



Notice of meeting of

Effective Organisation Overview & Scrutiny Committee

- To:** Councillors Healey (Chair), Horton (Vice-Chair),
D'Agorne, Firth, Hoban, Gunnell, Jamieson-Ball and
Hyman
- Date:** Tuesday, 11 January 2011
- Time:** 5.00 pm
- Venue:** The Guildhall, York.

AGENDA

1. **Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. **Minutes** (Pages 3 - 8)

To approve and sign the minutes of the meeting held on 23 November 2010.

3. **Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. The deadline for registering is Monday 11 January 2011 at 5pm.

4. Attendance of Scrutiny Management Committee Chair.

The Chair of SMC to attend the meeting to learn about the Scrutiny Committees views on the effectiveness of scrutiny generally in York and specifically on the success of ongoing changes and improvements to current scrutiny practices. This will help inform SMC in its efforts to improve the experience of scrutiny at work in York.

5. Fairness and Inclusion Update (Pages 9 - 26)

This report provides an update on progress with fairness and inclusion matters in the council.

6. Monitoring the Corporate Workforce Plan (Pages 27 - 34)
2010-12

This report provides Members with feedback on progress made against actions in the Workforce Plan 2010-12 during its first six months (May – Oct 2010) and it outlines how the Plan and action plan will be refreshed to take account of the substantial changes in government spending and policy and be aligned with the refreshed corporate plan and 2011/12 budget.

7. 2011-12 Budget Update II - Grant Funding (Pages 35 - 38)

This report was considered by the Executive at their meeting on 14 December 2010. The report provides an update on the 2011-12 budget process.

8. Draft Final Report from Review of (Pages 39 - 116)
Customer Services

This report will present the draft final report of the Customer Complaints scrutiny review.

9. Workplan (Pages 117 - 118)

Members are asked to consider the workplan for the Committee for the 2010-11 Civic Year.

10. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting whose contact details are given above.

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (40 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
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City of York Council

Committee Minutes

MEETING	EFFECTIVE ORGANISATION OVERVIEW & SCRUTINY COMMITTEE
DATE	23 NOVEMBER 2010
PRESENT	COUNCILLORS HEALEY (CHAIR), HORTON (VICE-CHAIR), D'AGORNE, FIRTH, GUNNELL, HYMAN, JAMIESON-BALL AND BOYCE (SUBSTITUTE)
APOLOGIES	COUNCILLORS CRISP

25. DECLARATIONS OF INTEREST

At this point in the meeting Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

26. MINUTES

RESOLVED: That the minutes of the meeting held on 6 October be approved and signed by the Chair as a correct record.

27. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

28. QUARTER 2 FINANCE & PERFORMANCE MONITOR.

Members considered a report which provided details of the headline performance issues from the Quarter 2 performance monitor of 2010-11. The report covered the period from 1st April to 30th September 2010 and covered the following areas:

- Finance – service and corporate budget management.
- Performance – how well the Council is performing across a wide range of performance indicators at both corporate and directorate level, including progress on priority actions and projects.

Officers outlined the report and members queried the following:

- If the expenditure reduction figures in the table at paragraph 25 are achievable. Officers advised the figures are challenging but could be achieved.
- If there is a legal requirement for the level of the councils reserves. Officers advised the level of reserves can be decided by individual councils.

- Car parking charges as outlined in paragraph 39 of the report. Certain members pointed out that a 10p increase is quite a significant one and queried if increasing the charges across other car parks would enable the Foss Bank charges to remain unchanged. It was also queried if the machines could be programmed to accept a 5p price increase.

RESOLVED: (i) That Members noted the performance issues identified in the report.

REASON: So that corrective action on these performance issues can be taken by Members and Directorates.

RESOLVED: (ii) That Members noted the finance issues identified in the report and noted the use of strategy designed to reduce the current forecasted pressures.

REASON: So that the Council's expenditure can be contained within budget where possible by the end of the financial year.

RESOLVED: (iii) In accordance with Financial Regulations and referencing paragraph 41, Members noted that approval is requested from the Executive for a non-recurring release from Contingency of £400k to support services currently suffering the effects of the Economic Downturn.

REASON: To ensure the City Strategy budget is sufficiently funded.

RESOLVED: (iv) That Members noted the proposal to amend car parking charges as shown in Annex 1.

REASON: To ensure that the increase in VAT rate does not negatively impact council revenue.

29. CUSTOMER & BUSINESS SUPPORT SERVICES FINANCE AND PERFORMANCE REPORT FOR QUARTER 2.

Members considered a report which provided them with a service and financial performance update for April to September for the Customer and Business Support Services Directorate.

Members made the following comments:

- Abbreviations in the report are not helpful to the public.
- Queried the under spend in IT as the department doesn't seem to come in on target. Members requested that the Head of ICT attend the next update to answer queries.

RESOLVED: (i) That Members noted the report.

REASON: To monitor financial and performance information.

RESOLVED: (ii) That Members requested the Head of ICT attend the meeting in February when the next CBSS Finance and Performance report is due to be considered.

REASON: To respond to Member queries.

30. 2011/12 BUDGET UPDATE REPORT 1.

Members received a report which had originally been considered by the Executive, that provided an update on the 2011-12 budget process, with particular emphasis placed on the impact of the recent Spending Review and an overview of forthcoming plans for the More for York programme.

Officers outlined the report and advised that reports containing more detail would be fed into the Decision Sessions by February.

RESOLVED: That Members of the Effective Organisation Overview and Scrutiny Committee noted the recommendations that were made to the Executive as follows:

(a) To note the current position and ongoing work that is being conducted in relation to developing the 2011-12 budget.

REASON: So that the 2011-12 budget process can be completed in a timely manner.

(b) to recommend to Council the approval of the use of £13k of investment costs in 2010-11, for Trade Union facility time as requested by UNISON, and subject to the acceptance of recommendation c.

(c) to recommend to Council the approval of £95k for new investment costs for Trade Union facility time as requested by UNISON over the period 2011-12 and 2012-13, that are to be met by additional savings to be identified.

REASON: So that the pace of change of the More for York programme is maintained and saving realised earlier.

REASON: So that the 2011-12 budget process can be completed in a timely manner.

31. HASS ATTENDANCE MANAGEMENT PROJECT 2007-2009 - INFORMATION ONLY UPDATE REPORT.

Members considered a report which informed them of the approach taken by the Housing and Adult Social Services (HASS) Attendance Management Steering Group that resulted in a 50% reduction in absence levels in adult social care.

Absence levels within HASS adult social care were unacceptably high with a 2006/07 outturn of 21.1 days lost per full time employee compared with a corporate average of 12.2 days. A project was launched and co-ordinated by an Attendance Management Steering Group who looked at the overall approach to attendance management in the department. A number of suggestions were made to improve the situation and as a result the 2008/09 outturn was 10.86 days lost per full time employee. However there are signs the 2009/10 absence levels have risen again to 12 days.

Members noted the progress made and commented that it was worrying that bullying had been identified as a problem in paragraph 11 of the report and registered their concern that sickness levels appeared to be rising again.

RESOLVED: That Members noted the report.

REASON: To keep Members informed on the measures taken to address high absence levels in the HASS Adult Social Care department.

32. WORKPLAN.

Members considered a draft workplan for the Effective Organisation Overview and Scrutiny Committee for the remainder of the 2010-11 municipal year.

At Members request, the Head of ICT would be invited to attend the 22 February meeting when the third quarter monitoring report will be considered.

RESOLVED: That the draft workplan be approved with the amendment detailed above.

REASON: To ensure a robust and relevant workplan is in place for the municipal year.

Councillor Healey, Chair

[The meeting started at 5.00 pm and finished at 6.35 pm].

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Effective Organisation Overview and Scrutiny Committee

11 January 2011

Report of the Director of Communities and Neighbourhoods

Fairness and Inclusion Update

Summary

1. The purpose of the report is to update the Committee on progress with fairness and inclusion matters in the council.
2. It focuses on actions arising from the corporate Fairness and Inclusion Strategy (FIS) and Single Equality Scheme (SES) 2009-12.
3. The report is for information.

Background

4. After a two-year period of consultation and development, the corporate Fairness and Inclusion Strategy and Single Equality Scheme were approved by the Executive in December 2009. An Easy Read version was produced and circulated within and outside the council. This can be found in Appendix 1.
5. The strategic aim is to make sure that people do not suffer disadvantage in council services and employment as a result of their:
 - **gender** (including trans people)
 - **disability**
 - **race**

- **age**
- **religion and belief**
- **sexual orientation**

6. To help achieve the aim, there are six areas of action:

- Know the community
- Leadership, partnership and commitment
- Engage with people from the equality strands
- Provide responsive services
- Have a modern, diverse workforce
- Take action in each directorate

As well as promoting fair and inclusive practice, these actions help the council to manage any risks associated with fairness and inclusion. Below are examples of recent action in each of these areas:

7. Know the community

- a) A corporate customer and staff equality profiling questionnaire that was developed with help from and approved by the Equality Advisory Group (ex Social Inclusion Working Group)
- b) Using the questionnaire to collect and analyse responses to a number of surveys including the Place Survey, the budget 2010 consultation, the housing status survey and the last staff survey. The results have been used to shape action plans like the One City Plan and the Workforce Plan.
- c) Holding focus groups for Black & Minority Ethnic people and young people, to boost Place Survey and other survey samples from these groups
- d) Using quantitative and qualitative data, putting in place the first ever city-wide profile for older people and children in poverty.

8. Leadership, partnership and commitment

- a) The development of One City Plan with Without Walls partners.
- b) Working with our partners to develop common approaches to equality and diversity policy and practice.
- c) Promoting equality and diversity in procurement, commissioning and grants

- d) Developing common standards for inclusive access to services across the council
- e) Promoting participation in civic and public life to people from the equality strands, starting with young people.

9. Engage with people from the equality strands

- a) Reviewing the Social Inclusion Working Group and renaming it the Equality Advisory Group (EAG), so as to clarify and sharpen EAG members' roles and responsibilities and EAG ways of working. The Group continues to advise the Executive on equality and diversity practice in the council. In the longer term, it is hoped that closer links with Inclusive York will make it possible for the Group to support and advise key council partners as well as the Executive.
- b) Setting up and fostering the development of the Staff Equality Reference Group (SERG). SERG has produced a number of advisory reports (called "products") that HR colleagues have used to complete relevant Equality Impact Assessments.

10. Provide responsive services

- a) A rolling programme of Equality Impact Assessments (EIAs) incorporating the annual budget and More for York blueprints.
- b) Reviewing customer service procedures (such as the York Contact Centre) to make sure that they are accessible to people from vulnerable and marginalised groups.
- c) Reviewing the council internet site to make it more accessible.
- d) A rolling programme of equality and diversity training for staff and an equality and human rights pre-Council seminar.

11. Have a modern and diverse workforce

There are specific diversity objectives in the Workforce Plan 2010-12

12. Take action in each Directorate

Each directorate has produced a Single Equality Scheme. The schemes include action that each Directorate takes to contribute to the six corporate objectives.

13. The 2009-12 strategy and scheme will be reviewed in 2011 to take into account on-going feedback from EAG and SERG, the findings of peer reviews that comment on fairness and inclusion in the council, demographic changes in York, the introduction of the Equality Act 2010 and local, regional and national developments - like the refresh of the council corporate strategy, the fairness and inclusion aims and objectives of Local Enterprise Partnerships and the publication of the coalition government's fairness and inclusion objectives.

Consultation

14. The corporate Equality Leadership Group (ELG) and the Directorate Equality Leads (DEL) network have been involved in writing this report.
15. The ELG is chaired by the Director for Communities and Neighbourhoods who is mandated by Council Management Team to lead fairness and inclusion issues in the council. The ELG meets regularly to track progress with the corporate strategy and scheme.
16. The DEL is a group of senior officers who lead on and support fairness and inclusion activity in each directorate.

Corporate Priorities

17. The strategy contributes to all themes of the Corporate Strategy 2009-12, particularly the Inclusive City and Effective Organisation themes.

Implications

18. Financial – None arising from this report
19. Human Resources (HR) – The strategy and single scheme provide the framework for fair and inclusive employment policies and practices, now further developed in the Workforce Plan.
20. Equalities - The strategy and single scheme support councillors and officers to promote fairness and inclusion in everything we do
21. Legal – The strategy and scheme ensure that the council meets key legal requirements as in the Equality Act 2010 and legislation that preceded it.

- 22. Crime and Disorder – None arising from this report
- 23. Information Technology (IT) – None arising from this report
- 24. Property - None arising from this report
- 25. Other - None arising from this report

Risk Management

- 26. The strategy and single scheme as well as the actions identified in the body of the report help the council to manage the risk of not meeting council fairness and inclusion objectives as well as the requirements of equalities legislation.
- 27. The risks are recorded in the corporate risk register and reviewed regularly by the Equality Leadership Group.

Recommendations

- 28. None. This report is for information

Annexes

Annex 1 – Corporate Fairness and Inclusion Strategy and Single Corporate Equality Scheme 2009/12 - Easy Read version

Contact Details

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**Chief Officer Responsible for the
report:
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Tel 553371**

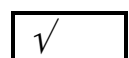
**Report
Approved**



Date 30.12.10

Wards Affected:

All



For further information please contact the author of the report

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Corporate Fairness and Inclusion Strategy and Single Corporate Equality Scheme





Word list

Audit Commission

An independent watchdog which checks on public services to make sure services are doing a good job.

Consultation

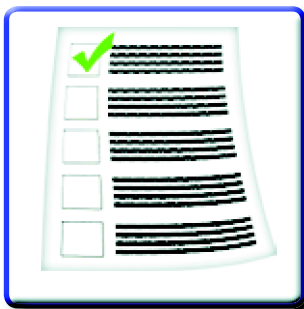
A way of finding out what people think.

Corporate Engagement Strategy

A big plan to help the council find out what people want and tell people about services.

Equality Framework for Local Government

Actions that all councils have to follow to make sure they meet equality law and best practice



Equality Impact Assessments

A way of checking how a service or policy might affect groups of people in the equality strands.

Equality Scheme

Actions to make sure no-one is excluded from council services and employment because of their gender, age, race, sexual orientation, disability or religion and belief.

Equality Strands

These are people grouped by their gender, age, race, sexual orientation, disability or religion and belief. We aim to make sure that people are not treated unfairly because of these things.

Fairness and Inclusion

Making sure that people are treated fairly and get the support they need to take part in the community.



Partners

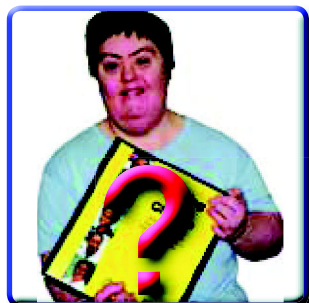
The groups we work with in the private, public, community and voluntary sectors.

Sexual Orientation

Whether a person is gay, lesbian, straight or bisexual.

Strategy

This is a big plan - which usually lasts for several years.



What's in this booklet?

- About the council
- What are 'fairness and inclusion'?
- Why 'fairness and inclusion'?
- Who lives in York? What is life like in the city?
- Making the lives of people from the equality strands better, in York – main actions from July 2009-2012: (The Single Corporate Equality Scheme 2009-12)
- Who will make sure the strategy and scheme happen?
- How will we know the strategy is working?
- Tell us what you think



About the Council

The council is made up of many different services. Each of these must meet different needs, laws and ways of working.



The Fairness and Inclusion Strategy and the Single Corporate Equality Scheme 2009-12 will make the way we work more consistent **across the council**. They put disadvantaged people **first** when we plan and deliver our services.



What are 'fairness and inclusion'?

They are about **treating people in line with their needs** and making sure people do not get worse services and jobs because of their:

- Gender
- Disability
- Race
- Age
- Religion and belief
- Sexual orientation



Why fairness and inclusion?

Because it is important to:

- People who live in the city - because it makes their lives better
- Councillors and council staff working with partners in the private, public, community and voluntary sectors. They all have said that:



"We will do our best to make sure that all citizens, regardless of race, age, disability, sexual orientation, religion or belief or gender, feel included in the life of York. We will help improve prospects for all, tackle poverty and exclusion, and make services and facilities easy to access."



- To do as Equalities law asks. It protects people who may suffer discrimination because of their gender, disability, race, age, religion and beliefs or sexual orientation. These are the called the **equality strands**.

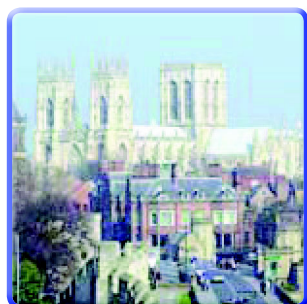


The law says the council must be **fair and inclusive** in services and jobs. It also says that the council must promote fairness and inclusion in the community it serves and the organisations it works with. It asks the council to set up action plans to show how it will meet equalities law.



- **The people who inspect us.** They work for the **Audit Commission** and check that the council is doing a good job. They expect us to do everything we can to meet the needs of groups of people in the equality strands so everyone has equality of opportunity when using our services or working with us.

They also expect the council to spend money wisely, where it will help as many people from the equality strands as possible, or groups of people from the equality strands that are particularly vulnerable.



Who lives in York? What is life like in the city?

To write this strategy, we first thought about who lives in York and what life is like in the city.

A mixture of people live in York.

