



**Notice of meeting of  
Customer Complaints Scrutiny Review Task Group**

**To:** Councillors Crisp, Firth and Gunnell

**Date:** Thursday, 4 November 2010

**Time:** 1.30 pm

**Venue:**

**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. 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 by 5pm on

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

**3. Customer Complaints Review - Scoping (Pages 3 - 38)  
Report.**

This report asks Members to agree a workplan and provides information gathered to date in support of the Customer Complaints Scrutiny review.

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

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting

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

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- 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);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### 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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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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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;
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## **Meeting of Customer Complaints Task Group - Effective Organisation Overview & Scrutiny Committee**

**4 November 2010**

### **Customer Complaints Review - Scoping Report**

#### **Purpose of Report**

1. This report asks Members to agree a workplan and provides information gathered to date in support of the Customer Complaints scrutiny review.

#### **Background to CYC Customer Services**

2. In July 2009, following an extensive staff and public consultation process, the Executive approved a Customer Strategy which included a new Corporate Customer Feedback Policy and Procedures (see Annex A). Within the Strategy's action plan there was an action to: 'Implement the new feedback and complaints policy by September 2009'.
3. In the Autumn of 2009 the Customer Strategy Action Plan was superseded by the Customer Services Blueprint as part of the More for York Programme. This work is scheduled for completion by the end of 2010 (dependant on possible revised development timescales for the IT system), and carries a savings target of £38,000 in 2010/11, with a further £63,000 by the end of 2012.

#### **Background to Review**

4. At a meeting of the Effective Organisation Overview & Scrutiny Committee in September 2010, members received a presentation on Customer Services from Assistant Director Customers & People. Having considered an overview of current services, performance and developments, the committee recognised that whilst there is a corporate policy in existence, currently each individual CYC Directorate currently has its own methods for recording and responding to complaints. And, an unknown proportion of complaints are dealt with as enquiries and therefore fall outside of any formal process.
5. As there is no corporate monitoring or management information of performance in this area, the Committee questioned whether the new Corporate Customer Feedback Policy and procedures are fit for purpose. In order to ensure its future effectiveness and in an effort to inform its design and priorities, the Committee agreed to form a Task Group to carry out a scrutiny review on their behalf, of customer feedback/complaints and resulting actions.

6. The Committee set a timeframe of within 3 months for completion of the review and agreed the following review 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).

**Information Gathered To Date**

7. Customer Services Blueprint

In the Autumn of 2009 the Customer Strategy Action Plan was superseded by the Customer Services Blueprint as part of the More for York Programme. This described the work that would be undertaken to create a new Customer Services organisation and built upon the Customer Access Strategy (2005) and Customer Strategy (2009), which had shaped the way in which CYC wanted to engage with its customers – see extract from Blueprint at Annex B.

8. In this model, at the heart of customer service delivery, is the York Customer Centre(YCC) incorporating all customer facing services including telephony, face-to-face and electronic access channels. One of the underlying principles for the delivery of the blueprint was the business case that demonstrated the benefits of developing a single customer services delivery organisation, in advance of the move to a new Council HQ. As part of the overall strategy and in order to establish and monitor the needs and expectations of the customers, a Project Plan for this workstream was agreed which included the centralisation of all customer complaints/feedback (within the YCC), by what ever channel it comes in on, including all complaints, comments, compliments, FOI requests and Members enquiries/requests – see timetable and tasks within project plan at Annex C.

9. Overview of existing processes in York

The current York model follows recognised best practice by dealing with complaints in stages. Stages are effectively escalation and may imply or even signpost different levels of authority and competence to providing solutions. The stages are:

- Stage 1 the person who provided the service;
- Stage 2 the manager of the service (manager of the stage 1 person);
- Stage 3 the Director (manager of the manager of the stage 1 person) or nominated complaints officer.

10. There is then an option within stage 3, though it could be considered a de facto Stage 4, to refer the complaint to the Chief Executive which theoretically is the first

bit of independent consideration brought to bear (the exception being in ACE where the complaints team are independent of operational services – it is proposed that the new structures will be built around this existing organisation).

