

THE MINUTE RELATING TO THE RECOMMENDATION TO BABERGH CABINET FOR THE JOINT OVERVIEW AND SCRUTINY COMMITTEE 21 MAY 2018

JOS/17/15 PROPOSED UPDATES TO THE JOINT COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY

- 25.1 The Project and Research Officer introduced the report and explained how the current complaints procedure consisted of a two-stage system. Initially the complaint would be received, and a resolution sought at Stage One, if the complainant was not satisfied with the response received from the Council at Stage One, the case could be progressed to Stage Two by the complainant. In the last six months 10% of complaints were progressed to Stage Two, of these 39 cases had been investigated but the Ombudsman had only upheld two complaints. This was not considered to be an effective way of responding to complaints and the Amended Complaints Procedure addressed this issue.
- 25.2 The Officers informed Members that if a complainant was behaving abusively to a member of staff then the complaint would not be taken any further.
- 25.3 Members questioned the Officer regarding the process for the new complaints procedure and it was established that under the present complaints procedure, it was up to the complainant to decide if the complaint was progressed to Stage Two. However, under the amended complaints procedure new information was required for the complaint to be progressed to Stage Two. The only other option for the complainant was to take the complaint to the local Ombudsman. The intention was to resolve the majority of complaints at the beginning of the complaint procedure.
- 25.4 Some Members were concerned about abusive customers and if staff were trained in how to deal with this kind of behaviour. They also wanted to know if phone calls were recorded when complainants contacted the Councils. The Lead Member for Customer Service responded that calls to the 0300 telephone number were always recorded, however other phone calls to individual officers were not. She continued to explain how many complaints were resolved satisfactorily at an early stage of the complaints process.
- 25.5 Members referred to page 17, bullet point 9.3 d. and asked if the Councils evaluated how standards were met in relation to complaints. The Officer explained that the public should direct any complaints regarding standards to their Councillor. The Strategic Director reminded Members to inform the Management Team of any complaints received from the public regarding standards.
- 25.6 Members agreed that complaints should always be considered as a possible warning that the service the Council was providing was not up to standard, but also recognised that some members of the public submitted persistent and vexatious complaints and that staff had no obligation to respond to these. The Strategic Director advised Members that the assessment of a persistent and vexatious complainant was delegated to the Strategic Directors. Members attention was drawn to Appendix 4 page 26, paragraph 33 for further clarification.

- 25.7 Members continued the questioning regarding the anonymity of the complainant and if it was possible to maintain this throughout the complaints process. They also wanted to know who investigated complaints within the departments. The Officer responded that an internal investigation was led by the relevant Corporate Manager as outlined in the Joint Policy for Dealing with Compliments, Comment and Complaints, page 18, bullet point 11.6.
- 25.8 There were concerns amongst Members that it would be more difficult for the public to progress their complaints to Stage Two, if additional information had to be provided. Members felt it was likely that a complainant would include all the relevant information at Stage One and would therefore not have enough new information to progress to Stage Two. This would leave the complainant with no other option than to forward the complaint to the Ombudsman and it was felt that this could make it difficult for the complainant. Delays in resolving the complaint would be likely and this would be detrimental to a timely and satisfactory resolution of the matter.
- 25.9 The response to this concern was that it would be a disadvantage for the Council, if complaints went to the Ombudsman and that the Corporate Management team should endeavour to resolve complaints before this occurred.
- 25.10 Councillor Welsby felt the Councils had a positive attitude towards complaints and the Chief Executive added that a complaint was a learning opportunity and therefore the Councils made sure complaints were processed properly.
- 25.11 Councillor Williams considered that some complaints were a way for the public to express their frustration and was concerned that the amended policy would progress complaints to a legal dispute too early in the process.
- 25.12 In response to the inclusion of the Equality and Diversity Information questionnaire, Officers advised that this was a requirement in accordance with the Councils' Constitutions.
- 25.13 Members continued discussing paragraph 11.6, page 18, Appendix A. Generally, Members felt that this paragraph should be removed from the Amended Complaints Procedure. Other Members asked for further information regarding who investigated complaints within the Council. The Officer responded that initially the complaints would be investigated internally by the relevant department which the complaint was directed at. If this did not resolve the complaint, then currently the complaint would be investigated by an officer who was not involved in the complaint. He said, the Councils would always attempt to work with members of the public to resolve the issue before a complaint became formalised. Once a complaint became formalised and progressed to a Stage One complaint the Councils would continue to work with the complainant to resolve the issues. Every effort was made to avoid complaints being needlessly forwarded to the Ombudsman.

The recommendations 2.1 and 2.2 were proposed and seconded.

By 7 to 7 votes.

The Chair used his casting vote and voted against the motion.

The motion was lost.

- 25.14 Members discussed amendments and it was proposed that recommendations be forwarded to the Cabinet to consider the concerns discussed regarding the amended Stage Two of the Complaints Policy. The following amendment to recommendation 2.1 was proposed and seconded:

2.1 The Committee is asked to recommend to the Cabinets that the revised Corporate Compliments, Comments and Complaints Policy be accepted, subject to the Joint Overview and Scrutiny Committee's concerns related to Stage Two of the Joint Compliments, Comments and Complaints Policy being considered by Cabinet as detailed in the Minutes.

The motion was carried

It was RESOLVED

- 2.1 That the Committee recommends to the Cabinets that the revised Corporate Compliments, Comments and Complaints Policy be accepted subject to consideration of the Joint Overview and Scrutiny Committee's concerns related to Stage Two of the Joint Compliments, Comments and Complaints Policy as detailed in the Minutes.**
- 2.2 That the Committee recommends to the Cabinets that the Customer Experience Manager be asked to report to the Portfolio Holders any trend that signifies either an increase in the numbers of complaints or the number being upheld.**