

MAIDSTONE BOROUGH COUNCIL

CABINET

10 AUGUST 2011

REPORT OF HEAD OF CHANGE AND SCRUTINY

Report prepared by Angela Woodhouse

1. Complaints Policy

1.1 Issue for Decision

1.1.1 To approve the attached revised complaints policy at Appendix A.

1.2 Recommendation of Head of Change and Scrutiny

1.2.1 That Cabinet approve the Complaints Policy at Appendix A, subject to recommendations from the Corporate Services Overview and Scrutiny Committee.

1.3 Reasons for Recommendation

1.3.1 Personnel changes at the council have meant that the responsibility for complaints moved to the Head of Change and Scrutiny in the summer of 2010. Following the change in responsibility and the proposal to implement a new correspondence system the policy is now out of date and requires revision, it should also be noted that the complaints policy is required to be reviewed annually and it has not been reviewed since 2008. It should also be noted that the guidance note for dealing with vexatious or persistent complainants will be revised in accordance with Local Government Ombudsman Guidance to a policy for dealing with Unreasonable or Persistently Unreasonable Complaints

1.3.2 In reviewing the policy the views of staff and customers have been sought as well as guidance from the Local Government Ombudsman. From customer and staff feedback it is apparent that the current policy is not customer facing and is focused on the internal procedures for handling complaints. The new policy is aimed at our customers and includes details on how to make a complaint to the council, how we will deal with complaints as well as details on monitoring complaints. It is not an internal complaints procedure document for staff. Internal

complaints procedures should be developed with customer services once the new correspondence system is in place. The policy does however cover how complaints will be dealt with, by whom and sets out timescales for this. Once the policy has been approved the Head of Change and Scrutiny will be working with the Communications team to develop a new web page for customers dealing with complaints and a short summary guide to go in the Gateway and other points of customer access.

- 1.3.3 Whilst 70% of those staff who responded identified that the policy was simple and easy to read there was confusion as to what did and what did not constitute a complaint. The policy clearly states that a complaint can be made about a council policy as the Local Government Ombudsman advises the "(t)hey can provide useful intelligence for the Council. As far as the service user is concerned they are a complaints and the service user will expect a response."¹ It is also identified in the policy that a request for service or enquiry about a council service is not a complaint. With regard to requests for service if we then fail to meet our set service standards then the customer may take it forward as a complaint. As a consequence of the staff feedback it is recommended that complaints training sessions are held for our front line staff who are most likely to be required to initially log and respond to a complaint. In addition to this a briefing is held with unit managers so we can ensure consistency in how we handle complaints as a council. Confusion centred on whether a complaint about policy should be classed as a complaint and when requests for service become complaints.
- 1.3.4 We held a small customer focus group with customers who have made complaints asking them about how the policy works in practice and whether the timescales are correct. The feedback from the workshop will be used to inform staff training. The group raised issues that would fall under requests for service as areas where they had, had to contact the council more than once to get a matter resolved and whilst they appreciated they may not be able to speak to the same person every time they did not wish to have to explain in detail their issues every time they phoned. The revised policy was also sent out to a number of customers for review and comment. As a result some of the wording was amended and the feedback will be used to inform the procedure notes that follow.
- 1.3.5 A meeting was held with key officers to review the policy, as a result of this the definition has been amended to ensure contractors are included as well as staff. The group also sought clarity on whether policy complaints were complaints, this is now clearly set out in the policy. The other issue raised was the need to monitor requests for

¹ Local Government Ombudsman, Guidance on Running a Complaints System

services in the complaints reports, where this information was collated this would be included on the complaints report.

1.4 Alternative Action and why not Recommended

1.4.1 It would not be in the interest of customers or staff to continue with an out of date complaints policy.

1.5 Impact on Corporate Objectives

1.5.1 The new complaints policy will assist with meeting our Corporate Priority for Corporate and Customer Excellence.

1.6 Risk Management

1.6.1 The reasoning for updating the policy is to mitigate risk to the council in terms of reputation through complaints not being handled satisfactorily and also to clearly identify responsibility for complaints handling at the council.

1.7 Other Implications

1.7.1

1. Financial	
2. Staffing	
3. Legal	
4. Equality Impact Needs Assessment	x
5. Environmental/Sustainable Development	
6. Community Safety	
7. Human Rights Act	
8. Procurement	
9. Asset Management	

1.7.2 Equality Impact Needs Assessment

A stage 1 equality impact needs assessment has been undertaken. No need for a full equality impact needs assessment has been identified.

1.8 Relevant Documents

1.8.1 Appendices

Appendix A, Complaints Policy

1.8.2 Background Documents

Complaints Handling Policy

Guidance note for dealing with persistent and vexatious complainants.

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

July 2011

This is a Key Decision because: It has an impact on communities in all wards and parishes

Wards/Parishes affected: All

Stage 1: Equalities Impact Assessment

1. What are the main aims purpose and outcomes of the Policy and

how do these fit with the wider aims of the organization?

The aim of the complaints policy is to define what constitutes a complaint, set out how a customer can make a complaint and how it will be responded to. As an organization we have agreed that superb customer service is one of our corporate values we have also identified corporate and customer excellence as a priority. A sound complaints policy will ensure the organization meets this value and priority.

2. How do these aims affect our duty to:

- **Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the act.**
- **Advance equality of opportunity between people who share a protected characteristic and those who do not.**
- **Foster good relations between people who share a protected characteristic and those who do not.**

The aims of the policy are to uphold our duty to carry out the actions above. The policy allows for complaints to be made by whatever means are most appropriate for the customer. Complaints can be made about any of the aspects above within our definition of a complaint and the policy sets out a clear method for dealing with the complaints including seeking to understand the customers needs.

3. What aspects of the policy including how it is delivered or accessed could contribute to inequality?

If we were to have in place a policy which restricted how complaints were made then that could contribute to inequality for example a requirement that all complaints are put in writing. The policy needs to be communicated to all staff and customers in a variety of formats.

4. Will the policy have an impact (positive or negative) upon the lives of people, including particular communities and groups who have protected characteristics ? What evidence do you have for this?

No the policy will be applied to all complaints and introduces a consistent approach to complaints. The policy allows those with protected characteristics to make complaints about how they have been treated, the service they have received, our policies and our staff.