made to respond to the complaint **immediately**. If this is not possible as further investigation is required, the complainant will be notified of the date when they can expect a response (every effort will be made to ensure this response is made within 10 working days).

If the complaint cannot be resolved at this Stage, complainants will be told it may be referred to Stage 2 and that the complaint should, if possible, be set out in writing (letter, e-mail, fax, or on a complaint form).

STAGE 2

At the second stage a more senior member of staff from the service department will consider the complaint and inform the complainant of the outcome.

Every effort will be made to respond to Stage 2 complaints (in writing if requested) within 10 working days.

If the complaint is complex and requires a detailed investigation, an explanation and an expected completion date will be given to the complainant within 10 working days. Progress reports will be given at 10 working day intervals thereafter, until the complaint has been dealt with.

If the complaint cannot be resolved at Stage 2, complainants will be told it may be referred to Stage 3 and that the complaint should, if possible, be set out in writing (letter, e-mail, fax or on a Feedback Form).

STAGE 3

At Stage 3 the complaint is considered by an Officer from the Customer Relations Section who is independent of the service department and acts on behalf of the Chief Executive Officer.

The way in which a complaint is handled at Stage 3 can vary considerably. In some cases, it may be possible to conclude quickly that there is nothing to add beyond the Stage 2 decision. In other cases an extensive investigation may be needed.

Every effort will be made to respond to Stage 3 complaints (in writing if requested) within 10 working days.

If the complaint is complex and requires a detailed investigation, an explanation and an expected completion date will be given to the complainant within 10 working days.

Progress reports will be given at 10 working day intervals thereafter, until the complaint has been dealt with.

At all stages every effort will be made to give a response as quickly as possible.

Complainants will be told of their right to refer the complaint to the Local Government Ombudsman should they remain dissatisfied after Stage 3.

6. HOW TO MAKE A COMPLAINT

The Council aims to ensure the complaints procedure is accessible to all and will accept complaints:

1. by telephone to (01388) 816166 (a minicom system is available for the hearing impaired)
2. by e-mail to either the appropriate department (Stage 1 and 2 Complaints) or to complaints@sedgefield.gov.uk (Stage 3 Complaints)
3. via the Council's web-site @ www.sedgefield.gov.uk
4. by completing and posting the tear off slip in the Feedback Form located in most Council and Public buildings
5. in writing to either the department (Stage 1 and 2) or to Customer Complaints at Sedgefield Borough, Council Offices, Spennymoor, Co Durham DL16 6JQ (Stage 3).
6. in person to a member of staff from the appropriate department (Stage 1 and 2) or to a Complaints Officer (Stage 3).
7. through a Borough Councillor
8. through a representative

Translations, interpreters, audio tape and signing are available upon request.

7. COMPLEX/SERIOUS COMPLAINTS

The Council will exercise discretion about the stage at which we start to consider a complaint. Complex complaints may be referred straight to Stage 2 and very serious complaints referred straight to Stage 3. Any views expressed by the complainant will be taken into account when determining the stage at which a complaint commences.

8. MP ENQUIRIES

All enquiries from MP's will be referred to the appropriate Department which should aim to respond within 10 working days. If the enquiry is complex and requires a detailed investigation, an explanation and an expected completion date will be given to the MP within 10 working days. Progress reports will be given at 10 working day intervals thereafter, until the enquiry has been dealt with.

9. COMPLAINTS FROM COUNCILLORS

A complaint brought by a Councillor who is acting as a constituent's advocate will be handled in accordance with the Complaints procedure outlined at Para 5. Councillors will be informed of progress made in handling the complaint.

10. LOCAL GOVERNMENT OMBUDSMAN

Each complainant, at the completion of Stage 3, will be given details of how to complain to the Local Government Ombudsman, should they be dissatisfied with the way in which the complaint has been handled.

11. VEXATIOUS/REPETITIVE COMPLAINTS

The Council may choose to give a decision on a complaint, without a formal investigation, where it considers the complaint to be deliberately repetitive or vexatious.

12. COMPLAINTS ABOUT A POLICY

Sometimes people want to complain about a policy rather than a particular service. Where this is the case the complaint will be referred to the officer (or, where there is not one responsible officer), to the working group, panel, association, forum etc. responsible for that policy for consideration and reply.

