



## CABINET

**Subject Heading:**

Update of the Complaints and Compliments Policies and Procedure

**Cabinet Member:**

Leader of the Council

**SLT Lead:**

Andrew Blake-Herbert

**Report Author and contact details:**

Caroline Little  
Head of Service, PMO, Executive Support,  
Complaints & FOIs  
Email: [Caroline.Little@havering.gov.uk](mailto:Caroline.Little@havering.gov.uk)  
Phone: 01708 432095

**Policy context:**

Reviewing the Complaint Policies and Procedures across the Local Authority

**Financial summary:**

No financial implications

**Is this a Key Decision?**

Yes  
(c) Significant effect on two or more Wards

**When should this matter be reviewed?**

July 2023

**Reviewing OSC:**

Overview and Scrutiny Board

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

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

[x]

## **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At present the Authority has a number of disparate, out of date policies relating to complaints.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.

The Head of Service, PMO, Executive Support, Complaints & FOIs, has been in discussions with the Chief Executive and the Leader about these changes following the consultation with residents, all related Ombudsman's and colleagues in other authorities undertaken in March 2023. Findings have been incorporated into the new Complaints and Compliments Policy and Procedures.

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." This is why we are proposing a two-stage policy which is upheld by the six key principles:

1. Start off right.
2. Fix it early.
3. Focus on what matters.
4. Be fair.
5. Be honest.
6. Learn and improve.

## **RECOMMENDATIONS**

To approve the draft Complaint and Compliments Policy and Procedures attached at Appendix 1.

## **REPORT DETAIL**

In March 2023, a report was submitted to Cabinet on proposed changes to the complaints policies across the Council with ten 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.

These recommendations were shared with residents as part of a public consultation and the relevant authorising bodies. Eight of the ten recommendations were upheld. The overwhelming majority of respondents agreed with our 'Getting It Right First Time' approach, and 90% felt our proposed six key principles show a commitment to this approach. 90% said they felt the proposed changes were fair and reasonable. 71% said they felt the definitions are easy to understand. The report on the outcome of the consultation is attached in Appendix 2.

We will provide reports on our performance to internal staff on a monthly basis to ensure any trends are picked up at the earliest opportunity. We will also provide an annual report on our complaint handling and compliments 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 compliments and not just on the numbers.

The Housing Ombudsman Service and Local Government and Social Care Ombudsman are currently combining and reissuing guidance for Local Authorities. As part of the consultation, we have incorporated this into the new policy and procedure under the statutory complaints process.

The original proposal of a one-stage policy (Recommendation 6) was considered not appropriate following consultation with Ombudsman and other regulatory authorities. To support a right first-time approach there will be a three-day triage period to review and

allocate the enquiry to the correct pathway for processing. If identified as a complaint, it will progress to Stage 1 with a response timeframe of no longer than 10 working days. For those complaints which progress to Stage 2, we will conduct a further thorough and proportionate investigation and provide a full, clear and honest response within 20 working days. This gives officers enough time to review the initial investigation, with a view that this will then mean they will not develop into an ombudsman complaint.

The proposal of Lead Member sign-off (Recommendation 10) was strongly objected to during consultation by residents and authorising bodies. In order to reduce more work in terms of the administration of redactions and delays in sign off, estimated to be at least five additional days, it has been agreed that where complaints progress to Stage 2 Lead Members will be informed. Our goal is to make our senior officers more accountable for complaints at Stage 1, in the hope that this would encourage better investigations into the complaint.

This resident feedback and feedback from authorising bodies and other local authorities have been included in the new Complaint and Compliments Policy and Procedures.

## **REASONS AND OPTIONS**

**Reasons for the decision:** Disparate, out of date policies relating to complaints. The need to improve the way we resolve issues and enforcing the right first time and customer centred approach.

**Other options considered:**

- Not making a change to the policies – rejected as not a satisfactory level of service for customers.
- Implementing a one stage policy – rejected following consultation.

## **IMPLICATIONS AND RISKS**

**Financial implications and risks:**

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

**Legal implications and risks:**

There are various pieces of legislation which require the Local Authority to have a complaints process as follows:

- Section 26 (3) Children Act 1989,
- The Local Authority Social Services and National Health Service, Complaints (England) Regulations 2009.

The proposed policies comply with the legislative requirements.

In terms of other types of complaints the Authority merely has to act reasonably. The proposed corporate complaints policy sections appear to be reasonable.

The Authority has gone to consultation over the content of the Complaints policy. Whilst this is not statutorily required it is good practice. Having undertaken consultation the Decision Maker must conscientiously take the results of this consultation into account before making a decision.

**Human Resources implications and risks:**

There are currently no HR implications or risks that impact on the Council's 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 Council's 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 EIA has been completed for the complaints and compliments policy and procedures to identify any potential areas of concern. 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 have been identified and included in the new 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 less 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**

EIA

**APPENDIX 1**

New Complaints and Compliments Policy and Procedures

**APPENDIX 2**

Proposed Changes to Havering Council's Complaints Policy Consultation Analysis