If only 100 people lived in York in 2001:

- **91** would class themselves as White British and **9** as Black and Minority Ethnic
- **52** would be women, **48** would be men
- **41** would be over **45** years old; **23** would be under 19 years old
- About **5** would have different sexual orientations
- **17** would have no faith or belief; **76** would, with about **74** of them saying they were Christian
- **17** would have long-term illness



More about York

York's population is growing. There are more women, older people and Black and Minority Ethnic groups.



People from different religion and belief backgrounds, and the Lesbian, Gay, Bisexual and Trans communities are asserting their identities and needs more.

York is a 'well off' city with small areas where people are not so well off. In comparison to other people who live in York, they often face poor education, health and job prospects.

Difficulties people face in the city

Over two years, we asked groups of people from the equality strands to tell us about difficulties they face in the city. This is what they told us:



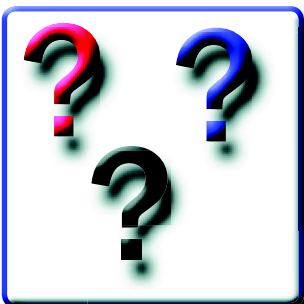
- Difficulty in **accessing information, services and jobs**
- Possibly unfair treatment in services and jobs
- **Feeling safe in the community**
- **Bullying and harassment** in services and jobs
- **Isolation.** There is a need for support networks and places for people to meet.



Bullying and harassment

The Council will think about what to do about these issues every time it plans and delivers what it does.

Officers and councilors will also ask:



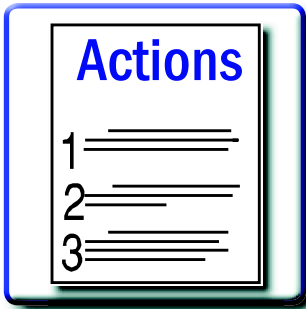
- Does what we are doing or planning to do lead to people from the equality strands being treated unfairly? What can we do about this?
- Does it make it harder for them to get services or jobs? What can we do about this?
- Does it make them feel safe, welcome and included in the council and in York? If so, can we do these things in other work we do?



www.york.gov.uk

This process of thinking and acting is called an **Equality Impact Assessment (EIA)**. We do many Equality Impact Assessments a year and the action we need to take is published on our web site every year.

Making the lives of people from the equality strands better in York



Below are the main actions that we have planned from July 2009 to July 2012. They will help us to make the lives of people from the equality strands better. These actions make up our **Single Corporate Equality Scheme**.

Theme 1 - Know the community

The lives of people in York are affected by their differences in terms of gender, age, disability, race, religion or belief and sexual orientation.

Knowing our community is about:



- collecting **information and feedback** to help understand differences within and between groups in York
- looking at issues that affect people's lives. These are things like access to services, health, education, community safety and access to jobs.
- making sure that we reach all parts of our community and listen to what different groups tell us about their lives.

Theme 2 - Leadership, partnership and commitment



Vision and commitment to fairness and inclusion are key to making people's lives better.

Our councillors are important in this. They know about different groups in the community.

Our managers and staff will work in partnership with these groups.

They will work with others to look at:



- how our money is spent.
- fairness and inclusion in how we buy goods and services and how we give grants.
- involving people from the equality strands in planning and delivering services and checking how good services are.

Theme 3 – Engaging with people from the equality strands



We need to recognise people's different needs, situations and goals. To do this we need to take away the barriers that limit what people can do and be.

Equality law says that the council must engage with people from protected groups - particularly vulnerable people.



[www.york.gov.uk/
council/community_
eng](http://www.york.gov.uk/council/community_eng)

Find out more in our **Corporate Engagement Strategy** please have a look at: [www.york.gov.uk/council/
community_eng](http://www.york.gov.uk/council/community_eng)

We will work with vulnerable groups through our **Social Inclusion Working Group** and our **Staff Equality Reference Group**. Both these groups have people from all six equality strands in them. They aim to include people in making our services better.



Theme 4 – Providing responsive services

All services must take into account the needs of people from the six equality strands.

We will look at how services and decisions by the council or partner organisations affect people from the equality strands. This is to make sure that we don't treat them unfairly.

This is called carrying out an **Equality Impact Assessment**.



www.york.gov.uk

Each year these will be put on the council's web site at: www.york.gov.uk.

Each assessment will lead to action plans. These will be part of our service plans.

Theme 5 – Having a diverse workforce

The make-up, skills, commitment and understanding of our workforce are important. They make a big difference to how we deliver fair and inclusive services.

This means we will set up a **Workforce Strategy**.

This will have clear equality aims. It will take into account our local labour market and barriers that people from the equality strands face in getting jobs.

We will also make sure that:

- we check the way we work to see how it affects equality
- our training deals with equality
- all staff are treated with respect in the workplace.





Theme 6 - Acting in each business area

The council has several business areas called “Directorates”.

Each of these will put in place their own **Fairness and Inclusion Action Plan** for 2009-12.

These will be called **Directorate Single Equality Schemes**.



Who will make sure the strategy and scheme happen?

Councillors who make up the council executive and very senior managers who make up the council management team will make sure they happen.

Our **Social Inclusion Working Group** and **Staff Equality Reference Group** will give them advice.

All councillors, staff and partners will help make sure that fairness and inclusion are at the heart of everything the council does.

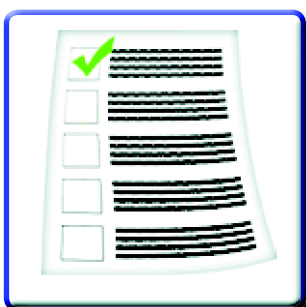


How will we know the strategy and scheme are working?

Every year we will check progress with our single corporate equality scheme and publish how we are doing on the internet.

We shall also check whether people from the equality strands get better results from what we do and we will tell everyone what we find.

To help us do this we shall use the **corporate fairness and inclusion scorecard**.



This has four parts:



- 1 Whether we have made progress in meeting the targets we have set locally using a list of **national performance indicators**.

They are about equality and inclusion across the city and the whole council, for example about increasing the numbers of people supported to live independent lives.



- 2 Whether we have made progress in meeting targets set locally, using a list of **local performance indicators** set by the council. These are things like how many women and Black and Minority Ethnic officers have senior jobs in the council.

- 3 The level of the Equality Framework for Local Government reached by **the council as a whole**.

- 4 Completing a programme of **Equality Impact Assessments** every year. Making sure that actions from past assessments are put in our service plans.

We will ask for feedback from the **Social Inclusion Working Group** and our **Staff Equality Reference Group** about how we are doing.



Tell us what you think

We wrote this strategy and scheme after we had involved and talked with lots of people and groups.

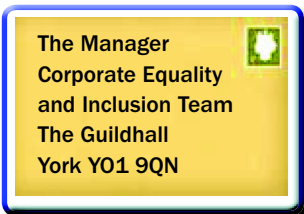
We will look at the strategy and scheme each year. This is because our city, the council and the environment are always changing.



equalities@york.gov.uk

Email your views to equalities@york.gov.uk

You can write to:



The Manager
Corporate Equality and Inclusion Team
The Guildhall
York YO1 9QN

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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Effective Organisation Overview & Scrutiny Committee	11 th January 2011
Report of the Assistant Director, Customers & Employees	

MONITORING THE CORPORATE WORKFORCE PLAN 2010-12

Purpose of the report

1. To provide Members with:
 - a. feedback on progress made against actions in the Workforce Plan 2010-12 during its first six months (May – Oct 2010) and
 - b. to outline how the Plan and action plan will be refreshed to take account of the substantial changes in government spending and policy and be aligned with the refreshed corporate plan and 2011/12 budget.

Background

2. The first corporate Workforce Plan was well received by Members of this committee in May 2010 along with a detailed action plan to drive workforce improvements for Customers, Transformation & Culture Change, Efficiency, Diversity and Partnerships. Members asked to see the six monthly monitor of the Workforce Plan, which this report presents.
3. Members will recall there are 80+ actions over the full two years of the Workforce Plan, with 53 expected to start during the first six months of operation as per the summary contained in the Annex. A number of these actions will be ongoing throughout the two years of the Plan and will not be fully completed until 2012.

Progress overview – the first six months of the Workforce Plan

Actions completed	On Track	Slippage	Not started
6	35	6	6
11.3%	66%	11.3%	11.3%

Progress highlights in past 6 months

4. In support of the Customer objective:

- Customer standards and behaviours have been reviewed and are being finalised. Training programme to be finalised and delivered in next 6 months, integrated into the Effective Manager Programme.

In support of the Transformation & Culture Change objective:

- 150 senior managers have completed the LAMS 360 skills assessment tool and attended a Leadership Challenge workshop to support them to lead change and transformation.
- The Effective Manager Programme was launched and over 240 staff trained to date.
- In-house coaching network established for all senior managers.

In support of the Efficiency objective:

- 93 staff submitted ideas to the Yoreka staff suggestion scheme.
- HR produces a comprehensive monthly Management Information Digest to support managers to make informed staffing resource decisions.
- Recruitment Pool expansion is underway and work on going with Procurement to determine the most cost effective route to market for casual and agency staff.

In support of the Diversity objective:

- Equality Leadership Group is leading on developing practice in order to meet 'achieving authority' status through external assessment in early 2011.
- Future Prospects are running an internship programme with both young people and adults with learning disabilities in partnership with York Explore and Adult and Community Education.

Progress issues

5. Considerable progress has been made in the first six months of the Workforce Plan 2010-12 despite the backdrop of directorate restructuring, the Organisational Review, new Assistant Director portfolios from 1st November 2010, and the uncertainties of the Comprehensive Spending Review outcomes.
6. There remain some key actions requiring further attention to drive improvement during the next 6 months of the Workforce Plan:

Further work is required to develop consistent mechanisms across the organisation to complete all PDRs, to monitor PDR quality and to align PDR objectives with directorate and corporate objectives. Proposals below to consider the Investors In People (IIP) standard could give a robust framework for this improvement.

Sickness absence

Corporate Management Team (CMT) are committed to refocusing attention on managing absence across the organisation. Directorates have undertaken an analysis of absence reasons and developed local actions to address the identified issues.

Attaining Customer Service Excellence in 'Customer Services' Award

This has been deferred due to cost and the wide-ranging efficiency and productivity actions taking place across all services which will improve customer services.

Engagement Strategy Toolkit

Work is yet to start on ensuring staff are competent at using the Engagement Strategy Toolkit to deliver effective engagement and consultation activities.

Workforce Planning Steering Group

7. The Director of Customer & Business Services will chair a Steering Group to drive forward workforce planning at strategic level and each directorate will identify an Assistant Director to steer workforce planning and monitoring at directorate level.

Apprenticeships

8. Earlier this year the Effective Organisation Overview & Scrutiny Committee called for a review of "the existing arrangements for traineeships in the City of York" focusing on what the Council as an employer offers (work experience, apprenticeships, internships) for school leavers and post-graduates, traineeships for young people who are 'NEET' and the identifying of external funding opportunities.

The Workforce Plan Action Plan has a number of actions in year one to progress this theme and work is underway with the National Apprenticeship Service (NAS) to seek ways to offer apprentice opportunities against the difficult backdrop of severely reduced vacancies.

The council will use National Apprentice Week in early February 2011 as a platform to raise the profile of apprenticeships with directorates and to highlight the talent and skills of the apprentices currently engaged with the council.

Corporate Management ed for a stronger corporate position on apprenticeships, including improved awareness of the latest funding and policy implications, and improved relationships with Further and Higher Education institutions.

This Scrutiny Committee asked for a reporting structure to be identified to measure the effectiveness and outturn of apprenticeships and other work- based training. The Committee agreed that such reporting should take place through the Workforce Planning Steering Group.

Refreshing the Workforce Plan

The need for a Refresh

9. In producing the first corporate Workforce Plan it was acknowledged that an annual refresh will always be needed to ensure the Plan keeps relevant to changing priorities and current needs, and holds true to the essence of workforce planning: *'ensuring the council has the right people, with the right skills, in the right places, at the right time to deliver the right services to our customers'*. This is particularly the case in 2010 with unprecedented changes in government policy and spending decisions.
10. Corporate Management Team have provided a mandate for a review and refresh of the Workforce Plan providing alignment to the corporate plan and the 2011/12 budget from June 2011 and a refresh of the Action Plan to ensure actions are aligned to refreshed priorities, are 'smart' and are clearly attributed to new directorate portfolios.

Understanding how well we are doing

11. As the council is only six months into its first ever corporate Workforce Plan, and has a journey ahead to fully embed the discipline into its business processes, a framework for benchmarking progress and measuring success is required. The abolition of the CAA and Use of Resources assessment has removed drivers for inspection and self-assessment around workforce planning. Corporate Management Team have asked for greater qualitative assessment of progress made against the plan's objectives in the first six months. Two potentially very helpful external frameworks have been identified – the Investors in People standard and the LGYH 'Workforcenet' workforce planning self-assessment tool.

Investors in People standard (IIP)

12. The Investors in People (IIP) standard is about effecting organisational improvement through people strategies. The new IIP approach focuses advice and assessment on meeting an organisation's own priorities rather than 'tick boxing' a standard set of criteria. As the city's largest and most diverse employer, and recognising that 75% of our workforce live within the city council area, achieving the IIP standard would drive both customer and workforce improvements. Corporate Management Team agreed to a presentation from the regional IIP

Staff Survey

13. One early aspect of the IIP process would be the gathering of staff feedback to get the workforce perspective about the current organisation. Any type of staff survey can be used - there is no imperative to use an IIP survey. The Joint Health & Safety Committee recently approved a Wellbeing Survey, which will be funded from the occupational health budget, as part of a broader approach to improving staff wellbeing. CMT is considering the roll out of such a survey between January and March 2011 with 25 additional general staff survey-type questions at no extra cost.

'Workforcenet'

14. This is a free online tool for councils to self-assess their workforce planning activities, to help project manage their action plan and to develop best practice in workforce planning. Corporate Management Team have endorsed the use of Workforcenet to assess where we need to improve our workforce planning and for focussing the refresh of the Workforce Plan.

Implications

15.
 - a. **Financial** – the Workforce Plan Action Plan has no allocated budget. Actions will be assumed to fall within current budgets and will be brought forward for consideration if they exceed existing capacity.
 - b. **Human Resources (HR)** – there are numerous HR implications as indicated in the Action Plan and agreed with the Assistant Director, Customers & Employees.
 - c. **Equalities** – there are numerous equalities implications as indicated in the Action Plan and agreed with the Equality & Inclusion Manager.
 - d. **Legal** – there are no specific legal implications.
 - e. **Crime and Disorder** – there are no crime and disorder implications.
 - f. **Information Technology (IT)** - there are no specific IT implications.
 - g. **Property** – there are no property implications.

Risk Management

16. Failure to produce a refreshed corporate Workforce Plan and monitor the outcomes of its action plan could result in:
- failure to prepare the workforce to deliver the transformation and efficiency programme and be able to respond to current spending and government policy changes
 - inability to achieve the 'Effective Organisation' objective in the Corporate Strategy
 - failure to meet diversity legislation
 - failure to respond to changing customer service needs.

Recommendations

17. Members are asked to note progress made against the Workforce Plan action plan in the first six months, May to October 2010 and proposed next steps

Contact Details

Author:	Chief Officer Responsible for the report:		
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Title: Corporate Adviser Learning & Development	Report Approved	Yes	Date 2.12.10
Dept Name: Customer & Business Support Services	Chief Officer's name: Ian Floyd Title: Director of Customer & Business Support Services		
Tel No: 1727	Report Approved	Yes	Date 2.12.10

Contact Details

Author's name: Jenny Parkin
 Title: Corporate Adviser (Learning & Development)
 Dept Name: CBSS
 Tel No. 1727

Annexes

Annex – Overview of Progress against each theme in Workforce Plan

Annex - Overview of Progress against each theme in Workforce Plan

Theme	Progress			
	Completed	On Track	Slippage	Not Started
1A. Engage with staff through the 'More for York' transformational change programme with timely, accurate and open communications.		3		
1B. Support and develop all managers to lead change and transformation.	1	3		
1C. Support and develop elected members to lead change and transformation.		1		
1D. Develop a suite of 'good employer' support for all staff affected by the More for York programme or budget cuts.		2		1
1E. Work towards a more ambitious, inclusive, focussed and collaborative organisational culture		2	2	
2A. Control staffing costs through a robust resourcing strategy.	1	1	1	
2B. Support and develop managers to manage and control tight staffing budgets.	1			
2C. Support and develop all staff to work in the most efficient and effective ways and seek improved ways of delivering services.		2	1	
2D. Ensure HR processes and functions are as efficient and effective as possible.		1		
3A. Become a more customer-focused organisation with an established single customer services structure.		1	1	
3B. Review Members 'Portal'				1
3C. Develop and implement customer service standards and behaviours across the council.		4		
3D. Develop staff's skills of engaging and consulting with customers, stakeholders and partners.	1			1
3E. Work in partnership with other organisations to deliver joined up and effective customer services.		3		
4A. Remove barriers to enable our employment opportunities to be accessible to all and 4B. Increase the number of disabled people and BME people at all levels in CYC, and female Chief Officers.		2		3
4C. Increase the number of young people (under 25) working for the council.		1		
4D. Ensure our organisational culture and practices are fair and inclusive and support the retention of a diverse workforce.		5		
4E. Develop the skills of staff to better understand diversity issues.	2	1		
4F. Work in partnership to deliver the PREVENT Action Plan.			1	
5A. Develop the skills of staff and elected members to work with public sector partners, private sector partners and voluntary & community sector/3 rd sector partners, across traditional boundaries to deliver customer focussed services.		1		
6A. Improve and further embed workforce planning into the council.		2		
TOTAL	6	35	6	6

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Executive

14th December 2010

Report of the Director of Customer and Business Support Services**2011-12 Budget Update II – Grant Funding****Summary**

1. This report seeks to provide Executive with an update on the 2011-12 budget process, with emphasis on the latest information available regarding funding and how this might effect the council's provisional grant settlement which is scheduled to be announced during December.