13. COMMENTING ABOUT A COUNCIL SERVICE

We recognise that sometimes members of the public simply want to register a comment about a Council service, and do not wish to pursue a complaint. In this case we will ensure a record of the comment is maintained and appropriate action is taken on the comment.

14. INDEPENDENT MEDIATION

The Council will provide independent mediation to help resolve Stage 2 and Stage 3 complaints where it is considered that the involvement of independent assistance would be beneficial and where the complainant wishes to follow that route e.g. in serious instances of neighbour disputes.

15. REMEDIAL ACTION

The complaints procedure is in place to put things right if they have gone wrong. The remedy should therefore fit the injustice to the complainant.

The general principle followed will be, as far as possible, to put the complainant in the position that he or she would have been in had things not gone wrong

16. TRAINING

New employees and elected members will be introduced to the complaints procedure at Induction. Thereafter, refresher training will take place at appropriate intervals.

Staff taking up new roles within the authority in a complaints capacity, will be trained on the procedure within the first month of taking up the position.

Complaints handling training will be an integral part of any customer care training undertaken by the authority.

17. HOW WILL THE COMPLAINTS PROCEDURE BE PUBLICISED?

The complaints procedure will be published annually in 'Inform', the Council's Community Newspaper to formally demonstrate the Council's determination to provide customers with high quality services.

Leaflets/posters publishing the procedure will be available in all Council buildings and in other public places including offices of the Advice and Information Service, libraries etc.

The complaints leaflet and policy can be made available in different languages, in large type and on tape.

The Council's web-site has an on-line complaints form and outlines the complaints procedure.

Forms and documentation used by the Council will explain the customer's right to make a complaint.

Staff will be encouraged to tell customers about the procedure whenever appropriate.

In addition, targeted publicity will be arranged, aimed at groups of people or service areas where particular needs are identified.

18. USING COMPLAINTS TO IMPROVE SERVICES

Although the primary objective of the procedure is to provide an effective means for customers to make complaints and have them resolved, another very important aim is to use complaints in a positive way to improve services.

The types and subjects of complaints (Stages 2 and 3), excluding general service requests and queries, will be recorded and analysed half yearly in order to identify trends. Service departments will be required to provide details of Stage 2 complaints by completing a half yearly return for analysis by the Customer Relations Section.

The half yearly report will be discussed by Management Team and the Strategic Working Groups in order that trends/issues are identified early and complaints/concerns are taken into account when policies/service standards are being established or amended.

The outcome of any investigation in which mistakes or problems are identified will be reported to the Director of the department so that appropriate action can be taken to avoid a recurrence.

The Director of the Department will then ensure complaints information is fed, through Performance Management Arrangements, to Section Heads for discussion at Section meetings and inclusion in Section Business Plans.

19. MONITORING THE EFFECTIVENESS OF THE COMPLAINTS PROCEDURE

In addition to the half yearly Complaints Monitoring Reports submitted to Management Team and the Strategic Working Groups, we will publish an **Annual Complaints Report**, giving details of:

1. The number and types of complaints
2. The number of 'justified' complaints by service area
3. The average time taken to respond to a complaint
4. The number of satisfied complainants (based on a quarterly survey of a sample of complainants)
5. What changes we have made to particular policies, procedures or practices in response to complaints.

This information will be analysed by gender, age, disability, ethnicity in order to identify/combat any potential discrimination.

To ensure consistency in applying the complaints policy, a random sample of Stage 1 and 2 complaints will be monitored by the Customer Relations Section, and a random sample of Stage 3 complaints will be checked by Internal Audit.

20. COMPLIANCE WITH OTHER POLICIES

It is recognised that many existing policies have a complaints/appeals procedure built in. Complaints will be handled with reference to existing agreed policies and procedures. Some examples include:-

Introductory Tenancy Reviews
Homelessness Reviews

21. COMMUNITY SAFETY

Section 17 of the Crime and Disorder Act 1998 requires a Local Authority to do all it reasonably can to prevent crime and disorder when planning and providing services. Customer Relations staff, therefore, will have regard to Section 17 when resolving complaints/issues.