11. In practice the response is frequently garnered from consultation with those involved in stages 1-3. So complaints consideration and resolution is almost wholly undertaken in the delivery silos they relate to. This is certainly not considered best practice but used here to illustrate the point that even if we accept we have a best practice procedure, how we resource and run it are critical to its credibility for customers, staff and LGO alike.
12. A high-level process map of our current procedure is shown at Annex D. As mentioned above there will be differences from directorate to directorate in how these processes are applied.
13. On the working assumption that the majority of complaints begin life at stage 1 before 'escalating' and bearing in mind that there is no council-wide requirement to record stage 1 complaints, we cannot be sure about the total number of stage 1 complaints received. The implications of this are that we are delivering a message to staff that stage 1 complaints are not 'as serious' as later stages. By not capturing the issues from stage 1 complaints, we are not able to use these and their resolution as lessons to help us plan and modify aspects of our services. Nor do we know how effective we are resolving complaints at stage 1.
14. When the current procedure was first agreed, it was on the assumption that the number of stage 1 complaints would be such that, to deal with them all in a similar manner, would create an unsupportable administrative burden. We simply don't know if this would have been the case.
15. Staff have identified that complaints are sometimes treated as stage 2 or 3 at the first time of asking, depending upon who makes them but even then we are aware that some complaints are being fast tracked or classified incorrectly. Depending upon the urgency, significance or importance of the issue this isn't necessarily a bad thing, but used regularly this could undermine the integrity of the process.
16. Once our procedure is exhausted there's the Local Government Ombudsman. Their investigation, if they decide to proceed with one, requires information from all the above stages the customer has been through.
17. The model for the new structure/organisation/process  
The new policy/procedures have been designed to provide a consistent approach across the council for learning from complaints and highlighting areas for service improvements. This information will allow the Council to:
  - Identify areas of dissatisfaction with services
  - Highlight areas for service improvement
  - Monitor the success of service improvements bases on the number of complaints subsequently received
  - Support our equalities, engagement and customer strategies

18. The new organisational model has been designed to enable CYC to deliver services in a joined up way with the focus on the customer. We need to radically change the shape of the organisation so that existing service silos are no longer prevalent and do not constrain the effectiveness of the service delivery. By the establishment of a centralised team in the YCC the Council will get the benefits of:
- Common standards of response,
  - Focused attention to all feedback,
  - Economies of scale,
  - Consistent measuring and monitoring,
  - Meaningful and relevant reporting,
  - Trend analysis and feedback mechanisms that will be used to inform continuous improvement initiatives,
  - Improved Customer Insight data,
  - Pro-active control and planning to reduce the numbers of complaints received.
19. The new corporate complaints and feedback policy provides an easy-to-use complaints procedure, which includes a commitment to deal with problems fully and solve them wherever possible within a set time limit. It will demonstrate that the Council listens to its customers' views and is responsive to comments made by members of the public. The policy ensures that the new feedback and complaints system:
- a. Is easily accessible and understandable
  - b. Is acknowledged and published as a model for developing good practice
  - c. Ensures a thorough and fair investigation within set time-scales
  - d. Provides an effective response and appropriate redress
  - e. Is confidential
  - f. Provides feedback to management so that areas of dissatisfaction can be improved
  - g. Keeps complainants informed of progress

### **Suggested Workplan for Task Group**

20. In regard to the first two objectives of this review i.e. to understand the number and type of complaints being received across the council, data from 1<sup>st</sup> January 2010 to date is currently being gathered from each Directorate on the following:
- public complaints/enquiries,
  - Councillor enquiries,
  - complaints to the Ombudsman
  - Freedom of Information requests
21. As there is currently no corporate database where the details of these are recorded, and as each Directorate has its own methods for handling them, the process of gathering and collating the information is taking some time . However, this information should be available in time for the next Task Group meeting.
22. In regard to objectives (iii) & (iv) and in order to further inform the design and priorities within the new complaints function, it is suggested that the Committee

consider and compare the proposed corporate procedures detailed in the new Corporate Customer Feedback Policy - see Annex A, against the different methods of dealing with complaints/enquiries currently being undertaken in individual Directorates - details of these are shown at Annex C.

23. With these suggestions in mind and in order to complete the review within the agreed timeframe, the Task Group will need to agree a number of future meeting dates - see suggested workplan below:

<b>Suggested Meetings Dates</b>	<b>Suggested Workplan</b>
<p><u>Meeting 1</u> 4 November 2010 1:30 - 3pm</p>	<p>Consider scoping report containing information gathered to date, and agree future meeting dates and workplan</p>
<p><u>Meeting 2</u>  16 Nov (am). 18 Nov (pm), or 19 Nov (after 2pm)</p>	<p>Receive interim report presenting:</p> <ol style="list-style-type: none"> <li>1. Information on national best practice regarding the handling of complaints etc by local authorities e.g. centralised or not?, and most recent annual Ombudsman Report.</li> <li>2. Directorate information on number and type of complaints received since 1 January 2010 including: <ul style="list-style-type: none"> <li>• Complaints from public</li> <li>• Councillor requests/inquiries</li> <li>• Complaints to Ombudsman</li> <li>• FOIs</li> </ul> </li> </ol> <p>Identify:</p> <ul style="list-style-type: none"> <li>• relevant consultees and any issues to be addressed through consultation at the next meeting</li> <li>• any additional information required</li> </ul>
<p><u>Meeting 3</u> w/c 6 Dec ?</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"> <li>• possible further efficiency savings</li> <li>• further improvements to customer experience</li> </ul>
<p><u>Meeting 4</u> 4 Jan 2011</p>	<p>Consider draft final report containing suggested recommendations</p>
<p>11 January 2011</p>	<p>Presentation of final report to Effective Organisation O &amp; S Committee</p>

## Consultation

24. The Assistant Director Customers & People will be present at the meeting to assist the Task Group with their work on this review.