Previous Report

2. The last report brought before Executive on 16 November 2010 provided Members with an update on the current status of the 2011-12 budget process and focussed on the headline impacts of the recently announced Spending Review and outline plans for the More for York programme. To summarise the main headlines from the report, the council:
 - i) faced a 10.7% reduction in Formula Grant in 2011-12, approximately £4.8m at the 2010-11 base,
 - ii) would receive a grant in the region of £1.8m for each of the next four years should it opt to freeze Council Tax in 2011-12,
 - iii) would receive its grant funding in a radically different way following the de-ringfencing of the majority of Specific and Area Based Grants (ABG),
 - iv) had calculated approximately £11.5m of growth pressures, including £6.2m of unavoidable corporate items,
 - v) was facing a challenging target of having to deliver in the region of £15m in savings subject to the level of funding reductions announced in the provisional grant settlement.
3. Based on information regarding grant funding which has been released since the Spending Review, the next section of this report will outline the potential implications on York.

Grant Funding

4. Numerous information streams have been monitored continually by officers since the Spending Review, including ministerial statements and Central Government departmental plans, with a view to gathering as clear a projection on the implications for the council, and in order to ensure financial planning is as robust as possible. Clearly these projections are only conjecture and should be seen as that until more clarity is provided with the announcement of the provisional grant settlement during December. The latest available information shows that:

- i) at least 22 grants, previously delivered as Specific or ABG, and valued at approximately £14.3m in 2010-11 will be rolled into Formula Grant in 2011-12.
 - ii) a further 38 grants, previously delivered as Specific or ABG, and valued at approximately £6.9m in 2010-11 have as yet had no announcement on their continuation or delivery mechanism in 2011-12, and as such could be perceived to be 'at risk'.
 - iii) the precise grants feeding into the refined Dedicated Schools Grant and Early Intervention grant are still to be announced.
5. The rolling of grants into Formula Grant and the application of the published 10.7% reduction to each council's allocation poses Central Government with a problem in terms of appearing equitable. Each individual council's net budget is funded by a unique split between Council Tax and Formula Grant, usually characterised by its perceived deprivation level, with more deprived councils typically receiving more Formula Grant. York's split is 62% Council Tax and 38% Formula Grant, with other examples being Hull City Council (33% and 67%) and Windsor & Maidenhead (77% and 23%). This illustrates that there is a significant gulf between what each council currently receives in grant and subsequently, the negative impact of any potential funding reductions.
6. In order to overcome this problem, it is highly likely that Central Government will employ some form of smoothing mechanism, known as flooring and ceiling methodology, to ensure certain councils do not lose too much as a result of the funding reduction. In this case, it is expected that council's with a high proportion of their net budget funded by Formula Grant will receive some form of protection, at the expense of council's with a lower proportion. Current reports suggest that further to this councils may be placed into four bands based on perceived levels of deprivation with councils in the less deprived bands funding the impact of the cuts for council in the more deprived bands.
7. As a result of this, the council has to be prepared to receive a funding reduction higher than the original 10.7% announced at the Spending Review. Current projections are assuming a reduction in the region of 15% (or £8.2m using the re-aligned 2010-11 grant base) and officers are working hard to identify mitigation strategies and options for Members on how this may be dealt with.
8. It is important to highlight the council has been penalised by flooring and ceilings in the past having lost out on approximately £1.1m in each of the last three years (2008-09 to 2010-11), or £6.6m cumulatively.
9. The issue of grant distribution is further clouded by the fact that the Formula Grant distribution model is being updated and final details of the changes will not be known until the grant settlement is announced.
10. In order to fight York's cause and to ensure it isn't unfairly treated by the grant settlement, representations have been made to various arms of Central Government highlighting the punitive nature of flooring

methodologies whilst at the same time pointing out the following facts, namely that in 2010-11 City of York Council had:

- i) the second lowest Band D Council Tax out of all 55 Unitary Authorities,
 - ii) the ninth lowest Government Grant per capita out of all 55 Unitary Authorities,
 - iii) the lowest budgeted spend per capita out of all 55 Unitary Authorities.
11. As has already been highlighted, earlier paragraphs are based on analysis of various information streams and clarity will be provided when the provisional settlement is announced during December.
 12. A full analysis of the provisional settlement including the impact on the budget gap and implications for savings requirements will be provided to Members in time for the meeting of 14 December should it be announced before then.
 13. Work is continuing via the More for York programme in order to present Members with a comprehensive set of options that will ensure any funding reductions are dealt with appropriately and that a balanced budget can be produced in February 2011.

Analysis

14. All the analysis of emerging financial issues is included in the body of the report.

Consultation

15. The council's budget process has numerous consultation strands. There has been extensive consultation with Trade Union groups on the ongoing implications of the council's financial situation. Equalities advice is being sought, and implications noted, at all stages of the budget planning process. Furthermore, members of the public and business leaders will be consulted on the pressures the council is facing in the run up to setting the budget in February.

Corporate Priorities

16. This is the second in a series of reports for the 2011-12 budget process and demonstrates that early and comprehensive planning of the budget process is key to ensuring that the council meets its corporate priorities and underpins being an Effective Organisation.

Implications

17. The implications are:
 - Financial - the financial implications are dealt with in the body of the report.

- Human Resources - there are no specific human resource implications to this report.
- Equalities - there are no specific equality implications to this report, however equalities issues are being accounted for at all stages of the budget process.
- Legal - there are no legal implications to this report.
- Crime and Disorder - there are no specific crime and disorder implications to this report.
- Information Technology - there are no information technology implications to this report.
- Property - there are no property implications to this report.
- Other - there are no other implications to this report.

Risk Management

18. There are a number of risks associated with the emerging issues outlined in this report, in particular with regard to the actual levels of grant cuts and levels of savings to be delivered by More for York. Clarity will be provided on the precise losses from grants following receipt of the provisional Local Government finance settlement and work is ongoing on the More for York savings proposals.

Recommendations

19. Members are asked to:
 - a. note the current position and the ongoing work that is being conducted in relation to developing the 2011-12 budget.

Reason: So that the 2011-12 budget process can be completed in a timely manner.

Contact Details

Chief Officer Responsible for the report:

Ian Floyd, Director of Customer and Business Support Services

Keith Best, Assistant Director of Customer and Business Support Services (Financial Services)

Report Approved **Date** *December 2010*

For further information please contact the author of the report



Meeting of Effective Organisation Overview & Scrutiny Committee

11 January 2011

Customer Complaints Review – Task Group Final Report

Purpose of Report

1. This report presents the findings from the scrutiny review of the council's Customer Complaints policy carried out by a Task Group made up of members from this committee. Members are asked to consider and approve the recommendations arising from the review.

Background

2. In coming to a decision to review this topic, this Committee set up a Task Group to carry out the review on their behalf and agreed the following remit:

Overall Aim

To inform the design and priorities within the new complaints function in order to ensure its future effectiveness, identifying any revisions required to the Feedback Policy.

Objectives

- i. Reduce the number of common or repeat complaints.
 - ii. Reduce the number of complaints to the Ombudsman.
 - iii. Contribute to possible further efficiency savings
 - iv. Improve the customer experience (customer satisfaction to be measured and monitored).
2. At the first Task Group meeting in early November 2010, the following workplan was agreed:

Meetings Dates	Workplan
<u>Meeting 1</u> 4 November 2010 1:30 - 3pm	Scoping report providing information relating to the Customer Services Blueprint, and an overview of existing processes and the new structure/organisation/process
<u>Meeting 2</u> 19 November 2010 2:30pm	Receive interim report presenting: <ol style="list-style-type: none"> 1. Information on national best practice regarding the handling of complaints etc by local authorities e.g. centralised or not?, and most recent annual

	<p>Ombudsman Report.</p> <p>2. Directorate information on number and type of complaints received since 1 January 2010 including:</p> <ul style="list-style-type: none"> • Complaints from public • Councillor requests/inquiries • Complaints to Ombudsman • FOIs <p>Identify:</p> <ul style="list-style-type: none"> • relevant consultees and any issues to be addressed through consultation at the next meeting • any additional information required
<p><u>Meeting 3</u> 8 December 2010 2pm</p>	<p>Receive interim report and consult with relevant parties</p> <p>Based on information gathered, suggest any:</p> <ul style="list-style-type: none"> • possible further efficiency savings • further improvements to customer experience
<p><u>Meeting 4</u> 5 January 2011 2pm</p>	<p>Consider draft final report containing suggested recommendations</p>
<p>11 January 2011</p>	<p>Presentation of final report to Effective Organisation O & S Committee</p>

Consultation

3. The Assistant Director Customers & People attended all the meetings of the Task Group to assist them in their work on this review.
4. Also, at a meeting on 8 December 2010, the Task Group met with representatives from Directorates to discuss complaint statistics gathered from each directorate and their current working practices.

Options

5. Having considered the information provided within this report and its associated Annexes, Members may choose to
 - amend and/or agree the recommendations identified by the Task Group.
 - Identify additional recommendations
6. Members should note that whilst this review has been ongoing, officers have been working on the draft Corporate Complaints Policy and have made changes to the

draft policy in line with the draft recommendations identified within this report. Should this committee choose not to approve any of those draft recommendations or agree to revise them, officers will make further amendments to the draft policy to reflect those decisions.

Review Findings

7. At a meeting in November 2010, the Task Group considered the procedures within the draft Corporate Customer Feedback Policy and identified a number of issues relating to the different stages of the complaints process. They recognised that many of the 'complaints' received within Directorates were in fact service requests and not complaints, and therefore could be dealt with before the official 'stage 1' procedure was instigated.
8. Service Requests
Members recognised that the public need to understand the difference between a service request and a stage 1 complaint and that a clear definition of a service request would assist them to do so.
9. Service requests will still need recording to track reoccurring issues within service areas and to enable service delivery teams to monitor their own performance and identify service improvements. However, they should not be fed into the customer complaints data analysis and reports. Instead they should be recorded under the National Indicator 14 – reducing avoidable contact. The process for escalating a service request to Stage 1 of the complaints procedure is in the hands of the complainant who will indicate either verbally to an officer, or in writing, that they are not satisfied with the response to/outcome of their service request. This will then become a Stage 1 complaint.
10. Stage 1
The Task Group agreed the wording at Stage 1 of the procedure should be amended to read:

‘At this stage the line manager of the service will deal with a complaint and the complainant should be advised of the outcome within 10 working days *or advised of any delay* and when they can expect a full response, and what they can do if they remain dissatisfied at the end of Stage 1’
11. Stage 2
It should not be necessary for a complainant to have to set out their complaint again at Stage 2 as it may be antagonistic to expect the complainant to provide information that they had already supplied at Stage 1 of the procedure.
12. Stage 3
A Director might choose to delegate the investigation of a complaint to an Assistant Director, but it was important that the procedure recognised that the responsibility for handling the complaint rested with the Director. With this in mind the Task Group agreed the following wording should be removed ‘*or a member of staff independent of the service acting on the Director’s behalf*’.

13. Training

In regard to Councillors, they will need full training on their use of the new Complaints IT portal and its full capabilities. Some Councillors may also be willing to participate in testing the new system before it goes live.

14. For staff, the Task Group recognised that front line staff have a crucial role to play in presenting the face of the authority to the public, particularly when dealing with service users when they have problems. They also play an important part in the early resolution of complaints, to the benefit of service users and the authority and Members agreed it was therefore essential they were appropriately trained in how to:

- properly identify and handle the type of enquiry being received e.g. the type of issues that can be resolved at first point of contact.
- maintain a corporate record of them using the processes and procedures in place
- provide appropriate feedback to customers

15. the Task Group agreed that key officers within the new corporate complaints team would benefit from receiving the complaints training offered by the Local Government Ombudsman (LGO). It was noted that they run a range of one-day courses aimed at helping local authorities to improve their responses to complaints. All their courses are presented by experienced investigators who have genuine practical expertise in complaint handling, giving participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. Those key officers could then disseminate the training to others in the complaints team.

16. Annual Ombudsman Review

Each year the LGO produces an annual review (previously known as the Annual Letter) for each local authority about their performance in dealing with complaints made about them to the Ombudsman. The aim is to provide councils with information to help them improve their complaint handling, and improve their services more generally, for the benefit of the public. The Task Group considered information on the number of complaints received by the LGO about City of York Council in 2009/10, in comparison to other local authorities, and received the LGO annual report detailing those complaints.

17. Number & Type of Complaints Received By CYC Since 1 January 2010

The Task Group considered statistics data from each Directorate showing the number and type of complaints received since 1 January 2010.

18. In regard to the complaints received by the Chief Executive's office, it was noted that they most often related to services elsewhere in the council. Accordingly, they are not recorded as stage 1, 2 or 3 complaints within the Chief Exec's own service and may well represent double counts with complaint handling elsewhere in the organisation where these stages are recorded. Similarly, all Ombudsman letters received in the Chief Executive's office relate to other services - these are passed to the relevant department and are also likely to be accounted for elsewhere in the statistics data that the Task Group considered (as provided by each Directorate). There is also significant contact with Members in the Chief Executive's office,

including for instance, direct communication between Councillors and the Chief Executive, but no data is kept to show this activity.

19. Members queried the figures provided by each Directorate, having taken account of the variance in volume post April 2010 resulting from the Organisation Review i.e. a reduction in the number of Directorates and the transfer of Legal, Civic, Democratic Services and Elections (which account for significant customer contact) from the Office of the Chief Executive to Customer & Business Support Services.
20. In acknowledging that each Directorate has its own methods for handling complaints, the Task Group were keen to meet with representatives from the Directorates to discuss the statistics provided in Annex C, including best practice in regard to timescales for responding to complaints and whether or not (and how) information derived from complaints was being used to identify service improvements. Therefore at a meeting in November 2010, the Task Group met with relevant officers.
21. Adult Social Services Complaints & Children's Social Care Services Complaints
The Task Group received details on the statutory and legislative requirements connected with these types of complaints and recognised that many of the requirements relating to complaints handling and providing feedback to customers, were suitable for use across the council as best practice. The Task Group were pleased to see that many of those methods were already being utilised within other directorates and that they had been written into the new draft corporate policy.
22. However, they deemed that some of the statutory and legislative requirements were excessive for use in relation to other types of complaints. With this in mind, they agreed that:
 - Sending an acknowledgement letter at every stage felt excessive.
 - The cost of sending a questionnaire to every complainant would prove excessive, therefore it would be beneficial to the council to find acceptable ways to limit the number sent out. It was suggested that for stage one complaints instead of sending one out every time, they could be sent out randomly to say every 20th complainant. However, the Task Group agreed that for later stage complaints the council would benefit from receiving feedback from each stage so the questionnaire should be sent out with the response letters
 - The cost of sending out a prepaid envelope with every questionnaire would not prove excessive as many would not be returned
23. In order for it to be clear to the public that the new Customer complaints Policy did not cover the specific statutory and legal requirements associated with adult social services and children's social care services complaints, the Task Group agreed these should be included as an appendices to the main corporate policy.
24. In addition, the Task Group agreed it should be acceptable to receive a complaint over the phone as long as the details were read back to the customer to verify the notes taken. However, they agreed it was better not to ask the equalities

questions over the phone as it may antagonize an angry customer. Instead, the equalities form could be sent with the questionnaire. Finally, the Task Group felt it was acceptable for a service manager to compile the written responses to complaints but they should be checked and sent out by the central team, in order to ensure the corporate approach is adhered to.

25. Changes to Draft Corporate Customer Feedback Policy

The issues identified by the Task Group have been picked up and addressed by officers through revisions to the draft policy. An updated version is attached at Annex A together with its appendices.

26. Business Case

At the last meeting Members requested to see the business case for the construction of the central complaints team going forward. This has yet to be debated by CMT and is likely to contain some sensitive issues and require some decisions about how the team will be constructed i.e. named individuals/teams and/or budget transfers. Therefore, at this stage it would be unfair to debate this with Members, particularly prior to any consultation with the affected individuals.

27. However, Members could refer to the original blueprint and project plan that was presented at an earlier Task Group meeting, which provides an outline of the forthcoming business case.

