

Report of the Director of Governance

Corporate Complaints and Feedback proposals

1. Summary

- 1.1 This report and annexes provides Members with the proposals for the revised and refreshed Corporate Complaints and Feedback policy and procedures, as part of the council's review of the governance of complaints and feedback handling.

2. Background

- 2.1 The current corporate policy and procedures were first introduced in late 2007 and it was necessary to review these to ensure they were still fit for purpose, met customers' expectations and complied with guidance from the various regulators e.g. Local Government and Social Care Ombudsman (LGSCO).
- 2.2 These proposals do not cover where there are legislative complaints handling requirements set out for adults and children's social care or other appeal processes.
- 2.3 Annex 2 provides an "at a glance" view of the proposed changes. However the main change being proposed is to move from a hierarchical and rigid three stage process, which is increasingly being criticised, to a more effective process that is responsive to both the nature of the complaint and to individual complainants needs.

3. Review

- 3.1 The review took account of:

- the increasing challenges both internally and externally from the rising number and complexity of cases managed through the current corporate policy and procedures.

- the public criticism from the LGSCO including criticism for delays in providing information and failure to promptly implement agreed actions to resolve complaints.
- failing to meet our own performance standards for responding to complainants at stage one in between 20% and 30% of cases
- current feedback mechanisms do not work effectively so we are missing opportunities to identify lessons learned from complaints to secure service improvements either with a particular area or corporately
- the increasing duplication of effort and resources as some services are keeping records of complaints to monitor and manage them in their area.
- the current corporate procedure does not allow for any independent oversight of a complaint as provided for by the statutory processes used in social care complaints. This may hinder a timely outcome being achieved and may lead to more cases than ought to be, being escalated to the next level.
- to mirror other legislative complaints handling requirements and LGSCO guidance to replace the current hierarchical stages approach with a robust and consistent assessment with two grades being undertaken by independent and impartial investigation.

3.2 It is an opportunity to maximise the benefits and improvements we have seen since the start of Covid 19 where the complaints team are providing the end to end provision of complaints investigating and responses for some service areas.

4. Review outcomes and proposals

4.1 The proposed new corporate complaint and feedback policy and procedures can be found in full at Annex 1. There is also an “At a glance - what the changes being proposed” are at Annex 2. The main change is to move from a hierarchical and rigid three stage process, which is increasingly being criticised, to a more effective process that is responsive to both the nature of the complaint and to individual complainant’s needs.

4.2 The proposals will ensure that whereas *“Most authorities use complaints as a barometer of external opinion and as an early warning of problems that might otherwise stay unseen”* that we take this further and use complaints and feedback to *“drive a sophisticated culture of learning, reflection and improvement”* (quotes from the LGSCO’s – Effective complaint handling for local authorities) see Annex 3 or

<https://www.lgo.org.uk/information-centre/reports/guidance-notes/guidance-on-effective-complaint-handling-for-local-authorities>

- 4.3 The proposals meet the LGSCO's complaints standards and principles of effective complaint handling which are:
- **Getting it right:** do the simple things well, by complying with the law and following our own policies.
 - **Being customer focused:** Make our complaints process easy to find and use, and keep complainants informed.
 - **Being open and accountable:** there should be no surprises. Our processes should be transparent, and be honest when things have gone wrong.
 - **Putting things right:** If we have done something wrong, apologise and take steps to put right any injustice caused.
 - **Acting fairly and proportionately:** Base our decisions on sound evidence, and explain clearly why they were made.
 - **Seeking continuous improvement:** complaints are a great learning tool and systems will be in place to capture the lessons, which will help improve our services.
- 4.4 The proposals are tailored so that we can determine each complaint on its own merits, and be flexible to the complaint and the complainant. It also provides the ability to conduct independent and impartial to service, investigations that are proportionate and pragmatic. It will help us to identify and act on learning opportunities from complaints, ensuring the lessons reach people in the council who can effect change.
- 4.5 The LGSCO states in its guidance that "*There is no right or wrong number of stages to a non-statutory complaint process, what matters most is you investigate the complaint robustly and consider your findings properly*" and the proposal to move to a two grades approach with independent and impartial to service, investigations does not limit or restrict the access to our complaints process or reduce a complainant's right to express dissatisfaction and/ or seek redress.
- 4.6 The proposals ensure that we still direct any complainant to the relevant Ombudsman even where this may not be at the end of our complaint process, but when we are satisfied there is no merit in further consideration and we have reached our final decision.
- 4.7 The proposals also ensure we have in place the five key elements for a robust and effective handling process. These are:

- Identifying and accepting a complaint
- Defining a complaint
- Investigating a complaint
- Making and communicating the decision
- Putting things right

4.8 We will be able to measure and report on the effectiveness of the proposed policy and procedures and this will focus on the learning from complaints and on implementing the recommendations for improvements that help prevent the same thing going wrong again for our customers. This will be done on a regular basis including a more informative annual report.

5. The role of Councillors

5.1 Councillors have an important dual role signposting and pursuing complaints on the behalf of members of the public, and scrutinising the delivery of local services.

5.2 We currently report regularly to Audit and Governance Committee and the proposals will open up further key lines of enquiry for Councillors' in their scrutiny role which also takes account of the LGSCO's published subject specific questions on their website.

<https://www.lgo.org.uk/information-centre/reports/scrutiny-questions>

6. Consultation

6.1 Direct consultation took place with Corporate Management Team, Directorate Management Teams, Governance, Risk and Assurance Group, and feedback was sought from HR and internal audit / Veritau.

6.2 Also revisited the extensive customer consultation and feedback from previous reviews of the policy and procedures, and outcomes from complaints where the customer was dissatisfied with the complaints process.

7. Options

7.1 To make no changes to the current policy and procedures

7.2 To adopt the proposed policy and procedures as set out in full at Annex 1.

7.3 To make comments and provide feedback on the proposed policy and procedures and direct us to bring back an amended version to this meeting/ Committee

8. Analysis

8.1 Set out in sections above.

9. Council Plan

9.1 The council's complaints and feedback governance framework offers assurance to its customers, employees, contractors, partners and other stakeholders that all complaints and feedback are dealt with in accordance with any relevant legislation and regulations.

10. Legal Implications

10.1 The Council has a duty to comply with the various aspects of guidance and decisions by the relevant regulators in regards to corporate complaints handling.

11. Equalities

11.1 There are no equalities implications at this time, however, we will take regard of and keep under review, our public sector equality duties.

12. Risk Management

12.1 The council may face financial and reputational risks if it does not manage and monitor complaints and feedback effectively. The failure to identify and manage complaints may diminish the council's overall effectiveness and damage its reputation.

12.2 This is a key area of council's governance and compliance framework and so there is the potential for a high level of public interest in this.

13. Recommendations

Members are asked:

13.1 To agree Option 2 at point 7.2 above

Or if not,

13.2 To provide feedback and comments on the proposals.

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Report
Approved

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Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Annexes

Annex 1 – Proposed Corporate Complaints and Feedback policy and procedures

Annex 2 – At a glance – what changes are being proposed

Annex 3 - LGSCO Effective complaint handling for local authorities

Background Information

LGSCO – Effective complaint handling for local authorities

LGSCO – Principles of good administrative practice