

Agenda Item No: 6

Report to: Cabinet

Date of Meeting: 31 March 2014

Report Title: Corporate Complaints Policy and Operational Guidance

Report By: Christine Barkshire-Jones
Chief Legal Officer

Purpose of Report

To present the findings from the review of the council's corporate complaints policy and recommend that a refreshed Corporate Complaints Policy be adopted.

Recommendation(s)

- 1. The refreshed Corporate Complaints Policy (including an unreasonable and unreasonably persistent complaints policy) be approved and implemented with effect from 1st April 2014.**
- 2. A programme of staff awareness and appropriate training is delivered to support the roll out of the refreshed policy.**
- 3. That an annual report on complaint trends and responses is brought to Cabinet commencing April 2015.**

Reasons for Recommendations

The existing corporate complaints system has been in operation since 2008. A detailed review of how the system is working has been undertaken, and improvements have been identified. Officers have made recommendations on refreshing the policy and also how the way complaints are captured and handled.

The council is currently strengthening its approach to customer care under its priority of Customer First, and the way we deal with complaints is a key strand of this overall approach.

There has been a rise in the level of persistent complainants who are absorbing a significant amount of officer time in re-arguing a case that the council feels has already been addressed. In order to protect individual officers and ensure that public resources are not used inappropriately, the council's 'unreasonable and unreasonably persistent complainant policy' has also been refreshed.

Background

1. As part of the Council's 'Customer First' approach and due to the nature of some of the complaints the Council have received, it seemed necessary to review and refresh the council's corporate complaints policy including the 'unreasonable and unreasonably persistent complainant policy'.

Review scope

2. The review team considered how well the council currently explains and promotes its complaints policy; the way in which complaints are currently captured, recorded, managed and followed up; the linkages with other processes such as Freedom of Information (FOI) requests and the capturing of customer feedback via the Community Contact Centre. Colleagues were especially keen that the review addressed the rising impact of a small but vociferous number of complainants who use a 'scatter-gun' approach to seek redress for their issues by contacting a wide range of officers and members. These complainers absorb a huge level of resources and often continue to press the same arguments even when the council has appropriately addressed their issue.

Research and consultation

3. The review team considered the approaches undertaken by other organisations, the best practice advocated by customer service organisations and also the approach taken by the Local Government Ombudsman (LGO). The LGO plays a key role in the resolution of complaints issues once the Council's own processes have been exhausted. The LGO's office has also recently reviewed its approach, and since April 2013 it undertakes an earlier stage assessment and screens out complaints that are referred to it prematurely or simple complaints, formal investigations are now only undertaken in those areas which the LGO believes merit it.
4. The review team consulted with a wide range of colleagues, and were especially keen to understand how the officers in services handle complaints with a view to assessing how consistent we are. Issues raised by Members, Heads of Service and officers from across the organisation are set out below together with the recommendations for addressing them. These recommendations are also reflected in the refreshed Customer Complaints Policy in appendix A.

Findings and recommendations

A Two Tiered System

5. The existing three stage corporate complaints system was considered to be too long-winded. Officers believe we should aim to deal with a complaint effectively with our first answer. If we receive a second complaint about the same matter we have one further opportunity to remedy the matter before it is possible for the complainant to refer the matter to the Local Government Ombudsman. A review of complaints cases has shown that there is very little added value made when a complaint is referred to a third level, and complainants are often frustrated with this

additional layer. A number of other authorities successfully manage a two-stage process, including Brighton and Hove Council.

6. It is believed that, together with the other changes recommended to the complaints process now is the appropriate time to adopt a two tiered system at Hastings Borough Council.