Recommendations Arising From Review

28. At the meeting held on December 2010, the Task Group agreed to propose the following recommendations to the Effective Organisation Overview & Scrutiny Committee:

- i. To assist the public, the new corporate policy to include:
 - definitions of a service request and a stage 1 complaint
 - the adult social services and children's social care services complaints procedures as appendices
- ii. Wording of policy to be revised as follows:
 - at Stage 1 to be revised as per paragraph 10
 - at stage 2 to be revised to reflect that a complainant does not have to set out their complaint again at Stage 2, as per paragraph 11
 - Removal of wording at Stage 3 – *'or a member of staff independent of the service acting on the Director's behalf'* as per paragraph 12
- iii. In regard to training (see paragraphs 13-15):
 - Investigate and provide relevant training for the different stages of complaint handling/investigation for key officers within the corporate complaints team
 - provide Councillors with training in a range of formats to suit their individual needs
- iv. Service requests to be recorded, tracked and monitored by Directorates to allow for early identification of required service improvements, without being fed into the customer complaints data analysis and reports (see paragraph 9)

- v. Provide suitable access to the Complaints Team :
 - Retain dedicated telephone number for social care clients
 - Provide dedicated email address for team
- vi. In regard to customer feedback:
 - For stage one complaints, no acknowledgement letter is required
 - All written responses to complaints to be checked and sent out by the central team
- vii. In regard to Questionnaires:
 - For stage one, only be sent out to every 20th complainant
 - For stage two & three complaints, to be sent out with all response letters
- viii. Following the introduction of the new policy, Effective Organisation O & S Committee to:
 - receive 6-monthly monitoring reports on its implementation
 - be consulted on any future revisions
 - receive annual report on complaints statistics at the beginning of each municipal year

Implications

- 29. **Financial & HR** - More for York savings are associated with the centralisation of complaints teams. The cost of the LGO courses referred to in paragraph 15 depends on the number of delegates i.e. courses for up to 15 people - £1,025, Courses for up to 30 - £1,735. If a course was to be shared with other local authorities, the cost per delegate would be £130 (costs correct as of December 2010).
- 30. **Equalities** All proposals contained in the Customer Strategy have been fully consulted upon and the work is covered by an Equalities Impact Assessment.
- 31. **Legal** Improvement of complaints handling may contribute to less cases reaching the Ombudsman. Centralisation of Freedom of Information requests will aid compliance with legislation on this matter.
- 32. **Information Technology (IT)** Resources are committed to providing the technology necessary for the newly centralised team.
- 33. There are no Crime and Disorder, Property or other implications.

Corporate Strategy

- 34. This review supports the Council's Effective Organisation priority around 'providing what customers want'.

Risk Management

- 35. Improvement in the management of complaints and resulting service improvement will reduce the risk of negative publicity and the Ombudsman publicly criticising the

council for maladministration. Improvement in the processing of Freedom of Information requests will minimise risks of the Information Commissioner imposing large fines on the organisation relating to its use of information.

Recommendations

36. The Effective Organisation Overview & Scrutiny Committee are recommended to agree the recommendations listed at paragraph 28 above.

Reason: To achieve the objectives of this review, including reducing the number of complaints and contributing to any further efficiency savings beyond those identified by the More for York review.

Contact Details

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Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director Legal, Governance & ITT

Report Approved



Date

21 December 2010

Specialist Implications Officer(s)

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

Customer Strategy
Customer Services Blueprint

Annexes

Annex A – Revised draft Corporate Complaints Policy & Appendices



Corporate Customer Feedback

Policy and Procedures

December 2010 v1.4

DRAFT

CORPORATE CUSTOMER FEEDBACK POLICY AND PROCEDURE**INDEX**

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Part 1 - Policy

1. General Principles

City of York Council is committed to excellent customer service and to securing customer satisfaction in the way we respond to complaints and feedback from any of our service users. The council will ensure it delivers a better service to our customers by monitoring and measuring complaints, concerns, compliments and comments. We will follow a standard procedure to achieve greater consistency in how we deal with complaints and feedback.

We will collect and report on information regarding complaints and feedback so that we know which areas of service our customers are most satisfied / dissatisfied with. This will enable us to take a closer look at whether to change aspects of the service and / or offer training and support to staff dealing with complaints about particular issues. We will demonstrate that we listen to our customers' views and will feed them into service development and improvement. Gathering information on complaints and checking responses to them is one way we will do this.

Fundamentally, all feedback, in all its forms will be dealt with in accordance with this policy, and our customers will be advised about this.

City Of York Council will ensure that our feedback and complaints system:

- is easily accessible and directed through one central point
- is published and recognised as a model of good practice
- ensures a thorough and fair investigation within set time-scales
- provides an effective response including appropriate action taken
- is confidential
- is independent from the service provider
- provides feedback to management so that services can be improved or changed
- keeps customers informed of progress
- is fully understood by all staff and partners.

2. Making a Complaint

The council can receive a complaint, concern, or compliment from a member of public or anyone acting on behalf of a customer with the proper authority and consent, in the following formats:

- in person at any council office or reception point
- by telephone
- by letter
- by email
- through our website .

A complaint is:

Any expression of dissatisfaction, however made, from a member of the public about the level or nature of a council service or policy, or the way in which the council's staff carry out their duties, which requires a response. A complaint is not a request for service e.g. a missed bin request would not be logged as a complaint.

A complaint is not:

A request for a service that is made for the first time. For example, if a customer complains that a streetlight is not working we will treat it as a service request that we aim to fulfil by repairing it within the service level agreement. If we then fail to repair it, and the customer is still unhappy, it should then be defined and treated as a complaint.

This policy does not relate to those services below where there is a statutory or other legislative requirement although we will commit to ensuring feedback in these areas are still directed to the appropriate service and the matter resolved to the customer's satisfaction:

- **Adult Social Services (see Appendix 1)**
- **Children's Social Care Services (see Appendix 1)**
- **School Admissions**
http://www.york.gov.uk/education/Schools_and_colleges/school_admissions/
- **Planning Objections**
http://www.york.gov.uk/environment/Planning/Planning_applications/Search_Planning_Applications/
- **Revenues and Benefits** <http://www.york.gov.uk/advice/Benefits/>
- **Freedom of Information requests** <http://www.york.gov.uk/council/information/foi/howto/>

The corporate policy and procedures will also be applied if we receive feedback in any form regarding one of our contractors or a partner organisation, which delivers services on our behalf.

Advocacy and support

Where appropriate feedback officers will make reasonable provision to support people who may be vulnerable or who may have difficulties with communication.

3. Feedback e.g. Suggestions, Compliments and Comments

The Council also acknowledge that it is important to ensure feedback is recognised and used to inform service development and improvement.

In order to assist this process, the Council will use the same system and method as for dealing with complaints, to collect, record and pass on feedback on a regular basis to the management team, staff and councillors. This will help to ensure the good work of staff is recognised and praised accordingly.

Part 2 - The Procedures

4. Dealing with Complaints

The procedure is specifically designed to ensure and that the council's Policy has been followed consistently in every case and within the timescales set below. (Appendix 9 for flow diagram of the process)

The identity of the person making a complaint should be made known only to those who need to consider the complaint, it should not be revealed to any other person or made public by the council. Care should be taken to maintain confidentiality where particular circumstances demand (for example, information about third parties). It may not be possible to preserve confidentiality in some circumstances, for example where relevant legislation applies or allegations are made which involve the conduct of third parties.

The Corporate Feedback Team (CFT) who work within Customer Services will control and monitor all feedback across the council. They will work with all services and/or contractors/partners to ensure all complaints are dealt with and response timescales are met. (Appendix 8 for roles of the CFT team)

Customer Services or CFT staff will receive and record the details of the complaint in whichever format the customer has chosen to communicate with.

The CFT will:

- ensure the right person in the right service receives the complaint, concern or compliment;
- monitor anything that needs a response to time or quality standards including the issue of customer satisfaction questionnaires to all Stage 2 and Stage 3 complaints (with equalities forms attached to ensure we consider the views of all of our communities in York);
- have their name and contact details on all responses to complaints so the customer can come back to a single point of contact for further action should they need to
- produce the customer feedback analysis and reports for DMTs, Annual Report to Scrutiny and Audit and Governance Committees
- be the contact point for letters or investigations passed to the directorate from the council's Local Government Ombudsman (LGO) Link Officer.

Complaint Stages

There will be occasions when a customer identifies a service failure or concern (e.g. a missed bin, a pot-hole or a broken street light) and contacts the council to make them aware of this. When this is the first time the council has been made aware of this staff will generally deal with the matter quickly and satisfactorily as a service request. Service failure where the customer has not received a satisfactory standard service, has to contact the council more than once over an issue or is unable to make contact for whatever reason can be considered as 'avoidable contact'. This can be measured separately through the council's customer database and will be monitored separately by Customer Services management to identify areas of further service development or improvement.

The process for escalating a service request to the formal stages of the feedback policy will be determined by the customer who will indicate, either verbally to an officer or in writing, that they are not satisfied with the response to/outcome of their original service request.

Stage 1 - 10 Day response

At this stage the complaint will be logged on the system as a stage 1 complaint by the Corporate Feedback Team and allocated to the appropriate service manager for action.

The complainant will be advised of the outcome within 10 working days or advised of any delay and when they can expect the outcome. A response provided in the customer's preferred contact method should include:

- a) the findings of the manager and outcome
- b) the details of how they can progress to stage 2 if they are dissatisfied with the outcome
- or
- c) the investigation has not been complete, the reasons for this and when it is expected to be complete.

Written responses will be reviewed and monitored by the CFT who will issue an action plan feedback form to the service manager to record the improvement action that will take place in response to the complaint. (Appendix 4)

Stage 2 –20 Day Response

At this stage the complaint may have been already considered at Stage 1 or be sufficiently serious to be considered at Stage 2 as a first step. An appropriate Senior Manager will be assigned to the complaint by the CFT (senior to the line manager of the service under review)

A response will be given to the complainant by their preferred contact method (confirmed in writing) within 20 working days from the start of the stage. The response and action plan will be given as in stage one.

Stage 3 –20 Day Response

At this stage the complaint may have been already considered at Stage 1 and/or 2 or be sufficiently serious to be considered at Stage 3 as a first step. The Director of the service under review will be contacted by the CFT.

A response will be given to the complainant within 20 working days from the start of the stage. Response and action plan will be given as in stage 1.

The customer should also be made aware that if they are still dissatisfied with the outcome they can take their complaint to the Local Government Ombudsman (LGO), who will carry out a further independent investigation. LGO contact details will be given to the complainant with the ombudsman's information leaflet .

5. Corporate Complaints Monitoring

The Head of Customer Services will corporately monitor all forms of feedback through the Corporate Feedback Team and will ensure:

- Details of the council's policy, procedures, leaflets and contact details will be contained on the council's website.
- The council will respond to complaints and other feedback in a positive manner ensuring that respect and dignity for all customers is maintained at all times.
- Where it is clear that the council has been at fault and caused injustice, an appropriate remedy will be authorised using the principles set out in the LGO's remedies guidance and in consultation with senior managers, even if the complaint has not been referred to the Ombudsman.
- Customer satisfaction questionnaires are sent out with any Stage 2 and 3 letter in order for the council to assess how well it dealt with a complaint
- Where a complaint has been referred to the LGO, the council will always use its best endeavours to meet the deadline set for responses and will maintain a positive, professional working relationship with the LGO Office.

6. Dealing with Unreasonably Persistent Complainants Procedure

This procedure should be initiated only after a discussion with relevant officers has confirmed that all other avenues have been explored and procedures exhausted. There is a need to carry out an assessment process balancing the rights of the individual, the statutory requirements regarding the service and the Council's responsibilities towards its staff.

The procedure for this is documented outside of this policy. (Appendix 5)

7. Making a complaint about the conduct of a councillor

From 8 May 2008 the responsibility for considering complaints that a councillor may have breached the Code of Conduct moved to the standards committees of local authorities.

The Code of Conduct sets out the rules governing the behaviour of councillors in local authorities across the country and is included in Part 5 of the Council's Constitution.

What this means

Complaints about the conduct of a City of York Councillor or a Councillor from one of our parish councils, must be submitted in writing to:

Chair of the Assessment Sub-Committee,
The Standards Committee, C/O the Monitoring Officer
City of York Council,
Guildhall,
York YO1 9QN.

Link to website to submit complaints online:

http://www.york.gov.uk/council/Elected_representatives/Councillors/complaints/#

What happens next?

The assessment sub-committee can only deal with complaints about the behaviour of a councillor. It will not deal with complaints about things that are not covered by the Code of Conduct. Any complaints must be clear as to why the complainant thinks that a councillor has not followed the Code of Conduct.

The assessment sub-committee aims to make an initial assessment of the complaint within 20 working days of receipt. If the decision is to take no further action, complainants will have the right to ask for that initial decision to be reviewed.

8. Performance Measures

The council will monitor the effectiveness of this policy and procedures by collating all relevant information and statistics and will use these when undertake reviews of this policy and service delivery. (Appendix 7 for measures)

We will hold information on our Customer Relationship Management (CRM) system where available – in service areas where CRM is not available, a system will be introduced which is consistent with CRM.

This will comprise:

- The total number of complaints received
- How quickly they were dealt with
- Whether they were resolved to the satisfaction of the complainant.
- Equalities and diversities monitoring data (customer profiling)
- Complaints received per directorate and department
- Lessons learnt and action taken to improve services.

We will use the information to:

- Identify areas of dissatisfaction with services
- Highlight areas for service improvement
- Monitor the success of service improvements based on the number of complaints subsequently received;
- Produce a quarterly and annual statistical report.
- Support the Council's Fairness and inclusion strategy, Engagement Strategy and Customer Strategy
- Support corporate strategy and effective organisation theme

This information will be reported to the Scrutiny and Audit and Governance Committees, in an Annual Report

The following performance information will also be collected:

- Number of complaints received
- Number of complaints at stage 1,2,3
- Time taken to respond to complaints
- Number of Ombudsman cases and their outcome (Annually)
- Number of complaints Upheld, Partly Upheld, Not Upheld, Not Pursued

One of the ways to judge whether our feedback system works is to conduct customer satisfaction studies. To do this will send out *Customer Satisfaction surveys* (Appendix 2) when responding to a customer at stage two and three with the outcome of their complaint and/or to closed complaints chosen at random from their service area at stage one. This will also include an Equalities and Diversities Monitoring questionnaire (Appendix 3). (For more information on this please see City Of York Council's Equalities Strategy).

9. Ombudsman Quality Monitoring

When a response is required from the Ombudsman the report will be completed by the CFT. The following quality monitoring will take place. (Appendix 6)

- A copy of the reply will be sent to the LGO Link Officer and appropriate managers for comment before being finalised.
- The LGO Link Officer will quality check the complaint to ensure that all points raised by the Ombudsman have been covered.

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General Procedures



Adults Children and Education

Learning from customer feedback – comments, concerns, compliments & complaints.

LAST REVISION DATE:

This procedure was last revised in:

May 2010

SCOPE:

This procedure covers both Social Care and Housing representations, comments, compliments and complaints.

LEGISLATION:

Children (Leaving Care) Act 2000

Adoption and Children Act 2002

Health and Social Care (Community Health Standards) Act 2003

Care Standards Act 2000

Children Act 1989 Representations Procedure (England) Regulations 2006

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

The Local Authority Social Services and National Health Service Complaints (England) (Amendment) Regulations 2009

CUSTOMER INFORMATION:

Have Your Say - leaflet (Housing & Social Care Services)

Have Your Say - leaflet (Children and Young People)

Have Your Say - leaflet (for people with learning disabilities)

Complaints Review Panel - leaflet

How To Complain To The Local Government Ombudsman – leaflet

Have Your Say – Poster (Housing & Social Care Services)

Have Your Say – Comment Card (Housing & Social Care Services)

FURTHER ADVICE:

Complaint manager

Senior Complaints & Information Advisor

INFORMATION:

None.

PERFORMANCE STANDARDS:

Housing Complaints – All stages - full response within 10 working days

Children’s Social Care Complaints - Stage 1 - full response within 10 working days

Children’s Social Care Complaints - Stage 2 - full response within 25 Working days

Children’s Social Care Complaints - Stage 3 - to be convened within 30 working days of request, panels report to be sent to the complainant and Director within 5 working days of the panel meeting, The directors response to be sent within 15 working days of receipt of the report.

Adults – All complaints will be risk assessed and graded as green, amber or red. A response timescale will be agreed with the complainant.

MONITORING & EVALUATION:

Annual report on complaints to the social services committee, plus monthly reports to the director and assistant directors.

Housing complaints - quarterly performance reports to housing departmental management team

DISTRIBUTION:

Intranet

Approved By: _____ (Director of adults, children and education)

Date: _____



CITY OF YORK COUNCIL

Social Care Services

Staff Guidance

Learning from Customer Feedback -

Comments, Concerns, Compliments &

Complaints Procedure

May 2010

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INTRODUCTION

This guidance sets out the obligations under the legislation, which requires all local authorities and health authorities to set up a complaints and representation procedure.

This procedure aims to:

- Ensure that people have their concerns resolved swiftly and satisfactorily.
- Be a positive aid to inform and influence service improvements, not a negative process to apportion blame.
- Develop a listening, responding and improving culture.
- Give people the opportunity to tell the authority about both their good and bad experiences.
- Be clear and easy to use.
- Ensure that people are treated with dignity and respect and are not afraid to make a complaint and have their concerns treated seriously.
- Ensure a fair process and adequate support for everyone involved in the complaint.
- Ensure that any concerns about the protection of vulnerable adults or children are referred immediately to the relevant team or the Police.
- Ensure that the people receive a comprehensive response to all concerns in a way and timescale that they are happy with, without having to use the word complaint.
- Enable the local authority when purchasing services in the independent sector to exercise its continuing duty of care.
- Secure sensible and effective links with other procedures.
- Safeguard the customers right of access to other means of redress, such as the Local Government Ombudsman (LGO).
- Ensure that the local authority monitors its performance in handling complaints and customer feedback, delivers what it has promised, learns from feedback provided by customers and uses the learning to improve services.