## Options

25. Having considered the information provided within this report and its associated Annexes, Members may choose to:
  - Extend the period from which information has been gathered in support of this review i.e. consider information from pre January 2010
  - Amend the suggested workplan shown in the table at paragraph 11
  - Identify any relevant consultees

## Implications

26. **Financial & HR** - More for York savings are associated with the centralisation of complaints teams.
27. **Equalities** All proposals contained in the Customer Strategy have been fully consulted upon and the work is covered by an Equalities Impact Assessment.
28. **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.
29. **Information Technology (IT)** Resources are committed to providing the technology necessary for the newly centralised team.
30. There are no Crime and Disorder, Property or other implications.

## Corporate Strategy

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

## Risk Management

32. 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

33. Members are recommended to:
  - i. Agree a workplan for the review including a number of future meeting dates

- ii. Identify what if any further information should be sought in support of the review
- iii. Identify any relevant consultees

Reason: To progress this review in line with scrutiny procedures, protocols and workplans.

**Contact Details**

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**Chief Officer Responsible for the report:**

Andrew Docherty  
Assistant Director Legal, Governance & ITT

**Report Approved**

**Date**

1 November 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** – Customer Feedback Policy & Procedure 2009
- Annex B** – Extract from Customer Services Blueprint
- Annex C** – Blueprint Project Plan – Timetable and Tasks
- Annex D** – Process Map for Current Complaints Procedure

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# **Corporate Customer Feedback**

## **Policy and Procedures**

**April 2009 v1.2**

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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 it responds to complaints and feedback from any of its service users. The Council will ensure it delivers a better service to its customers by monitoring and measuring complaints, feedback, suggestions and comments. It will follow a standard procedure to achieve greater consistency in how it deals with complaints and feedback.

City of York Council will collect information on complaints and feedback so that it knows which areas of service customers are most satisfied /dissatisfied with. This enables 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.

City Of York Council will demonstrate that it listens to its customers' views and feeds them into service development. Gathering information on complaints and checking responses to them is one way we will do this.

City Of York Council wishes to be responsive to complaints made by members of the public; it views complaints as a valuable form of feedback. Therefore, a formal Corporate Customer Feedback Policy and Procedure will ensure that a complaint is fully investigated in a systematic and comprehensive manner.

Complainants should be advised about this. Fundamentally, all complaints will be dealt with in accordance with this policy.

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

- is easily accessible and understandable;
- is acknowledged and published as a model for developing good practice;
- ensures a thorough and fair investigation within set time-scales;
- provides an effective response and appropriate redress;
- is confidential;
- provides feedback to management so that areas of dissatisfaction can be improved;
- keeps complainants informed of progress;
- is fully understood by all staff.

## 2. Making a Complaint

In order to be as flexible as possible and subject to the Council's procedures for dealing with unreasonably persistent complaints, the Council is prepared to accept a complaint 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.
- by telephone.
- by letter.
- by email
- through a City Of York councillor.
- through our website. [www.york.gov.uk](http://www.york.gov.uk)

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*

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 where there is a statutory or other legislative requirement e.g.

- Adult Social Services
- Children's Social Care Services
- School Admissions
- Planning Objections
- Revenues and Benefits
- Freedom of Information requests

However this policy and procedures will also be used if we receive a complaint regarding one of our contractors or a partner organisation, which delivers services on our behalf.

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

The Council recognises that it is important to ensure feedback is also recognised and used to inform service design/delivery and reviews. It is equally important to feed back feedback regarding the service to relevant service managers and to ensure this feedback is passed on to staff.

In order to assist this process, the Council has developed the same 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

It is important that members of the public are aware that the procedure only relates to genuine complaints. Equally it is not a system for appealing against a decision of the Council, providing these decisions are correctly arrived at.

The procedure is specifically designed to check that, in relation to a genuine complaint, everything that should have been done has been done and that the Council's procedures and policies have been upheld.

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.

Each directorate has a *Directorate Feedback Co-ordinator (DFC)* who is the channel for their directorate's feedback from customers and a key contact for them. They will receive comments, compliments, complaints and suggestions through a number of channels and need to be informed of any you get. The York Customer Centre (YCC) will be a major channel as staff there receive 'phone calls, emails and forms completed on the web for all types of feedback. They will determine which directorate it relates to and quickly transfer all the details with a unique reference number to the right customer feedback co-ordinator.

