



## CABINET

<b>Subject Heading:</b>	Complaints Policies
<b>Cabinet Member:</b>	Leader of the Council
<b>SLT Lead:</b>	Andrew Blake-Herbert
<b>Report Author and contact details:</b>	Jodie Gutteridge Service Improvement Officer 01708 433747
<b>Policy context:</b>	Reviewing the Complaint Policies across the Local Authority
<b>Financial summary:</b>	No financial implications
<b>Is this a Key Decision?</b>	Yes
<b>When should this matter be reviewed?</b>	March 2023
<b>Reviewing OSC:</b>	Overview and Scrutiny Board

**The subject matter of this report deals with the following Council Objectives:**

**X People - Things that matter for residents**

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

## **SUMMARY**

At present the Authority has a number of disparate, out of date policies relating to complaints. For our residents it can be a challenge to navigate and even understand the correct and most efficient way to raise a concern. This report seeks to consolidate, simplify and deliver an effective and consistent approach.

We have conducted initial research and recommendations referred to in this report are for further validation and socialisation with our regulatory partners and key stakeholders. It is also recommended that we conduct four week consultation with residents. Therefore, we would propose to bring back a full set of recommendations along with the team changes linked to the target operating model and new complaints system collectively in summer 2023.

Through the initial research we have found that we do not have clear and consistent category definitions residents are unable to easily identify when a concern may be a 'Service Request' or when an issue would become a 'Formal Complaint'. This again causes confusion for our residents and can result in the incorrect signposting of an issue thus causing unnecessary delays.

According to the Local Government and Social Care Ombudsman "Effective Complaint handling for local authorities" document written in October 2020, "If a complaint does not fall under a statutory process then it is for us to determine how to respond to the complaint properly. A good complaint process is flexible depending on the complaint and the complainant. There is no right or wrong number of stages to a non-statutory complaint process, what matters most is you investigate the complaint robustly and consider your findings properly. Once you are satisfied with your response you should direct the complainant to the Ombudsman". This does not necessarily have to be at the end of our complaint process, but once we are satisfied there is no merit in further consideration and we have reached our final decision.

## **RECOMMENDATIONS**

With this guidance in mind we are looking to explore, validate and consult on the following recommendations:

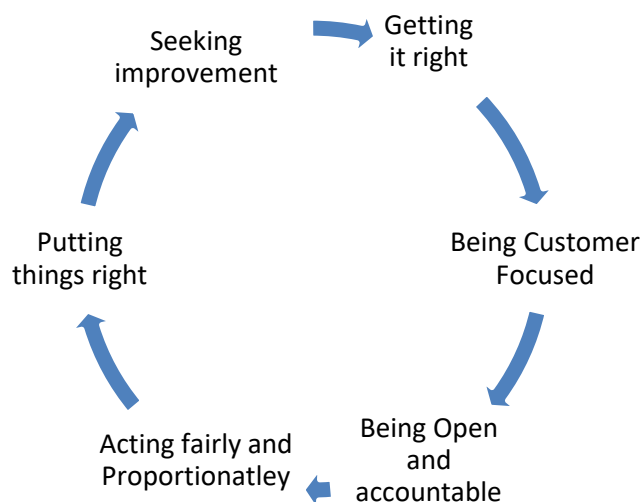
1. We review and bring together all relevant policies into one easy to understand document, this will include statutory complaints, corporate complaints, data complaints and housing.
2. We have a clear and concise policy (up to 6 pages) that identifies the legislation covered, the objectives of the policy and the difference between a statutory and corporate complaint.
3. We have appendices for the definition and procedure for each area (statutory complaints, corporate complaints (including housing complaints), data complaints and Member enquiries.
4. We provide clear and consistent definitions for complaints, general enquiries and service requests within this policy.
5. We consider an informal complaint stage for those who would like to raise concerns without lodging a formal complaint.
6. We review and reduce the current 3 stage process, striving for a right first time, 1 stage policy where applicable (noting some statutory processes will not allow this).
7. We review and adjust the response timeframe to support a right first time approach, likely to be 20 working days. This gives the officers enough time to conduct a full investigation, with a view that this will then mean they will not develop into an ombudsman complaint.
8. We ensure that data is used and analysed more effectively. A performance report is produced on a bi-monthly basis and that a quarterly report is taken to Overview and Scrutiny sub-committee.
9. Senior Officers will be accountable for complaints with Assistant Directors/ Heads of Service conducting spot checks which will enable them to make changes to improve services.
10. Service improvements, lessons learnt and trends in activity will be provided to Senior Leaders in order to feed in to strategic improvement plans. This will be further supported by lead members who will be able to consider repeat service issues and whether changes to current policies are required.

**REPORT DETAIL**

For a good complaint process, it is essential that the right people are involved at the right time, and that officers are able to make changes / decisions when something goes wrong.

Learning from our complaints should be at the centre of our complaints process and this should inform any contracting arrangements / monitoring in place. We should have an effective reporting mechanism in place which will provide performance details to the right people to ensure the correct decisions are being made.

A good complaint process has six stages.