The procedure strives for greater empowerment of our customers to shape services and their own care, and reflects the council's aim to work in partnership with users and their carers.

If you wish to make any comments on the contents, please contact Cath Murray (complaint manager on ext 4080).

What is a complaint?

A complaint is an expression of dissatisfaction or disquiet about the actions, decisions, or apparent failings of a local authority's adult social services provision which requires a response.

An expression of dissatisfaction does not have to be logged with the complaints team when it is the first time the person has made staff aware of the problems and these can be resolved by the next working day. Where staff cannot resolve dissatisfaction within the timescale, or the person remains dissatisfied, the complaints team should be made aware as soon as possible.

All written complaints, received either by letter or on the freepost complaints form should be sent to the complaints team. However complaints can also be made verbally by phone or in person and staff should advise the person how to contact the complaints

team to make a complaint and offer to contact the complaints team on the persons behalf if the concern has not been resolved immediately or the person remains dissatisfied.

All complaints should be treated seriously and customers should be made aware of the complaint manager's role and their rights under the complaints procedure. You can do this by giving the customer a copy of the leaflet "Have Your Say" which includes a freepost form.

What is a concern?

A concern has the same definition as a complaint, but enables people who are uncomfortable with or do not want to use the term complaint to express their concerns to the authority and have them responded to. The aim is to ensure that the council can monitor the quality of service provision and learn lessons from negative feedback, where the customer does not want to make a complaint.

What is a Comment?

A comment is when a customer, or a member of the public wants to draw an issue to the attention of adult social services, or has an idea for improving services.

What is a Compliment?

A compliment is a positive comment or expression of thanks from a customer or someone representing a customer about the services they have received.

In addition to positive comments and expressions of thanks, on occasions staff may receive a commendation for work over and above their normal duties. For example this may be when a member of staff undertakes a piece of work which would not normally be within their scale, to resolve a problem quickly, or to support colleagues when a team is short staffed or has a heavy work load. This will not normally be for additional work, where the member of staff will receive money for additional duties.

Time limit for making a complaint

Local authorities need not consider complaints made more than 1 year after the date of the event which led to the complaint. However the decision not to accept complaints made after this time scale has elapsed, will be made on a case by case basis by the Complaint manager in consultation with other managers. The decision making process will take into account whether the complaint can still be investigated effectively and fairly, whether there can still be benefit to the complainant and whether there were genuine issues which prevented the complaint being made earlier.

If a decision is made not to investigate, the complaint manager will write to the complainant to advise them that their complaint cannot be considered, the reasons why they have reached this conclusion and of their right to contact the LGO.

Advocacy and support

Where appropriate the complaint manager will facilitate independent and confidential advocacy, provide advice and information regarding support available locally and make reasonable provision to support people who may be vulnerable or who may have

difficulties with communication. Advocacy will always be offered to children and young people making a complaint.

Disputed Decisions

In some circumstances, a decision may become the subject of a complaint. Following clarification, the complaint manager may recommend that the service postpones or “freezes” the implementation of a decision until the complaint has been investigated. This will be following discussion with relevant managers and a risk assessment will also be completed. Decisions will usually be made in favour of postponing the decision unless this will have a significant detrimental effect on the physical or mental well being of the individual. Where there are opposing views regarding postponing a decision, advice will be sought from the director and his/her decision will be final.

Regulated Services

Where a complaint is received about a service provider, the complaint manager will normally direct it in the first instance to that provider to respond to. However where the council completed the assessment that led to a placement and associated funding the complainant will have recourse to the council’s complaints procedure. This will not be the case for people who have made private arrangements and are self funding. However from the 1st October 2010 people who are self funding private care will be able to take their complaint to the local government ombudsman.

The council will have the responsibility for investigating complaints about social care functions and obligations and the care quality commission will be responsible for investigating complaints about compliance with regulations and national minimum standards.

Where the complaint manager receives complaints about services provided under the Care Standards Act 2001, they will liaise with the complainant to clarify whether they want the complaint to be passed on to the appropriate registered person. If the complainant is happy for details to be passed on the complaint manager will also forward relevant details to the care management team and the commissioning and contracting team.

The complainant can make a complaint about social services functions and regulations and standards and the investigations can be conducted at the same time. The complaint manager will liaise with relevant people and agencies to ensure that a seamless response to all parts of the complaint is provided.

Compliments and Commendations

It will be important for members of staff and team managers to ensure that the complaint manager is sent a copy of all compliments and commendations so that these can be recorded and reported appropriately.

The complaint manager will decide whether a compliment is a thank you or a commendation in consultation with the appropriate director.

Compliments

Compliments will usually be thank you cards or letters for a team, or one or more individuals within a team. Everyone who is thanked within the card or letter should be made aware that they have received a thank you by the team manager and the card or letter then forwarded to the complaint manager as soon as possible.

A record of this will be made and the number of thank you cards or letters received will be reported on in a public annual report, which is presented to councillors and made available to the director and assistant director.

It will be the responsibility of the team manager to decide whether it is appropriate to acknowledge receipt of the thank you to the person who sent it.

Commendations

Commendations are compliments awarded to staff for work above and beyond their usual duties and responsibilities. This may come to the attention of the council through a letter or comment from a customer or member of the public, or may be brought to the attention of a senior manager through a team leader or line manager.

A commendation for example may be achieved by a member of staff completing a piece of work which would not normally be within their scale. This may be to resolve a problem quickly, or to support colleagues when a team is short staffed or has a heavy work load. This will not normally be for additional work that has been taken on where the member of staff has received additional money for this.

Commendations should be brought to the attention of the complaint manager as soon as possible and where there is any doubt about whether this should be logged as a commendation or thank you the complaint manager will discuss this with the appropriate director.

Where it is agreed that a commendation for a member of staff is appropriate. The director will, where appropriate, write to the customer or member of public and thank them for bringing this to their attention and will write to the member of staff thanking them for their work.

The complaints team will:

- Make a record of the commendation including copies of letters from the Director.
- Send a note about the commendation and copies of letters from the director to human resources to be kept on the member of staff's personal file.
- Include numbers of commendations and relevant details about them in the public annual report.

Adult Social Care Complaints**Who Can Complain?**

A person is eligible to make a complaint where:

- The local authority has a power or duty to provide or secure the provision of a social service for him/her and
- His/her need for such a service has (by whatever means) come to the attention of the Authority.

This definition also applies to a person acting on behalf of someone who meets the above requirements.

A complaint can be made by a representative where the complaint manager receives permission from the eligible person, usually in writing, giving their permission for the representative to make the complaint on their behalf.

A representative will also be able to make a complaint where the eligible person is not capable of making the complaint themselves, this includes when they have died.

The complaint manager will decide if a person is suitable to act as a representative, if it is decided they are not acting in the eligible person's best interests the complaint manager will inform them in writing that we will not accept the complaint under the terms of the Act and the reasons for this.

If a person is not eligible to make a complaint under the terms of the Act, they will always be able to have their complaint looked at under the council's corporate complaints procedure.

What may be complained about?

- An unwelcome or disputed decision.
- Concern about the quality or appropriateness of a service.
- Delay in decision making or provision of services.
- Delivery or non-delivery of services including the complaints procedure.
- Quantity, frequency, change or cost of a service.
- Attitude or behaviour of staff.
- Application of eligibility and assessment criteria.
- The impact on an individual of the application of a local authority policy.
- Assessment, care management and review.
- Services provided under joint working arrangements with third party providers, or where a person's assessed needs are met by another agency. Such arrangements do not absolve the authority from their duty of care.
- The quality or accuracy of information or report provided to courts by a social worker.

This list is not exhaustive and the complaint manager will seek legal advice where necessary.

Assessment Tool

The department of health designed the following tool for complaints teams to assess the seriousness of complaints and decide the relevant action:

Step 1: Decide how serious the issue is

Seriousness	Description
Low	Unsatisfactory service or experience not directly related to care. No impact or risk to provision of care. OR Unsatisfactory service or experience related to care, usually a single resolvable issue. Minimal impact and relative minimal risk to the provision of care or the service. No real risk of litigation.
Medium	Service or experience below reasonable expectations in several ways, but not causing lasting problems. Has potential to impact on service provision. Some potential for litigation.
High	Significant issues regarding standards, quality of care and safeguarding of or denial of rights. Complaints with clear quality assurance or risk management issues that may cause lasting problems for the organisation, and so require investigation. Possibility of litigation and adverse local publicity. OR Serious issues that may cause long-term damage, such as grossly substandard care, professional misconduct or death. Will require immediate and in-depth investigation. May involve serious safety issues. A high probability of litigation and strong possibility of adverse national publicity.

Step 2: Decide how likely the issue is to recur

Likelihood	Description
Rare	Isolated or 'one off' – slight or vague connection to service provision.
Unlikely	Rare – unusual but may have happened before.
Possible	Happens from time to time – not frequently or regularly.
Likely	Will probably occur several times a year.
Almost certain	Recurring and frequent, predictable.

Step 3: Categorise the risk

Seriousness	Likelihood of recurrence				
	Rare	Unlikely	Possible	Likely	Almost Certain
Low	Low				
		Moderate			
Medium					
			High		
High				Extreme	

Grading Complaints

The complaints team then grades the complaints as:

Low	= Green	Can be resolved locally
Medium	= Amber	Needs a response from the Director

High = Red Needs a response from the Director

Complainants are contacted by the complaints team to design a complaints plan and agree an appropriate response timescale. Following the response a complainant can ask the LGO to investigate if they remain dissatisfied.

When a complaint is received the complaint team will:

1. Contact the customer to clarify their complaint, the outcomes wanted and agree how the complaint will be dealt with and the timescale for response. This will include confirming any support needed to make the complaint.
2. Acknowledge the complaint in writing within 3 working days and confirm how the complaint will be dealt with and the timescales for this. The customer will be asked to sign and return confirmation of the arrangements.

Green Complaints

1. Send copies of any correspondence, the complaint, a service improvement action plan and a memo to the responding manager explaining:
 - The agreed plan for dealing with the complaint and the timescale for the final response. It is expected that 95% of green level complaints will be responded to within 10 working days.
 - The need to send a copy of any correspondence or an email confirming the outcome and actions taken to the Complaint manager.
 - That in the event of delay, the responding manager must keep the complainant and the complaints team up to date on progress made and reasons for the delay and the date that a final response will be made.
2. Send a reminder to the responding manager to advise them that their response is due.
3. Close the complaint when a copy of the correspondence or email confirming the outcome and actions to be taken is received.
4. Send a satisfaction questionnaire and follow-up letter to the complainant after the response deadline has elapsed advising them to contact the complaints team if they remain dissatisfied and of their right to contact the LGO.
5. Record the time taken to resolve the complaint from the date the complaint was received to the date of the final response.
6. Remind the manager to return the Action Plan for Service Improvements.
7. Record when action has been taken.

Amber and Red Complaints

1. Appoint an appropriate investigating officer. The complaint manager will make a decision about whether this needs to be a manager who has no line management responsibility for the service being complained about, or someone external to the council.
2. Consider appointing an independent person to oversee the investigation process where the complaint is complex or the complainant is vulnerable.
3. Send copies of any correspondence, the complaint, the guidelines for investigating complaints and a the template for the report to the investigating officer explaining:
 - The agreed plan for dealing with the complaint and the timescale for returning the draft report for the Director's attention. It is expected that 95% of amber and red level complaints will be responded to within 25 working days.
 - The need to send a draft copy of their report to the complaint manager.
 - That in the event of delay, the investigating manager must keep the complainant and the complaints team up to date on progress made and reasons for the delay and the date that a final response will be made.
4. Send a reminder to the investigating manager to advise them that their report is due.
5. Liaise with the investigating officer to ensure the report is in an appropriate format and provides a thorough and logical response to each point of complaint.
6. Send a copy of the completed investigation report to the director and advise them of the timescale for sending their final response and ensure that any issues that need clarification are dealt with and the report is amended where appropriate.
7. Support the director in preparing a final written response and close the complaint when a copy of the response is sent.
8. Ensure that the appropriate managers are aware of the response to the complaint and any actions which are to be taken.
9. Send a satisfaction questionnaire and follow-up letter to the complainant confirming that a final response has been sent and advising that they can contact the complaints team if we can be of further help and of their right to contact the LGO
10. Record the time taken to resolve the complaint from the date of receipt to the date of the final response.
11. Remind managers about any actions which need to be taken and record on the file when information is received about any action which has been completed.

On very rare occasions the Investigating officer's report may be withheld, if it is felt that showing it to the customer would be harmful. The decision to withhold a report will be made jointly by the complaint manager and the director in consultation with the

Investigating officer and where appropriate independent person. In this situation a risk assessment will be completed and held on the file. Consideration must be given to whether it would be possible to provide the report if it were written in a different way, or if additional support could be provided, or whether it is feasible to only withhold part of the report. Careful consideration will also need to be given to how this will be dealt with if the complaint progresses to the LGO.

There will also be occasions when the investigation report needs to contain a confidential annex for the attention of the director and not to be sent to the complainant. This will be where the investigation uncovers information about service delivery which may involve additional issues or customers.

Children & Young People's Social Care Services

Who can complain?

Section 26(3) and 24D of the Children Act 1989 and section 3(1) of the Adoption and Children Act 2002 require the responsible authority to consider representations including complaints made to it by:

- Any child or young person (or a parent, or someone who has parental responsibility) who is being looked after by the local authority or is not looked after by them, but is in need.
- Any local authority foster carer (including those caring for children placed through independent fostering agencies).
- Children leaving care
- Special Guardians
- A child or young person (or parent) to whom a Special Guardian order is in place.
- Any person who has applied for an assessment under section 14F(3) or (4).
- Any child or young person who may be adopted, their parents and guardians.
- Persons wishing to adopt a child.
- Any other person whom arrangements for the provision of adoption services extend.
- Adopted persons, their parents natural parents and former guardians and such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant their representations being considered by them.

Where a complaint is received from a representative on behalf of a child or young person, the local authority will, where possible, confirm that the child or young person is happy for this to happen and that the complaint received reflects their views.

The complaint manager in consultation with relevant operational managers will decide whether the person is suitable to act in this capacity and has sufficient interest in the child's welfare. If it is decided that a person is not suitable to act as a representative for a child, they will be informed of the decision in writing by the complaint manager and that no further action will be taken.

Complaints may also be made by adults relating to a child or young person, but are not being made on their behalf. The complaint manager in consultation with operational managers will decide whether the person has sufficient interest in the child's welfare for

the complaint to be considered. The child may also be consulted as part of the decision making process.

Anonymous complaints must be referred to the complaint manager and be recorded in the same way as other complaints. These complaints will fall outside of the scope of statutory procedure, however the complaint manager in consultation with other managers will decide how they should be dealt with. This may include investigating the complaint and considering areas for service improvement.

Where the complaint relates to 2 or more authorities, it will usually be considered by the authority looking after the child or in other cases the authority where the child was originally resident.

City of York Council staff will co-operate with other authorities in the investigation of complaints as defined by section 27 of the Children Act 1989.

What may be complained about?

Section 26(3) of the Children Act 1989 provides that all functions of the local authority under Part 3 of the Act may be the subject of a complaint. This may include:

- An unwelcome or disputed decision.
- Concern about the quality or appropriateness of a service.
- Delay in decision making or provision of services.
- Delivery or non-delivery of services including the complaints procedure.
- Quantity, frequency, change or cost of a service.
- Attitude or behaviour of staff.
- Application of eligibility and assessment criteria.
- The impact on a child or young person of the application of a local authority policy.
- Assessment, care management and review.
- Services provided under joint working arrangements with third party providers, or where a person's assessed needs are met by another agency. Such arrangements do not absolve the authority from their duty of care.
- The quality or accuracy of information or report provided to courts by a social worker.

In addition the following functions may be the subject of a complaint:

Part 4 of the Children Act 1989

- The decision by a local authority to initiate care and supervision orders.
- The effect of the care order and the local authority's actions and decisions where a care order is made.
- Control of parental contact with children in care
- How supervisors perform their duties where a supervision order is in force.

Part 5 of the Children Act 1989

- Matters that do not relate to court and which are specifically actions of the local authority can be considered, regarding applications for and duties in relation to child assessment orders.
- Matters relating to applications for emergency protection orders and decisions relating to the return of children who have been removed.

- The quality or accuracy of information or report provided to courts by a social worker.

Adoption Services

- Provision of adoption support services (as prescribed in regulation 3 of the Adoption Support Services Regulations 2005) insofar as these enable adoptive children to discuss matters relating to adoption.
- Assessments and related decisions for adoption support services as prescribed in regulation 3 of the Adoption Support Services Regulations 2005 (Part 4 and 5 of the regulation 3 of the Adoption Support Services Regulations 2005).
- Placing children for adoption, including parental responsibility and contact issues (sections 18 to 29 of the 2002 Act).
- Removal of children who are or may be placed by adoption agencies (sections 30 to 35 of the 2002 Act).
- Removal of children in non-agency cases (sections 36 to 40 of the 2002 Act)
- Duties on receipt of a notice of intention to adopt (section 44 of the 2002 Act).
- Duties set out in regulations in aspects of:
 - A local authority considering adoption for a child (Part 3 of Adoption Agency Regulations 2005).
 - A proposed placement of a child with prospective adopters (Part 5 of Adoption Agency Regulations 2005).
 - Placement and reviews (Part 6 of Adoption Agency Regulations 2005).
 - Records (Part 7 of Adoption Agency Regulations 2005).
 - Contact (Part 8 of Adoption Agency Regulations 2005).
- Parental responsibility prior to adoption abroad (part 3 of Adoptions with a Foreign Element Regulations 2005).