The DFC is the communications, monitoring and reporting hub for the directorate's customer feedback. They will:

- ensure the right person in the right service gets the feedback
- monitor anything that needs a response to time or quality standards
- 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 their DMT, Annual Report to Scrutiny and / or Audit and Governance Committees
- respond to complaints on behalf of chief officers when required
- be the contact point for letters or investigations passed to the directorate from our Local Government Ombudsman (LGO) Link Officer – this is our Head of Civic, Democratic and Legal Services.

'Front-line' staff that provide the service can generally deal with many complaints quickly and satisfactorily. The member of staff who receives the complaint either by telephone, face to face, by letter or email or through the website should ensure that all steps are taken to resolve the complaint at the first point of contact

However if the complainant is not happy with the outcome at that point, it needs to be escalated into a Stage 1 complaint.

### **Stage 1**

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 and what they can do if they remain dissatisfied at the end of Stage 1

### **Stage 2**

At the second stage, complaints are best set out in writing (letter, fax or email or on a feedback / complaint form. Assistance will be given upon request if the complainant is unable to complete the form). At this second stage the senior manager /head of the service to which the complaint relates will reconsider the complaint and will inform the complainant of the outcome within 20 working days. Again, complainants should be told what they could do if they remain dissatisfied at the end of stage 2.

### **Stage 3**

At the third stage, the complaint is considered by the Director of the service or a member of staff independent of the service acting on the Director's behalf. At this stage the complainant can expect a full response within 20 working days or advised of any delay and when they can expect a full response. The complainant should also be made aware that if they are still dissatisfied with the outcome they might take their complaint to the LGO, who will carry out an independent investigation of the complaint.

At the end of all stages you need to complete the *Action Plan Following Feedback* form in order to learn from customer complaints.

## **5. Corporate Complaints Monitoring**

The Head of Civic, Democratic and Legal Services will corporately monitor complaints through the Directorate Feedback Co-ordinators

It is important that complaints monitoring is effective. Consequently, a comprehensive monitoring system has been put in place.

- Upon receipt of the complaint at stage 2 or in the event the complainant has bypassed stage 1, the DFC will acknowledge the complaint within 5 working days. This will then be sent to the relevant senior manager of the service, who is required to action the complaint. A date is given for the final response, which will be 20 working days from the date of receipt of the complaint. If, for some exceptional reason, the 20 working day deadline cannot be met, a holding response will be sent to the complainant stating a revised date when a response can be sent and giving an explanation as to the cause of the delay. The acknowledgement letter will indicate who is dealing with the complaint and the date by which a response can be expected.

- Once a complaint has been resolved or closed, then a Customer Satisfaction/ Experience and Equalities and Diversities Monitoring Form will be sent to the complainant with a pre-paid envelope for their return. Information contained within the responses will be collated to feed back to DMTs, Annual Report to Scrutiny and / or Audit and Governance Committees; the Equalities Leadership Group and other relevant groups, where lessons learnt from complaints will be considered/shared.
- A Customer Satisfaction Local Performance Indicator as part of our renewed Customer First Measures and Targets will be adopted for the forthcoming and subsequent years.
- In addition to the leaflet entitled “*Let us know*” guidance notes will also be produced for the information of staff, to ensure a consistent corporate approach across the Authority. In addition, the details of the Council’s procedures will be contained on the Council’s website.
- The Council will respond to complaints in a positive manner and where it is clear that it has been at fault and caused injustice, appropriate compensation will be authorised by the Chief Executive consistent with the principles adopted by the LGO, even if the complaint has not been referred to the Ombudsman.
- 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. The Head of Service for which the complaint has been received, will initiate a discussion or meeting with the Director, directorate feedback co-ordinator and Head of Legal Services to consider the matter. 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.

### **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 complainants, 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 each directorate feedback co-ordinator 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.

## **7. 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 1<sup>st</sup> 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 024 7682 1960 (calls may be recorded for training and quality purposes)

Fax: 024 7682 0001

Text: "Call Back" to 0762 480 4323

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

## **8. 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**

After 8 May 2008, 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.

Fax: 01904 551047

Email: [Quentin.baker@york.gov.uk](mailto:Quentin.baker@york.gov.uk)

## How to get a complaints form

You can download or print off a Making a complaint about the conduct of a councillor form by following the links below:

[Printable form \(new window PDF 54KB\)](#) for completion by hand that can be submitted by fax or post on completion.

[Electronic form \(new window Word 117KB\)](#) that can be submitted by email, fax or post on completion.

Follow this link for [help with opening and downloading Word and PDF files.](#)

Complaint forms are also available at the Council's main reception desk.

## 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.

We aim 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.

For further information, or to discuss these changes, please contact the Council's Monitoring Officer, Quentin Baker, on 01904 551004 or email to [Quentin.baker@york.gov.uk](mailto:Quentin.baker@york.gov.uk)

## 9. 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 it undertakes reviews of this policy and service delivery.

The Council will hold information on its 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 and across the council.