Staff will continue to:-

1. Give advice to residents about using door chains and demanding identification before allowing anyone to enter their homes.
2. Promote the Carelink and Community Force Services to residents.

22. OVERALL RESPONSIBILITY

The complaints policy and procedure will be overseen by the **Customer Services Manager** who will: set service standards; ensure consistency, transparency and fairness; ensure the procedure is continuously improved; challenge staff who are not complying with the procedure; ensure the procedure is adequately resourced etc.

The complaints policy and procedure will be co-ordinated on a day to day basis by the Customer Relations/Complaints Officer.

ANNUAL REPORT OF COMPLAINTS RECEIVED BY CORPORATE COMPLAINTS STAFF

1. SUMMARY

- 1.1 This Report outlines the complaints received by the Corporate Customer Relations Staff in the Chief Executive's Department in the period 1st April 2003-31st March 2004 (844 no.). Figures are also given for the period 1st April 2002-31st March 2003 (970 no.) to enable comparisons to be made.

2. BACKGROUND

- 2.1 The Borough has adopted a revised Complaints Policy which is aimed at providing residents and other users of Borough Services with the opportunity to comment on/criticise Borough Services or service delivery. This Policy can be viewed on the Borough's website.
- 2.2 The Policy provides for the publication of an Annual Report on complaints handling. Owing to the inconsistent recording and analysis of complaints across Departments it is not possible to report across the Authority at this stage. Future Reports will, however, include information relating to complaints received by Departments as well as those dealt with by the Chief Executive Officer's Corporate Complaints Staff.

3. DETAIL

- 3.1 It is pleasing that the number of complaints reduced from 970 in 2002/2003 to 844 in 2003/2004, a reduction of nearly 14%.
- 3.2 The main area of complaint (48% of the total) relates to Housing Maintenance, Management and Improvements.
- 3.3 There has been a substantial reduction in complaints about the Maintenance Service although 50 complaints investigated by the Corporate Complaints Staff in 2003/2004 were found to be justified. The main reasons for the complaints on maintenance include missed/cancelled appointments and work not done within timescale. Housing Property Maintenance Team have been asked to address these issues.
- 3.4 There has been a rise in the number of complaints about Housing Management but only 4 were found to be justified. In each case the correct procedure had not been followed/staff error. The error was rectified immediately and staff reminded of the correct procedure.
- 3.5 Of the 46 complaints lodged about Housing Improvements, 5 were found to be justified. 3 were staff error where the correct procedure had not been followed and staff have been reminded about procedures. The other 2 related to the breakdown of newly fitted boiler and Contractors have been reminded about their obligations to respond quickly when this occurs.
- 3.6 The Benefits Service has seen a marked reduction in complaints. This is due to the deployment of additional resources to cope with the workload created

by the Verification Framework. Previously the main area of complaint was the length of time taken to process claims. 5 complaints were found to be justified and corrected immediately. This figure, however, has to be viewed against the 11,000 benefit claims which were processed in 2003/2004.

- 3.7 4 justified complaints are shown against Committee Services but these relate to items of mail sent out without being franked. This figure has to be viewed against the hundreds of thousands of mail items which are despatched each year.
- 3.8 The number of complaints about Council Tax has risen but only three complaints were found to be justified and were simple human error and corrected immediately. Viewed against the number of transactions/accounts dealt with each year there is little cause for concern.
- 3.9 Street Cleansing has seen a doubling in the number of complaints logged but most of the complaints logged are actually service requests which were referred immediately to Environmental Services.
- 3.10 Environmental Health has had a reduction in the number of complaints logged and, as with Street Cleansing, most complaints when investigated turn out to be service requests.
- 3.11 There has been a rise in the number of complaints about Development Control but it is anticipated that the additional staff, including a dedicated Enforcement Officer, who have been recruited will improve service levels and lead to a reduction in complaints in the future.
- 3.12 Refuse Collection has seen a fall in complaints with 15 being justified. These related to missed collections, delay in providing wheelie bins and bins not being returned to the collection point. Viewed against the number of collections/deliveries carried out each year e.g almost 3 million domestic collections (wheeled bins and Kerbit), cause for concern is considered minimal.
- 3.13 Corporate Complaints Staff are playing an increasing role in offering advice and directing people to Other Agencies e.g. Police, County Council.
- 3.14 The Corporate Complaints Staff aim to respond to 100% of complaints and enquiries within 10 Working days and achieved 98.1% in 2002/2003 and 98.4% in 2003/2004. The average time to respond to a complaint/enquiry in 2003/2004 was only 1.3 days compared with 2.3 days in 2002/2003.
- 3.15 If complainants are still not satisfied after they have exhausted the Borough's Complaints Procedure they are advised that they have the right to complain to the Local Government Ombudsman. Where the Borough has been at fault, however, Staff do try to reach a settlement so that complainants do not feel it necessary to approach the Ombudsman. When attempting to reach a settlement Staff do refer to the Ombudsman's Guidance on remedies.