Special Guardian Support Services

- Financial support for Special Guardians.
- Support groups for children and young people to enable them to discuss matters relating to special Guardianship.
- Assistance in relation to contact.
- Therapeutic services for children and young people.
- Assistance to ensure the continuation of the relationship between the child or young person and their Special Guardian or prospective Special Guardian.

This list is not exhaustive and the Complaint manager will seek legal advice where necessary.

The complaint manager in consultation with other managers will decide whether the consideration of a complaint may prejudice any concurrent court proceedings, tribunals, disciplinary proceedings or criminal proceedings.

Where it is decided not to proceed with the investigation of a complaint to avoid prejudicing other proceedings the complaint manager will write to the complainant and the reason for their decision and specify the concurrent investigation. When this investigation has been completed the complainant may re-submit their complaint within one year of the conclusion of the concurrent investigation.

The Procedure

Stage	Action	Timescale
1	Problem Solving - attempt by the first line manager to resolve the complaint without a formal investigation.	Full response within 10 working days. Can be extended to 20 working days in exceptional circumstances with the customers agreement
2	Formal Investigation - if the customer is not happy with the response at stage 1, or the response was not in time, they can request a formal investigation. This will be investigated by a senior manager who has no management responsibility for the service being complained about, or a person independent of the council. An independent person will be asked to oversee the investigation. The reports will be reviewed by the assistant director who will then send the complainant their written response.	Full response within 25 working days. Can be extended to 65 working days in exceptional circumstances.
3	If the customer is dissatisfied with the outcome of a Stage 2 investigation, a request can be made within 20 days for the complaint be considered by a complaints review panel.	Panel to be held within 30 days of the customer's request. The Panel will send a copy of their report to the director and complainant within 5 working days of the panel meeting. The director will then write to the customer within 15 working days of receiving the panel's report.
	The customer can also contact the LGO after the council's procedure has been exhausted.	

Stage 1 complaints

Stage 1 complaints can be made in writing, by phone, or in person. Where Stage 1 complaints are received the aim is to deal with these quickly and informally by problem solving. However where the complaint manager and complainant agree that it would not be appropriate to consider the complaint at stage 1 they can move this immediately to a stage 3 investigation.

On receipt of a stage 1 complaint the complaint manager will:

1. Acknowledge the complaint in writing within 3 working days and if necessary contact the complainant to clarify their concerns, ensure they understand the procedure and assess whether any support is needed to make the complaint.
2. Inform the customer in writing who will investigate the complaint and the timescales for this.
3. Send copies of any correspondence, the complaint, an action plan for service improvement and a memo to the responding manager explaining:

- The 10 working day timescale within which the customer should receive a final response and the date when this expires. (In exceptional circumstances and with the agreement of the complainant, this can be extended to 20 working days).
 - To respond directly to the complainant and to send a copy of any correspondence or an email confirming the outcome and actions taken to the complaint manager.
 - That in the event of delay, the responding manager must keep the complainant and the complaints team up to date on progress made and reasons for the delay and the date that a final response is likely to be made.
4. Send a reminder to the responding manager to advise them that their response is due.
 5. Close the complaint when a copy of the correspondence or email confirming the outcome and actions taken is received.
 6. Send a satisfaction questionnaire and a follow-up letter to the complainant after they have received their response advising them to contact the complaints team if they remain dissatisfied.
 7. Record the time taken to resolve the complaint from the date the complaint was received to the date of the final response.
 8. Remind the manager to return the action plan for service improvements.
 9. Liaise with the quality assurance team to ensure these plans are implemented.

Stage 2 Complaints- The Formal Investigation Stage

If a complainant wishes to pursue a matter that cannot be resolved at stage 1, or they have not received their stage 1 response in time, they can request a stage 2 investigation. Although the investigation process is formalised at this stage, it is still important to continue problem solving.

Where a customer requests a stage 2 investigation the complaint manager will:

1. Liaise with the assistant director and appoint an appropriate investigating officer who has no line management responsibility for the service being complained about.
2. Appoint an independent person to over see the investigation process.
3. Acknowledge the request in writing within 3 working days.
4. Inform the customer in writing how their complaint will be dealt with including the name of the investigating officer, independent person and assistant director providing the response and the timescale for this.
5. Inform the assistant director on completion of the stage 2 investigation who will then:
 - Meet with the investigating officer, complaint manager and where appropriate the independent person to clarify any issues within their reports and discuss the most

appropriate way to provide feedback to the customer. This can be done by a telephone conversation with the investigating officer and independent person if appropriate.

- Send their response with a copy of the investigating officer and independent persons reports within 25 working days from the date the complaint was received, explaining whether they agree with the reports and recommendations and explaining what action they will take and the timescales for completing this.
 - Send a copy of this letter to the complaint manager for the complaint file.
 - Consider meeting with, or making a telephone call to the complainant to explain their response.
 - Complete and return the action plan for service improvement.
6. Advise the investigating officer that if there is a delay they must keep the complainant and complaints team up to date regarding the progress made and give reasons for the delay and the date that the investigation reports will be completed. (In exceptional circumstances the timescale may be extended to 65 working days).
 7. Close the complaint when a copy of the response is received.
 8. Send a satisfaction questionnaire and a follow-up letter confirming that a final response has been sent to the customer and advising the complainant to contact the complaints team within 20 working days if they feel that the complaint has not been dealt with satisfactorily.
 9. Record the time taken to resolve the complaint from the date the stage 2 request was received to the date of the final response.
 10. Remind the manager to return the action plan for service improvements.
 11. Liaise with the quality assurance team to ensure these plans are implemented.

On very rare occasions the investigating officer's report may be withheld, if it is felt that showing it to the customer would be harmful. The decision to withhold a report will be made jointly by the complaint manager and the director in consultation with the investigating officer and where appropriate independent person. In this situation a risk assessment will be completed and held on the file. Consideration must be given to whether it would be possible to provide the report if it were written in a different way, or if additional support could be provided, or whether it is feasible to only withhold part of the report. Careful consideration will also need to be given to how this will be dealt with if the complaint progresses to a review panel or the LGO.

There will also be occasions when the investigation report needs to contain a confidential annex for the attention of the Director and not to be sent to the complainant. This will be where the investigation uncovers information about service delivery which may involve additional issues or other customers information.

Stage 3 Complaints- Complaints review Panel

If a complainant remains dissatisfied they can request that their complaint is considered by a review panel within 20 days of receiving their stage 2 response.

The complaints team will:

1. Acknowledge the request in writing within 3 working days.
2. Appoint the chair of the panel and confirm with them the attendees and content for the panel papers within 10 working days.
3. Arrange in consultation with the chair the appointment of the remaining panellists.
4. Arrange the date and venue for the panel to be held within 30 working days of the request being received.
5. Circulate the panel papers to all attendees 10 working days before the meeting is to be held.
6. Make a clerk available to take notes of the meeting.
7. The complaint manager will attend the panel meeting to advise on policy and procedure and the response times for the panel.
8. Contact the director of adult, children and education to advise them that their response is due within 15 working days from the date the panel's letter was received and to complete and return the action plan for service improvement.
9. Close the complaint when a copy of the response is received.
10. Send a satisfaction questionnaire and a follow-up letter confirming that a final response has been sent advising the complainant that they should now contact the LGO if they feel that the complaint has not been dealt with satisfactorily.
11. Record the time taken to resolve the complaint from the date the stage 3 request was received to the date of the final response.
12. Remind the manager to return the action plan for service improvements.
13. Liaise with the quality assurance team to ensure these plans are implemented.

Early Referral to The Local Government Ombudsman

Following the outcome of the adjudication process, if the complainant remains dissatisfied the complaint manager may refer them to the LGO without organising a stage 3 review panel. This will be for cases where it is considered that the council has had sufficient opportunity to consider the complaint itself and the process of a review panel would not result in a significantly different outcome.

The complaint manager can only consider this option at the conclusion of the adjudication process and the following safeguards must also be in place:

- All the parts, or significant parts of the complaint must have been upheld.
- The council has provided a clear action plan for service delivery and improvement.
- The council has agreed to meet all or the majority of the desired outcomes.
- The complainant agrees with this option.

Where this is the case, the complaint manager and complainant will agree a written statement of the complaint for release to the LGO. This will include the investigation and adjudication and the independent person's report where appropriate. The LGO will then consider the complaint and the council's actions and may at that point request the council to implement a stage 3 review panel.

Roles and Responsibilities

Investigating officer

To consider the complaint with the independent person where one has been appointed by:-

- Taking a lead in the investigation.
- Ensuring that the written record of the complaint is clear and accurately represents the complainants concerns and desired outcomes.
- Conducting interviews sensitively and thoroughly and ensuring that the information gained from these is recorded accurately.
- Conducting a thorough review of records held by the local authority and other agencies as appropriate.
- Reading and analysing relevant policies, procedures, good practice guidelines and legislation and where appropriate comparing this to practice in other authorities.
- Effectively communicating with the complainant, complaint manager and where appointed the advocate and independent person on the progress of the investigation and advising of any delays to this.
- Identifying solutions and recommend actions to resolve problems.
- Preparing an accurate and clear report of the investigation process, its findings and recommendations using language appropriate to the needs of the complainant. This will need to take account of the complainant's age, any disabilities or language barriers.
- Liaising with the adjudicating officer, complaint manager and where appointed independent person to clarify any points arising from the investigation report.

- Meeting with the complainant, and where appointed the advocate and independent person to explain the findings of the investigation and clarify any points arising from the investigation report.
- Working to tight timescales.

Independent Person

The independent person will not be an elected member, an employee of the local authority or a spouse or partner of an employee or elected member of the local authority. They can be a former employee or elected member, but a minimum of 3 years must have elapsed before this will be acceptable.

They will ensure the investigation process is open, transparent and fair by:

- Attending all interviews and meetings with the investigating officer.
- Reading the same records, policies, procedures and other documentation as the investigating officer.
- Liaising with the adjudicating officer, complaint manager and independent person to clarify any points arising from the investigation reports.
- Preparing an accurate and clear report of the investigation process, its findings and recommendations commenting on their view of the findings and recommendations, whether they are logical, fair and appropriate. Explaining where necessary the reasons they consider an investigation to be unfair or incomplete, using language appropriate to the needs of the complainant. This will need to take account of the complainant's age, any disabilities or language barriers.

Advocates

To provide independent, confidential information, advice, representation and support to the complainant by:

- Empowering and supporting the complainant to express their views, wishes and feelings, or with the complainant's permission speak on their behalf.
- To attend meetings and interviews with or on behalf of the complainant.
- Work in partnership with the complainant to seek the resolution of their problems and concerns.
- Support the person to pursue their complaint through every stage of the procedure and provide them with information about their rights and the options available.
- Help them clarify their complaint and the outcomes they would like.
- Help them understand the response to the complaint and the action which will be taken.

Further detailed guidance can be found in Getting it Sorted: Providing Effective Advocacy Services For Children and Young People making a Complaint under the Children Act 1989. Department for Education and Skills 2004.

Adjudicating Officers

This role will be fulfilled by a manager with sufficient seniority to make strategic decisions regarding service delivery and will therefore usually be the assistant director.

- The purpose of this role is to consider the points of the complaint the Investigating officer and where appointed independent person's findings, conclusions and recommendations and the complainants desired outcomes.

They should

- Liaise with the investigating officer, complaint manager and where appointed independent person to clarify any points arising from the investigation reports.
- Invite the complainant to a meeting either before or after writing their response to the complaint.
- Write to the complainant to explain the council's formal response to the complaint using language appropriate to the needs of the complainant. This will need to take account of the complainants age, any disabilities or language barriers and will include:
 - Their view on whether the investigation has been thorough and complete.
 - Their position on the findings of each point of the complaint.
 - Any action to be taken and the timescales for this.
 - Confirmation of the complainants right to request the complaint be considered at stage 3 within 20 working days
 - A reminder the complainant of their right to contact the LGO
 - The report from the investigating officer and where appointed independent person.
 - Circulation of the reports and response to staff as appropriate.

The adjudicating officer should also attend the complaints review panel if this becomes necessary. On rare occasions they may delegate the task of representing the council in the review panel to another member of staff with sufficient seniority to represent the council in this way. This is only acceptable if all the findings of the investigating officer where agreed with and they must still attend if requested by the chair of the panel.

The authority's representative should:

- Provide information to the panel to support the authority's position.
- Consider whether any other member of staff should attend to address specific issues and request their attendance through the chair.

- Keep staff involved in the complaint, but not attending the panel, informed of the proceedings.
- Act on any recommendations from the panel which the director has agreed to.

Complaint Manager

Managing the complaints procedure by:

- Overseeing receipt and investigation of complaints.
- Appointing investigating officers and independent people and review panellists as appropriate.
- Ensuring that there is no conflict of interest.
- Promoting local resolution.
- Making recommendations for action following an investigation.
- Maintaining records of complaints made, themes, outcomes and service improvements.
- Monitoring and reporting on timescales, themes and service improvement.
- Compiling an annual report on numbers of complaints, thank yous and commendations made, themes, outcomes, service improvements, compliance with timescales, details of advocacy provided, effectiveness of the delivery of the complaints procedure and statistical information on age, gender, disability, sexual orientation and ethnicity of complainants.
- Commissioning training for investigating officers, independent people and review panellists and providing appropriate support to them.
- Providing appropriate training and support to staff.
- Providing and ensuring that appropriate advice information and support is available to customers.
- Ensuring that information about the procedure is available and accessible.
- Liaising with the quality assurance teams to ensure service improvements are implemented.
- Ensuring that independent people, investigators and review panellists are CRB checked and have appropriate references and codes of conduct are in place.
- Completing and overseeing investigations for stage 3 housing complaints.
- Attending and advising on policy and procedure issues at review panels.

- Completing investigations and producing reports for the LGO when enquiries from their office are received.

Review Panellists

Will support the chair in taking an active part in the decision making process by:

- Reading the documentation in advance of the meeting.
- Attending the whole panel meeting and contributing to the consideration of the complaint by asking relevant questions and reaching conclusions on the way forward.
- Discussing conclusions reached with other panel members and the wording to be used in the report.
- Contributing relevant expert opinion based on specialist skills, knowledge, or experience.

Chair of Review Panel

The chair will be independent from the council and will be appointed by the complaint manager. Their responsibilities will be to:

- Chair the panel.
- Discuss with the complaint manager any specific needs of the complainant and ensure these are appropriately accommodated.
- Agree with the complaint manager who the local authority representative should be and request the attendance of any other person who may assist in understanding the complaint and its context.
- Ensure that everyone is treated with respect.
- Ensure that everyone is given the opportunity to contribute fully and appropriately and that the length of each part of the meeting is suitable.
- Ensure that a written report is produced providing a full response to the complainant and local authority within 5 working days of the panel.
- Ensure that any disagreement amongst the panellists are recorded and that a majority decision is reached where necessary.
- Be available to meet with staff from the local authority to discuss any recommendations if necessary.

Clerk To Review Panels

This role will be fulfilled by an officer who is not the complaint manager.

The clerk will be provided by the local authority to offer administrative support to facilitate the creation of the panel through to the production of the final recommendation to the council.

The clerk will:

- Organise the venue, facilities and refreshments.
- Organise the distribution of documentation.
- Take notes to facilitate the panel's decisions.
- Confirm whether the complainant wishes to bring any representatives or witnesses and provide appropriate assistance to facilitate this.
- Provide administrative support to the chair and panel to produce the final recommendations within 5 working days of the panel meeting.

Other Children's Services

All other children's services complaints will be dealt with through the corporate complaints procedure unless another route is available in legislation, for example the school admission appeals procedure.

Complaints to be managed under the corporate complaints procedure include general education and special educational needs issues, where the complaint is about the work of education social workers and services provided by the local authority. Complaints about the youth offending service will also be managed under the corporate complaints procedure where other procedures are not appropriate.

All schools should have their own three stage complaints process and complaints about the activity and actions of a school should be dealt with under the schools own procedure.

The complaints manager will provide advice and assistance to schools where the school requests this. In addition to some other authorities, where the schools procedure has been completed and the complainant remains dissatisfied, they may ask for their complaint to be reviewed independently by the complaints manager.

Following this independent review parents should be advised of their right to contact the secretary of state for education.

The Procedure

Stage	Action	Timescale
1	Problem Solving - attempt by the first line manager to resolve the complaint without a formal investigation.	Full response within 10 Working Days
2	Where the customer is not happy with the initial response to a complaint, or they have not received a response within the timescale they can request a formal investigation. This will be responded to by a senior manager from housing services.	Full response within 10 Working Days
3	If the customer is still unhappy with the response to the	Full response within

	complaint, then it is referred to either the director or the manager who has overall responsibility for handling complaints. (In housing this will be the complaint manager).	10 Working Days
	The customer may also be able to contact the LGO after the council has tried to resolve the complaint.	

Stage 1 complaints

Stage 1 complaints can be made in writing, by phone, or in person and should be logged with the complaints team to ensure these can be recorded for monitoring and reporting. Where stage 1 complaints are received the aim is to deal with these quickly and informally by problem solving.