This will comprise:

- the number of complaints received,
- how quickly they were dealt with and
- whether they were resolved to the satisfaction of the complainant.
- equalities and diversities monitoring data

It 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 Equalities Strategy, Engagement Strategy and Customer Services Strategy

This information will be reported to the Scrutiny and Audit and Governance Committees, Annual Report, etc.

The following performance information will also be collected:

- Number of complaints received
- Number of Ombudsman maladministration cases (Annually).

<b>Targets</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
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

## 10. Quality Monitoring

When a response is required from the relevant Head of Service to an Ombudsman complaint, through our Link Officer, which is the Head of Civic, Democratic and Legal Services, the following quality monitoring will take place.

- A copy of the reply will be sent to the LGO Link Officer and DFC prior to sending to the complainant.

- The LGO Link Officer and/or the DFC will quality check the complaint to ensure that all points raised by the Ombudsman have been covered and then send the response out to the complainant.
- In the instance that not all points are covered they will be returned to the relevant Head of Service advising that more information is needed.

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

## 11. Guidance Notes

### 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;
- set out in writing for the complainant your understanding of 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.

### 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:

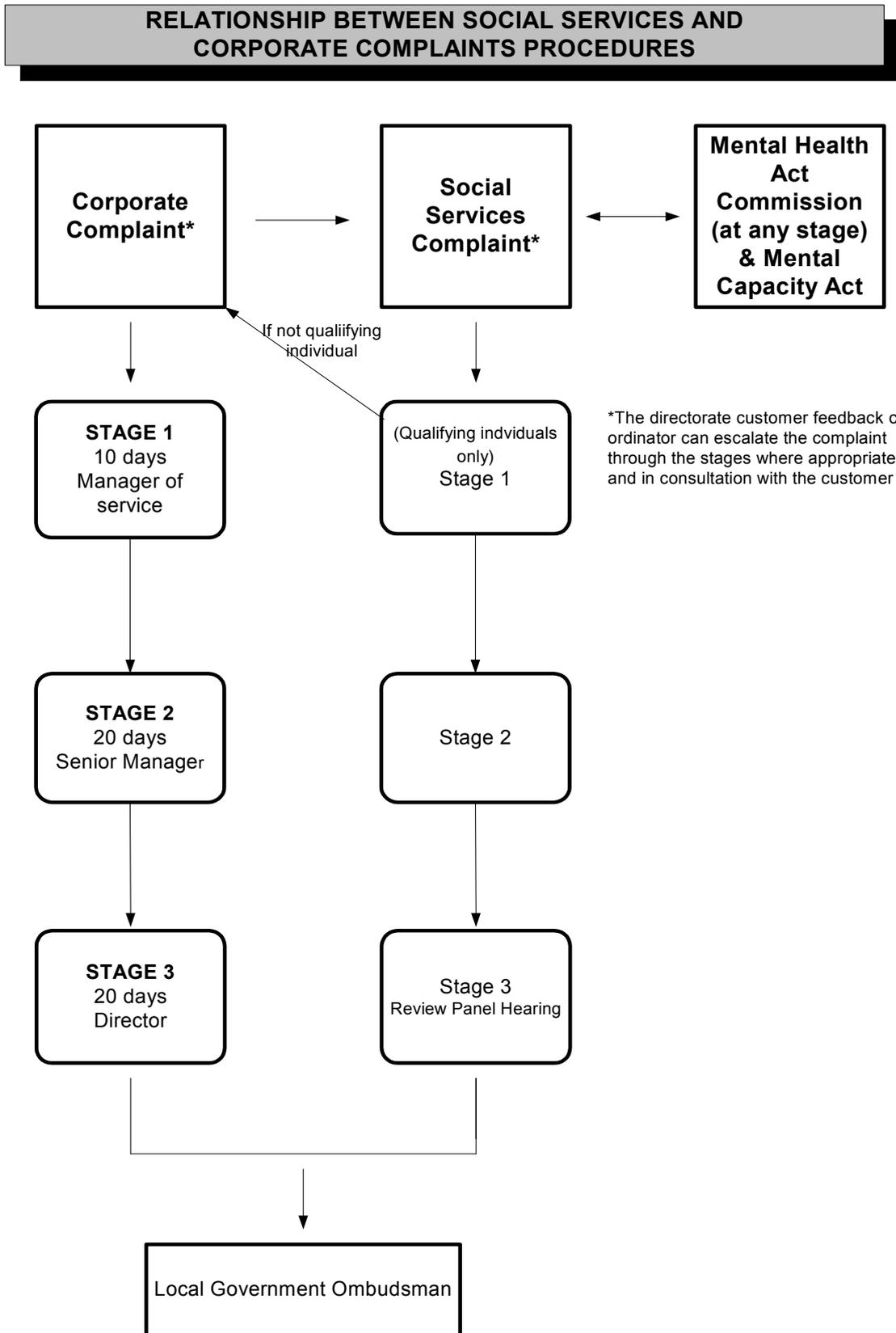
- **Persist in pursuing a complaint** where the complaints procedures have been fully and properly implemented and exhausted.
- **Change the emphasis** of a complaint or **continually raise additional issues or seek to prolong contact by continually raising further concerns or questions** upon receipt 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).