**Getting it right** –We will ensure our policy complies with the relevant law and should be clear and easy to access. We should spend time planning the investigation at the beginning and be clear with the complainant what the outcome is and what we will be doing to make it right.

**Being customer focused** – We will make sure all our complainants are able to make a complaint if they want to, so we should have reasonable adjustments in place to accommodate everyone e.g. an easy read document. We should be clear on our timescales and update the complainant if there are any delays in response. Once a decision has been made, we should consider whether the complainant requires any support understanding the outcome, e.g. do they require an in person meeting to discuss the findings?

**Being open and accountable** – We will ensure our policy and website makes it clear to everyone that they can complain and how they can do it. We should ensure to feedback who is looking into the complaint and what information has been considered in the investigation.

**Acting fairly and proportionately** – We will offer support to our residents should they wish to complain, this means accepting complaints over the phone for those unable to read, write or providing interpreting services for those who need them (BSL/Language interpreters) .

## Cabinet, 08 March 2023

The complainant will be made aware that there is the option to challenge the decision if they remain unhappy.

**Putting things right** – We will ensure that when something has been highlighted as being wrong, we should put this right as soon as possible, and not wait until the complaint has been closed, but ensure we tell the complainant how and when this will / has been put right.

**Seeking improvement** – We should monitor the reason for all our complaints. If we are receiving multiple complaints about the same issue, this can be a sign of systemic failure. By making sure there is a mechanism in place so we can learn from complaints will help us improve our services.

Local Authorities frequently provide services by arrangement with a third party partner or external provider. The law says the Ombudsman can treat the actions of third parties as if they were actions of the council, where any such third party arrangements exist (Local Government Act 1974, section 25(6) to 25(8)). We should work with our providers on what the complaint process will be and ensure they are aware of when they should refer to our complaint process and when other channels are more suitable.

Our goal is to make our senior officers more accountable for complaints, in the hope that this would encourage better investigations into the complaint. It is suggested that Assistant Directors / Head of Service will spot check complaints which will enable them to make changes to improve services.

We should be providing reports on our performance to internal staff on a monthly basis to ensure any trends are picked up at the earliest opportunity. We should also provide an annual report on our complaint handling performance and make this information available to the public in the interest of openness and transparency. This will also enable us to focus on the learning and improvements from complaints and not just on the numbers.

The Local Government Ombudsman identifies that councillors have an important dual role signposting and pursuing complaints on behalf of the members of the public, and scrutinising the delivery of local services. This has been highlighted as an area of improvement for the new policy whereby we will improve the Members Enquiry function, providing guidance for members and local officers on what constitutes a members enquiry and how they will be responded to, but will also include a standing item at scrutiny on a bi-monthly basis where the performance of complaints, including any lessons learned, will be fed back. This will be the opportunity for members to ask questions to ensure we are doing things right. There is a whole section on the Local Government Ombudsman website specific to [scrutiny questions](#), as well as a "[councillor handbook on handling complains for service improvement](#)".

Following on from this Cabinet report, Officers will undertake further work to refine the final recommendations before consulting with stakeholders, regulatory bodies and our residents. An updated report with a revised draft policy will be brought back to Cabinet in summer 2023.

Please note that any complaint against councillors will not fall under this complaints policy, they are subject to the Member's Code of Conduct.

**REASONS AND OPTIONS**

Not applicable.

**IMPLICATIONS AND RISKS**

**Financial implications and risks:**

There are no financial implications to make the recommendations highlighted in this report.

**Legal implications and risks:**

We must ensure we are adhering to all legislation for corporate, statutory and data protections complaints when updating our complaint policies, this includes but is not limited to:

- GDPR,
- FOI act,
- The Children's Act 1989
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

**Human Resources implications and risks:**

There are currently no HR implications or risks that impact on the Councils workforce as a result of reviewing and developing a new complaints process. However, should the outcome of the review lead to a need to make changes to the structure of the current complaints teams, these changes will be undertaken in accordance with the Councils Organisational Change policy and procedure.

**Equalities implications and risks:**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- i. the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- ii. the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- iii. foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment/identity.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council

is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An initial EIA has been drafted in advance of writing the complaints policy to identify any potential areas of concern that would need to be included. At this time this includes potential impacts on those residents who does not have access to or know how to use a computer to complete online (Socio-economic/ age) as well as those residents who are unable to read / write (learning difficulties) or whose first language is not English (language). Reasonable adjustments will be identified and included in the new policy and a full EIA will be available alongside the updated complaints policy.

**Health and Wellbeing implications and risks:**

There are no health and wellbeing implications to make the recommendations highlighted in this report.

**ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

Having more than one policy uses more carbon to store each of them on our website, and by only enabling our customers to use an online form also uses more carbon, so by reducing the number of documents we have and enabling our residents to contact us in a number of ways will reduce the amount of carbon we produce.

**BACKGROUND PAPERS**

[Corporate Complaints Policy \(current\)](#)

[Getting the best from complaints – Department of Education and Skills](#)

[Effective complaint handling for local authorities – Local Government and Social Care Ombudsman](#)