The complaint manager will be responsible for the following tasks, but may delegate them to other appropriate managers:

1. acknowledge the complaint in writing within 3 working days and if necessary contact the complainant to clarify their concerns.
2. inform the customer in writing who will investigate the complaint and the timescales for this.
3. send copies of any correspondence, the complaint, an action plan for service improvement and a memo to the responding manager explaining:
 - the 10 working day timescale within which the customer should receive a final response and the date when this expires.
 - respond directly to the complainant and to send a copy of any correspondence or an email confirming the outcome and actions taken to the Complaint manager.
 - in the event of delay, the responding manager must keep the complainant and the complaints team up to date on progress made and reasons for the delay and the date that a final response is likely to be made.
4. send a reminder to the responding manager to advise them that their response is due.
5. Close the complaint when a copy of the correspondence or email confirming the outcome and actions taken is received.
6. Send a satisfaction questionnaire and a follow-up letter to the complainant after they have received their response advising them to contact the complaints team if they remain dissatisfied.
7. Record the time taken to resolve the complaint from the date the complaint was received to the date of the final response.
8. Remind the manager to return the action plan for service improvements.
9. Liaise with the service development team to ensure these plans are implemented.

Stage 2

If a complainant wishes to pursue a matter that cannot be resolved at Stage 1, or they have not received their stage 1 response in time, they can request a stage 2 investigation. Although the investigation process is formalised at this stage, it is still important for staff to continue to work with the customer and attempt to resolve their concerns.

Where a customer requests a stage 2 investigation the complaint manager will:

1. appoint an Investigating officer who will be a senior manager in housing services.
2. acknowledge the request in writing within 3 working days.
3. inform the customer in writing how their complaint will be dealt with including the name of the Investigating officer and the timescale for receiving their response.
4. send copies of any correspondence, the complaint, an action plan for service improvement and a memo to the responding manager explaining:
 - the 10 working day timescale within which the customer should receive a final response and the date when this expires.
 - respond directly to the complainant and to send a copy of any correspondence or an email confirming the outcome and actions taken to the complaint manager.
 - in the event of delay, the responding manager must keep the complainant and the complaints team up to date on progress made and reasons for the delay and the date that a final response is likely to be made.
5. Close the complaint when a copy of the response is received.
6. Send a satisfaction questionnaire and a follow-up letter to the customer confirming that a final response has been sent to the them and advising the complainant to contact the complaints team if they feel that the complaint has not been dealt with satisfactorily.
7. Record the time taken to resolve the complaint from the date the stage 2 request was received to the date of the final response.
8. Remind the manager to return the action plan for service improvements.
9. Liaise with the service development team to ensure these plans are implemented.

Stage 3

If the person remains dissatisfied they can request that their complaint be investigated at stage 3. This will be investigated independently by the senior complaints and information advisor, or the complaint manager (or other appropriate manager)

The team will:

- Contact the complainant to clarify their complaint and gain any evidence supporting the complaint.
- Contact relevant staff and managers.
- Read relevant files, case notes, policies, procedures, legislation and good practice guidance.
- Consider the practice of other authorities where appropriate.
- Consult guidance for remedying complaints provided by the LGO and liaise with their office as appropriate.
- Produce a written report setting out their findings on each point and their recommendations to resolve the complaint and improve services.
- Send the report to the complainant and relevant staff and managers within 10 working days of clarifying the complaint. A satisfaction questionnaire will also be included.
- Send an action plan for service improvement to the appropriate senior manager.
- Remind the manager to return the action plan for service improvements.
- Liaise with the service development team to ensure these plans are implemented.

Other Procedures

On occasions complaints may be made which are more appropriate to be investigated under other procedures, for example grievance and disciplinary, child protection or vulnerable adult. Where issues of this nature are identified, the concerns will be referred to the appropriate person to deal with the complaint under the correct procedure. Any issues appropriate to the complaints procedures will continue to be investigated alongside any other investigation considered necessary.

If a complaint arises following a child protection conference about the work, performance, provision or non provision of services from a particular agency, these should be handled in line with that agencies complaints process.

Unreasonable and Unacceptable Behaviour

The council is committed to considering all complaints and learning lessons to improve services. It recognises that in doing this, it will on occasions come into contact with people who may be both angry and distressed and who may have difficulties with communication, disabilities or illnesses which make their contact with the council at these times persistent, strained or even hostile.

It is important at these times to consider the reasons for this behaviour and to ensure that support is available both the complainant and staff to enable the complaint to be heard and dealt with in a fair and equitable manner.

Examples of unreasonable and unacceptable behaviour:

- The person repeatedly makes the same complaint with minor differences and does not accept the outcome.
- The person changes aspects of the complaint or continues to add to the complaint, hindering the investigation.
- The person regularly breaks appointments or will not allow appointments with staff which would progress the complaints process.
- The person makes repeated contact with staff in different departments through different routes, letters, faxes, phone calls, MP, councillor and media enquiries.
- Contact is frequent, lengthy, complicated and stressful for staff and repeats the same themes.
- The person will not allow the complaint to progress to the next stage, but continues to express dissatisfaction.
- The person is abusive, makes inappropriate or personal comments, makes threats, or uses aggressive behaviour including shouting or swearing at staff.

Where one or more of the above types of behaviour is present, the complaint manager will attempt to identify reasons for this and strategies to resolve any difficulties by talking to the complainant and members of staff and may choose to hold a planning meeting or complete a risk assessment.

If appropriate and not already in place the possibility of an advocate or other support will be considered to enable the person to express and pursue their complaint and understand what action is being taken.

Where further support is not appropriate or is unsuccessful the complaint manager will write to the complainant explaining what behaviour they are using which is unreasonable or unacceptable. They will also advise them of strategies to reduce the unreasonable or unacceptable behaviour so that the complaint can be pursued and services can continue.

This may involve:

- Identifying a key person, or team that the complainant should restrict their contact to.
- Agreeing times and frequency of contact.
- Requesting they provide clarification of the complaint and their desired outcomes.
- Reminding them that staff cannot enter into discussions about outcomes which have already been reached unless they allow this to be moved to the next stage.
- Requesting that they do not use inappropriate or abusive comments, shout or swear at staff, make threats, or use aggressive behaviour.

This letter will also advise them that if the unreasonable or inappropriate behaviour continues, it may become necessary for staff to discontinue the investigation of the complaint and discontinue their contact with the person.

If it becomes necessary to discontinue the investigation of a complaint and discontinue contact, this decision will be made in consultation with senior managers and a review of this must be held at least annually. The complaint manager will write again to the

complainant to advise them this action will be taken, explaining the reasons for this and when it will be reviewed. The letter will also advise the person of their right to contact the LGO and that any new complaints will be investigated through the normal procedure.

The letter will also remind them how they can contact the department providing services to them to discuss any day to day issues which arise and how to request new services if this becomes necessary.

A copy of the letter will be circulated to relevant staff and managers.

Where threats or aggressive behaviour is likely to put staff at serious risk, contact will be withdrawn immediately without notification. A risk assessment will be completed with senior managers and this will identify if contact can continue and how this should be done. In these cases the option of contacting the Police and or taking legal action should always be considered.

Good Practice For Investigating officers

General Points

Be aware of the timescale and the importance of providing a thorough investigation.

Work closely with the complaint manager (and independent person and advocate where appropriate) on all aspects of the investigation and report writing, including keeping the complainant informed of progress.

If the media is involved (local or national press, television or radio etc) maintain strict confidentiality and notify the complaint manager.

Consider the environment the investigations are conducted in – some places may be intimidating or distressing for children and young people in particular.

If appropriate, visit the establishment complained about unannounced to check normal practice.

Adhere to relevant conventions and legislation such as Data Protection Act, Health and Safety Act and the Human Rights Act and the United Nations Convention on the Rights of the Child.

Investigating officers should also work closely with all others involved in the investigation, especially where an independent person is involved.

Getting Started

Contact the complainant, ideally by phone, to offer a meeting in person. This meeting should explain the investigation procedure and;

- a. Confirm that the points of the complaint and desired outcomes are accurate and produce a written record, gain background information on each point of complaint.
- b. If any points change or more are added please advise the complaints team.
- c. Check whether the complainant needs any support during the process e.g. an advocate and discuss this with the complaints team.

- d. Allow the complainant to explain how he feels and express any strong emotions that he has. Accept how the complainant feels (acceptance does not mean agreement)

Read background on the complaint and the relevant legal and administrative policies and procedures.

Consider whether the complaint could be resolved without further investigation. Assess whether the complaints procedure is the most appropriate way of handling this complaint. Consider alternative possible procedures, for example alternative dispute resolution (such as mediation) or appeals to tribunals, legal action or police involvement. If the complaints procedure is not appropriate, discuss the alternatives with the complaint manager.

Planning the Investigation

Obtain the relevant documents, such as files, log books and timesheets, insist on seeing the originals, not copies, and obtain copies of all the documents needed;

Produce a chronology from the relevant sequent of events from the files and identify the names of the individuals most directly involved in the content of the complaint;

Identify a list of interviewees, notify them with as much notice as possible that you wish to hold interviews and supply them with relevant information on the complaint;

Arrange the order of interviews in a logical sequence as relevant to the particular complaint;

Inform all those to be interviewed that they may be accompanied by a friend or trades union representative, provided that this person is not within normal line management arrangements with the interviewee and that there are no issues of confidentiality;

Consider whether a witness of a particularly difficult interview is needed – this is also a good way of training new investigating officers;

Prepare the line of questioning for each interviewee.

Interviewing

Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it;

Interviews should be conducted in an informal and relaxed manner, while ensuring that due process is adhered to;

- a. Use open not leading questions;
- b. Do not express opinions in words or attitude;
- c. Ask single not multiple questions, i.e. one question at a time;

Try to separate hearsay evidence from fact by asking interviewees how they know a particular fact;

Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given;

Deal with conflicts of evidence by seeking corroborative evidence. If this is not available, discuss with the complaint manager the option of meeting between the conflicting witnesses;

Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record of their interview, ask if they have anything to add and ask them to sign the record as accurate. Return all notes and records to the complaint manager.

The Investigating Report

Draft the report and show it to the complaint manager. The complaint manager can advise on local practice. The draft report should include;

- a. chronology
- b. list of interviewees
- c. the complaints set out in a numbered list
- d. your analysis and findings for each point of complaint
- e. record of relevant policy, practice and legislation
- f. your recommendations and response to the complainant's desired outcomes
- g. any other relevant information; and
- h. a separate addendum of any other issues for the local authority

Consider comments from relevant persons such as the complaint manager, adjudicating officer and independent person and amend the report as necessary;

Notify the complaint manager that the final report is complete, they will then advise on what to do next.

This information was originally published in the Right to Complain and compiled with the help of the Office of the Commission for Local Administration (the Local Government Ombudsman).

Adults Children & Education



WARNING: This Report must not be reproduced or shared with anyone else without the prior consent of the Complaints & Mediation Manager, (HASS).

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INVESTIGATION REPORT ON COMPLAINT MADE BY:

Name:

Address:

If complaint is being made on behalf of a customer give details below:

Name:

Address:

In respect of (Service Unit):

Investigating officer (Name & Section):

Date Complaint Registered:

Date Final Response due:

Date of this Report:

Time Taken to complete (days):

Structure Of Report

The information contained in this report will be considered under the following headings:

The Complaint

- The background to the complaint.
Include additional information relevant to the complaint
- The points of complaint.
Use the bullet points of complaint as agreed in the confirmation of complaint
- The desired outcomes.
Use the bullet points from the confirmation

The Investigation Process

- The chronology of the handling of the complaint.
- The people interviewed in connection with the complaint.

Interviews:

Name	Title	Location	Date/s
-------------	--------------	-----------------	---------------

- The documents examined.

Findings Of The Investigation

State each point of complaint and put the findings and outcomes under each point of complaint.

The outcomes should come at the end of the findings for each point and should be in Bold before moving onto the next point of complaint and will be either:

Upheld

Not Upheld

Partly Upheld

Not proven

Summary Of Recommendations

This can include:

Apologies

Review of policy/procedure

Reminder to staff of policy procedure

Staff training

Payment for expenses, time and trouble, delays etc

Format For Independent Person's Report

Front Sheet

Local Authority

Complainant's name, address and telephone number

Independent person's name, contact address and telephone number

Investigating officer's name, address and telephone

HEADINGS

Summary of Complaint

Process of Investigation : (a) interviews, documentation

(b) quality, efficiency and chronology

Information obtained

Elements of complaint - upheld , partly upheld or not upheld

Conclusion

Recommendations

The Investigating Report

Draft the response and show it to the complaints manager. The complaints manager can advise on local practice. The draft response should include;

- i. the complaints set out in a numbered list
- j. the outcomes wanted to resolve the complaint
- k. the names and titles of the key people interviewed and a list of files, and documents read
- l. the analysis and findings for each point of complaint
- m. the recommendations and response to the complainant's desired outcomes
- n. if appropriate a separate addendum of any other issues for the local authority

Notify the complaints manager that the final response is complete, they will then advise on what to do next.

Private and Confidential

Name
Address

Ask for:
Extension:
Reference: H/

Date

Dear

Following your complaint, it was agreed that I would respond to your complaint.

My understanding of your complaint is that:

(type here summary of complaint – please use bullet points/numbers to list the different parts of the complaint as listed in the complaint plan.)

To resolve the complaint you would like:

(type here the things the customer would like to happen to put things right – please use bullet points/numbers to list the different things the customer wants as listed in the complaint plan.)

Review

(type here names of staff you may have contacted and list any documents you may have read)

(type here your response under each separate point of the complaint followed by whether that part of the complaint is upheld, not upheld or partly upheld or not proven)

Recommendations

(type here any recommendations you have following the complaint, use bullet points for each recommendation) **This can include:**

Apologies

Review of policy/procedure

Reminder to staff of policy procedure

Staff training

Payment for expenses, time and trouble, delays etc

If you are not satisfied with this response please contact Cath Murray, Complaints Manager, at 10/12 George Hudson Street, York YO1 6ZE or telephone 01904 554145.

Yours sincerely

(Full Name)
(Job Title)

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CITY OF YORK COUNCIL Monitoring the Customer Feedback Procedure
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1. How did you find out how to make a comment or complaint?

- | | |
|--|---|
| Member of council staff <input type="checkbox"/> | Professional not employed by the council eg doctor <input type="checkbox"/> |
| Leaflet <input type="checkbox"/> | Council's website <input type="checkbox"/> |
| Friend / relative <input type="checkbox"/> | Advocate <input type="checkbox"/> |
| Other <input type="checkbox"/> | |

2. How easy was it to make the comment or complaint?

- Very easy Fairly easy Neither / nor Fairly difficult Very difficult

3. Was your complaint answered by the date you were given?

- Yes **Go to Q5** No **Continue**

4. If your complaint was not answered in time, were you happy with the way staff kept you up to date with what was happening?

- Yes No

5. Were you given a contact name and telephone number in case you had any further queries?

- Yes No

6. Were staff helpful?

- Yes No

7. If you needed support to help you make your comment or complaint, did we arrange this for you?

- Yes No **Not applicable**

If you have any further comments please send on a separate sheet

Thank you for taking the time to complete this questionnaire.

On the back of this questionnaire there is an Equalities Monitoring form which helps us to check that everyone is getting the same standard of service.

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Equality Monitoring Information
Confidential

Equality Monitoring Form

We want to make sure that the council is a fair and inclusive service provider. Your answers to the following questions, will help us make sure that everyone's needs are considered in council policy and practice.

Your Gender: Male Female Prefer not to say
Do you identify yourself as trans? Yes No Prefer not to say

Year of Birth: Prefer to not say

1st Part of your Postcode: Prefer to not say

(e.g. YO31 2)

Ethnic Origin:

Please choose one section from A-E and then tick the appropriate box to indicate your ethnic background or please tick this box:

I prefer to not say

A. White:

- British
 Irish
 Any other White background please specify:

B. Mixed Race:

- White and Black Caribbean
 White and Black African
 White and Asian
 Any other Mixed background please specify:

C. Asian or Asian British:

- Indian
 Pakistani
 Bangladeshi
 Any other Mixed background please specify:

D. Black or Black British:

- Caribbean
 African
 Bangladeshi
 Any other Mixed background please specify:

E. Other Ethnic Groups:

- Gypsy
 Traveller
 Any other background please specify:

Do you consider yourself to be disabled?

Yes No

Prefer to not say

If you tick "Yes", please tick as many boxes below as apply:

Physical impairment
(such as using a wheelchair to get around and / or difficulty using arms, legs etc)

Sensory impairment
(such as being blind / having a serious visual impairment or being deaf / having a serious hearing impairment)

Mental health condition
(such as depression or bipolar)

Learning disability
(such as Downs syndrome or dyslexia or cognitive impairment (such as autism or one resulting from head-injury)

Long-standing illness or health condition
(such as cancer, HIV, diabetes, chronic heart disease, or epilepsy)

The information you provide is anonymous and will be kept confidential. Only council employees will process this information. Thank you for helping us continue to improve our policies and practices.

