

## BABERGH DISTRICT COUNCIL

<b>COMMITTEE: Cabinet</b>		<b>REPORT NUMBER: BCa/18/24</b>
<b>FROM:</b>	<b>Councillor Derek Davis, Cabinet Member for Organisational Delivery</b>	<b>DATE OF MEETING: 9 August 2018</b>
<b>OFFICER:</b>	<b>Ben Staines, Project and Research Officer, Business Improvement</b>	<b>KEY DECISION REF NO. CAB41</b>

### PROPOSED AMENDMENTS TO THE JOINT COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY

#### 1. PURPOSE OF REPORT

- 1.1 To seek approval from Cabinet for changes to the Joint Compliments, Comments and Complaints Policy and advise Cabinet of the proposed phased approach to implementing those changes alongside training to deliver an improved customer experience for complainants.

#### 2. OPTIONS CONSIDERED

- 2.1 The options that have been considered are:

- a) To retain the existing policy which extends the time taken for complainants to access the Ombudsman and which is resource intensive.
- b) To agree the changes identified in the revised Joint Compliments, Comments and Complaints Policy through a phased approach, ensuring an improved customer focused experience.

#### 3. RECOMMENDATIONS

- 3.1 The revised Joint Compliments, Comments and Complaints Policy be agreed.
- 3.2 Withdraw the need for customers who wish to complain to the Ombudsman having to request a stage 2 complaint, once the phased approach has been delivered.
- 3.3 In consultation with the Council Leader and Cabinet member, minor amendments to the policy are delegated to the Senior Leadership Team.

#### REASON FOR DECISION

To improve the Joint Corporate Comments, Compliments and Complaints Policy so that the customer is at the heart of the process with complaints being dealt with effectively leading to more customers being satisfied at all stages of the process for the investigation of their complaints.

## **4. KEY INFORMATION**

### **Background**

- 4.1 The existing Joint Corporate Comments, Compliments and Complaints Policy was approved at meetings of the full Councils in April 2014.
- 4.2 An external Barrister was asked by the Monitoring Officer to review the policy, highlighting areas for improvement as well as recommending changes to address an increase in the number of complaints from a small number of individuals who were seen as being unreasonable, persistent and/o vexatious.
- 4.3 The recommendations from the barrister were received in early 2016, and in respect of the persistent and vexatious complainants were actioned. However due to other commitments and changes in personnel the other recommendations were not implemented. The recommendations contained in this report are made to remedy this.
- 4.4 In addition, when the Constitutions of the two Councils were amended in 2016 the Joint Corporate Comments, Compliments and Complaints Policy was removed. Revisions to the Policy therefore no longer need to be approved by Full Council. Recommendation 3.3 is included to approve an approach that was discussed by the Councils at the 2016 meetings but was not recorded as having been formally voted upon

### **Proposed change to the Joint Corporate Comments, Compliments and Complaints Policy and procedures**

- 4.5 The most significant proposed change to the Policy, as recommended by the Barrister, is that complainants will have the right to access the Ombudsman after receiving a stage 1 response. Alternatively they can provide additional information or evidence to the Council which will be reviewed by an independent member of the Business Improvement team, commonly referred to as a stage 2 complaint. When making this recommendation the Barrister referred to this practice as being used by the Local Government Association. This is still the case and is also common practice across the social housing sector.

### **Benefits from the change to the policy**

#### Customer service improvement

- 4.6 Through the proposed change complainants will have faster access to the Ombudsman due to not being obliged to have a stage 2 investigation undertaken in addition to the stage 1 as required in our existing policy. Evidence shows that between April and May 2018, eight complainants asked for a stage 2 purely as a route to the Ombudsman.
- 4.7 For those complainants who have new evidence that was not considered at stage 1, they may still request that a stage 2 investigation be undertaken to ensure that all information is considered by an independent person when reaching a conclusion.