- 3.16 In 2002/2003 there were 26 cases investigated and decided by the Ombudsman. The Borough was not found guilty of maladministration in any of these cases and was able to reach a settlement with 5 complainants to the Ombudsman's satisfaction. In 2003/2004 only 14 complaints were investigated and decided by the Ombudsman. Again the Borough was not found guilty of maladministration and was able to reach a settlement in 2 cases.
- 3.17 The Ombudsman, Mrs Thomas, has written to the Borough (and all other Authorities) to comment on the complaints made against the Borough in 2003/2004.
- 3.18 The character of the complaints received in the year did not reveal any serious areas of concern. The largest number of complaints concerned housing matters but she has not seen any evidence of rising trends within the Council to cause concern. The overall (marginal) increase in complaints is in line with the trend nationally.
- 3.19 Authorities are asked to reply to Ombudsman enquiries within 21 days and on average the Council's response time was 29 days. A number of the complaints were quite complex, a point recognised by her, but complaints staff are looking to improve on current performance.
- 3.20 Mrs Thomas has made specific reference to the two cases which were settled locally in 2003/2004. In both cases the Council was prompt and positive in its response and she regards this willingness to settle complaints with little prompting on her part as reflecting well on the Council. She was particularly impressed with the fact that in one of the complaints it was the Council which proposed the settlement. She regards the Council's positive and proactive response to complaints as highly commendable.
- 3.21 The willingness of residents and service users to complain about or comment on services has provided valuable feedback which has been used to improve service delivery and procedures. For example consultation on planning applications for hot food takeaways has been widened and Council tenants are informed if a repair appointment cannot be kept.
- 3.22 Member Training on the Complaints Policy and Process and the role of the Ombudsman has recently been carried out and will form part of the Induction Training for newly elected Councillors. Staff Training is to start shortly and will again form part of the Induction Training for newly appointed staff.
- 3.23 Our recently revised Complaints Leaflet entitled 'Feedback' is available at all Borough Council Offices and local libraries. The Leaflet contains details of the appropriate Section to contact in order to make a suggestion, comment, complaint or pass a compliment about any of our Services. Details of our Complaints Procedure are also given. The leaflet has been vetted by the Plain English Campaign.

Corporate Complaints to Customer Relations/Complaints Staff

	2002/2003	2003/2004	Justified Complaints 2003/2004
Advice/Other Agency	77	91	
Anti-social Behaviour	22	10	
IT	0	1	
Benefits	59	34	5
Collections	0	1	1
Business Rates	1	0	
Personnel	6	0	
Committee Services	3	8	4
Legal	5	4	
Council Tax	11	19	3
Community Force	0	4	
Carelink	7	7	2
Design and Conservation	1	4	1
Development Control	18	26	4
Economic Development	4	3	
Highways	61	44	7
Horticulture	41	33	4
Street Cleansing	14	28	1
No ball games	19	4	
Refuse	69	57	15
Housing Maintenance	342	246	50
Housing Management	97	113	4
Housing Improvements	29	46	5
Home Improvement Agency	2	1	1
Homelessness	1	2	
Housing Policy	1	0	
Rent Collection	2	0	
Environmental Health	62	34	
Regeneration	0	2	
Transport	0	0	
LA21	0	6	
Leisure	9	6	1
Valuation	7	10	
Total	970	844	108

NB. Statistics regarding 'justified Complaints' are not available for 2002/2003.