Appendix 1

Example of the relationship between our corporate policy and a statutory/legal requirement



## Appendix 2

<b>CITY OF YORK COUNCIL</b> <b>Monitoring the Customer Feedback Procedure</b>
--

**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                   | _____                    |  |                          |

**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.

**EQUALITIES AND DIVERSITY FORM**

Filling in this form is **anonymous and optional**. City of York Council and its partners need to know that services we provide reach all the people in our area. The information you provide will be used to help us and our partners make sure that we provide appropriate services for everyone, irrespective of individual differences like age, gender, disability, race, religion and belief, and sexual orientation. Our partners include the NHS, the community and voluntary sector and the emergency services. It is our policy and also a Government requirement to ask these questions so that we can improve life in the city for all.

<b>Gender</b> : <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender			
<b>Age Group</b>			
<input type="checkbox"/> under 16	<input type="checkbox"/> 16-19	<input type="checkbox"/> 20-24	<input type="checkbox"/> 25-29
<input type="checkbox"/> 30-44	<input type="checkbox"/> 45-59	<input type="checkbox"/> 60-64	<input type="checkbox"/> 65-74
<input type="checkbox"/> 75-84	<input type="checkbox"/> 85-89	<input type="checkbox"/> 90& over	
<b>Ethnic Origin</b> (please indicate by a tick in the appropriate box)			
<b>White</b>		<b>Mixed</b>	<b>Black or Black British</b>
<input type="checkbox"/> British	<input type="checkbox"/> Irish	<input type="checkbox"/> White and Black Caribbean	<input type="checkbox"/> Caribbean
<input type="checkbox"/> Any other White background	<input type="checkbox"/> White and Black African	<input type="checkbox"/> White and Asian	<input type="checkbox"/> African
	<input type="checkbox"/> Any other mixed background	<input type="checkbox"/> Any other Black background	
<b>Asian or Asian British</b>		<b>Other Ethnic groups</b>	
<input type="checkbox"/> Indian	<input type="checkbox"/> Pakistani	<input type="checkbox"/> Chinese	<input type="checkbox"/> Any other ethnic group
<input type="checkbox"/> Bangladeshi	<input type="checkbox"/> Any other Asian background	<input type="checkbox"/> I do not wish to disclose my ethnic group	
<b>Are you a disabled person?</b>			
<input type="checkbox"/> I do not wish to disclose whether or not I have a disability			
<input type="checkbox"/> Yes	<input type="checkbox"/> No		
<b>Sexual orientation</b>			
<input type="checkbox"/>	I do not wish to disclose my sexual orientation		
<input type="checkbox"/>	Lesbian		
<input type="checkbox"/>	Gay		
<input type="checkbox"/>	Bisexual		
<input type="checkbox"/>	Heterosexual		
<b>Religious Belief</b> If you are comfortable giving us this information it will help us check everyone is getting the same standard of service:			
<input type="checkbox"/> I do not wish to disclose my religion/belief			
<input type="checkbox"/> Atheism	<input type="checkbox"/> Buddhism	<input type="checkbox"/> Christianity	<input type="checkbox"/> Hinduism
<input type="checkbox"/> Islam	<input type="checkbox"/> Judaism	<input type="checkbox"/> Sikhism	<input type="checkbox"/> Other

## Appendix 4

**Action Plan following feedback****Reference Number:****Name of responding manager:****What stage was the complaint at (if appropriate):****Brief description of feedback/ complaint:**

**Was the complaint:** (This relates to whether you agreed, 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). Please indicate by highlighting in bold if emailing or circling if posting.

Upheld

Partly Upheld

Not Upheld

Not Pursued

**What lessons have been learnt through this feedback:****What action will be taken as a result of this feedback:****By when:****By Who:****Date action completed:**

## Effective Organisation Overview & Scrutiny Committee

### Customer Complaints Scrutiny Review

Extract from the Customer Services blueprint

#### 13. Key decisions required

The CMT/Exec is asked to agree to the following:

1. *The establishment of a single Customer Services organisation responsible for the delivery of all face to face & telephony services and customer standards / feedback mechanisms.*

Reflected in the workplan within the blueprint as follows:

<i>Designed With You and For You</i>	15	<i>Implement new feedback and complaints policy.</i>	<i>Greater efficiency and consistency in the way complaints and feedback are handled in the organisation.</i>	<i>Customer Strategy Delivery Board, Performance Officers</i>
<i>Effectively Managed</i>	29	<i>Design new customer service organisation, including a new complaints team.</i>	<i>A single customer services team for the Council.</i>	<i>Customer Strategy Delivery Board</i>

The detailed plans to deliver this form part of the over all Customer Services Workstream Plan in the More for York Programme.