Partner preference:

- Heterosexual / Straight
 Lesbian / Gay woman
 Homosexual/ Gay man
 Bisexual

Prefer not to say

Relationship Status:

- Married
 Co-habiting
 Civil Partnership
 Single
 Other

Prefer not to say

Please tick the appropriate box to describe your religion or belief:

Prefer not to say

- Buddhist
 Christian
 Hindu
 Jewish
 Muslim
 Sikh
 No Religion
 Other please specify:

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TO BE COMPLETED FOLLOWING EACH STAGE OF A COMPLAINT

Action Plan of Service Improvements Following a Complaint

Ref no.		Name of responding manager:	
---------	--	-----------------------------	--

Date of complaint		What stage was the complaint:	
-------------------	--	-------------------------------	--

Brief description of the complaint:

What outcome did the complainant want:

Was the complaint: Please indicate by highlighting in **bold** if emailing or circling if posted

Upheld	Partly Upheld	Not Upheld	Not Pursued
--------	---------------	------------	-------------

(do you agree, partly agreed or disagreed with what the customer said had happened or not happened. The complaint will only be not pursued, if the customer decided they no longer had a complaint before any work you completed)

What action has been taken to resolve this complaint:

Date Action completed / to be completed	
---	--

Action completed by whom	
--------------------------	--

Service Manager

What should we do to change/improve the service to prevent a similar complaint ?

Is there an action in the service plan to address this issue ?	
Yes	describe
No	suggestion

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Guidance Notes for the Complaints Team

Good investigative practice

The majority of complaints are likely to be capable of being dealt with speedily and simply. Where, however, a more substantial inquiry is required, the following guidance may be helpful for investigating officers.

Check if there are any previous complaints from this person. Contact the complainant to arrange a meeting (or time for a telephone conversation) and:

- clarify the complaint;
- clarify the outcome sought;
- check whether the complainant needs support of any kind, or has poor sight or hearing, or a language difficulty, and check what help the complainant needs so as to be able to understand the discussion properly;
- check that the complainant has a copy of the Council's complaints leaflet.

Dealing with unreasonably persistent complaints

Unreasonably persistent complainants can cause undue stress for staff and place a strain on the Council's time and resources. All staff should try to respond with patience and sympathy to the needs of all complainants but there are times when there is nothing further which can be reasonably done to assist them or to rectify a real or perceived problem.

In determining arrangements for handling such complaints, staff are presented with two key considerations:

- Ensure that the complaints procedure has been **correctly implemented so far as possible and that no material element of a complaint is overlooked or inadequately addressed** and to appreciate that even unreasonably persistent complainants may have aspects which contain some substance. The need to ensure an equitable approach is crucial.
- Identify the stage at which a complaint has become unreasonably persistent. Implementation of this policy would only occur in **exceptional circumstances**.

It is emphasised that this procedure should only be used as a last resort and after all reasonable measures have been taken to try to resolve complaints following the general procedure, or another avenue, such as the Local Government Ombudsman.

Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding action to be taken in specific cases. The procedure should only be implemented following careful consideration by, and with the authorisation of, the relevant Head of Service and after liaising with the DFC.

Options for dealing with unreasonably persistent complainants

Where complainants have been identified as unreasonably persistent, in accordance with the criteria above, the Head of Service will implement such action and will notify the complainant, in writing, of the reasons why they have been classified as such and the action to be taken. This notification may be copied for the information of others involved, eg Advocate, Councillor or Member of Parliament. A record must be kept for future reference of the reasons why a complainant has been classified as unreasonably persistent.

The meeting called by the Head of Service will also consist of:

- Trying to resolve matters before invoking this policy. This might be accomplished by drawing up a signed agreement with the complainant, which sets out a code of behaviour for the parties involved if the Council is to continue processing the complaint. If these terms were contravened, consideration would then be given to implementing other action.
- Declining contact with the complainant either in person, by telephone, by fax, by letter or any combination of these, provided that one form of contact is maintained.
- Notifying the complainant in writing that the Council has responded fully to the points raised and has tried to resolve the complaint, but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainants should also be notified that the correspondence is at an end and that further letters received will not be acknowledged nor answered on the matter.
- Informing the complainant that in extreme circumstances the matter will be referred to the Council's solicitors and/or the Police.
- Temporarily suspending all contact with the complainant or investigation of a complaint whilst seeking legal advice.
- Seeking advice at any time from the Health and Safety Officer and/or the Head of Legal Services.

These measures should be limited in order from the least serious to the most.

Withdrawing unreasonably persistent complainant status

From time to time the CFT will review the list of unreasonably persistent complainants and, where possible and reasonable, withdraw this status, subject to discussion with the relevant Head of Service.

Definition of unreasonably persistent complainants

Complainants (and/or anyone acting on their behalf) may be deemed to be unreasonably persistent complainants where previous or current contact with them shows that they meet **two or more** of the following criteria:

Where complainants:

- **Persist in pursuing a complaint** where the complaints procedures have been fully and properly implemented and exhausted.
- **Change the emphasis** of a complaint or **continually raise additional issues or seek to prolong contact by continually raising further concerns or questions** upon receipt of a response whilst the complaint is being addressed. (Care must be taken not to discard new issues, which are significantly different from the original complaint. These might need to be addressed as separate complaints).
- **Are unwilling to accept documented evidence** as being factual in spite of correspondence specifically answering their questions or **do not accept that facts can sometimes be difficult to verify** when a long period of time has elapsed.
- **Do not clearly identify the precise issues** which they wish to be investigated, despite reasonable efforts to help them specify their concerns, **and/or where the concerns identified are not within the remit** of the Council to investigate.
- **Focus on a trivial matter** to the extent that this is out of proportion to its significance and continue to focus on this point. (It is recognised that determining what is a 'trivial' matter can be subjective and careful judgement must be used in applying this criteria).
- **Have threatened or used actual physical violence** towards staff at any time – this may in itself cause personal contact with the complainant and/or their representatives to be discontinued and the complaint will, thereafter, only be pursued through written communication. All such incidents should be documented.
- Have **harassed** or been personally **abusive or verbally aggressive** on more than one occasion towards staff dealing with their complaint. (Staff must recognise that complainants may sometimes act out of character at times of stress, anxiety, or distress and should make reasonable allowances for this. They should document all incidents of harassment. You may need to consult other Council policies and where there have been threats, violence and/or harassment.) E.g.
 - Staff Warning Register
 - Whistle blowing
 - Staff Conduct
 - Disciplinary and Grievance
- Have, in the course of addressing a complaint, had an **excessive number of contacts** with the Council placing unreasonable demands on staff. (A contact is defined as those methods of communication set out in section 2. Discretion must be used in determining the precise number of "excessive contacts" applicable under this section, using judgement based on the specific circumstances of each individual case).
- Are known to have **recorded** meetings or face-to-face/telephone **conversations without** the prior knowledge and consent of other parties involved.
- **Display unreasonable demands or expectations and fail to accept that these may be unreasonable** (e.g. insist on responses to complaints or enquiries being provided more urgently than is reasonable or normal recognised practice).

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Ombudsman Complaint Procedure

The Local Government Ombudsmen (LGO) is an independent, impartial and free service, which investigates complaints about councils and certain other bodies. They investigate complaints about most council matters including housing, planning, education and social services and about how the council has done something. But they cannot question what a council has done simply because someone does not agree with it.

From 1st April 2009, the LGO has new arrangements for dealing with complaints. This new procedure, called "**Council First**" requires all complainants to go through all the stages of their council's own complaints procedure before the Ombudsman will consider the complaint. However it is recognised that there will be some complaints where, for one reason or another, it would be inappropriate for this requirement to apply. Following consultation, the LGO decided that the following complaints will normally be treated as *exceptions* to the general requirement:

Complaints where the subject means the matter is clearly urgent

The LGO believes there are some complaints, which require priority consideration because time is a key factor in the injustice claimed. These are:

- Complaints about education (except transport) – *school admission complaints are already treated as a priority*
- Complaints about homelessness – *where the complainant is currently or will imminently be homeless*

Complaints where the LGO or the council decide that completing the council's own procedure would be to the detriment of the complainant

These are:

- Complaints where there has been unreasonable delay by the council in processing a complaint – *the LGO believes that 12 weeks is generally sufficient time to conclude an investigation but what is unreasonable will depend upon the particular circumstances of the complaint*
- Complaints where the council's Chief Executive has exercised discretion not to investigate further – *the LGO will check with the council if this is unclear*
- Complaints where the LGO has exercised discretion to accept a complaint because he/she has good reason to believe the council would not handle it effectively – *this would only happen after the LGO had discussed the matter with the council concerned.*
- Complaints against more than one body – *to avoid the possibility of different time scales for different procedures, the LGO will accept a complaint, which is made against two authorities within the jurisdiction of the LGO or within the jurisdiction of the LGO and Parliamentary and Health Service Ombudsman.*

Complaints where the complainant's circumstances indicate a need for priority

- Complaints made by children and young people – *up to the age of 21 or 25 if disabled*

- Complaints where referral to the council would disadvantage an already disadvantaged complainant – *where the particular circumstances indicate vulnerability and/or the need for urgency; the LGO will always provide reasons*

It is already normal practice for us to require the completion of our complaints procedures and some complaints, most notably about school admissions and homelessness, have always been given priority.

This is the procedure that the Ombudsman adheres to:

- On receipt of a complaint to the Ombudsman, a letter will be sent to the Authority advising us of the complaint with a 28-day response target.
- If no response is provided to the Ombudsman within this target, they will contact the our Link Officer (who is our Head of Legal) who will then contact the relevant Head of Service for a progress report on the complaint.
- If there is still no response at this stage it will be filed for a further 14 days.
- If the Ombudsman has still not received a response after 14 days, a letter will be written to the Chief Executive. This will advise the Chief Executive that the Head of Service and Case Officer for the complaint will be required to report with all files relevant to the case for an interview at the Ombudsman's offices in York.

To make a complaint or for advice on making a complaint to the LGO, you can contact the Advice Team –which is available from Monday to Friday from 8.30am to 5.00pm

Tel: 0845 602 1983 or 0300 061 0614 (calls may be recorded for training and quality purposes)

Fax: 024 7682 0001

Text: "Call Back" to 0762 480 4299

Send to: The Local Government Ombudsman
PO Box 4771
Coventry
CV4 0EH

Email: advice@lgo.org.uk

Target Measuring

Targets	Year 1	Year 2	Year 3
Complaints dealt with within target time	85%	90%	95%
Complainants found the complaint process easy to understand	85%	90%	95%
Written correspondence (letter, fax or e-mail) responded to within 20 days	85%	90%	95%
Number of Ombudsman maladministration claims	0	0	0

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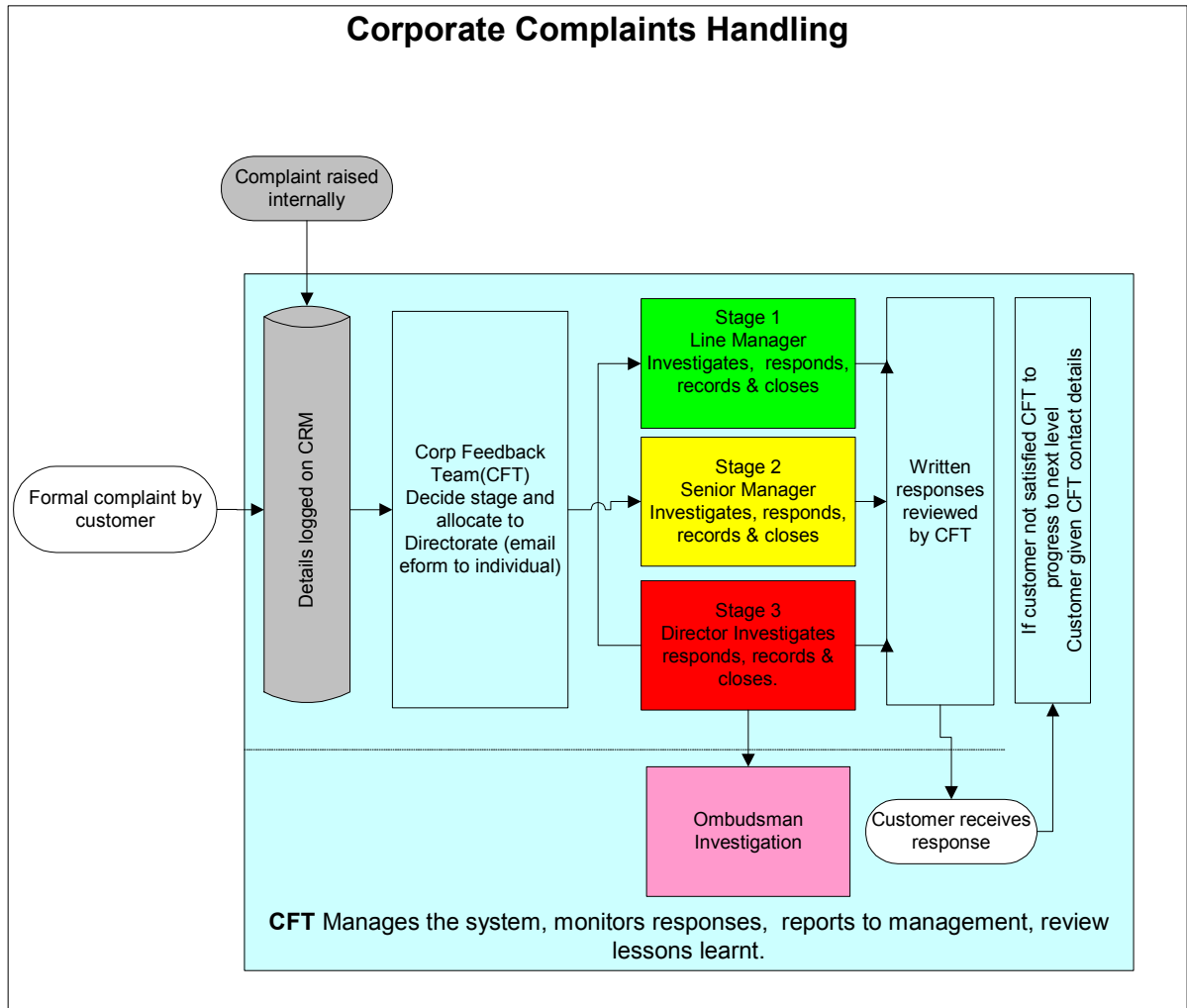
Role of the Corporate Feedback Team

The following section describes the tasks that the Corporate Feedback Team need to undertake in order to undertake their roles effectively. These are not necessarily full time roles; rather the activities should be built into existing job descriptions as necessary.

Tasks:

1. To oversee the Authority's Corporate Feedback management activity.
2. To ensure that all complaints, comments and compliments are appropriately recorded and responded to in line with the Authority's set procedure, and that trend and learning points from this are understood and acted on by the organisation.
3. To ensure complaints and feedback are forwarded to the correct person for investigation and response.
4. To ensure that Local Government Ombudsman complaints are appropriately tracked and monitored within the agreed timescale.
5. To ensure that all standards relating to the Corporate Customer Feedback Policy and Procedures are regularly monitored.
6. To provide advice and consultancy to directorates in relation to Corporate Customer Feedback Policy and Procedures
7. To maintain the Corporate Customer Feedback Policy and Procedures, ensuring its ongoing relevance, taking into account internal and external developments, such as local and national government initiatives and changing customer expectations.
8. System ownership of the Feedback System including ensuring the system is maintained as required.
9. Ensuring the provision of quarterly reports to the Customer services Management Board, and to Directorate management Teams in order to drive improvements in customer services.
 - Proactively identifying themes, trends and issues, and highlight as appropriate.
 - Ensuring that customer intelligence is collected, collated and translated into meaningful information and reported appropriately.
10. Providing consultancy to Directorate Complaints and Compliments Managers on difficult issues or escalated complaints.

11. Providing support and carrying out independent investigations on behalf of the Directors.
12. Working with partners, where appropriate, to ensure best practice.
- 13.** Coordinating training and staff development activities for staff and Members.



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Effective Organisation Overview & Scrutiny Committee Work Plan 2010-11

Meeting Date	Work Programme
6 July 2010 @ 5pm	<ol style="list-style-type: none"> 1. 2009/10 Year End Outturn Report 2. Workplan
14 July 2010 @ 4pm	<ol style="list-style-type: none"> 1. Budget Strategy Report 2. Workplan
14 September 2010 @ 5pm	<ol style="list-style-type: none"> 1. Presentation on Customer Services (Pauline Stuchfield) 2. First Quarter Monitoring Report 3. Briefing on Legal Services - measures to address external legal costs (Andrew Docherty) 4. Presentation on ICT (Roy Grant) 5. Workplan
6 October 2010 @ 5pm	<ol style="list-style-type: none"> 1. Briefing on Procurement (Tracey Carter) 2. Update on 'More for York' (Tracey Carter/Stewart Halliday) 3. Workplan
23 November 2010 @5pm	<ol style="list-style-type: none"> 1. Report on Implementation of Recommendations from Apprenticeships Scrutiny Review (Pauline Stuchfield / Mark Bennett) 2. Report on changes to and success of revised sickness scheme in Adult Social Services (Pauline Stuchfield / Graham Terry) 3. Second Quarter Monitoring Report 4. Second Quarter CBSS Monitoring Report 5. 2011/12 Budget Update I (Andrew Crookham)
11 January 2011 @5pm	<ol style="list-style-type: none"> 1. Attendance of the Chair of SMC to discuss ongoing improvements in Overview & Scrutiny 2. Briefing on Equalities (Evie Chandler) 3. Workforce Plan Monitoring Report (Pauline Stuchfield / Jenny Parkin) 4. 2011/12 Budget Update II (Andrew Crookham) 5. Draft Final Report from Review of Customer Services 6. Workplan
22 February 2011	<ol style="list-style-type: none"> 1. Third Quarter Monitoring Report 2. Workplan