- 4.8 In 2017/18, 339 stage 1 complaints were received with 32 (9.4%) escalated to a stage 2 investigation. Through a review of the stage 1 responses it is evident that they proceed to an independent stage 2 investigation for a number of reasons namely: a failure to demonstrate an understanding of the reasons for the complaint – poor communication; missing the deadline to respond; and poor customer services such as not providing an apology when appropriate.
- 4.9 It is evident that the customer services experience could be improved and there is greater scope for a more effective resolution of issues, without the need for the complaints process to be triggered. This policy supports our Customer Strategy; encouraging our people to think customer first, and aiming to resolve issues at the first point of contact.
- 4.10 A training programme has been planned for all those who respond to stage 1 complaints. The aim of the programme will be to address the points raised in **4.9** so that more complainants will be satisfied with the Councils' response to issues and complaints, with fewer proceeding to stage 2.

#### Officer resource

- 4.11 An independent stage 2 investigation has a very important part to play due to the detailed objective assessment of the complaint and consideration of all the evidence. Currently the Business Improvement (BI) team investigate stage 2 complaints. There were 32, stage 2 investigations last year, with 4, stage 1 outcomes overturned.
- 4.12 Regardless of the outcome, each investigation is unique and complex in its own way. Complaint investigations often require legal advice and/or legislative or policy research to ensure that each issue the complainant has raised, is responded to accurately and completely. The BI team estimate stage 2 complaints require, on average, between 2 and 4 days to investigate and complete. A reduction in the number of times that a complainant feels they need a stage 2 investigation not only saves them time but will allow officer resource to be redirected.
- 4.13 Appendix 2 shows a flowchart depicting the complaints process.

#### **The phased approach**

- 4.14 The change to the policy will only be implemented when we are assured that the training has had the desired effect. This will be assessed and monitored in a number of ways. The Senior Leadership Team will monitor on a monthly basis an analysis of the type and frequency of complaints received through a performance scorecard. Once they see an impact in the reduction in both the number of complaints received and those escalated and are satisfied that there is no negative impact on the customer, a recommendation will be made to the Cabinet Member and Leader to confirm implementation of the policy. Alongside this regular monitoring by the Senior Leadership Team, Cabinet Members will receive regular data on the numbers and types of complaints and any underlying trends. Where significant Ward or service delivery concerns become apparent through the complaints process, the specific Ward member or Cabinet member will be informed, or, where appropriate, both.

- 4.15 In addition, a practice trialled in Housing, where stage 1 Complainants were sent a survey to assess how satisfied they were with the Complaints process, will be extended to all stage 1 and stage 2 complaint investigations. The effectiveness of this, in terms of adding value to the complaints investigation process, will be monitored at the end of the year.

## **5. LINKS TO JOINT STRATEGIC PLAN**

- 5.1 Complaints and lessons learned sit under the intelligence and performance hexagon/project underpinning the JSP

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no immediate financial impacts from this report. Effective complaint management has a positive impact on the Councils.

## **7. LEGAL IMPLICATIONS**

- 7.1 There are no legal implications identified.

## **8. RISK MANAGEMENT**

- 8.1 This report is most closely linked with the operational risks set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
If these changes are not introduced this could lead to the Councils continuing to receive more stage 2 complaints.	6 - Medium	Additional demand on resource to investigate the stage 2 complaints.	The recommended change to the criteria for escalating complaints to stage 2 should reduce the number at this level.
If training is not given to stage 1 complaint responders this may lead to an increased number of complaints being taken to the Ombudsman and an increased proportion of those being upheld	6 - Medium	An increased number of complaints being taken to, and potentially upheld by, the Ombudsman would cause reputational risk to the councils, and would demand increased officer time to respond to Ombudsman requests for information.	Training will be provided to all complaint responders to improve consultation and engagement with customers to reduce the risk of complaints being taken to the Ombudsman, and of those that are taken being upheld.

## **9. CONSULTATIONS**

- 9.1 The amended policy was examined at a Joint Overview and Scrutiny meeting on 21 May 2018 (Draft minutes attached to the Cabinet agenda) and the Senior Leadership Team was consulted.
- 9.2 The changes to the policy are not assessed as having an impact of a significance that would mean any form of public consultation is required.

## **10. EQUALITY ANALYSIS**

- 10.1 Equality Impact Assessment (EIA) not required. There are no equality and diversity implications arising from this report.

## **11. ENVIRONMENTAL IMPLICATIONS**

- 11.1 There are no environmental implications arising from this report.

## **12. APPENDICES**

Title	Location
Draft revised Joint Compliments, Comments and Complaints Policy	Attached
Flowchart of the route for investigation of stage 2 complaints	Attached