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## Interim Complaints Project Plan

Project Start Date: Tue 21/09/10 - Project Finish Date: Mon 10/01/11

### Tasks with Assignments

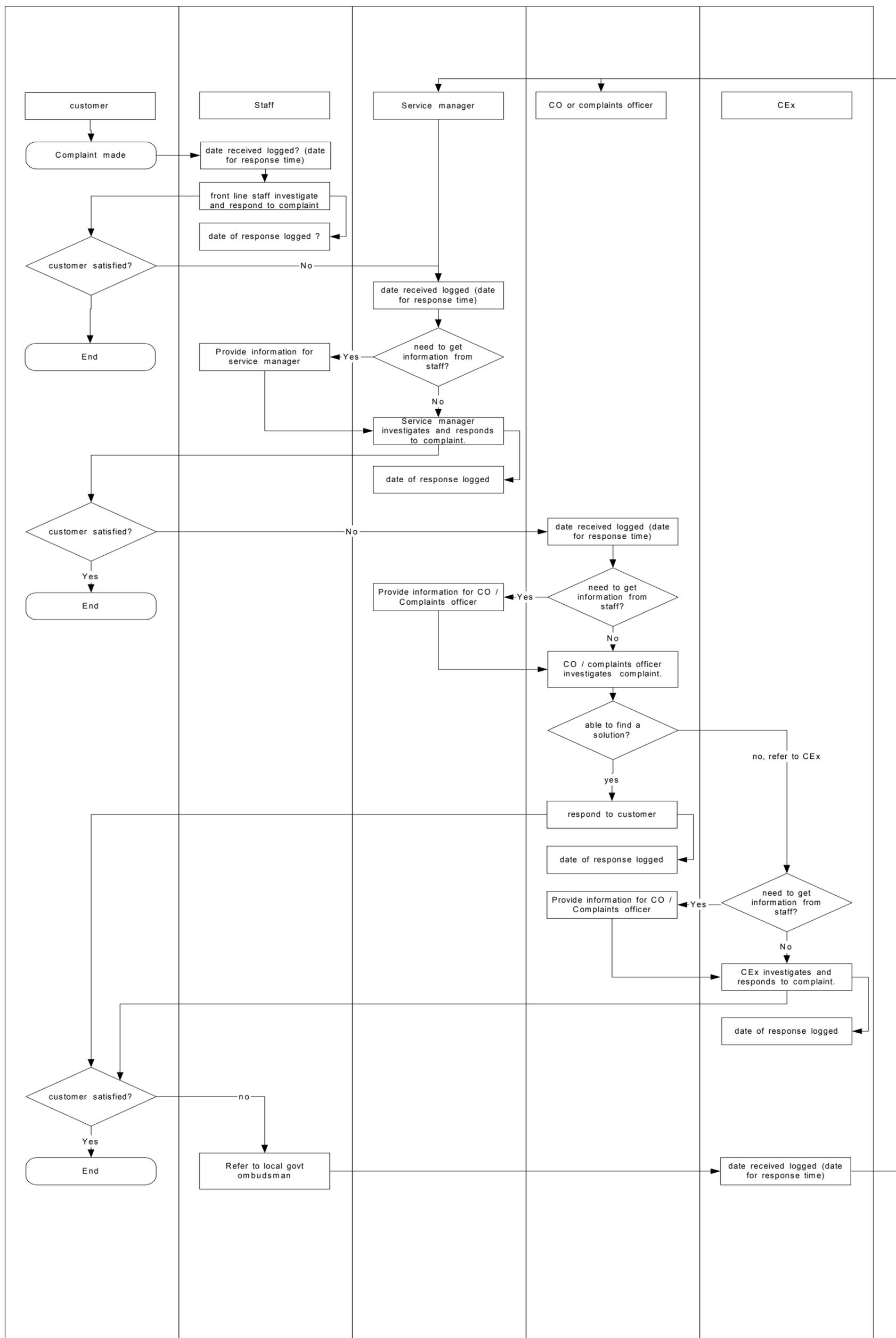
ID	Task Name	Work	Duration	Start	Finish	% Work Complete
1						
2	<b>AS IS</b>	0 hrs	9 days?	Tue 21/09/10	Fri 01/10/10	0%
3	Identify stakeholders	0 hrs	1 day?	Tue 21/09/10	Tue 21/09/10	100%
4	Identify channels of contact	0 hrs	1 day?	Tue 21/09/10	Tue 21/09/10	100%
5	Identify complaints directorate staff	0 hrs	1 day?	Tue 21/09/10	Tue 21/09/10	100%
6	Gather current processes	0 hrs	1 day?	Wed 22/09/10	Wed 22/09/10	100%
7	Capture workload	0 hr br;frg;s	1 day?	Thu 23/09/10	Thu 23/09/10	100%
8	Capture work effort	0 hrs	1 day?	Fri 24/09/10	Fri 24/09/10	100%
9	Calculate cost involved in complaints	0 hrs	1 day?	Mon 27/09/10	Mon 27/09/10	100%
10	Collect current Job Descriptions	0 hrs	1 day?	Wed 22/09/10	Wed 22/09/10	100%
11						
12	<b>Gather documentation &amp; communications</b>	0 hrs	8 days?	Wed 22/09/10	Fri 01/10/10	0%
13	Collect CMS content	0 hrs	1 day?	Fri 01/10/10	Fri 01/10/10	0%
14	Collect current corporate policy for complaints	0 hrs	1 day?	Wed 22/09/10	Wed 22/09/10	100%
15	Review information leaflets etc	0 hrs	4 days?	Thu 23/09/10	Tue 28/09/10	100%
16	Review website	0 hrs	1 day?	Fri 01/10/10	Fri 01/10/10	0%