Central Registration

7. Improvements need to be made to the capturing of all complaints centrally to ensure:
 - they are dealt with appropriately and timely
 - that there is a means to check who else the complainant has already contacted about their issue - this will help to avoid duplication of effort to address a 'scatter gun' complaint and ensure we give one consistent reply
 - it is possible for another officer to review the steps taken to address the complaint in the absence of the officer who is dealing with it
8. At present not all the complaints that the Council receive are registered centrally. This can lead to inefficiencies in that complainants can correspond with different departments on the same matter but departments are often unaware of this fact. By centrally registering each complaint and recording details of the officer/s nominated to answer the complaint we can better monitor the journey of a complaint. If the Council then promise to undertake an action in relation to the complaint, this would also be recorded and tracked centrally giving a complete audit trail of the complaint.
9. Although there will be a cost to the organisation of using a centrally registered system there are also potential efficiencies in reducing duplication and enabling officers to respond more effectively knowing all the facts of a case. The potential to use the council's Customer Relationship Management (CRM) system is currently favoured, however the costs of this maybe prohibitive. Work in investigating the options available and associated costs is under way and it is expected that the business case may even be proven as an 'invest to save' scheme.

Information given to Customers to communicate with us

10. The review identified that historically there are numerous e-mail addresses and forms that we ask customers to contact us on. Research has been undertaken and it seems clear that we need to be rationalising the current communication options to make the information available to customers on how they contact us clear, concise and easy to understand. It would also be helpful if these options were located in one place on the website. Work is underway with communications colleagues to ensure this is in place as soon as possible.

Definition of Complaint

11. The review team felt it was important for the council to use a consistent definition of a complaint. The consultation feedback and other research proposed that this definition should be "an expression of dissatisfaction with our service or staff".

12. There is always a grey area in definition between what is a service request and a complaint and the roll out of staff training and learning will help officers understand the difference. The review team feel that applying this definition will go some way to assisting the council to be more consistent when delivering a focussed customer complaint service.

Persistent Complainants

13. The review identified that as a council we are not robust enough in saying no to persistent complainants when officers have dealt fully with the actual matter of complaint.
14. It is recommended that action is taken to raise awareness amongst staff of the refreshed unreasonable and unreasonably persistent complainant's policy. The refreshed policy also includes information about the council's alert scheme and referrals to the police, in circumstances whereby staff and/or members have been threatened with physical violence.

Contact Charter

15. The way customers communicate with the council has changed significantly over the years following the introduction of the Community Contact Centre and now also includes significantly more electronic communication and tools such as social media. A new Contact Charter would have to take these into account. The council is committed to developing a Customer Charter as part of its Customer First Strategy during 2014/15.

Learning from complaints

16. The councils new Organisational Development Group (ODG) is charged with overseeing complaints and compliment trends and ensuring learning points are shared (ref: cross cutting target 5 in 2014/15 Corporate Plan).
17. It is proposed that the three directorates' management team meetings on a regular basis review the complaints received in their service areas and discuss how they can learn/adjust service delivery when appropriate. An overview report will then be presented to the ODG at appropriate timescales.

Next steps

18. Following approval of the refreshed policy, officers will undertake the following actions to support its implementation and continue to improve the handling of, and learning from complaints received. Tasks will include:
 - Identifying and implementing the most suitable and cost effective software system to centrally record all of the council's complaints within quarter one of 2014/15.
 - Refresh the council's webpages to improve the way 'customer complaints' is presented and update the content to reflect the newly agreed policy and procedures.
 - Implement a communication plan, to include staff training and raising awareness on complaints generally to staff and members.

- Review how the new complaints policy, system procedure are operating within six months and report to the Organisational Development Group.
- That an annual report on complaint trends and responses is brought to Cabinet commencing April 2015. Scrutiny be advised that they would have the opportunity to discuss the annual report on complaints.

Wards Affected

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

Area(s) Affected

Central Hastings, East Hastings, North St. Leonards, South St. Leonards

Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness	No
Crime and Fear of Crime (Section 17)	No
Risk Management	No
Environmental Issues	No
Economic/Financial Implications	Yes
Human Rights Act	No
Organisational Consequences	Yes
Local People's Views	No

Background Information

Appendix 1 Customer Complaints Policy

Officer to Contact

Christine Barkshire-Jones
 cbarkshire-jones@hastings.gov.uk
 01424 451731

Mark Horan
 Senior Corporate and Democratic Officer
 mhoran@hastings.gov.uk
 01424 451485