	information					
17						
18	<b>TO BE</b>	72 hrs	26 days?	Tue 21/09/10	Tue 26/10/10	6%
19	New processes	72 hrs	9 days?	Tue 21/09/10	Fri 01/10/10	6%
1	<i>Laura Porter</i>	72 hrs		Tue 21/09/10	Fri 01/10/10	6%
20	Team	0 hrs	1 day?	Mon 04/10/10	Mon 04/10/10	0%
21	New Job Descriptions	0 hrs	1 day?	Tue 05/10/10	Tue 05/10/10	0%
22	Consultation	0 hrs	5 days	Wed 06/10/10	Tue 12/10/10	0%
23	Website - draft changes	0 hrs	1 day?	Wed 13/10/10	Wed 13/10/10	0%
24	Publications - draft	0 hrs	1 day?	Thu 14/10/10	Thu 14/10/10	0%
25	Revised policy	0 hrs	6 days?	Fri 15/10/10	Fri 22/10/10	0%
26	Training plan	0 hrs	1 day?	Mon 25/10/10	Mon 25/10/10	0%
27	Sign off	0 hrs	1 day?	Tue 26/10/10	Tue 26/10/10	0%
28						
29	<b>System</b>	192 hrs	60 days	Tue 21/09/10	Mon 13/12/10	100%
30	Requirements	192 hrs	24 days	Tue 21/09/10	Fri 22/10/10	100%
1	<i>Laura Porter</i>	192 hrs		Tue 21/09/10	Fri 22/10/10	100%
31	Functional Specification document	0 hrs	22 days	Wed 22/09/10	Thu 21/10/10	100%
32	Build time	0 hrs	28 days	Fri 22/10/10	Tue 30/11/10	0%
33	Test	0 hrs	5 days	Wed 01/12/10	Tue 07/12/10	0%
34	Implementation plan	0 hrs	2 days	Wed 08/12/10	Thu 09/12/10	0%
35	Sign off	0 hrs	2 days	Fri 10/12/10	Mon 13/12/10	0%
36						
37	<b>EIA</b>	0 hrs	2 days?	Tue 21/09/10	Wed	0%

					22/09/10	
38	Produce EIA	0 hrs	1 day?	Tue 21/09/10	Tue 21/09/10	100%
39	EIA action plan	0 hrs	1 day?	Wed 22/09/10	Wed 22/09/10	0%
40						
41	<b>Implementation</b>	0 hrs	30 days?	Tue 30/11/10	Mon 10/01/11	0%
42	Training	0 hrs	14 days	Tue 14/12/10	Fri 31/12/10	0%
43						
44	<b>Location</b>	0 hrs	6 days?	Mon 03/01/11	Mon 10/01/11	0%
45	IT equipment	0 hrs	1 day?	Mon 03/01/11	Mon 03/01/11	0%
46	Other equipment	0 hrs	1 day?	Tue 04/01/11	Tue 04/01/11	0%
47	Move the team	0 hrs	3 days	Wed 05/01/11	Fri 07/01/11	0%
48	Support after move	0 hrs	1 day?	Mon 10/01/11	Mon 10/01/11	0%
49						
50	<b>Communications</b>	0 hrs	1 day?	Tue 30/11/10	Tue 30/11/10	0%
51	Coroprate - news and jobs	0 hrs	1 day?	Tue 30/11/10	Tue 30/11/10	0%
52	Colin	0 hrs	1 day?	Tue 30/11/10	Tue 30/11/10	0%

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Map of Current Complaints Handling Procedure



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